

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—MARITIME TRANSPORTATION SECURITY

- Sec. 101. Findings.
- Sec. 102. Port security.
- Sec. 103. International seafarer identification.
- Sec. 104. Extension of seaward jurisdiction.
- Sec. 105. Suspension of limitation on strength of Coast Guard.
- Sec. 106. Extension of Deepwater Port Act to natural gas.
- Sec. 107. Assignment of Coast Guard personnel as sea marshals and enhanced use of other security personnel.
- Sec. 108. Technical amendments concerning the transmittal of certain information to the customs service.
- Sec. 109. Maritime security professional training.
- Sec. 110. Additional reports.
- Sec. 111. Performance standards.
- Sec. 112. Report on foreign-flag vessels.
- Sec. 113. Revision of Port Security Planning Guide.

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.
- Sec. 213. Coastwise trade authorization.
- Sec. 214. Jones Act waiver for delayed vessel delivery.
- Sec. 215. Realignment of policy responsibility in the Department of Transportation.

TITLE III—COAST GUARD PERSONNEL AND MARITIME 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. Modification of various 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. Additional Coast Guard funding needs after September 11, 2001.
- 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. Protection against discrimination.
- 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. Extension of time for recreational vessel and associated equipment recalls.
- Sec. 434. Repair of municipal dock, Escanaba, Michigan.
- Sec. 435. Vessel GLOBAL EXPLORER.
- Sec. 436. Aleutian trade.
- Sec. 437. Pictured Rocks National Lakeshore boundary revision.
- Sec. 438. Loran-C.
- Sec. 439. Authorization of payment.
- Sec. 440. Report on oil spill responder immunity.
- Sec. 441. Fishing agreements.
- Sec. 442. Electronic publishing of marine casualty reports.
- Sec. 443. Safety and security of ports and waterways.
- Sec. 444. Suspension of payment.
- Sec. 445. Prohibition on navigation fees.

TITLE V—AUTHORIZATION OF APPROPRIATIONS FOR THE COAST GUARD

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

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

3 **SEC. 101. FINDINGS.**

4           The Congress makes the following findings:

- 5                   (1) There are 361 public ports in the United
- 6                   States that are an integral part of our Nation's com-
- 7                   merce.



1           (2) United States ports handle over 95 percent  
2 of United States overseas trade. The total volume of  
3 goods imported and exported through ports is ex-  
4 pected to more than double over the next 20 years.

5           (3) The variety of trade and commerce carried  
6 out at ports includes bulk cargo, containerized  
7 cargo, passenger transport and tourism, and inter-  
8 modal transportation systems that are complex to  
9 secure.

10          (4) The United States is increasingly dependent  
11 on imported energy for a substantial share of its en-  
12 ergy supply, and a disruption of that share of supply  
13 would seriously harm consumers and our economy.

14          (5) The top 50 ports in the United States ac-  
15 count for about 90 percent of all the cargo tonnage.  
16 Twenty-five United States ports account for 98 per-  
17 cent of all container shipments. Cruise ships visiting  
18 foreign destinations embark from at least 16 ports.  
19 Ferries in the United States transport 113,000,000  
20 passengers and 32,000,000 vehicles per year.

21          (6) Ports often are a major locus of Federal  
22 crime, including drug trafficking, cargo theft, and  
23 smuggling of contraband and aliens.

24          (7) Ports are often very open and exposed and  
25 are susceptible to large scale acts of terrorism that



1 could cause a large loss of life or economic disruption.  
2

3 (8) Current inspection levels of containerized  
4 cargo are insufficient to counter potential security  
5 risks. Technology is currently not adequately de-  
6 ployed to allow for the nonintrusive inspection of  
7 containerized cargo.

8 (9) The cruise ship industry poses a special risk  
9 from a security perspective.

10 (10) Securing entry points and other areas of  
11 port facilities and examining or inspecting containers  
12 would increase security at United States ports.

13 (11) Biometric identification procedures for in-  
14 dividuals having access to secure areas in port facili-  
15 ties are important tools to deter and prevent port  
16 cargo crimes, smuggling, and terrorist actions.

17 (12) United States ports are international  
18 boundaries that—

19 (A) are particularly vulnerable to breaches  
20 in security;

21 (B) may present weaknesses in the ability  
22 of the United States to realize its national secu-  
23 rity objectives; and

24 (C) may serve as a vector or target for ter-  
25 rorist attacks aimed at the United States.



1           (13) It is in the best interests of the United  
2 States—

3           (A) to have a free flow of interstate and  
4 foreign commerce and to ensure the efficient  
5 movement of cargo;

6           (B) to increase United States port security  
7 by establishing improving communication  
8 among law enforcement officials responsible for  
9 port security;

10          (C) to formulate requirements for physical  
11 port security, recognizing the different char-  
12 acter and nature of United States port facili-  
13 ties, and to require the establishment of secu-  
14 rity programs at port facilities;

15          (D) to provide financial assistance to help  
16 the States and the private sector to increase  
17 physical security of United States ports;

18          (E) to invest in long-term technology to fa-  
19 cilitate the private sector development of tech-  
20 nology that will assist in the nonintrusive timely  
21 detection of crime or potential crime at United  
22 States ports;

23          (F) to increase intelligence collection on  
24 cargo and intermodal movements to address



1 areas of potential threat to safety and security;  
2 and

3 (G) to promote private sector procedures  
4 that provide for in-transit visibility and support  
5 law enforcement efforts directed at managing  
6 the security risks of cargo shipments.

7 (14) On April 27, 1999, the President estab-  
8 lished the Interagency Commission on Crime and  
9 Security in United States Ports to undertake a com-  
10 prehensive study of the nature and extent of the  
11 problem of crime in our ports, as well as the ways  
12 in which governments at all levels are responding.  
13 The Commission concluded that frequent crimes in  
14 ports include drug smuggling, illegal car exports,  
15 fraud, and cargo theft. Internal conspiracies are an  
16 issue at many ports and contribute to Federal crime.  
17 Criminal organizations are exploiting weak security  
18 at ports to commit a wide range of cargo crimes. In-  
19 telligence and information sharing among law en-  
20 forcement agencies needs to be improved and coordi-  
21 nated at many ports. A lack of minimum physical  
22 and personnel security standards at ports and re-  
23 lated facilities leaves many ports and port users very  
24 vulnerable. Access to ports and operations within  
25 ports is often uncontrolled. Security-related and de-



1 tection-related equipment, such as small boats, cam-  
2 eras, large-scale x-ray machines, and vessel tracking  
3 devices, are lacking at many ports.

4 (15) The International Maritime Organization  
5 and other similar international organizations are  
6 currently developing a new maritime security system  
7 that contains the essential elements for enhancing  
8 global maritime security. Therefore, it is in the best  
9 interests of the United States to implement new  
10 international instruments that establish such a sys-  
11 tem.

12 **SEC. 102. PORT SECURITY.**

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

15 **“Subtitle VI—Miscellaneous**

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

**“CHAPTER 701—PORT SECURITY**

- “Sec.
- “70101. Definitions.
- “70102. United States facility and vessel vulnerability assessments.
- “70103. Maritime transportation security plans.
- “70104. Transportation security incident response.
- “70105. Transportation security cards.
- “70106. Maritime safety and security teams.
- “70107. Grants.
- “70108. Foreign port assessment.
- “70109. Notifying foreign authorities.
- “70110. Actions when foreign ports not maintaining effective antiterrorism measures.
- “70111. Enhanced crewmember identification.
- “70112. Maritime security advisory committees.
- “70113. Maritime intelligence.
- “70114. Automatic identification systems.
- “70115. Long-range vessel tracking system.





“70116. Secure systems of transportation.

“70117. Civil penalty.

1 **“§ 70101. Definitions**

2 “For the purpose of this chapter:

3 “(1) The term ‘Area Maritime Transportation  
4 Security Plan’ means an Area Maritime Transpor-  
5 tation Security Plan prepared under section  
6 70103(b).

7 “(2) The term ‘facility’ means any structure or  
8 facility of any kind located in, on, under, or adjacent  
9 to any waters subject to the jurisdiction of the  
10 United States.

11 “(3) The term ‘National Maritime Transpor-  
12 tation Security Plan’ means the National Maritime  
13 Transportation Security Plan prepared and pub-  
14 lished under section 70103(a).

15 “(4) The term ‘owner or operator’ means—

16 “(A) in the case of a vessel, any person  
17 owning, operating, or chartering by demise,  
18 such vessel; and

19 “(B) in the case of a facility, any person  
20 owning, leasing, or operating such facility.

21 “(5) The term ‘Secretary’ means the Secretary  
22 of the department in which the Coast Guard is oper-  
23 ating.



1           “(6) The term ‘transportation security incident’  
2           means a security incident resulting in a significant  
3           loss of life, environmental damage, transportation  
4           system disruption, or economic disruption in a par-  
5           ticular area.

6   **“§ 70102. United States facility and vessel vulner-**  
7           **ability assessments**

8           “(a) INITIAL ASSESSMENTS.—The Secretary shall  
9           conduct an assessment of vessel types and United States  
10          facilities on or adjacent to the waters subject to the juris-  
11          diction of the United States to identify those vessel types  
12          and United States facilities that pose a high risk of being  
13          involved in a transportation security incident.

14          “(b) FACILITY AND VESSEL ASSESSMENTS.—(1)  
15          Based on the information gathered under subsection (a)  
16          of this section, the Secretary shall conduct a detailed vul-  
17          nerability assessment of the facilities and vessels that may  
18          be involved in a transportation security incident. The vul-  
19          nerability assessment shall include the following:

20                  “(A) Identification and evaluation of critical as-  
21                  sets and infrastructures.

22                  “(B) Identification of the threats to those as-  
23                  sets and infrastructures.

24                  “(C) Identification of weaknesses in physical se-  
25                  curity, passenger and cargo security, structural in-



1 integrity, protection systems, procedural policies, com-  
2 munications systems, transportation infrastructure,  
3 utilities, contingency response, and other areas as  
4 determined by the Secretary.

5 “(2) Upon completion of an assessment under this  
6 subsection for a facility or vessel, the Secretary shall pro-  
7 vide the owner or operator with a copy of the vulnerability  
8 assessment for that facility or vessel.

9 “(3) The Secretary shall update each vulnerability as-  
10 sessment conducted under this section at least every 5  
11 years.

12 “(4) In lieu of conducting a facility or vessel vulner-  
13 ability assessment under paragraph (1), the Secretary  
14 may accept an alternative assessment conducted by or on  
15 behalf of the owner or operator of the facility or vessel  
16 if the Secretary determines that the alternative assess-  
17 ment includes the matters required under paragraph (1).

18 **“§ 70103. Maritime transportation security plans**

19 “(a) NATIONAL MARITIME TRANSPORTATION SECUR-  
20 RITY PLAN.—(1) The Secretary shall prepare a National  
21 Maritime Transportation Security Plan for deterring and  
22 responding to a transportation security incident.

23 “(2) The National Maritime Transportation Security  
24 Plan shall provide for efficient, coordinated, and effective



1 action to deter and minimize damage from a transpor-  
2 tation security incident, and shall include the following:

3           “(A) Assignment of duties and responsibilities  
4 among Federal departments and agencies and co-  
5 ordination with State and local governmental agen-  
6 cies.

7           “(B) Identification of security resources.

8           “(C) Procedures and techniques to be employed  
9 in deterring a national transportation security inci-  
10 dent.

11           “(D) Establishment of procedures for the co-  
12 ordination of activities of—

13                   “(i) Coast Guard maritime security teams  
14 established under this chapter; and

15                   “(ii) Federal Maritime Security Coordina-  
16 tors required under this chapter.

17           “(E) A system of surveillance and notice de-  
18 signed to safeguard against as well as ensure earliest  
19 possible notice of a transportation security incident  
20 and imminent threats of such a security incident to  
21 the appropriate State and Federal agencies.

22           “(F) Establishment of criteria and procedures  
23 to ensure immediate and effective Federal identifica-  
24 tion of a transportation security incident, or the sub-  
25 stantial threat of such a security incident.



1           “(G) Designation of—

2                   “(i) areas for which Area Maritime Trans-  
3                   portation Security Plans are required to be pre-  
4                   pared under subsection (b); and

5                   “(ii) a Coast Guard official who shall be  
6                   the Federal Maritime Security Coordinator for  
7                   each such area.

8           “(H) A risk-based system for evaluating the po-  
9           tential for violations of security zones designated by  
10           the Secretary on the waters subject to the jurisdic-  
11           tion of the United States.

12           “(I) A recognition of certified systems of inter-  
13           modal transportation.

14           “(J) A plan for ensuring that the flow of cargo  
15           through United States ports is reestablished as effi-  
16           ciently and quickly as possible after a transportation  
17           security incident.

18           “(3) The Secretary shall, as the Secretary considers  
19           advisable, revise or otherwise amend the National Mari-  
20           time Transportation Security Plan.

21           “(4) Actions by Federal agencies to deter and mini-  
22           mize damage from a transportation security incident shall,  
23           to the greatest extent possible, be in accordance with the  
24           National Maritime Transportation Security Plan.



1       “(5) The Secretary shall inform vessel and facility  
2 owners or operators of the provisions in the National  
3 Transportation Security Plan that the Secretary considers  
4 necessary for security purposes.

5       “(b) AREA MARITIME TRANSPORTATION SECURITY  
6 PLANS.—(1) The Federal Maritime Security Coordinator  
7 designated under subsection (a)(2)(G) for an area shall—

8               “(A) submit to the Secretary an Area Maritime  
9 Transportation Security Plan for the area; and

10              “(B) solicit advice from the Area Security Advi-  
11 sory Committee required under this chapter, for the  
12 area to assure preplanning of joint deterrence ef-  
13 forts, including appropriate procedures for deter-  
14 rence of a transportation security incident.

15       “(2) The Area Maritime Transportation Security  
16 Plan for an area shall—

17              “(A) when implemented in conjunction with the  
18 National Maritime Transportation Security Plan, be  
19 adequate to deter a transportation security incident  
20 in or near the area to the maximum extent prac-  
21 ticable;

22              “(B) describe the area and infrastructure cov-  
23 ered by the plan, including the areas of population  
24 or special economic, environmental, or national secu-



1 rity importance that might be damaged by a trans-  
2 portation security incident;

3 “(C) describe in detail how the plan is inte-  
4 grated with other Area Maritime Transportation Se-  
5 curity Plans, and with facility security plans and  
6 vessel security plans under this section;

7 “(D) include consultation and coordination with  
8 the Department of Defense on matters relating to  
9 Department of Defense facilities and vessels;

10 “(E) include any other information the Sec-  
11 retary requires; and

12 “(F) be updated at least every 5 years by the  
13 Federal Maritime Security Coordinator.

14 “(3) The Secretary shall—

15 “(A) review and approve Area Maritime Trans-  
16 portation Security Plans under this subsection; and

17 “(B) periodically review previously approved  
18 Area Maritime Transportation Security Plans.

19 “(4) In security zones designated by the Secretary  
20 in each Area Maritime Transportation Security Plan, the  
21 Secretary shall consider—

22 “(A) the use of public/private partnerships to  
23 enforce security within the security zones, shoreside  
24 protection alternatives, and the environmental, pub-



1       lic safety, and relative effectiveness of such alter-  
2       natives; and

3               “(B) technological means of enhancing the se-  
4       curity zones of port, territorial waters, and water-  
5       ways of the United States.

6       “(c) VESSEL AND FACILITY SECURITY PLANS.—(1)  
7       Within 6 months after the prescription of interim final  
8       regulations on vessel and facility security plans, an owner  
9       or operator of a vessel or facility described in paragraph  
10      (2) shall prepare and submit to the Secretary a security  
11      plan for the vessel or facility, for deterring a transpor-  
12      tation security incident to the maximum extent prac-  
13      ticable.

14      “(2) The vessels and facilities referred to in para-  
15      graph (1)—

16               “(A) except as provided in subparagraph  
17               (B), are vessels and facilities that the Secretary  
18               believes may be involved in a transportation se-  
19               curity incident; and

20               “(B) do not include any vessel or facility  
21               owned or operated by the Department of De-  
22               fense.

23      “(3) A security plan required under this subsection  
24      shall—





1           “(A) be consistent with the requirements of the  
2           National Maritime Transportation Security Plan and  
3           Area Maritime Transportation Security Plans;

4           “(B) identify the qualified individual having full  
5           authority to implement security actions, and require  
6           immediate communications between that individual  
7           and the appropriate Federal official and the persons  
8           providing personnel and equipment pursuant to sub-  
9           paragraph (C);

10          “(C) include provisions for—

11               “(i) establishing and maintaining physical  
12               security, passenger and cargo security, and per-  
13               sonnel security;

14               “(ii) establishing and controlling access to  
15               secure areas of the vessel or facility;

16               “(iii) procedural security policies;

17               “(iv) communications systems; and

18               “(v) other security systems;

19          “(D) identify, and ensure by contract or other  
20          means approved by the Secretary, the availability of  
21          security measures necessary to deter to the max-  
22          imum extent practicable a transportation security in-  
23          cident or a substantial threat of such a security inci-  
24          dent;



1           “(E) describe the training, periodic unan-  
2           nounced drills, and security actions of persons on  
3           the vessel or at the facility, to be carried out under  
4           the plan to deter to the maximum extent practicable  
5           a transportation security incident, or a substantial  
6           threat of such a security incident;

7           “(F) be updated at least every five years; and

8           “(G) be resubmitted for approval of each  
9           change to the vessel or facility that may substan-  
10          tially affect the security of the vessel or facility.

11          “(4) The Secretary shall—

12           “(A) promptly review each such plan;

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

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

17           “(D) review each plan periodically thereafter.

18          “(5) A vessel or facility for which a plan is required  
19          to be submitted under this subsection may not operate  
20          after the end of the 12-month period beginning on the date  
21          of the prescription of interim final regulations on vessel  
22          and facility security plans, unless—

23           “(A) the plan has been approved by the Sec-  
24          retary; and



1           “(B) the vessel or facility is operating in com-  
2           pliance with the plan.

3           “(6) Notwithstanding paragraph (5), the Secretary  
4           may authorize a vessel or facility to operate without a se-  
5           curity plan approved under this subsection, until not later  
6           than 1 year after the date of the submission to the Sec-  
7           retary of a plan for the vessel or facility, if the owner or  
8           operator of the vessel or facility certifies that the owner  
9           or operator has ensured by contract or other means ap-  
10          proved by the Secretary to deter to the maximum extent  
11          practicable a transportation security incident or a sub-  
12          stantial threat of such a security incident.

13          “(7) The Secretary shall require each owner or oper-  
14          ator of a vessel or facility located within or adjacent to  
15          waters subject to the jurisdiction of the United States to  
16          implement any necessary interim security measures, in-  
17          cluding cargo security programs, to deter to the maximum  
18          extent practicable a transportation security incident until  
19          the security plan for that vessel or facility operator is ap-  
20          proved.

21          “(d) NONDISCLOSURE OF INFORMATION.—Notwith-  
22          standing any other provision of law, information developed  
23          under this chapter is not required to be disclosed to the  
24          public, including—



1           “(1) facility security plans, vessel security  
2 plans, and port vulnerability assessments; and

3           “(2) other information related to security plans,  
4 procedures, or programs for vessels or facilities au-  
5 thORIZED under this chapter.

6 **“§ 70104. Transportation security incident response**

7           “(a) FACILITY AND VESSEL RESPONSE PLANS.—The  
8 Secretary shall—

9           “(1) establish security incident response plans  
10 for vessels and facilities that may be involved in a  
11 transportation security incident; and

12           “(2) make those plans available to the Director  
13 of the Federal Emergency Management Agency for  
14 inclusion in the Director’s response plan for United  
15 States ports and waterways.

16           “(b) CONTENTS.—Response plans developed under  
17 subsection (a) shall provide a comprehensive response to  
18 an emergency, including notifying and coordinating with  
19 local, State, and Federal authorities, including the Direc-  
20 tor of the Federal Emergency Management Agency, secur-  
21 ing the facility or vessel, and evacuating facility and vessel  
22 personnel.

23           “(c) INCLUSION IN SECURITY PLAN.—A response  
24 plan required under this subsection for a vessel or facility



1 may be included in the security plan prepared under sec-  
2 tion 70103(c).

3 **“§ 70105. Transportation security cards**

4 “(a) PROHIBITION.—(1) The Secretary shall pre-  
5 scribe regulations to prevent an individual from entering  
6 an area of a vessel or facility that is designated as a secure  
7 area by the Secretary for purposes of a security plan for  
8 the vessel or facility that is approved by the Secretary  
9 under section 70103 of this title unless the individual—

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

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

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

20 “(b) ISSUANCE OF CARDS.—(1) The Secretary shall  
21 issue a biometric transportation security card to an indi-  
22 vidual specified in paragraph (2), unless the Secretary de-  
23 cides that the individual poses a security risk under sub-  
24 section (c) warranting denial of the card.

25 “(2) This subsection applies to—



1           “(A) an individual allowed unescorted access to  
2           a secure area designated in a vessel or facility secu-  
3           rity plan approved under section 70103 of this title;

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

7           “(C) a vessel pilot;

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

10          “(E) an individual with access to security sen-  
11          sitive information as determined by the Secretary;  
12          and

13          “(F) other individuals engaged in port security  
14          activities as determined by the Secretary.

15          “(c) DETERMINATION OF TERRORISM SECURITY  
16 RISK.—(1) An individual may not be denied a transpor-  
17 tation security card under subsection (b) unless the Sec-  
18 retary determines that individual—

19               “(A) has been convicted within the preceding 7-  
20               year period of a felony or found not guilty by reason  
21               of insanity of a felony—

22                       “(i) that the Secretary believes could cause  
23                       the individual to be a terrorism security risk to  
24                       the United States; or



1                   “(ii) for causing a severe transportation se-  
2                   curity incident;

3                   “(B) has been released from incarceration with-  
4                   in the preceding 5-year period for committing a fel-  
5                   ony described in subparagraph (A);

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

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

12                  “(2) The Secretary shall prescribe regulations that  
13                  establish a waiver process for issuing a transportation se-  
14                  curity card to an individual found to be otherwise ineligible  
15                  for such a card under paragraph (1). In deciding to issue  
16                  a card to such an individual, the Secretary shall—

17                   “(A) give consideration to the circumstances of  
18                   any disqualifying act or offense, restitution made by  
19                   the individual, Federal and State mitigation rem-  
20                   edies, and other factors from which it may be con-  
21                   cluded that the individual does not pose a terrorism  
22                   risk warranting denial of the card; and

23                   “(B) issue a waiver to an individual without re-  
24                   gard to whether that individual would otherwise be  
25                   disqualified if the individual’s employer establishes



1 alternate security arrangements acceptable to the  
2 Secretary.

3 “(3) The Secretary shall establish an appeals process  
4 under this section for individuals found to be ineligible for  
5 a transportation security card that includes notice and an  
6 opportunity for a hearing.

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

11 “(d) BACKGROUND RECORDS CHECK.—(1) On re-  
12 quest of the Secretary, the Attorney General shall—

13 “(A) conduct a background records check re-  
14 garding the individual; and

15 “(B) upon completing the background records  
16 check, notify the Secretary of the completion and re-  
17 sults of the background records check.

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

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

22 “(B) In the case of an alien, a check of the rel-  
23 evant databases to determine the status of the alien  
24 under the immigration laws of the United States.





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

3           “(D) Review of any other national security-re-  
4 lated information or database identified by the At-  
5 torney General for purposes of such a background  
6 records check.

7           “(e) RESTRICTIONS ON USE AND MAINTENANCE OF  
8 INFORMATION.—(1) Information obtained by the Attorney  
9 General or the Secretary under this section may not be  
10 made available to the public, including the individual’s em-  
11 ployer.

12           “(2) Any information constituting grounds for denial  
13 of a transportation security card under this section shall  
14 be maintained confidentially by the Secretary and may be  
15 used only for making determinations under this section.  
16 The Secretary may share any such information with other  
17 Federal law enforcement agencies. An individual’s em-  
18 ployer may only be informed of whether or not the indi-  
19 vidual has been issued the card under this section.

20           “(f) DEFINITION.—In this section, the term ‘alien’  
21 has the meaning given the term in section 101(a)(3) of  
22 the Immigration and Nationality Act (8 U.S.C.  
23 1101(a)(3)).”.



1 **“§ 70106. Maritime safety and security teams**

2 “(a) IN GENERAL.—To enhance the domestic mari-  
3 time security capability of the United States, the Sec-  
4 retary shall establish such maritime safety and security  
5 teams as are needed to safeguard the public and protect  
6 vessels, harbors, ports, facilities, and cargo in waters sub-  
7 ject to the jurisdiction of the United States from destruc-  
8 tion, loss or injury from crime, or sabotage due to terrorist  
9 activity, and to respond to such activity in accordance with  
10 the transportation security plans developed under section  
11 70103.

12 “(b) MISSION.—Each maritime safety and security  
13 team shall be trained, equipped, and capable of being em-  
14 ployed to—

15 “(1) deter, protect against, and rapidly respond  
16 to threats of maritime terrorism;

17 “(2) enforce moving or fixed safety or security  
18 zones established pursuant to law;

19 “(3) conduct high speed intercepts;

20 “(4) board, search, and seize any article or  
21 thing on or at, respectively, a vessel or facility found  
22 to present a risk to the vessel or facility, or to a  
23 port;

24 “(5) rapidly deploy to supplement United  
25 States armed forces domestically or overseas;



1           “(6) respond to criminal or terrorist acts within  
2           a port so as to minimize, insofar as possible, the dis-  
3           ruption caused by such acts;

4           “(7) assist with facility vulnerability assess-  
5           ments required under this chapter; and

6           “(8) carry out other security missions as are  
7           assigned to it by the Secretary.

8           “(c) COORDINATION WITH OTHER AGENCIES.—To  
9           the maximum extent feasible, each maritime safety and  
10          security team shall coordinate its activities with other Fed-  
11          eral, State, and local law enforcement and emergency re-  
12          sponse agencies.

13          **“§ 70107. Grants**

14          “(a) IN GENERAL.—The Secretary of Transpor-  
15          tation, acting through the Maritime Administrator, shall  
16          establish a grant program for making a fair and equitable  
17          allocation among port authorities, facility operators, and  
18          State and local agencies required to provide security serv-  
19          ices of funds to implement Area Maritime Transportation  
20          Security Plans and facility security plans. The program  
21          shall take into account national economic and strategic de-  
22          fense considerations.

23          “(b) ELIGIBLE COSTS.—The following costs of fund-  
24          ing the correction of Coast Guard identified vulnerabilities  
25          in port security and ensuring compliance with Area Mari-



1 time Transportation Security Plans and facility security  
2 plans are eligible to be funded:

3           “(1) Salary, benefits, overtime compensation,  
4 retirement contributions, and other costs of addi-  
5 tional Coast Guard mandated security personnel.

6           “(2) The cost of acquisition, operation, and  
7 maintenance of security equipment or facilities to be  
8 used for security monitoring and recording, security  
9 gates and fencing, marine barriers for designated se-  
10 curity zones, security-related lighting systems, re-  
11 mote surveillance, concealed video systems, security  
12 vessels, and other security-related infrastructure or  
13 equipment that contributes to the overall security of  
14 passengers, cargo, or crewmembers.

15           “(3) The cost of screening equipment, including  
16 equipment that detects weapons of mass destruction  
17 and conventional explosives, and of testing and eval-  
18 uating such equipment, to certify secure systems of  
19 transportation.

20           “(4) The cost of conducting vulnerability as-  
21 sessments to evaluate and make recommendations  
22 with respect to security.

23           “(c) MATCHING REQUIREMENTS.—

24           “(1) 75-PERCENT FEDERAL FUNDING.—Except  
25 as provided in paragraph (2), Federal funds for any



1 eligible project under this section shall not exceed 75  
2 percent of the total cost of such project.

3 “(2) EXCEPTIONS.—

4 “(A) SMALL PROJECTS.—There are no  
5 matching requirements for grants under sub-  
6 section (a) for projects costing not more than  
7 \$25,000.

8 “(B) HIGHER LEVEL OF SUPPORT RE-  
9 QUIRED.—If the Secretary of Transportation  
10 determines that a proposed project merits sup-  
11 port and cannot be undertaken without a higher  
12 rate of Federal support, then the Secretary may  
13 approve grants under this section with a match-  
14 ing requirement other than that specified in  
15 paragraph (1).

16 “(d) COORDINATION AND COOPERATION AGREE-  
17 MENTS.—The Secretary of Transportation shall ensure  
18 that projects paid for, or the costs of which are reim-  
19 bursed, under this section within any area or port are co-  
20 ordinated with other projects, and may require cooperative  
21 agreements among users of the port and port facilities  
22 with respect to projects funded under this section.

23 “(e) ADMINISTRATION.—

24 “(1) IN GENERAL.—The program shall require  
25 eligible port authorities, facility operators, and State



1 and local agencies required to provide security serv-  
2 ices, to submit an application, at such time, in such  
3 form, and containing such information and assur-  
4 ances as the Secretary of Transportation may re-  
5 quire, and shall include appropriate application, re-  
6 view, and delivery mechanisms.

7 “(2) MINIMUM STANDARDS FOR PAYMENT OR  
8 REIMBURSEMENT.—Each application for payment or  
9 reimbursement of eligible costs shall include, at a  
10 minimum, the following:

11 “(A) A copy of the applicable Area Mari-  
12 time Transportation Security Plan or facility  
13 security plan.

14 “(B) A comprehensive description of the  
15 need for the project, and a statement of the  
16 project’s relationship to the applicable Area  
17 Maritime Transportation Security Plan or facil-  
18 ity security plan.

19 “(C) A determination by the Captain of  
20 the Port that the security project addresses or  
21 corrects Coast Guard identified vulnerabilities  
22 in security and ensures compliance with Area  
23 Maritime Transportation Security Plans and fa-  
24 cility security plans.



1           “(3) PROCEDURAL SAFEGUARDS.—The Sec-  
2           retary of Transportation shall by regulation estab-  
3           lish appropriate accounting, reporting, and review  
4           procedures to ensure that amounts paid or reim-  
5           bursed under this section are used for the purposes  
6           for which they were made available, all expenditures  
7           are properly accounted for, and amounts not used  
8           for such purposes and amounts not obligated or ex-  
9           pended are recovered.

10           “(4) PROJECT APPROVAL REQUIRED.—The Sec-  
11           retary of Transportation may approve an application  
12           for the payment or reimbursement of costs under  
13           this section only if the Secretary of Transportation  
14           is satisfied that—

15                   “(A) the project is consistent with Coast  
16                   Guard vulnerability assessments and ensures  
17                   compliance with Area Maritime Transportation  
18                   Security Plans and facility security plans;

19                   “(B) enough money is available to pay the  
20                   project costs that will not be reimbursed by the  
21                   United States Government under this section;

22                   “(C) the project will be completed without  
23                   unreasonable delay; and

24                   “(D) the recipient has authority to carry  
25                   out the project as proposed.

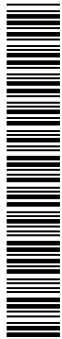


1           “(f) AUDITS AND EXAMINATIONS.—A recipient of  
2 amounts made available under this section shall keep such  
3 records as the Secretary of Transportation may require,  
4 and make them available for review and audit by the Sec-  
5 retary of Transportation, the Comptroller General of the  
6 United States, or the Inspector General of the Department  
7 of Transportation.

8           “(g) REPORTS ON SECURITY FUNDING AND COMPLI-  
9 ANCE.—

10           “(1) INITIAL REPORT.—Within 6 months after  
11 the date of enactment of this Act, the Secretary of  
12 Transportation shall transmit an unclassified report  
13 to the Senate Committee on Commerce, Science, and  
14 Transportation and the House of Representatives  
15 Committee on Transportation and Infrastructure,  
16 that—

17           “(A) includes a funding proposal and ra-  
18 tionale to fund the correction of Coast Guard  
19 identified vulnerabilities in port security and to  
20 help ensure compliance with Area Maritime  
21 Transportation Security Plans and facility secu-  
22 rity plans for fiscal years 2003 through 2008;  
23 and





1           “(B) includes projected funding proposals  
2           for fiscal years 2003 through 2008 for the fol-  
3           lowing security programs:

4                   “(i) The Sea Marshall program.

5                   “(ii) The Automated Identification  
6                   System and a system of polling vessels on  
7                   entry into United States waters.

8                   “(iii) The maritime intelligence re-  
9                   quirements in this Act.

10                   “(iv) The issuance of transportation  
11                   security cards required by section 70105.

12                   “(vii) The program of certifying se-  
13                   cure systems of transportation.

14           “(2) OTHER EXPENDITURES.—The Secretary of  
15           Transportation shall, as part of the report required  
16           by paragraph (1) report, in coordination with the  
17           Commissioner of Customs, on projected expenditures  
18           of screening and detection equipment and on cargo  
19           security programs over fiscal years 2003 through  
20           2008.

21           “(3) ANNUAL REPORTS.—Annually, beginning 1  
22           year after transmittal of the report required by  
23           paragraph (1) until October 1, 2009, the Secretary  
24           of Transportation shall transmit an unclassified an-  
25           nual report to the Senate Committee on Commerce,



1 Science, and Transportation and the House of Rep-  
2 resentatives Committee on Transportation and In-  
3 frastructure, on progress in achieving compliance  
4 with the correction of Coast Guard identified  
5 vulnerabilities in port security and compliance with  
6 Area Maritime Transportation Security Plans and  
7 facility security plans that—

8 “(A) identifies any modifications necessary  
9 in funding to ensure the correction of Coast  
10 Guard identified vulnerabilities and ensure com-  
11 pliance with Area Maritime Transportation Se-  
12 curity Plans and facility security plans;

13 “(B) includes an assessment of progress in  
14 implementing the grant program established by  
15 subsection (a);

16 “(C) includes any recommendations the  
17 Secretary may make to improve these pro-  
18 grams; and

19 “(D) with respect to a port selected by the  
20 Secretary of Transportation, describes progress  
21 and enhancements of applicable Area Maritime  
22 Transportation Security Plans and facility secu-  
23 rity plans and how the Maritime Transportation  
24 Security Act of 2002 has improved security at  
25 that port.



1       “(h) AUTHORIZATION OF APPROPRIATIONS.— There  
2 are authorized to be appropriated to the Secretary of  
3 Transportation for each of fiscal years 2003 through 2008  
4 such sums as are necessary to carry out subsections (a)  
5 through (g).

6       “(i) RESEARCH AND DEVELOPMENT GRANTS FOR  
7 PORT SECURITY.—

8               “(1) AUTHORITY.—The Secretary of Transpor-  
9 tation is authorized to establish and administer a  
10 grant program for the support of research and devel-  
11 opment of technologies that can be used to secure  
12 the ports of the United States. The Secretary may  
13 award grants under the program to national labora-  
14 tories, private nonprofit organizations, institutions of  
15 higher education, and other entities. The Secretary  
16 shall establish competitive procedures for awarding  
17 grants under the program and criteria for grant ap-  
18 plications and eligibility.

19               “(2) USE OF FUNDS.—Grants awarded pursu-  
20 ant to paragraph (1) shall be used to develop—

21                       “(A) methods to increase the ability of the  
22 Customs Service to inspect, or target for in-  
23 spection, merchandise carried on any vessel that  
24 will arrive or has arrived at any port or place  
25 in the United States;



1           “(B) equipment to accurately detect explo-  
2 sives, or chemical and biological agents, that  
3 could be used to commit terrorist acts against  
4 the United States;

5           “(C) equipment to accurately detect nu-  
6 clear materials, including scintillation-based de-  
7 tection equipment capable of attachment to  
8 spreaders to signal the presence of nuclear ma-  
9 terials during the unloading of containers;

10           “(D) improved tags and seals designed for  
11 use on shipping containers to track the trans-  
12 portation of the merchandise in such con-  
13 tainers, including ‘smart sensors’ that are able  
14 to track a container throughout its entire sup-  
15 ply chain, detect hazardous and radioactive ma-  
16 terials within that container, and transmit such  
17 information to the appropriate authorities at a  
18 remote location;

19           “(E) tools to mitigate the consequences of  
20 a terrorist act at a port of the United States,  
21 including a network of sensors to predict the  
22 dispersion of radiological, chemical, or biological  
23 agents that might be intentionally or acciden-  
24 tally released; or



1           “(F) applications to apply existing tech-  
2 nologies from other industries to increase over-  
3 all port security.

4           “(3) ADMINISTRATIVE PROVISIONS.—

5           “(A) NO DUPLICATION OF EFFORT.—Be-  
6 fore making any grant, the Secretary of Trans-  
7 portation shall coordinate with other Federal  
8 agencies to ensure the grant will not be used  
9 for research and development that is already  
10 being conducted with Federal funding.

11           “(B) ACCOUNTING.—The Secretary of  
12 Transportation shall by regulation establish ac-  
13 counting, reporting, and review procedures to  
14 ensure that funds made available under para-  
15 graph (1) are used for the purpose for which  
16 they were made available, that all expenditures  
17 are properly accounted for, and that amounts  
18 not used for such purposes and amounts not ex-  
19 pended are recovered.

20           “(C) RECORDKEEPING.—Recipients of  
21 grants shall keep all records related to expendi-  
22 tures and obligations of funds provided under  
23 paragraph (1) and make them available upon  
24 request to the Inspector General of the Depart-



1           ment of Transportation and the Secretary of  
2           Transportation for audit and examination.

3           “(D) ANNUAL REVIEW AND REPORT.—The  
4           Inspector General of the Department of Trans-  
5           portation shall annually review the program es-  
6           tablished under paragraph (1) to ensure that  
7           the expenditures and obligations of funds are  
8           consistent with the purposes for which they are  
9           provided and report the findings to Congress.

10          “(4) AUTHORIZATION OF APPROPRIATIONS.—  
11          There is authorized to be appropriated \$15,000,000  
12          for each of the fiscal years 2003 through 2008 to  
13          carry out the provisions of this subsection.

14          **“§ 70108. Foreign port assessment**

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

18                 “(1) a foreign port—

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

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

23                 “(2) any other foreign port the Secretary be-  
24                 lieves poses a security risk to international maritime  
25                 commerce.



1       “(b) PROCEDURES.—In conducting an assessment  
2 under subsection (a), the Secretary shall assess the effec-  
3 tiveness of—

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

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

9           “(3) additional security on board vessels;

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

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

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

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

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

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

22           “(B) to identify foreign ports that pose a  
23 high risk of introducing terrorism to inter-  
24 national maritime commerce;

25           “(2) the Secretary of the Treasury;



1           “(3) appropriate authorities of foreign govern-  
2           ments; and

3           “(4) operators of vessels.

4   **“§ 70109. Notifying foreign authorities**

5           “(a) IN GENERAL.—If the Secretary, after con-  
6           ducting an assessment under section 70108, finds that a  
7           port in a foreign country does not maintain effective  
8           antiterrorism measures, the Secretary shall notify the ap-  
9           propriate authorities of the government of the foreign  
10          country of the finding and recommend the steps necessary  
11          to improve the antiterrorism measures in use at the port.

12          “(b) TRAINING PROGRAM.—The Secretary, in co-  
13          operation with the Secretary of State, shall operate a port  
14          security training program for ports in foreign countries  
15          that are found under section 70108 to lack effective  
16          antiterrorism measures.

17   **“§ 70110. Actions when foreign ports not maintaining**  
18                           **effective antiterrorism measures**

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

22                   “(1) may prescribe conditions of entry into the  
23                   United States for any vessel arriving from that port,  
24                   or any vessel carrying cargo or passengers origi-  
25                   nating from or transshipped through that port;





1           “(2) may deny entry into the United States to  
2           any vessel that does not meet such conditions; and

3           “(3) shall provide public notice for passengers  
4           of the ineffective antiterrorism measures.

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

8           “(1) 90 days after the government of the for-  
9           eign country with jurisdiction over or control of that  
10          port is notified under section 70109 unless the Sec-  
11          retary finds that the government has brought the  
12          antiterrorism measures at the port up to the secu-  
13          rity level the Secretary used in making an assess-  
14          ment under section 70108 before the end of that 90-  
15          day period; or

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

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



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

5           **“§ 70111. Enhanced crewmember identification**

6           “(a) REQUIREMENT.—The Secretary, in consultation  
7 with the Attorney General and the Secretary of State,  
8 shall require crewmembers on vessels calling at United  
9 States ports to carry and present on demand any identi-  
10 fication that the Secretary decides is necessary.

11           “(b) FORMS AND PROCESS.—The Secretary, in con-  
12 sultation with the Attorney General and the Secretary of  
13 State, shall establish the proper forms and process that  
14 shall be used for identification and verification of crew-  
15 members.

16           **“§ 70112. Maritime Security Advisory Committees**

17           “(a) ESTABLISHMENT OF COMMITTEES.—(1) The  
18 Secretary shall establish a National Maritime Security Ad-  
19 visory Committee. The Committee—

20                   “(A) may advise, consult with, report to, and  
21                   make recommendations to the Secretary on matters  
22                   relating to national maritime security matters;

23                   “(B) may make available to the Congress rec-  
24                   ommendations that the Committee makes to the Sec-  
25                   retary; and



1           “(C) shall meet at the call of—

2                   “(i) the Secretary, who shall call such a  
3           meeting at least once during each calendar  
4           year; or

5                   “(ii) a majority of the Committee.

6           “(2)(A) The Secretary may—

7                   “(i) establish an Area Maritime Security Advi-  
8           sory Committee for any port area of the United  
9           States; and

10                   “(ii) request such a committee to review the  
11           proposed Area Maritime Transportation Security  
12           Plan developed under section 70103(b) and make  
13           recommendations to the Secretary that the Com-  
14           mittee considers appropriate.

15           “(B) A committee established under this paragraph  
16           for an area—

17                   “(i) may advise, consult with, report to, and  
18           make recommendations to the Secretary on matters  
19           relating to maritime security in that area;

20                   “(ii) may make available to the Congress rec-  
21           ommendations that the committee makes to the Sec-  
22           retary; and

23                   “(iii) shall meet at the call of—



1                   “(I) the Secretary, who shall call such a  
2                   meeting at least once during each calendar  
3                   year; or

4                   “(II) a majority of the committee.

5                   “(b) MEMBERSHIP.—(1) Each of the committees es-  
6                   tablished under subsection (a) shall consist of not less  
7                   than 7 members appointed by the Secretary, each of whom  
8                   has at least 5 years practical experience in maritime secu-  
9                   rity operations.

10                  “(2) The term of each member shall be for a period  
11                  of not more than 5 years, specified by the Secretary.

12                  “(3) Before appointing an individual to a position on  
13                  such a committee, the Secretary shall publish a notice in  
14                  the Federal Register soliciting nominations for member-  
15                  ship on the committee.

16                  “(4) The Secretary may require an individual to have  
17                  passed an appropriate security background examination  
18                  before appointment to the Committee.

19                  “(c) CHAIRPERSON AND VICE CHAIRPERSON.—(1)  
20                  Each committee established under subsection (a) shall  
21                  elect 1 of its members as the Chairman and 1 of its mem-  
22                  bers at the Vice Chairperson.

23                  “(2) The Vice Chairman shall act as Chairman in the  
24                  absence or incapacity of the Chairman, or in the event  
25                  of a vacancy in the office of the Chairman.



1           “(d) OBSERVERS.—(1) The Secretary shall, and the  
2 head of any other interested Federal agency may, des-  
3 ignate a representative to participate as an observer with  
4 the Committee.

5           “(2) The Secretary’s designated representative shall  
6 act as the executive secretary of the Committee and shall  
7 perform the duties set forth in section 10(c) of the Federal  
8 Advisory Committee Act (5 U.S.C. App.).

9           “(e) CONSIDERATION OF VIEWS.—The Secretary  
10 shall consider the information, advice, and recommenda-  
11 tions of the Committee in formulating policy regarding  
12 matters affecting maritime security.

13           “(f) COMPENSATION AND EXPENSES.—(1) A mem-  
14 ber of a committee established under this section, when  
15 attending meetings of the committee or when otherwise  
16 engaged in the business of the committee, is entitled to  
17 receive—

18                   “(A) compensation at a rate fixed by the Sec-  
19 retary, not exceeding the daily equivalent of the cur-  
20 rent rate of basic pay in effect for GS–15 of the  
21 General Schedule under section 5332 of title 5 in-  
22 cluding travel time; and

23                   “(B) travel or transportation expenses under  
24 section 5703 of title 5.



1           “(2) A member of such a committee shall not be con-  
2 sidered to be an officer or employee of the United States  
3 for any purpose based on their receipt of any payment  
4 under this subsection.

5           “(g) FACA; TERMINATION.—(1) The Federal Advi-  
6 sory Committee Act (5 U.S.C. App.)—

7           “(A) applies to the National Maritime Security  
8 Advisory Committee established under this section,  
9 except that such committee terminates on September  
10 30, 2008; and

11           “(B) does not apply to Area Maritime Security  
12 Advisory Committees established under this section.

13           “(2) Not later than September 30, 2006, each com-  
14 mittee established under this section shall submit to the  
15 Congress its recommendation regarding whether the com-  
16 mittee should be renewed and continued beyond the termi-  
17 nation date.

18 **“§ 70113. Maritime intelligence**

19           “(a) IN GENERAL.—The Secretary shall implement  
20 a system to collect, integrate, and analyze information  
21 concerning vessels operating on or bound for waters sub-  
22 ject to the jurisdiction of the United States, including in-  
23 formation related to crew, passengers, cargo, and inter-  
24 modal shipments.



1           “(b) CONSULTATION.—In developing the information  
2 system under subsection (a), the Secretary shall consult  
3 with the Transportation Security Oversight Board and  
4 other departments and agencies, as appropriate.

5           “(c) INFORMATION INTEGRATION.—To deter a trans-  
6 portation security incident, the Secretary may collect in-  
7 formation from public and private entities to the extent  
8 that the information is not provided by other Federal de-  
9 partments and agencies.

10 **“§ 70114. Automatic identification systems**

11           “(a) SYSTEM REQUIREMENTS.—(1) Subject to para-  
12 graph (2), the following vessels, while operating on the  
13 navigable waters of the United States, shall be equipped  
14 with and operate an automatic identification system under  
15 regulations prescribed by the Secretary:

16           “(A) A self-propelled commercial vessel of at  
17 least 65 feet overall in length.

18           “(B) A vessel carrying more than a number of  
19 passengers for hire determined by the Secretary.

20           “(C) A towing vessel of more than 26 feet over-  
21 all in length and 600 horsepower.

22           “(D) Any other vessel for which the Secretary  
23 decides that an automatic identification system is  
24 necessary for the safe navigation of the vessel.

25           “(2) The Secretary may—



1           “(A) exempt a vessel from paragraph (1) if the  
2           Secretary finds that an automatic identification sys-  
3           tem is not necessary for the safe navigation of the  
4           vessel on the waters on which the vessel operates;  
5           and

6           “(B) waive the application of paragraph (1)  
7           with respect to operation of vessels on navigable wa-  
8           ters of the United States specified by the Secretary  
9           if the Secretary finds that automatic identification  
10          systems are not needed for safe navigation on those  
11          waters.

12          “(b) REGULATIONS.—The Secretary shall prescribe  
13          regulations implementing subsection (a), including re-  
14          quirements for the operation and maintenance of the auto-  
15          matic identification systems required under subsection (a).

16          **“§ 70115. Long-range vessel tracking system**

17          “The Secretary may develop and implement a long-  
18          range automated vessel tracking system for all vessels in  
19          United States waters that are equipped with the Global  
20          Maritime Distress and Safety System or equivalent sat-  
21          ellite technology. The system shall be designed to provide  
22          the Secretary the capability of receiving information on  
23          vessel positions at interval positions appropriate to deter  
24          transportation security incidents. The Secretary may use





1 existing maritime organizations to collect and monitor  
2 tracking information under the system.

3 **“§ 70116. Secure systems of transportation**

4 “(a) IN GENERAL.—The Secretary, in consultation  
5 with the Transportation Security Oversight Board, shall  
6 establish a program to evaluate and certify secure systems  
7 of international intermodal transportation.

8 “(b) ELEMENTS OF PROGRAM.—The program shall  
9 include—

10 “(1) establishing standards and procedures for  
11 screening and evaluating cargo prior to loading in a  
12 foreign port for shipment to the United States either  
13 directly or via a foreign port;

14 “(2) establishing standards and procedures for  
15 securing cargo and monitoring that security while in  
16 transit;

17 “(3) developing performance standards to en-  
18 hance the physical security of shipping containers,  
19 including standards for seals and locks;

20 “(4) establishing standards and procedures for  
21 allowing the United States Government to ensure  
22 and validate compliance with this program; and

23 “(5) any other measures the Secretary con-  
24 siders necessary to ensure the security and integrity  
25 of international intermodal transport movements.



1 **“§ 70117. Civil penalty**

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

6 (b) CONFORMING AMENDMENT.—The table of sub-  
7 titles at the beginning of title 46, United States Code, is  
8 amended by adding at the end the following:

“VI. MISCELLANEOUS ..... 70101”.

9 (c) DEADLINE.—The Secretary shall establish the  
10 plans required under section 70104(a)(1) of title 46,  
11 United States Code, as enacted by this Act, before April  
12 1, 2003.

13 (d) RULEMAKING REQUIREMENTS.—

14 (1) INTERIM FINAL RULE AUTHORITY.—The  
15 Secretary shall issue an interim final rule as a tem-  
16 porary regulation implementing this section (includ-  
17 ing the amendments made by this section) as soon  
18 as practicable after the date of enactment of this  
19 section, without regard to the provisions of chapter  
20 5 of title 5, United States Code. All regulations pre-  
21 scribed under the authority of this subsection that  
22 are not earlier superseded by final regulations shall  
23 expire not later than 1 year after the date of enact-  
24 ment of this Act.



1           (2) INITIATION OF RULEMAKING.—The Sec-  
2           retary may initiate a rulemaking to implement this  
3           section (including the amendments made by this sec-  
4           tion) as soon as practicable after the date of enact-  
5           ment of this section. The final rule issued pursuant  
6           to that rulemaking may supersede the interim final  
7           rule promulgated under this subsection.

8           (e) PHASE-IN OF AUTOMATIC IDENTIFICATION SYS-  
9           TEM.—

10           (1) SCHEDULE.—Section 70114 of title 46,  
11           United States Code, as enacted by this Act, shall  
12           apply as follows:

13                   (A) On and after January 1, 2003, to any  
14                   vessel built after that date.

15                   (B) On and after July 1, 2003, to any ves-  
16                   sel built before the date referred to in subpara-  
17                   graph (A) that is—

18                           (i) a passenger vessel required to  
19                           carry a certificate under the International  
20                           Convention for the Safety of Life at Sea,  
21                           1974 (SOLAS);

22                           (ii) a tanker; or

23                           (iii) a towing vessel engaged in mov-  
24                           ing a tank vessel.



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

4 (2) DEFINITION.—The terms in this subsection  
5 have the same meaning as those terms have under  
6 section 2101 of title 46, United States Code.

7 **SEC. 103. INTERNATIONAL SEAFARER IDENTIFICATION.**

8 (a) TREATY INITIATIVE.—The Secretary of the de-  
9 partment in which the Coast Guard is operating is encour-  
10 aged to negotiate an international agreement, or an  
11 amendment to an international agreement, that provides  
12 for a uniform, comprehensive, international system of  
13 identification for seafarers that will enable the United  
14 States and another country to establish authoritatively the  
15 identity of any seafarer aboard a vessel within the jurisdic-  
16 tion, including the territorial waters, of the United States  
17 or such other country.

18 (b) LEGISLATIVE ALTERNATIVE.—If the Secretary  
19 fails to complete a negotiation process undertaken under  
20 subsection (a) within 24 months after the date of enact-  
21 ment of this Act, the Secretary shall transmit to the Com-  
22 mittee on Commerce, Science, and Transportation of the  
23 Senate and the Committee on Transportation and Infra-  
24 structure of the House of Representatives a draft of legis-



1 lation that, if enacted, would establish a uniform, com-  
2 prehensive system of identification for seafarers.

3 **SEC. 104. EXTENSION OF SEAWARD JURISDICTION.**

4 (a) DEFINITION OF TERRITORIAL WATERS.—Section  
5 1 of title XIII of the Act of June 15, 1917 (50 U.S.C.  
6 195; 40 Stat. 231) is amended—

7 (1) by striking “The term ‘United States’ as  
8 used in this Act includes” and inserting the fol-  
9 lowing:

10 “In this Act:

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

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

14 “(2) TERRITORIAL WATERS.—The term ‘terri-  
15 torial waters of the United States’ includes all wa-  
16 ters of the territorial sea of the United States as de-  
17 scribed in Presidential Proclamation 5928 of Decem-  
18 ber 27, 1988.”.

19 (b) CIVIL PENALTY FOR VIOLATION OF ACT OF  
20 JUNE 15, 1917.—Section 2 of title II of the Act of June  
21 15, 1917 (50 U.S.C. 192), is amended—

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

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



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

2 “(c) CIVIL PENALTY.—A person violating this Act,  
3 or a regulation prescribed under this Act, shall be liable  
4 to the United States Government for a civil penalty of not  
5 more than \$25,000 for each violation. Each day of a con-  
6 tinuing violation shall constitute a separate violation.”.

7 **SEC. 105. SUSPENSION OF LIMITATION ON STRENGTH OF**  
8 **COAST GUARD.**

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

19 (b) OFFICERS IN COAST GUARD RESERVE.—Section  
20 724 of title 14, United States Code, is amended by adding  
21 at the end thereof the following:

22 “(c) DEFERRAL OF LIMITATION.—If at the end of  
23 any fiscal year there is in effect a declaration of war or  
24 national emergency, the President may defer the effective-  
25 ness of any end-strength limitation with respect to that



1 fiscal year prescribed by law for any military or civilian  
2 component of the Coast Guard Reserve, for a period not  
3 to exceed 6 months after the end of the war or termination  
4 of the national emergency.”.

5 **SEC. 106. EXTENSION OF DEEPWATER PORT ACT TO NAT-**  
6 **URAL GAS.**

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

- 11 (1) Section 2(a) (33 U.S.C. 1501(a)).
- 12 (2) Section 4(a) (33 U.S.C. 1503(a)).
- 13 (3) Section 21(a) (33 U.S.C. 1520(a)).

14 (b) DEFINITIONS.—Section 3 of the Deepwater Port  
15 Act of 1974 (33 U.S.C. 1502) is amended—

16 (1) by redesignating paragraphs (13) through  
17 (18) as paragraphs (14) through (19), respectively;

18 (2) by amending paragraph (9) to read as fol-  
19 lows:

20 “(9) ‘deepwater port’—

21 “(A) means any fixed or floating manmade  
22 structure other than a vessel, or any group of  
23 such structures, that are located beyond State  
24 seaward boundaries and that are used or in-  
25 tended for use as a port or terminal for the

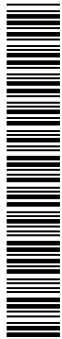


1 transportation, storage, or further handling of  
2 oil or natural gas for transportation to any  
3 State, except as otherwise provided in section  
4 23, and for other uses not inconsistent with the  
5 purposes of this Act, including transportation of  
6 oil or natural gas from the United States outer  
7 continental shelf;

8 “(B) includes all components and equip-  
9 ment, including pipelines, pumping stations,  
10 service platforms, buoys, mooring lines, and  
11 similar facilities to the extent they are located  
12 seaward of the high water mark;

13 “(C) in the case of a structure used or in-  
14 tended for such use with respect to natural gas,  
15 includes all components and equipment, includ-  
16 ing pipelines, pumping or compressor stations,  
17 service platforms, buoys, mooring lines, and  
18 similar facilities that are proposed or approved  
19 for construction and operation as part of a  
20 deepwater port, to the extent that they are lo-  
21 cated seaward of the high water mark and do  
22 not include interconnecting facilities; and

23 “(D) shall be considered a ‘new source’ for  
24 purposes of the Clean Air Act (42 U.S.C. 7401





1 et seq.), and the Federal Water Pollution Con-  
2 trol Act, (33 U.S.C. 1251 et seq.);”;

3 (3) by inserting after paragraph (12) the fol-  
4 lowing:

5 “(13) ‘natural gas’ means either natural gas  
6 unmixed, or any mixture of natural or artificial gas,  
7 including compressed or liquefied natural gas;”.

8 (c) FACILITY APPROVAL.—

9 (1) Section 5(d) of the Deepwater Port Act of  
10 1974 (33 U.S.C. 1504(d)) is amended by adding at  
11 the end the following:

12 “(4) This subsection shall not apply to deepwater  
13 ports for natural gas.”.

14 (2) Section 5(i) of the Deepwater Port Act of  
15 1974 (33 U.S.C. 1504(i)) is amended by adding at  
16 the end the following:

17 “(4) The Secretary shall approve or deny any applica-  
18 tion for a deepwater port for natural gas submitted pursu-  
19 ant to this Act not later than 90 days after the last public  
20 hearing on a proposed license. Paragraphs (1), (2), and  
21 (3) of this subsection shall not apply to an application for  
22 a deepwater port for natural gas.”.

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



1           “(d) **MANAGED ACCESS.**—Subsections (a) and (b)  
2 shall not apply to deepwater ports for natural gas. A li-  
3 censee of a deepwater port for natural gas, or an affiliate  
4 thereof, may exclusively utilize the entire capacity of the  
5 deepwater port and storage facilities for the acceptance,  
6 transport, storage, regasification, or conveyance of natural  
7 gas produced, processed, marketed, or otherwise obtained  
8 by agreement by such licensee or its affiliates. The licensee  
9 may make unused capacity of the deepwater port and stor-  
10 age facilities available to other persons, pursuant to rea-  
11 sonable terms and conditions imposed by the licensee, if  
12 such use does not otherwise interfere in any way with the  
13 acceptance, transport, storage, regasification, or convey-  
14 ance of natural gas produced, processed, marketed, or oth-  
15 erwise obtained by agreement by such licensee or its affili-  
16 ates.

17           “(e) **JURISDICTION.**—Notwithstanding any provision  
18 of the Natural Gas Act (15 U.S.C. 717 et seq.), any regu-  
19 lation or rule issued thereunder, or section 19 as it per-  
20 tains to such Act, this Act shall apply with respect to the  
21 licensing, siting, construction, or operation of a deepwater  
22 natural gas port or the acceptance, transport, storage,  
23 regassification, or conveyance of natural gas at or through  
24 a deepwater port, to the exclusion of the Natural Gas Act  
25 or any regulation or rule issued thereunder.”.



1 (e) REGULATIONS.—

2 (1) AGENCY AND DEPARTMENT EXPERTISE AND  
3 RESPONSIBILITIES.—Not later than 30 days after  
4 the date of the enactment of this Act, the heads of  
5 Federal departments or agencies having expertise  
6 concerning, or jurisdiction over, any aspect of the  
7 construction or operation of deepwater ports for nat-  
8 ural gas shall transmit to the Secretary of Transpor-  
9 tation written comments as to such expertise or stat-  
10 utory responsibilities pursuant to the Deepwater  
11 Port Act of 1974 (33 U.S.C. 1501 et seq.) or any  
12 other Federal law.

13 (2) INTERIM FINAL RULE.—The Secretary may  
14 issue an interim final rule as a temporary regulation  
15 implementing this section (including the amend-  
16 ments made by this section) as soon as practicable  
17 after the date of enactment of this section, without  
18 regard to the provisions of chapter 5 of title 5,  
19 United States Code.

20 (3) FINAL RULES.—As soon as practicable after  
21 the date of the enactment of this Act, the Secretary  
22 of Transportation shall issue additional final rules  
23 that, in the discretion of the Secretary, are deter-  
24 mined to be necessary under the Deepwater Port Act  
25 of 1974 (33 U.S.C. 1501 et seq.) for the application



1 and issuance of licenses for a deepwater port for  
2 natural gas.

3 (f) ENVIRONMENTAL ANALYSIS.—Section 5 of the  
4 Deepwater Port Act of 1974 (33 U.S.C. 1504) is amended  
5 by striking subsection (f) and inserting the following:

6 “(f) NEPA COMPLIANCE.—For all applications, the  
7 Secretary, in cooperation with other involved Federal  
8 agencies and departments, shall comply with the National  
9 Environmental Policy Act of 1969 (42 U.S.C. 4332). Such  
10 compliance shall fulfill the requirement of all Federal  
11 agencies in carrying out their responsibilities under the  
12 National Environmental Policy Act of 1969 pursuant to  
13 this Act.”.

14 (g) STATE FEES.—Section 5(h)(2) of the Deepwater  
15 Port Act of 1974 (33 U.S.C. 1504(h)(2)) is amended by  
16 inserting “and unless prohibited by law,” after “Notwith-  
17 standing any other provision of this Act,”.

18 **SEC. 107. ASSIGNMENT OF COAST GUARD PERSONNEL AS**  
19 **SEA MARSHALS AND ENHANCED USE OF**  
20 **OTHER SECURITY PERSONNEL.**

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

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



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

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

4           “(3) dispatch properly trained and qualified  
5           armed Coast Guard personnel on vessels and public  
6           or commercial structures on or adjacent to waters  
7           subject to United States jurisdiction to deter or re-  
8           spond to acts of terrorism or transportation security  
9           incidents, as defined in section 70101 of title 46,  
10          United States Code.”.

11          (b) REPORT ON USE OF NON-COAST GUARD PER-  
12          SONNEL.—The Secretary of the department in which the  
13          Coast Guard is operating shall evaluate and report to the  
14          Congress on—

15               (1) the potential use of Federal, State, or local  
16               government personnel, and documented United  
17               States Merchant Marine personnel, to supplement  
18               Coast Guard personnel under section 7(b)(3) of the  
19               Ports and Waterways Safety Act (33 U.S.C.  
20               1226(b)(3));

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



1           (3) the possibility of utilizing the United States  
2 Merchant Marine Academy, State maritime acad-  
3 emies, or Coast Guard approved maritime industry  
4 schools in the United States, to provide training  
5 under that section.

6 **SEC. 108. TECHNICAL AMENDMENTS CONCERNING THE**  
7                   **TRANSMITTAL OF CERTAIN INFORMATION TO**  
8                   **THE CUSTOMS SERVICE.**

9           (a) TARIFF ACT OF 1930.—Section 431A(d) of the  
10 Tariff Act of 1930, as added by section 343(b) of the  
11 Trade Act of 2002 (Public Law 107–210), is amended to  
12 read as follows:

13           “(d) REPORTING OF UNDOCUMENTED CARGO.—

14                   “(1) IN GENERAL.—A vessel carrier shall notify  
15 the Customs Service of any cargo tendered to such  
16 carrier that is not properly documented pursuant to  
17 this section and that has remained in the marine  
18 terminal for more than 48 hours after being deliv-  
19 ered to the marine terminal, and the location of the  
20 cargo in the marine terminal.

21                   “(2) SHARING ARRANGEMENTS.—For vessel  
22 carriers that are members of vessel sharing agree-  
23 ments (or any other arrangement whereby a carrier  
24 moves cargo on another carrier’s vessel), the vessel  
25 carrier accepting the booking shall be responsible for



1 reporting undocumented cargo, without regard to  
2 whether it operates the vessel on which the transpor-  
3 tation is to be made.

4 “(3) REASSIGNMENT TO ANOTHER VESSEL.—  
5 For purposes of this subsection and subsection (f),  
6 if merchandise has been tendered to a marine ter-  
7 minal operator and subsequently reassigned for car-  
8 riage on another vessel, the merchandise shall be  
9 considered properly documented if the information  
10 provided reflects carriage on the previously assigned  
11 vessel and otherwise meets the requirements of sub-  
12 section (b). Notwithstanding the preceding sentence,  
13 it shall be the responsibility of the vessel carrier to  
14 notify the Customs Service promptly of any reas-  
15 signment of merchandise for carriage on a vessel  
16 other than the vessel on which the merchandise was  
17 originally assigned.

18 “(4) MULTIPLE CONTAINERS.—If a single ship-  
19 ment is comprised of multiple containers, the 48-  
20 hour period described in paragraph (1) shall begin  
21 to run from the time the last container of the ship-  
22 ment is delivered to the marine terminal operator. It  
23 shall be the responsibility of the person tendering  
24 the cargo to inform the carrier that the shipment  
25 consists of multiple containers that will be delivered



1 to the marine terminal operator at different times as  
2 part of a single shipment.”.

3 (b) MANDATORY ADVANCED ELECTRONIC INFORMA-  
4 TION.—Section 343(a) of the Trade Act of 2002 (Public  
5 Law 107–210) is amended—

6 (1) by striking paragraph (1) and inserting the  
7 following:

8 “(1) IN GENERAL.—

9 “(A) Subject to paragraphs (2) and (3),  
10 the Secretary is authorized to promulgate regu-  
11 lations providing for the transmission to the  
12 Customs Service, through an electronic data  
13 interchange system, of information pertaining  
14 to cargo to be brought into the United States  
15 or to be sent from the United States, prior to  
16 the arrival or departure of the cargo.

17 “(B) The Secretary shall endeavor to pro-  
18 mulgate an initial set of regulations under sub-  
19 paragraph (A) not later than October 1,  
20 2003.”.

21 (2) by striking paragraph (2) and inserting the  
22 following:

23 “(2) INFORMATION REQUIRED.—The cargo in-  
24 formation required by the regulations promulgated  
25 pursuant to paragraph (1) under the parameters set





1       forth in paragraph (3) shall be such information on  
2       cargo as the Secretary determines to be reasonably  
3       necessary to ensure cargo safety and security pursu-  
4       ant to those laws enforced and administered by the  
5       Customs Service. The Secretary shall provide to ap-  
6       propriate Federal departments and agencies cargo  
7       information obtained pursuant to paragraph (1).”;  
8       and

9               (3) in paragraph (3)—

10               (A) by striking “aviation, maritime, and  
11               surface transportation safety and security” in  
12               subparagraphs (F), (H), and (L)(ii) and insert-  
13               ing “cargo safety and security”;

14               (B) in subparagraph (F)—

15                       (i) by inserting “merchandise” after  
16                       “determining”;

17                       (ii) by inserting “and preventing  
18                       smuggling” after “security”; and

19                       (iii) by adding at the end the fol-  
20                       lowing: “Notwithstanding the preceding  
21                       sentence, nothing in this section shall be  
22                       treated as amending, repealing, or other-  
23                       wise modifying title IV of the Tariff Act of  
24                       1930 or regulations promulgated there-  
25                       under.”;



1 (C) in subparagraph (G)—

2 (i) in the first sentence—

3 (I) by inserting “cargo” after  
4 “confidential”; and

5 (II) by inserting after “Customs  
6 Service” the following: “pursuant to  
7 such regulations, except for the mani-  
8 fest information collected pursuant to  
9 section 431 of the Tariff Act of 1930  
10 and required to be available for public  
11 disclosure pursuant to section 431(e)  
12 of such Act.”; and

13 (ii) by striking the second sentence;

14 and

15 (D) in subparagraph (L)—

16 (i) in the matter preceding clause

17 (i)—

18 (I) by striking “60” and insert-  
19 ing “15”; and

20 (II) by striking “promulgation of  
21 regulations” and inserting “publica-  
22 tion of a final rule pursuant to this  
23 section”;

24 (ii) by striking “and” at the end of  
25 clause (iii);



1 (iii) by striking the period and insert-  
2 ing “; and” at the end of clause (iv); and  
3 (iv) by inserting at the end the fol-  
4 lowing:

5 “(v) if the Secretary determines to  
6 amend the proposed regulations after they  
7 have been transmitted to the Committees  
8 pursuant to this subparagraph, the Sec-  
9 retary shall transmit the amended regula-  
10 tions to such Committees no later than 5  
11 days prior to the publication of the final  
12 rule.”.

13 (c) REPEAL.—Section 343A of the Trade Act of 2002  
14 (116 Stat. 985) is repealed.

15 **SEC. 109. MARITIME SECURITY PROFESSIONAL TRAINING.**

16 (a) IN GENERAL.—

17 (1) DEVELOPMENT OF STANDARDS.—Not later  
18 than 6 months after the date of enactment of this  
19 Act, the Secretary of Transportation shall develop  
20 standards and curriculum to allow for the training  
21 and certification of maritime security professionals.  
22 In developing these standards and curriculum, the  
23 Secretary shall consult with the National Maritime  
24 Security Advisory Committee established under sec-



1       tion 70112 of title 46, United States Code, as  
2       amended by this Act.

3               (2) SECRETARY TO CONSULT ON STANDARDS.—

4       In developing standards under this section, the Sec-  
5       retary may, without regard to the Federal Advisory  
6       Committee Act (5 U.S.C. App.), consult with the  
7       Federal Law Enforcement Training Center, the  
8       United States Merchant Marine Academy's Global  
9       Maritime and Transportation School, the Maritime  
10      Security Council, the International Association of  
11      Airport and Port Police, the National Cargo Secu-  
12      rity Council, and any other Federal, State, or local  
13      government or law enforcement agency or private or-  
14      ganization or individual determined by the Secretary  
15      to have pertinent expertise.

16      (b) MINIMUM STANDARDS.—The standards estab-  
17      lished by the Secretary under subsection (a) shall include  
18      the following elements:

19              (1) The training and certification of maritime  
20      security professionals in accordance with accepted  
21      law enforcement and security guidelines, policies,  
22      and procedures, including, as appropriate, rec-  
23      ommendations for incorporating a background check  
24      process for personnel trained and certified in foreign  
25      ports.



1           (2) The training of students and instructors in  
2 all aspects of prevention, detection, investigation,  
3 and reporting of criminal activities in the inter-  
4 national maritime environment.

5           (3) The provision of off-site training and certifi-  
6 cation courses and certified personnel at United  
7 States and foreign ports used by United States-  
8 flagged vessels, or by foreign-flagged vessels with  
9 United States citizens as passengers or crew-  
10 members, to develop and enhance security awareness  
11 and practices.

12       (c) TRAINING PROVIDED TO LAW ENFORCEMENT  
13 AND SECURITY PERSONNEL.—

14           (1) IN GENERAL.—The Secretary is authorized  
15 to make the training opportunities provided under  
16 this section available to any Federal, State, local,  
17 and private law enforcement or maritime security  
18 personnel in the United States or to personnel em-  
19 ployed in foreign ports used by vessels with United  
20 States citizens as passengers or crewmembers.

21           (2) ACADEMIES AND SCHOOLS.—The Secretary  
22 may provide training under this section at—

23               (A) each of the 6 State maritime acad-  
24 emies;



1 (B) the United States Merchant Marine  
2 Academy;

3 (C) the Appalachian Transportation Insti-  
4 tute; and

5 (D) other security training schools in the  
6 United States.

7 (d) USE OF CONTRACT RESOURCES.—The Secretary  
8 may employ Federal and contract resources to train and  
9 certify maritime security professionals in accordance with  
10 the standards and curriculum developed under this Act.

11 (e) ANNUAL REPORT.—The Secretary shall transmit  
12 an annual report to the Senate Committee on Commerce,  
13 Science, and Transportation and the House of Represent-  
14 atives Committee on Transportation and Infrastructure on  
15 the expenditure of appropriated funds and the training  
16 under this section.

17 (f) AUTHORIZATION OF APPROPRIATIONS—There are  
18 authorized to be appropriated to the Secretary to carry  
19 out this section \$5,500,000 for each of fiscal years 2003  
20 through 2008.

21 **SEC. 110. ADDITIONAL REPORTS.**

22 (a) ANNUAL REPORT ON MARITIME SECURITY AND  
23 TERRORISM.—Section 905 of the International Maritime  
24 and Port Security Act (46 U.S.C. App. 1802) is amended  
25 by adding at the end thereof the following: “Beginning



1 with the first report submitted under this section after the  
2 date of enactment of the Maritime Transportation Secu-  
3 rity Act of 2002, the Secretary shall include a description  
4 of activities undertaken under title I of that Act and an  
5 analysis of the effect of those activities on port security  
6 against acts of terrorism.”.

7 (b) REPORT ON TRAINING CENTER.—The Com-  
8 mandant of the United States Coast Guard, in conjunction  
9 with the Secretary of the Navy, shall submit to Congress  
10 a report, at the time they submit their fiscal year 2005  
11 budget, on the life cycle costs and benefits of creating a  
12 Center for Coastal and Maritime Security. The purpose  
13 of the Center would be to provide an integrated training  
14 complex to prevent and mitigate terrorist threats against  
15 coastal and maritime assets of the United States, includ-  
16 ing ports, harbors, ships, dams, reservoirs, and transport  
17 nodes.

18 (c) REPORT ON SECURE SYSTEM OF TRANSPOR-  
19 TATION PROGRAM.—Within one year after the secure sys-  
20 tem of transportation program is implemented under sec-  
21 tion 70116 of title 46, United States Code, as amended  
22 by this Act, the Secretary of the department in which the  
23 Coast Guard is operating shall transmit a report to the  
24 Senate Committees on Commerce, Science, and Transpor-  
25 tation and Finance and the House of Representatives



1 Committees on Transportation and Infrastructure and  
2 Ways and Means that—

3 (1) evaluates the secure system of transpor-  
4 tation program and its components;

5 (2) states the Secretary's view as to whether  
6 any procedure, system, or technology evaluated as  
7 part of the program offers a higher level of security  
8 than requiring imported goods to clear customs  
9 under existing procedures and for the requirements  
10 of the National Maritime Security Plan for reopen-  
11 ing of United States ports to commerce;

12 (3) states the Secretary's view as to the integ-  
13 rity of the procedures, technology, or systems evalu-  
14 ated as part of the program;

15 (4) makes a recommendation with respect to  
16 whether the program, or any procedure, system, or  
17 technology should be incorporated in a nationwide  
18 system for preclearance of imports of waterborne  
19 goods and for the requirements of the National Mar-  
20 itime Security Plan for the reopening of United  
21 States ports to Commerce;

22 (5) describes the impact of the program on  
23 staffing levels at the department in which the Coast  
24 Guard is operating, and the Customs Service; and





1           (6) states the Secretary's views as to whether  
2           there is a method by which the United States could  
3           validate foreign ports so that cargo from those ports  
4           is preapproved for entry into the United States and  
5           for the purpose of the requirements of the National  
6           Maritime Security Plan for the reopening of United  
7           States ports to commerce.

8   **SEC. 111. PERFORMANCE STANDARDS.**

9           Not later than January 1, 2004, the Secretary of the  
10          department in which the Coast Guard is operating, in con-  
11          sultation with the Transportation Security Oversight  
12          Board, shall—

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

18                 (2) develop performance standards to enhance  
19                 the physical security of shipping containers, includ-  
20                 ing standards for seals and locks.

21   **SEC. 112. REPORT ON FOREIGN-FLAG VESSELS.**

22          Within 6 months after the date of enactment of this  
23          Act and every year thereafter, the Secretary of the depart-  
24          ment in which the Coast Guard is operating, in consulta-  
25          tion with the Secretary of State, shall provide a report



1 to the Committee on Commerce, Science, and Transpor-  
2 tation of the Senate, and the Committee on Transpor-  
3 tation and Infrastructure of the House of Representatives  
4 that lists the following information:

5 (1) A list of all nations whose flag vessels have  
6 entered United States ports in the previous year.

7 (2) Of the nations on that list, a separate list  
8 of those nations—

9 (A) whose registered flag vessels appear as  
10 Priority III or higher on the Boarding Priority  
11 Matrix maintained by the Coast Guard;

12 (B) that have presented, or whose flag ves-  
13 sels have presented, false, intentionally incom-  
14 plete, or fraudulent information to the United  
15 States concerning passenger or cargo manifests,  
16 crew identity or qualifications, or registration or  
17 classification of their flag vessels;

18 (C) whose vessel registration or classifica-  
19 tion procedures have been found by the Sec-  
20 retary to be noncompliant with international  
21 classifications or do not exercise adequate con-  
22 trol over safety and security concerns; or

23 (D) whose laws or regulations are not suf-  
24 ficient to allow tracking of ownership and reg-  
25 istration histories of registered flag vessels.



1           (3) Actions taken by the United States, whether  
2           through domestic action or international negotiation,  
3           including agreements at the International Maritime  
4           Organization under section 902 of the International  
5           Maritime and Port Security Act (46 U.S.C. App.  
6           1801), to improve transparency and security of ves-  
7           sel registration procedures in nations on the list  
8           under paragraph (2).

9           (4) Recommendations for legislative or other  
10          actions needed to improve security of United States  
11          ports against potential threats posed by flag vessels  
12          of nations named in paragraph (2).

13 **SEC. 113. REVISION OF PORT SECURITY PLANNING GUIDE.**

14          The Secretary of Transportation, acting through the  
15          Maritime Administration and after consultation with the  
16          National Maritime Security Advisory Committee and the  
17          Coast Guard, shall publish a revised version of the docu-  
18          ment entitled “Port Security: A National Planning  
19          Guide”, incorporating the requirements prescribed under  
20          chapter 701 of title 46, United States Code, as amended  
21          by this Act, within 3 years after the date of enactment  
22          of this Act, and make that revised document available on  
23          the Internet.



1           **TITLE II—MARITIME POLICY**  
2                           **IMPROVEMENT**

3   **SEC. 201. SHORT TITLE.**

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

6   **SEC. 202. VESSEL COASTAL VENTURE.**

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

11   **SEC. 203. EXPANSION OF AMERICAN MERCHANT MARINE**  
12                           **MEMORIAL WALL OF HONOR.**

13           (a) FINDINGS.—The Congress finds that—

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

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

20                   (3) the United States Merchant Marine kept  
21           the lifeline of freedom open to the allies of the  
22           United States during the Second World War, mak-  
23           ing one of the most significant contributions made  
24           by any nation to the victory of the allies in that war;



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

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

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

13 (7) during the Second World War, at least  
14 6,830 members of the United States Merchant Ma-  
15 rine were killed at sea;

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

20 (9) during the Second World War, 604 mem-  
21 bers of the United States Merchant Marine were  
22 taken prisoner;

23 (10) 1 in 32 members of the United States  
24 Merchant Marine serving in the Second World War  
25 died in the line of duty, suffering a higher percent-



1 age of war-related deaths than any of the other  
2 armed services of the United States; and

3 (11) the United States Merchant Marine con-  
4 tinues to serve the United States, promoting free-  
5 dom and meeting the high ideals of its former mem-  
6 bers.

7 (b) GRANTS TO CONSTRUCT ADDITION TO AMER-  
8 ICAN MERCHANT MARINE MEMORIAL WALL OF  
9 HONOR.—

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

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

19 (3) AUTHORIZATION OF APPROPRIATIONS.—  
20 There is authorized to be appropriated to carry out  
21 this section \$500,000 for fiscal year 2003.

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

23 Notwithstanding any other provision of law, the dis-  
24 charge from a vessel of any agricultural cargo residue ma-  
25 terial in the form of hold washings shall be governed exclu-



1 sively by the provisions of the Act to Prevent Pollution  
2 from Ships (33 U.S.C. 1901 et seq.) that implement  
3 Annex V to the International Convention for the Preven-  
4 tion of Pollution from Ships.

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

7 (a) LIENS ON ANY DOCUMENTED VESSEL.—

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

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

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

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

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

21 “(b)(1) The Secretary shall record a notice complying  
22 with subsection (a) of this section if, when the notice is  
23 presented to the Secretary for recording, the person hav-  
24 ing the claim files with the notice a declaration stating  
25 the following:



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

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

6                   “(i) The owner of the vessel.

7                   “(ii) Each person that recorded under sub-  
8                   section (a) of this section an unexpired notice  
9                   of a claim of an undischarged lien on the vessel.

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

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

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

21           “(c)(1) On full and final discharge of the indebted-  
22           ness that is the basis for a notice of claim of lien recorded  
23           under subsection (b) of this section, the person having the  
24           claim shall provide the Secretary with an acknowledged





1 certificate of discharge of the indebtedness. The Secretary  
2 shall record the certificate.

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

17 (E) By adding at the end the following:

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

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



1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions for chapter 313 of title 46, United States  
3           Code, is amended by striking the item relating to  
4           section 31343 and inserting the following:

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

5           (b) NOTICE REQUIREMENTS.—Section 31325 of title  
6           46, United States Code, is amended as follows:

7           (1) In subsection (d)(1)(B) by striking “a no-  
8           tice of a claim” and inserting “an unexpired notice  
9           of a claim”.

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

13          (c) APPROVAL OF SURRENDER OF DOCUMENTA-  
14          TION.—Section 12111 of title 46, United States Code, is  
15          amended by adding at the end the following:

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

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

24          (d) TECHNICAL CORRECTION.—Section 9(c) of the  
25          Shipping Act, 1916 (46 App. U.S.C. 808(c)) is amended



1 in the matter preceding paragraph (1) by striking “Ex-  
2 cept” and all that follows through “12106(e) of title 46,”  
3 and inserting “Except as provided in section 611 of the  
4 Merchant Marine Act, 1936 (46 App. U.S.C. 1181) and  
5 in section 12106(e) of title 46,”.

6 (e) EFFECTIVE DATE.—This section shall take effect  
7 January 1, 2003.

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

9 (a) IN GENERAL.—The Secretary of the department  
10 in which the Coast Guard is operating shall prescribe a  
11 tonnage measurement as a small passenger vessel as de-  
12 fined in section 2101 of title 46, United States Code, for  
13 the vessel R/V DAVIDSON (United States official number  
14 D1066485) for purposes of applying the optional regu-  
15 latory measurement under section 14305 of that title.

16 (b) APPLICATION.—Subsection (a) shall apply only  
17 when the vessel is operating in compliance with the re-  
18 quirements of section 3301(8) of title 46, United States  
19 Code.

20 **SEC. 207. MISCELLANEOUS CERTIFICATES OF DOCUMENTA-**  
21 **TION.**

22 (a) IN GENERAL.—Notwithstanding section 27 of the  
23 Merchant Marine Act, 1920 (46 App. U.S.C. 883), section  
24 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421;  
25 46 App. U.S.C. 289), and sections 12106 and 12108 of



1 title 46, United States Code, the Secretary of the depart-  
2 ment in which the Coast Guard is operating may issue  
3 a certificate of documentation with appropriate endorse-  
4 ment for employment in the coastwise trade for the fol-  
5 lowing vessels:

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

8 (2) YANKEE (United States official number  
9 1076210).

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

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

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

17 (6) FRITHA (United States official number  
18 1085943).

19 (7) PUFFIN (United States official number  
20 697029).

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

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



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

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

6 (12) TOKEENA (State of South Carolina reg-  
7 istration number SC 1602 BJ).

8 (13) DOUBLE EAGLE 2 (United States offi-  
9 cial number 1042549).

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

12 (15) AJ (United States official number  
13 599164).

14 (16) BARGE 10 (United States official number  
15 1101368).

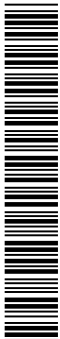
16 (17) NOT A SHOT (United States official  
17 number 911064).

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

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

22 (20) SHEWHO (United States official number  
23 1104094).

24 (21) SOVEREIGN (United States official num-  
25 ber 1028144).



1 (22) CALEDONIA (United States official num-  
2 ber 679530).

3 (23) ISLANDER (State of South Carolina  
4 identification number SC 9279 BJ).

5 (24) F/V ANITA J (United States official num-  
6 ber 560532).

7 (25) F/V HALF MOON BAY (United States  
8 official number 615796).

9 (26) F/V SUNSET BAY (United States official  
10 number 598484).

11 (27) BILLIE-B (United States official number  
12 958427).

13 (b) ELIGIBILITY FOR ADMINISTRATIVE WAIVERS.—

14 The following vessels are deemed to be eligible vessels  
15 within the meaning of section 504(2) of the Coast Guard  
16 Authorization Act of 1998 (46 U.S.C. 12106 note):

17 (1) EXCELLENCE III (hull identification  
18 number HQZ00255K101).

19 (2) ADIOS (hull identification number  
20 FAL75003A101).

21 (3) LAUDERDALE LADY (United States offi-  
22 cial number 1103520).

23 (4) UNIT ONE (United States official number  
24 1128562).



1 (c) REPEAL OF JONES ACT WAIVER ADMINISTRA-  
2 TIVE PROCESS SUNSET; ANTI-FRAUD REVOCATION AU-  
3 THORITY.—

4 (1) REPEAL OF SUNSET.—Section 505 of the  
5 Coast Guard Authorization Act of 1998 (46 U.S.C.  
6 12106 note) is repealed. The repeal of section 505  
7 shall have no effect on the validity of any certificate  
8 or endorsement issued under section 502 of that  
9 Act.

10 (2) REVOCATION FOR FRAUD.—Section 503 of  
11 the Coast Guard Authorization Act of 1998 (46  
12 U.S.C. 12106 note) is amended to read as follows:

13 **“SEC. 503. REVOCATION.**

14 “(a) REVOCATION FOR FRAUD.—The Secretary shall  
15 revoke a certificate or an endorsement issued under sec-  
16 tion 502, after notice and an opportunity for a hearing,  
17 if the Secretary determines that the certificate or endorse-  
18 ment was obtained by fraud.

19 “(b) APPLICATION WITH CRIMINAL PENALTIES.—  
20 Nothing in this section affects—

21 “(1) the criminal prohibition on fraud and false  
22 statements provided by section 1001 of title 18,  
23 United States Code; or



1           “(2) any other authority of the Secretary to re-  
2           voke a certificate or endorsement issued under sec-  
3           tion 502 of this Act.”.

4           (d) **TECHNOLOGY DEMONSTRATION WAIVER.**—Not-  
5           withstanding section 27 of the Merchant Marine Act, 1920  
6           (46 U.S.C. App. 883), section 8 of the Act of June 19,  
7           1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and  
8           sections 12106 and 12108 of title 46, United States Code,  
9           the Secretary of Transportation may issue a certificate of  
10          documentation with appropriate endorsement for the sole  
11          purpose of technology demonstrations (including trans-  
12          porting guests for such demonstration who have not con-  
13          tributed consideration for their passage) for the vessel  
14          FOILCAT (United States official number 1063892).

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

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

18                 “(D) The SS Red Oak Victory (United States  
19                 official number 249410), owned by the Richmond  
20                 Museum Association, located in Richmond, Cali-  
21                 fornia.

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





1           “(F) The LST-325, owned by USS LST Ship  
2           Memorial, Incorporated, located in Mobile, Ala-  
3           bama.”.

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

6           (a) DOCUMENTATION CERTIFICATE.—Notwith-  
7 standing section 12106 of title 46, United States Code,  
8 and section 27 of the Merchant Marine Act, 1920 (46  
9 App. U.S.C. 883), and subject to subsection (c) of this  
10 section, the Secretary of the department in which the  
11 Coast Guard is operating may issue a certificate of docu-  
12 mentation with an appropriate endorsement for employ-  
13 ment in the coastwise trade for each of the vessels listed  
14 in subsection (b).

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

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

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

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

23           (c) LIMITATION ON OPERATION.—A vessel issued a  
24 certificate of documentation under this section may be  
25 used only as a floating platform for launching fireworks,



1 including transportation of materials associated with that  
2 use.

3 **SEC. 210. CERTIFICATE OF DOCUMENTATION FOR THE**  
4 **EAGLE.**

5 Notwithstanding section 27 of the Merchant Marine  
6 Act, 1920 (46 App. U.S.C. 883), chapter 121 of title 46,  
7 United States Code, and section 1 of the Act of May 28,  
8 1906 (46 App. U.S.C. 292), the Secretary of the depart-  
9 ment in which the Coast Guard is operating shall issue  
10 a certificate of documentation with appropriate endorse-  
11 ment for employment in the coastwise trade for the vessel  
12 EAGLE (hull number BK-1754, United States official  
13 number 1091389) if the vessel is—

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

16 (2) if chartered, chartered to a State, a political  
17 subdivision of a State, or a public authority char-  
18 tered by a State;

19 (3) operated only in conjunction with—

20 (A) scour jet operations; or

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

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



1 **SEC. 211. WAIVER FOR VESSELS IN NEW WORLD CHAL-**  
2 **LENGE RACE.**

3 Notwithstanding section 8 of the Act of June 19,  
4 1886 (46 App. U.S.C. 289), beginning on April 1, 2002,  
5 the 10 sailboats participating in the New World Challenge  
6 Race may transport guests, who have not contributed con-  
7 sideration for their passage, from and around the ports  
8 of San Francisco and San Diego, California, before and  
9 during stops of that race. This section shall have no force  
10 or effect beginning on the earlier of—

11 (1) 60 days after the last competing sailboat  
12 reaches the end of that race in San Francisco, Cali-  
13 fornia; or

14 (2) December 31, 2003.

15 **SEC. 212. VESSEL ASPHALT COMMANDER.**

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

22 **SEC. 213. COASTWISE TRADE AUTHORIZATION.**

23 (a) IN GENERAL.—Notwithstanding section 27 of the  
24 Merchant Marine Act, 1920 (46 App. U.S.C. 883), or any  
25 other provision of law restricting the operation of a for-  
26 eign-built vessel in the coastwise trade of the United



1 States, the following vessels may, subject to subsection  
2 (b), engage in the coastwise trade of the United States  
3 to transport platform jackets from ports in the Gulf of  
4 Mexico to sites on the Outer Continental Shelf for comple-  
5 tion of certain offshore projects as follows:

6 (1) The H-114, H-627, I-650, and H-851 for  
7 the projects known as Atlantis, Thunderhorse, Hol-  
8 stein, and Mad Dog.

9 (2) The I-600 for the projects known as Mur-  
10 phy Medusa, Dominion Devil's Tower, and Murphy  
11 Front Runner.

12 (b) PRIORITY FOR U.S.-BUILT VESSELS.—Sub-  
13 section (a) shall not apply in instances where a United  
14 States-built, United States-documented vessel with the ca-  
15 pacity to transport and launch the platform jacket in-  
16 volved or its components is available to transport that  
17 jacket or its components. In this section, the term “plat-  
18 form jacket” has the meaning given that term under the  
19 thirteenth proviso of section 27 of the Merchant Marine  
20 Act, 1920 (46 App. U.S.C. 883), as amended by sub-  
21 section (c) of this section.

22 (c) DEFINITION.—The thirteenth proviso (pertaining  
23 to transportation by launch barge) of section 27 of the  
24 Merchant Marine Act, 1920 (46 App. U.S.C. 883), is  
25 amended by striking the period at the end and inserting



1 the following: “; and for the purposes of this proviso, the  
2 term ‘platform jacket’ includes any type of offshore drill-  
3 ing or production structure or components, including plat-  
4 form jackets, tension leg or SPAR platform super-  
5 structures (including the deck, drilling rig and support  
6 utilities, and supporting structure) hull (including vertical  
7 legs and connecting pontoons or vertical cylinder), tower  
8 and base sections of a platform jacket, jacket structures,  
9 and deck modules (known as ‘topsides’) of a hydrocarbon  
10 development and production platform.”.

11 **SEC. 214. JONES ACT WAIVER FOR DELAYED VESSEL DELIV-**  
12 **ERY.**

13 (a) IN GENERAL.—Notwithstanding section 27 of the  
14 Merchant Marine Act, 1920 (46 U.S.C. App. 883), section  
15 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421;  
16 46 U.S.C. App. 289), and sections 12106 and 12108 of  
17 title 46, United States Code, the Secretary of Transpor-  
18 tation may issue a certificate of documentation with ap-  
19 propriate endorsement for employment in the coastwise  
20 trade for a self-propelled tank vessel not built in the  
21 United States as provided in this section.

22 (b) WAIVER REQUIREMENTS.—The Secretary may  
23 not grant a waiver under subsection (a) unless—

24 (1) the person requesting the waiver is a party  
25 to a binding legal contract, executed within 24



1 months after the date of enactment of this Act, with  
2 a United States shipyard for the construction in the  
3 United States of a self-propelled tank vessel;

4 (2) the Secretary determines, on the basis of  
5 the terms of the contract, the parties to the con-  
6 tract, the actions of those parties in connection with  
7 the contract, and the circumstances under which the  
8 contract was executed, that the parties are making  
9 a bona fide effort to construct in the United States  
10 and deliver a self-propelled tank vessel in a timely  
11 manner;

12 (3) the vessel for which the waiver is granted  
13 will meet otherwise applicable requirements of law  
14 regarding ownership and operation for vessels em-  
15 ployed in the coastwise trade;

16 (4) the shipyard owns a facility with sufficient  
17 infrastructure to construct the self-propelled tank  
18 vessel;

19 (5) the self-propelled tank vessel that is the  
20 subject of that contract will not be available for use  
21 on the contracted delivery date because of a delay in  
22 the construction or delivery of the vessel due to un-  
23 usual circumstances; and

24 (6) the Secretary determines that no other suit-  
25 able tank vessel or vessels, or tank vessel capacity,



1 that would not require such a waiver are reasonably  
2 available to the person requesting the waiver.

3 Prior to making the determination under paragraph (6),  
4 the Secretary shall provide public notice of a waiver re-  
5 quest and shall provide persons who may have such suit-  
6 able tank vessels an opportunity to indicate to the re-  
7 quester and the Secretary the particulars of available tank  
8 vessels or tank vessel capacity not requiring a waiver  
9 under this section.

10 (c) LIMITATIONS.—

11 (1) CAPACITY OF TANK VESSEL.—The Sec-  
12 retary may not grant a waiver under subsection (a)  
13 for a self-propelled tank vessel that has substantially  
14 greater capacity than the vessel described in sub-  
15 section (b)(1).

16 (2) MAXIMUM DURATION OF WAIVER.—The  
17 Secretary may not grant a waiver under subsection  
18 (a) for a period prior to, or extending more than 48  
19 months after, the original contract delivery date of  
20 the vessel described in subsection (b)(1).

21 (3) MAXIMUM NUMBER OF WAIVERS.—The Sec-  
22 retary may grant waivers under subsection (a) for  
23 not more than 3 self-propelled tank vessels.

24 (d) DETERMINATION OF WAIVER.—



1 (1) IN GENERAL.—A waiver grant under sub-  
2 section (a) shall terminate on the earlier of—

3 (A) the date established by the Secretary  
4 as its expiration date under subsection (c)(2);  
5 or

6 (B) the date that is 60 days after the day  
7 on which the vessel described in subsection  
8 (b)(1) is delivered.

9 (2) TERMINATION FOR INTENTIONAL DELAY.—  
10 The Secretary may terminate a waiver granted  
11 under subsection (a) at any time if the Secretary de-  
12 termines that the delay in the construction or deliv-  
13 ery of the vessel described in the subsection (b)(1)  
14 is no longer due to unusual circumstances.

15 (e) SUSPENSION OF WAIVER.—The Secretary may  
16 suspend a waiver granted under subsection (a) for any pe-  
17 riod of time if the Secretary determines that a suitable  
18 tank vessel, or suitable tank vessel capacity, that would  
19 not require such a waiver is reasonably available to the  
20 person requesting the waiver.

21 (f) CONTRACTED-FOR VESSEL DELIVERY.—If the  
22 Secretary grants a waiver under subsection (a), the ship-  
23 yard constructing the vessel described in subsection (b)(1)  
24 shall deliver the vessel, constructed in accordance with the





1 terms of the contract, as soon as practicable after the de-  
2 livery date established by the contract.

3 (g) UNUSUAL CIRCUMSTANCES DEFINED.—In this  
4 section, the term “unusual circumstances” means bank-  
5 ruptcy of the shipyard or Acts of God (other than ordinary  
6 storms or inclement weather conditions), labor strikes,  
7 acts of sabotage, explosions, fires, or vandalism, and simi-  
8 lar circumstances beyond the control of the parties to the  
9 contract which prevent commencement of construction, or  
10 timely delivery or completion, of a vessel.

11 **SEC. 215. REALIGNMENT OF POLICY RESPONSIBILITY IN**  
12 **THE DEPARTMENT OF TRANSPORTATION.**

13 (a) IN GENERAL.—Section 102 of title 49, United  
14 States Code, is amended by—

15 (1) redesignating subsection (d) as subsection  
16 (g), and moving such subsection to appear after sub-  
17 section (f);

18 (2) inserting after subsection (c) the following:

19 “(d) The Department has an Under Secretary of  
20 Transportation for Policy appointed by the President, by  
21 and with the advice and consent of the Senate. The Under  
22 Secretary shall provide leadership in the development of  
23 policy for the Department, supervise the policy activities  
24 of Assistant Secretaries with primary responsibility for  
25 aviation, international, and other transportation policy de-



1 velopment and carry out other powers and duties pre-  
2 scribed by the Secretary. The Under Secretary acts for  
3 the Secretary when the Secretary and the Deputy Sec-  
4 retary are absent or unable to serve, or when the offices  
5 of Secretary and Deputy Secretary are vacant.”; and

6 (3) by striking “Secretary and the Deputy Sec-  
7 retary” each place it appears in the last sentence of  
8 subsection (f), as redesignated, and inserting “Sec-  
9 retary, Deputy Secretary, and Under Secretary of  
10 Transportation for Policy”.

11 (b) POSITION IN EXECUTIVE SERVICE.—Section  
12 5313 of title 5, United States Code, is amended by adding  
13 at the end the following:

14 “Under Secretary of Transportation for Pol-  
15 icy.”.

16 (c) CONFORMING AMENDMENT.—Section 102 of title  
17 49, United States Code, is further amended by striking  
18 subsection (g), as redesignated by subsection (a)(1), on  
19 the date that an individual is appointed to the position  
20 of Under Secretary of Transportation for Policy under  
21 subsection (d) of such section, as added by subsection  
22 (a)(2) of this section.



1 **TITLE III—COAST GUARD PER-**  
2 **SONNEL AND MARITIME**  
3 **SAFETY**

4 **SEC. 301. SHORT TITLE.**

5 This title may be cited as the “Coast Guard Per-  
6 sonnel and Maritime Safety Act of 2002”.

7 **Subtitle A—Personnel Management**

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

9 Section 336(d) of title 14, United States Code, is  
10 amended by striking “commander” and inserting “cap-  
11 tain”.

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

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

15 **“§ 511. Compensatory absence from duty for military**  
16 **personnel at isolated duty stations**

17 “The Secretary may grant compensatory absence  
18 from duty to military personnel of the Coast Guard serv-  
19 ing at isolated duty stations of the Coast Guard when con-  
20 ditions of duty result in confinement because of isolation  
21 or in long periods of continuous duty.”.

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



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

1 **SEC. 313. ACCELERATED PROMOTION OF CERTAIN COAST**  
2 **GUARD OFFICERS.**

3 Title 14, United States Code, is amended—

4 (1) in section 259, by adding at the end the fol-  
5 lowing:

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

22 “(2) The Secretary shall conduct a survey of the  
23 Coast Guard officer corps to determine if implementation  
24 of this subsection will improve Coast Guard officer reten-



1 tion. A selection board may not make any recommendation  
2 under this subsection before the date on which the Sec-  
3 retary publishes a finding, based upon the results of the  
4 survey, that implementation of this subsection will im-  
5 prove Coast Guard officer retention.

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

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

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



1                   **Subtitle B—Marine Safety**

2   **SEC. 321. EXTENSION OF TERRITORIAL SEA FOR VESSEL**  
3                   **BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.**

4           Section 4(b) of the Vessel Bridge-to-Bridge Radio-  
5 telephone Act (33 U.S.C. 1203(b)), is amended by striking  
6 “United States inside the lines established pursuant to  
7 section 2 of the Act of February 19, 1895 (28 Stat. 672),  
8 as amended.” and inserting “United States, which in-  
9 cludes all waters of the territorial sea of the United States  
10 as described in Presidential Proclamation 5928 of Decem-  
11 ber 27, 1988.”.

12   **SEC. 322. MODIFICATION OF VARIOUS REPORTING RE-**  
13                   **QUIREMENTS.**

14           (a) **TERMINATION OF OIL SPILL LIABILITY TRUST**  
15 **FUND ANNUAL REPORT.**—The report regarding the Oil  
16 Spill Liability Trust Fund required by the Conference Re-  
17 port (House Report 101–892) accompanying the Depart-  
18 ment of Transportation and Related Agencies Appropria-  
19 tions Act, 1991, as that requirement was amended by sec-  
20 tion 1122 of the Federal Reports Elimination and Sunset  
21 Act of 1995 (Public Law 104–66), shall no longer be sub-  
22 mitted to the Congress.

23           (b) **PRESERVATION OF CERTAIN REPORTING RE-**  
24 **QUIREMENTS.**—Section 3003(a)(1) of the Federal Reports  
25 Elimination and Sunset Act of 1995 (31 U.S.C. 1113



1 note) does not apply to any report required to be sub-  
2 mitted under any of the following provisions of law:

3 (1) COAST GUARD OPERATIONS AND EXPENDI-  
4 TURES.—Section 651 of title 14, United States  
5 Code.

6 (2) SUMMARY OF MARINE CASUALTIES RE-  
7 PORTED DURING PRIOR FISCAL YEAR.—Section  
8 6307(e) of title 46, United States Code.

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

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

14 (5) ACTIVITIES OF FEDERAL MARITIME COM-  
15 MISSION.—Section 208 of the Merchant Marine Act,  
16 1936 (46 App. U.S.C. 1118).

17 (6) ACTIVITIES OF INTERAGENCY COORDI-  
18 NATING COMMITTEE ON OIL POLLUTION RE-  
19 SEARCH.—Section 7001(e) of the Oil Pollution Act  
20 of 1990 (33 U.S.C. 2761(e)).

21 **SEC. 323. OIL SPILL LIABILITY TRUST FUND; EMERGENCY**  
22 **FUND ADVANCEMENT AUTHORITY.**

23 Section 6002(b) of the Oil Pollution Act of 1990 (33  
24 U.S.C. 2752(b)) is amended by inserting after the first  
25 sentence the following: “To the extent that such amount



1 is not adequate, the Coast Guard may obtain an advance  
2 from the Fund of such sums as may be necessary, up to  
3 a maximum of \$100,000,000, and within 30 days shall  
4 notify Congress of the amount advanced and the facts and  
5 circumstances necessitating the advance. Amounts ad-  
6 vanced shall be repaid to the Fund when, and to the extent  
7 that, removal costs are recovered by the Coast Guard from  
8 responsible parties for the discharge or substantial threat  
9 of discharge.”.

10 **SEC. 324. MERCHANT MARINER DOCUMENTATION RE-**  
11 **QUIREMENTS.**

12 (a) INTERIM MERCHANT MARINERS’ DOCUMENTS.—  
13 Section 7302 of title 46, United States Code, is  
14 amended—

15 (1) by striking “A” in subsection (f) and insert-  
16 ing “Except as provided in subsection (g), a”; and

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

18 “(g)(1) The Secretary may, pending receipt and re-  
19 view of information required under subsections (c) and  
20 (d), immediately issue an interim merchant mariner’s doc-  
21 ument valid for a period not to exceed 120 days, to—

22 “(A) an individual to be employed as gaming  
23 personnel, entertainment personnel, wait staff, or  
24 other service personnel on board a passenger vessel  
25 not engaged in foreign service, with no duties, in-





1 including emergency duties, related to the navigation  
2 of the vessel or the safety of the vessel, its crew,  
3 cargo or passengers; or

4 “(B) an individual seeking renewal of, or quali-  
5 fying for a supplemental endorsement to, a valid  
6 merchant mariner’s document issued under this sec-  
7 tion.

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

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

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

15 (2) by redesignating paragraph (9) as para-  
16 graph (10); and

17 (3) by inserting after paragraph (8) the fol-  
18 lowing:

19 “(9) a passenger vessel not engaged in a for-  
20 eign voyage with respect to individuals on board em-  
21 ployed for a period of not more than 30 service days  
22 within a 12 month period as entertainment per-  
23 sonnel, with no duties, including emergency duties,  
24 related to the navigation of the vessel or the safety  
25 of the vessel, its crew, cargo or passengers; and”.



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

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

7 **Subtitle C—Renewal of Advisory**  
8 **Groups**

9 **SEC. 331. COMMERCIAL FISHING INDUSTRY VESSEL ADVI-**  
10 **SORY COMMITTEE.**

11 (a) COMMERCIAL FISHING INDUSTRY VESSEL ADVI-  
12 SORY COMMITTEE.—Section 4508 of title 46, United  
13 States Code, is amended—

14 (1) by inserting “**Safety**” in the section head-  
15 ing after “**Vessel**”;

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

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

21 (4) by striking “on September 30, 2000” in  
22 subsection (e)(1) and inserting “on September 30,  
23 2005”.

24 (b) CONFORMING AMENDMENT.—The table of sec-  
25 tions for chapter 45 of title 46, United States Code, is



1 amended by striking the item relating to section 4508 and  
2 inserting the following:

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

3 **SEC. 332. HOUSTON-GALVESTON NAVIGATION SAFETY AD-**  
4 **VISORY COMMITTEE.**

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

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

11 Section 19(g) of the Coast Guard Authorization Act  
12 of 1991 (Public Law 102–241) is amended by striking  
13 “September 30, 2000” and inserting “September 30,  
14 2005”.

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

16 Section 5(d) of the Inland Navigational Rules Act of  
17 1980 (33 U.S.C. 2073) is amended by striking “Sep-  
18 tember 30, 2000” and inserting “September 30, 2005”.

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

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

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

24 The Act entitled “An Act to establish a Towing Safe-  
25 ty Advisory Committee in the Department of Transpor-



1 tation” approved October 6, 1980 (33 U.S.C. 1231a), is  
2 amended by striking “September 30, 2000.” in subsection  
3 (e) and inserting “September 30, 2005.”

## 4 **Subtitle D—Miscellaneous**

### 5 **SEC. 341. PATROL CRAFT.**

6 Notwithstanding any other provision of law, the Sec-  
7 retary of the department in which the Coast Guard is op-  
8 erating may accept, by direct transfer without cost, for  
9 use by the Coast Guard primarily for expanded drug inter-  
10 diction activities required to meet national supply reduc-  
11 tion performance goals, up to 7 PC-170 patrol craft from  
12 the Department of Defense if it offers to transfer such  
13 craft.

### 14 **SEC. 342. BOATING SAFETY.**

15 (a) GENERAL STATE REVENUE DEFINITION.—For  
16 fiscal year 2003, the term “general State revenue” in sec-  
17 tion 13102(a)(3) of title 46, United States Code, includes  
18 any amounts expended for the State’s recreational boating  
19 safety program by a State agency, a public corporation  
20 established under State law, or any other State instrumen-  
21 tality, as determined by the Secretary of the department  
22 in which the Coast Guard is operating.

23 (b) FUNDING.—For fiscal year 2003, the amount  
24 available for recreational boating safety under section



1 4(b)(3) of the Act of August 9, 1950 (16 U.S.C.  
2 777c(b)(3)), is \$83,000,000.

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

4 (a) IN GENERAL.—The Coast Guard is authorized to  
5 operate and maintain a Caribbean Support Tender (or  
6 similar type vessel) to provide technical assistance, includ-  
7 ing law enforcement training, for foreign coast guards, na-  
8 vies, and other maritime services.

9 (b) MEDICAL AND DENTAL CARE.—

10 (1) The Commandant may provide medical and  
11 dental care to foreign military Caribbean Support  
12 Tender personnel and their dependents accom-  
13 panying them in the United States—

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

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

19 Payments received as reimbursement for the provi-  
20 sion of such care shall be credited to the appropria-  
21 tions against which the charges were made for the  
22 provision of such care.

23 (2) Notwithstanding paragraph (1)(B), the  
24 Commandant may provide inpatient medical and  
25 dental care in the United States without cost to for-



1       eign military Caribbean Support Tender personnel  
2       and their dependents accompanying them in the  
3       United States if comparable care is made available  
4       to a comparable number of United States military  
5       personnel in that foreign country.

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

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

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

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

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

14               (2) Lighthouses are an important part of Great  
15               Lakes culture and stand as a testament to the im-  
16               portance of shipping in the region’s political, eco-  
17               nomic, and social history.

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

24               (4) Unfortunately, the Federal property dis-  
25               posal process is confusing, complicated, and not well-



1 suited to disposal of historic lighthouses or to facili-  
2 tate transfers to nonprofit organizations. This is es-  
3 pecially troubling because, in many cases, local non-  
4 profit historical organizations have dedicated tre-  
5 mendous resources to preserving and maintaining  
6 Great Lakes lighthouses.

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

10 (6) The National Trust for Historic Preserva-  
11 tion has placed Michigan lighthouses on their list of  
12 Most Endangered Historic Places.

13 (b) ASSISTANCE FOR GREAT LAKES LIGHTHOUSE  
14 PRESERVATION EFFORTS.—The Secretary of the depart-  
15 ment in which the Coast Guard is operating, may—

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

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



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

3 (a) REPORT.—The Secretary of the department in  
4 which the Coast Guard is operating shall prepare a status  
5 report on the modernization of the National Distress and  
6 Response System and transmit the report, not later than  
7 60 days after the date of enactment of this Act and annu-  
8 ally thereafter until completion of the project, to the Com-  
9 mittee on Commerce, Science, and Transportation of the  
10 Senate and the Committee on Transportation and Infra-  
11 structure of the House of Representatives.

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

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

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

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





1 rection-finding, asset-tracking communications, and  
2 digital selective calling service;

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

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

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

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



1 (8) identify existing systems available to close  
2 all identified marine safety gaps before January 1,  
3 2003, including expeditious receipt and response by  
4 appropriate Coast Guard operations centers to  
5 VHF-FM digital selective calling distress signal;  
6 and

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

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

12 (a) **AUTHORITY TO CONVEY.—**

13 (1) **IN GENERAL.—**The Secretary of the depart-  
14 ment in which the Coast Guard is operating, or a  
15 designee of the Secretary, may convey to the Gulf of  
16 Maine Aquarium Development Corporation, its suc-  
17 cessors and assigns, without payment for consider-  
18 ation, all right, title, and interest of the United  
19 States in and to approximately 4.13 acres of land,  
20 including a pier and bulkhead, known as the Naval  
21 Reserve Pier property, together with any improve-  
22 ments thereon in their then current condition, lo-  
23 cated in Portland, Maine. All conditions placed with  
24 the deed of title shall be construed as covenants run-  
25 ning with the land.



1           (2) IDENTIFICATION OF PROPERTY.—The Sec-  
2           retary, in consultation with the Commandant of the  
3           Coast Guard, may identify, describe, and determine  
4           the property to be conveyed under this section. The  
5           floating docks associated with or attached to the  
6           Naval Reserve Pier property shall remain the per-  
7           sonal property of the United States.

8           (b) LEASE TO THE UNITED STATES.—

9           (1) CONDITION OF CONVEYANCE.—The Naval  
10          Reserve Pier property shall not be conveyed until the  
11          Corporation enters into a lease agreement with the  
12          United States, the terms of which are mutually sat-  
13          isfactory to the Commandant and the Corporation,  
14          in which the Corporation shall lease a portion of the  
15          Naval Reserve Pier property to the United States  
16          for a term of 30 years without payment of consider-  
17          ation. The lease agreement shall be executed within  
18          12 months after the date of enactment of this Act.

19          (2) IDENTIFICATION OF LEASED PREMISES.—  
20          The Secretary, in consultation with the Com-  
21          mandant, may identify and describe the leased prem-  
22          ises and rights of access, including the following, in  
23          order to allow the Coast Guard to operate and per-  
24          form missions from and upon the leased premises:



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

7           (B) The right to berth Coast Guard cut-  
8 ters or other vessels as required in the moorings  
9 along the east side of the Naval Reserve Pier  
10 property and the right to attach floating docks  
11 which shall be owned and maintained at the  
12 United States' sole cost and expense.

13           (C) The right to operate, maintain, re-  
14 move, relocate, or replace an aid to navigation  
15 located upon, or to install any aid to navigation  
16 upon, the Naval Reserve Pier property as the  
17 Coast Guard, in its sole discretion, may deter-  
18 mine is needed for navigational purposes.

19           (D) The right to occupy up to 3,000 con-  
20 tiguous gross square feet at the Naval Reserve  
21 Pier property for storage and office space,  
22 which will be provided and constructed by the  
23 Corporation, at the Corporation's sole cost and  
24 expense, and which will be maintained, and util-



1           ities and other operating expenses paid for, by  
2           the United States at its sole cost and expense.

3           (E) The right to occupy up to 1,200 con-  
4           tiguous gross square feet of offsite storage in a  
5           location other than the Naval Reserve Pier  
6           property, which will be provided by the Cor-  
7           poration at the Corporation's sole cost and ex-  
8           pense, and which will be maintained, and utili-  
9           ties and other operating expenses paid for, by  
10          the United States at its sole cost and expense.

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

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

24          (4) LIMITATION ON SUBLEASES.—The United  
25          States may not sublease the leased premises to a



1 third party or use the leased premises for purposes  
2 other than fulfilling the missions of the Coast Guard  
3 and for other mission related activities.

4 (5) TERMINATION.—In the event that the Coast  
5 Guard ceases to use the leased premises, the Sec-  
6 retary, in consultation with the Commandant, may  
7 terminate the lease with the Corporation.

8 (c) IMPROVEMENT OF LEASED PREMISES.—

9 (1) IN GENERAL.—The Naval Reserve Pier  
10 property shall not be conveyed until the Corporation  
11 enters into an agreement with the United States,  
12 subject to the Commandant's design specifications,  
13 project's schedule, and final project approval, to re-  
14 place the bulkhead and pier which connects to, and  
15 provides access from, the bulkhead to the floating  
16 docks, at the Corporation's sole cost and expense, on  
17 the east side of the Naval Reserve Pier property  
18 within 30 months from the date of conveyance. The  
19 agreement to improve the leased premises shall be  
20 executed within 12 months after the date of enact-  
21 ment of this Act.

22 (2) FURTHER IMPROVEMENTS.—In addition to  
23 the improvements described in paragraph (1), the  
24 Commandant may further improve the leased prem-



1       ises during the lease term, at the United States sole  
2       cost and expense.

3       (d) UTILITY INSTALLATION AND MAINTENANCE OB-  
4       LIGATIONS.—

5               (1) UTILITIES.—The Naval Reserve Pier prop-  
6       erty shall not be conveyed until the Corporation en-  
7       ters into an agreement with the United States to  
8       allow the United States to operate and maintain ex-  
9       isting utility lines and related equipment, at the  
10      United States sole cost and expense. At such time  
11      as the Corporation constructs its proposed public  
12      aquarium, the Corporation shall replace existing util-  
13      ity lines and related equipment and provide addi-  
14      tional utility lines and equipment capable of sup-  
15      porting a third 110-foot Coast Guard cutter, with  
16      comparable, new, code compliant utility lines and  
17      equipment at the Corporation's sole cost and ex-  
18      pense, maintain such utility lines and related equip-  
19      ment from an agreed upon demarcation point, and  
20      make such utility lines and equipment available for  
21      use by the United States, if the United States pays  
22      for its use of utilities at its sole cost and expense.  
23      The agreement concerning the operation and mainte-  
24      nance of utility lines and equipment shall be exe-



1 cuted within 12 months after the date of enactment  
2 of this Act.

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

12 (3) AIDS TO NAVIGATION.—The United States  
13 shall be required to maintain, at its sole cost and ex-  
14 pense, any Coast Guard active aid to navigation lo-  
15 cated upon the Naval Reserve Pier property.

16 (e) ADDITIONAL RIGHTS.—The conveyance of the  
17 Naval Reserve Pier property shall be made subject to con-  
18 ditions the Secretary considers necessary to ensure that—

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

22 (2) the Corporation shall not interfere or allow  
23 interference, in any manner, with any aid to naviga-  
24 tion nor hinder activities required for the operation  
25 and maintenance of any aid to navigation, without





1 the express written permission of the head of the  
2 agency responsible for operating and maintaining  
3 the aid to navigation.

4 (f) REMEDIES AND REVERSIONARY INTEREST.—The  
5 Naval Reserve Pier property, at the option of the Sec-  
6 retary, shall revert to the United States and be placed  
7 under the administrative control of the Secretary, if, and  
8 only if, the Corporation fails to abide by any of the terms  
9 of this section or any agreement entered into under sub-  
10 section (b), (c), or (d) of this section.

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

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

22 (i) DEFINITIONS.—In this section, the following defi-  
23 nitions apply:

24 (1) AID TO NAVIGATION.—The term “aid to  
25 navigation” means equipment used for navigational



1 purposes, including a light, antenna, sound signal,  
2 electronic navigation equipment, cameras, sensors  
3 power source, or other related equipment which are  
4 operated or maintained by the United States.

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

8 **SEC. 348. ADDITIONAL COAST GUARD FUNDING NEEDS**  
9 **AFTER SEPTEMBER 11, 2001.**

10 (a) IN GENERAL.—No later than 90 days after the  
11 date of enactment of this Act, the Secretary of the depart-  
12 ment in which the Coast Guard is operating shall submit  
13 a report to the Congress that—

14 (1) compares Coast Guard expenditures by mis-  
15 sion area on an annualized basis before and after  
16 the terrorist attacks of September 11, 2001;

17 (2) estimates—

18 (A) annual funding amounts and personnel  
19 levels that would restore all Coast Guard mis-  
20 sion areas to the readiness levels that existed  
21 before September 11, 2001;

22 (B) annual funding amounts and personnel  
23 levels required to fulfill the Coast Guard’s addi-  
24 tional responsibilities for port security after  
25 September 11, 2001; and



1 (C) annual funding amounts and personnel  
2 levels required to increase law enforcement  
3 needs in mission areas other than port security  
4 after September 11, 2001;

5 (3) generally describes the services provided by  
6 the Coast Guard to the Department of Defense after  
7 September 11, 2001, and states the cost of such  
8 services; and

9 (4) identifies the Federal agency providing  
10 funds for those services.

11 (b) REPORT REQUIRED.—Not later than 180 days  
12 after the date of enactment of this Act, the Commandant  
13 of the Coast Guard shall submit a report to the Committee  
14 on Transportation and Infrastructure of the House of  
15 Representatives and the Committee on Commerce,  
16 Science, and Transportation of the Senate identifying mis-  
17 sion targets for each Coast Guard mission for fiscal years  
18 2003, 2004, and 2005 and the specific steps necessary to  
19 achieve those targets. The Inspector General of the de-  
20 partment in which the Coast Guard is operating shall re-  
21 view the final strategic plan and provide an independent  
22 report with its views to the Committees within 90 days  
23 after the plan has been submitted by the Secretary.

24 **SEC. 349. MISCELLANEOUS CONVEYANCES.**

25 (a) AUTHORITY TO CONVEY.—



1           (1) IN GENERAL.—The Secretary of the depart-  
2           ment in which the Coast Guard is operating may  
3           convey, by an appropriate means of conveyance, all  
4           right, title, and interest of the United States in and  
5           to each of the following properties:

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

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

13           (2) IDENTIFICATION OF PROPERTY.—The Sec-  
14           retary may identify, describe, and determine the  
15           property to be conveyed under this subsection.

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

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

21                   (B) any interest in submerged land.

22           (b) GENERAL TERMS AND CONDITIONS.—

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

25                   (A) without payment of consideration; and



1 (B) subject to the terms and conditions re-  
2 quired by this section and other terms and con-  
3 ditions the Secretary may consider appropriate,  
4 including the reservation of easements and  
5 other rights on behalf of the United States.

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

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

14 (i) ceases to be available and acces-  
15 sible to the public, on a reasonable basis,  
16 for educational, park, recreational, cul-  
17 tural, historic preservation, or other simi-  
18 lar purposes specified for the property in  
19 the terms of conveyance;

20 (ii) ceases to be maintained in a man-  
21 ner that is consistent with its present or  
22 future use as a site for Coast Guard aids  
23 to navigation or compliance with this sec-  
24 tion; or



1 (iii) ceases to be maintained in a man-  
2 ner consistent with the conditions in para-  
3 graph (4) established by the Secretary pur-  
4 suant to the National Historic Preserva-  
5 tion Act (16 U.S.C. 470 et seq.); or

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

10 (3) MAINTENANCE OF NAVIGATION FUNC-  
11 TIONS.—Each conveyance of property under this  
12 section shall be made subject to the conditions that  
13 the Secretary considers to be necessary to assure  
14 that—

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

21 (B) the owner of the property may not  
22 interfere or allow interference in any manner  
23 with aids to navigation without express written  
24 permission from the Commandant of the Coast  
25 Guard;



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

6 (D) the United States shall have the right,  
7 at any time, to enter the property without no-  
8 tice for the purpose of operating, maintaining,  
9 and inspecting aids to navigation and for the  
10 purpose of enforcing compliance with this sub-  
11 section; and

12 (E) the United States shall have an ease-  
13 ment of access to and across the property for  
14 the purpose of maintaining the aids to naviga-  
15 tion in use on the property.

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

24 (B) The owner of a property conveyed under  
25 this section is not required to maintain any active



1 aid to navigation equipment on the property, except  
2 private aids to navigation permitted under section  
3 83 of title 14, United States Code.

4 (c) SPECIAL TERMS AND CONDITIONS.—The Sec-  
5 retary may retain all right, title, and interest of the United  
6 States in and to any portion of any parcel referred to in  
7 subsection (a)(1)(B) that the Secretary considers appro-  
8 priate.

9 (d) DEFINITIONS.—In this section, the following defi-  
10 nitions apply:

11 (1) AIDS TO NAVIGATION.—The term “aids to  
12 navigation” means equipment used for navigation  
13 purposes, including a light, antenna, radio, sound  
14 signal, electronic navigation equipment, or other as-  
15 sociated equipment which are operated or main-  
16 tained by the United States.

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

21 **TITLE IV—OMNIBUS MARITIME**  
22 **IMPROVEMENTS**

23 **SEC. 401. SHORT TITLE.**

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





1 **SEC. 402. EXTENSION OF COAST GUARD HOUSING AU-**  
2 **THORITIES.**

3 (a) HOUSING CONTRACTORS.—Section 681(a) of title  
4 14, United States Code, is amended by inserting “, includ-  
5 ing a small business concern qualified under section 8(a)  
6 of the Small Business Act (15 U.S.C. 637(a)),” after “pri-  
7 vate persons”.

8 (b) BUDGET AUTHORITY LIMITATION.—Section  
9 687(f) of title 14, United States Code, is amended by  
10 striking “\$20,000,000” and inserting “\$40,000,000”.

11 (c) DEMONSTRATION PROJECT.—Section 687 of title  
12 14, United States Code, is amended by adding at the end  
13 the following:

14 “(g) DEMONSTRATION PROJECT AUTHORIZED.—To  
15 promote efficiencies through the use of alternative proce-  
16 dures for expediting new housing projects, the Secretary—

17 “(1) may develop and implement a demonstra-  
18 tion project for acquisition or construction of mili-  
19 tary family housing and military unaccompanied  
20 housing on or near the Coast Guard installation at  
21 Kodiak, Alaska;

22 “(2) in implementing the demonstration project,  
23 shall utilize, to the maximum extent possible, the  
24 contracting authority of the Small Business Admin-  
25 istration’s section 8(a) program;



1           “(3) shall, to the maximum extent possible, ac-  
2           quire or construct such housing through contracts  
3           with small business concerns qualified under section  
4           8(a) of the Small Business Act (15 U.S.C. 637(a))  
5           that have their principal place of business in the  
6           State of Alaska; and

7           “(4) shall report to Congress by September 1 of  
8           each year on the progress of activities under the  
9           demonstration project.”.

10          (d) EXTENSION.—Section 689 of title 14, United  
11 States Code, is amended by striking “2001” and inserting  
12 “2007”.

13 **SEC. 403. INVENTORY OF VESSELS FOR CABLE LAYING,**  
14 **MAINTENANCE, AND REPAIR.**

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

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



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

3 (2) the abilities and limitations of the vessel  
4 with respect to the laying, maintaining, and repair-  
5 ing of a submarine cable; and

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

8 (c) PUBLICATION.—The Secretary shall—

9 (1) not later than 60 days after the date of en-  
10 actment of this Act, publish in the Federal Register  
11 a current inventory developed under subsection (a);  
12 and

13 (2) every six months thereafter, publish in the  
14 Federal Register an updated inventory.

15 **SEC. 404. VESSEL ESCORT OPERATIONS AND TOWING AS-**  
16 **SISTANCE.**

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

22 (1) Operations that commence or terminate at  
23 a port or place in the United States.

24 (2) Operations required by United States law or  
25 regulation.



1           (3) Operations provided in whole or in part  
2           within or through navigation facilities owned, main-  
3           tained, or operated by the United States Govern-  
4           ment or the approaches to those facilities, other than  
5           facilities operated by the St. Lawrence Seaway De-  
6           velopment Corporation on the St. Lawrence River  
7           portion of the Seaway.

8           (b) ADDITION TO TOWING VESSEL.—In the case of  
9           a vessel being towed under section 4370 of the Revised  
10          Statutes of the United States (46 App. U.S.C. 316(a)),  
11          an escort vessel is any vessel assigned and dedicated to  
12          the vessel being towed in addition to any towing vessel  
13          required under that section.

14          (c) RELATIONSHIP TO OTHER LAW.—Nothing in this  
15          section shall affect or be construed or interpreted to affect  
16          or modify section 4370 of the Revised Statutes of the  
17          United States (46 U.S.C. 316(a)).

18          (d) DEFINITION.—In this section, the term “escort  
19          vessel” means any vessel that is assigned and dedicated  
20          to assist another vessel, whether or not tethered to that  
21          vessel, solely as a safety precaution to assist in controlling  
22          the speed or course of the assisted vessel in the event of  
23          a steering or propulsion equipment failure, or any other  
24          similar emergency circumstance, or in restricted waters



1 where additional assistance in maneuvering the vessel is  
2 required to ensure its safe operation.

3 (e) PENALTY.—A person violating this section is lia-  
4 ble to the United States Government for a civil penalty  
5 of not more than \$10,000 for each day during which the  
6 violations occurs.

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

8 (a) IN GENERAL.—Title 14, United States Code, is  
9 amended—

10 (1) by redesignating the second section 673 and  
11 section 674 in order as sections 674 and 675; and

12 (2) by adding at the end of chapter 17 the fol-  
13 lowing:

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

15 “(a) The Secretary shall establish, implement, and  
16 maintain the minimum standards necessary for the safe  
17 operation of all Coast Guard search and rescue center fa-  
18 cilities, including with respect to the following:

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

21 “(2) The number of individuals on a shift in  
22 the facility assigned search and rescue responsibil-  
23 ities (including communications), which may be ad-  
24 justed based on seasonal workload.



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

4           “(4) The scheduling of individuals having  
5           search and rescue responsibilities to minimize fa-  
6           tigue of the individual when on duty in the facility.

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

9           “(6) Stress management for the individuals as-  
10          signed search and rescue responsibilities in the fa-  
11          cilities.

12          “(7) The design of equipment and facilities to  
13          minimize fatigue and enhance search and rescue op-  
14          erations.

15          “(8) The acquisition and maintenance of in-  
16          terim search and rescue command center commu-  
17          nications equipment.

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

21          “(b) SENSE OF CONGRESS.—It is the sense of the  
22          Congress that the Secretary should establish, implement,  
23          and maintain minimum standards necessary to ensure  
24          that an individual on duty or watch in a Coast Guard  
25          search and rescue command center facility does not work



1 more than 12 hours in a 24-hour period, except in an  
2 emergency or unforeseen circumstances.

3 “(c) DEFINITION.—For the purposes of this section,  
4 the term ‘search and rescue center facility’ means a Coast  
5 Guard shore facility that maintains a search and rescue  
6 mission coordination and communications watch.

7 “(d) REPORT TO CONGRESS.—The Secretary shall  
8 provide a quarterly written report to the Senate Com-  
9 mittee on Commerce, Science, and Transportation and the  
10 House of Representatives Committee on Transportation  
11 and Infrastructure, describing the status of implementa-  
12 tion of the standards described in subsection (b), including  
13 a list of the facilities at which such standards have or have  
14 not been implemented.”.

15 (b) PRESCRIPTION OF STANDARDS.—The Secretary  
16 shall prescribe the standards required under section  
17 675(a) of title 14, United States Code, as enacted by sub-  
18 section (a) of this section, before January 1, 2003.

19 (c) CLERICAL AMENDMENT.—The table of sections  
20 for chapter 17 of title 14, United States Code, is amended  
21 by striking the second item relating to a section 673 and  
22 the item relating to a section 674 and inserting the fol-  
23 lowing:

- “674. Small boat station capability.
- “675. Small boat station closures.
- “676. Search and rescue center standards.”.

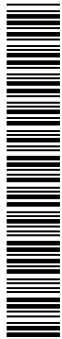


1 **SEC. 406. VHF COMMUNICATIONS SERVICES.**

2 (a) The Secretary of the department in which the  
3 Coast Guard is operating may authorize a person pro-  
4 viding commercial VHF communications services to place  
5 commercial VHF communications equipment on real prop-  
6 erty under the administrative control of the Coast Guard  
7 (including towers) subject to any terms agreed to by the  
8 parties. The Secretary and that commercial VHF commu-  
9 nications service provider also may enter into an agree-  
10 ment providing for VHF communications services to the  
11 Coast Guard (including digital selective calling and radio  
12 direction finding services) at a discounted rate or price  
13 based on providing such access to real property under the  
14 administrative control of the Coast Guard.

15 (b) Commercial VHF communication equipment  
16 placed on real property under the administrative control  
17 of the Coast Guard under this section shall not interfere  
18 in any manner with any current or future Coast Guard  
19 communication equipment.

20 (c) Nothing in the section shall affect the rights or  
21 obligations of the United States under section 704(e) of  
22 the Telecommunications Act of 1996 (47 U.S.C. 332 note)  
23 with respect to the availability of property or under section  
24 359(d) of the Communications Act of 1934 (47 U.S.C.  
25 357(d)) with respect to charges for transmission of dis-  
26 tress messages.





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

3 There is authorized to be appropriated to the Sec-  
4 retary of the department in which the Coast Guard is op-  
5 erating \$987,400 for fire, oil, and toxic spill response com-  
6 munications, training, equipment, and program adminis-  
7 tration activities conducted by nonprofit organizations  
8 that act in cooperation with the Coast Guard, to remain  
9 available until expended. Organizations receiving appro-  
10 priated funds must have a multiyear record of spill and  
11 marine fire response in Federal navigable waterways. Fed-  
12 eral funds shall not exceed 25 percent of such an organiza-  
13 tion's total budget.

14 **SEC. 408. CONFORMING REFERENCES TO THE FORMER**  
15 **MERCHANT MARINE AND FISHERIES COM-**  
16 **MITTEE.**

17 (a) LAWS CODIFIED IN TITLE 14, UNITED STATES  
18 CODE.—(1) Sections 194(b)(2) and 194(b)(5) of title 14,  
19 United States Code, are amended by striking “Merchant  
20 Marine and Fisheries” and inserting “Transportation and  
21 Infrastructure”.

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



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

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

9 (2) Section 5004(2) of the Oil Pollution Act of 1990  
10 (33 U.S.C. 2734(2)) is amended by striking “Merchant  
11 Marine and Fisheries” and inserting “Transportation and  
12 Infrastructure”.

13 (c) LAWS CODIFIED IN TITLE 46, UNITED STATES  
14 CODE.—(1) Section 6307(a) of title 46, United States  
15 Code, is amended by striking “Merchant Marine and Fish-  
16 eries” and inserting “Transportation and Infrastructure”.

17 (2) Section 901g(b)(3) of the Merchant Marine Act,  
18 1936 (46 App. U.S.C. 1241k(b)(3)) is amended by strik-  
19 ing “Merchant Marine and Fisheries” and inserting  
20 “Transportation and Infrastructure”.

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



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

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

4 (1) by striking paragraph (2) and inserting the  
5 following:

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

7 (2) by striking “and” at the end of paragraph  
8 (3);

9 (3) by redesignating paragraph (4) as para-  
10 graph (5); and

11 (4) by inserting after paragraph (3) the fol-  
12 lowing:

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

16 **SEC. 410. HYPOTHERMIA PROTECTIVE CLOTHING RE-**  
17 **QUIREMENT.**

18 The Commandant of the Coast Guard shall ensure  
19 that all Coast Guard personnel are equipped with ade-  
20 quate safety equipment, including hypothermia protective  
21 clothing where appropriate, while performing search and  
22 rescue missions.

23 **SEC. 411. RESERVE OFFICER PROMOTIONS.**

24 (a) Section 729(i) of title 14, United States Code,  
25 is amended by inserting “on the date a vacancy occurs,  
26 or as soon thereafter as practicable in the grade to which



1 the officer was selected for promotion or, if promotion was  
2 determined in accordance with a running mate system,”  
3 after “grade”.

4 (b) Section 731(b) of title 14, United States Coast  
5 Code, is amended by striking the period at the end and  
6 inserting “, or in the event that promotion is not deter-  
7 mined in accordance with a running mate system, then  
8 a Reserve officer becomes eligible for consideration for  
9 promotion to the next higher grade at the beginning of  
10 the promotion year in which he or she completes the fol-  
11 lowing amount of service computed from the date of rank  
12 in the grade in which he or she is serving:

13 “(1) two years in the grade of lieutenant (jun-  
14 ior grade);

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

16 “(3) four years in the grade of lieutenant com-  
17 mander;

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

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

20 (c) Section 736(a) of title 14, United States Code,  
21 is amended by inserting “the date of rank shall be the  
22 date of appointment in that grade, unless the promotion  
23 was determined in accordance with a running mate sys-  
24 tem, in which event” after “subchapter,”.



1 **SEC. 412. REGULAR LIEUTENANT COMMANDERS AND COM-**  
2 **MANDERS; CONTINUATION UPON FAILURE OF**  
3 **SELECTION FOR PROMOTION.**

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

6 (1) by striking “Each officer” and inserting  
7 “(a) Each officer”; and

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

9 “(b) A lieutenant commander or commander of the  
10 Regular Coast Guard subject to discharge or retirement  
11 under subsection (a) may be continued on active duty  
12 when the Secretary directs a selection board convened  
13 under section 251 of this title to continue up to a specified  
14 number of lieutenant commanders or commanders on ac-  
15 tive duty. When so directed, the selection board shall rec-  
16 ommend those officers who in the opinion of the board  
17 are best qualified to advance the needs and efficiency of  
18 the Coast Guard. When the recommendations of the board  
19 are approved by the Secretary, the officers recommended  
20 for continuation shall be notified that they have been rec-  
21 ommended for continuation and offered an additional term  
22 of service that fulfills the needs of the Coast Guard.

23 “(c)(1) An officer who holds the grade of lieutenant  
24 commander of the Regular Coast Guard may not be con-  
25 tinued on active duty under subsection (b) for a period  
26 that extends beyond 24 years of active commissioned serv-



1 ice unless promoted to the grade of commander of the  
2 Regular Coast Guard. An officer who holds the grade of  
3 commander of the Regular Coast Guard may not be con-  
4 tinued on active duty under subsection (b) for a period  
5 that extends beyond 26 years of active commissioned serv-  
6 ice unless promoted to the grade of captain of the Regular  
7 Coast Guard.

8 “(2) Unless retired or discharged under another pro-  
9 vision of law, each officer who is continued on active duty  
10 under subsection (b) but is not subsequently promoted or  
11 continued on active duty, and is not on a list of officers  
12 recommended for continuation or for promotion to the  
13 next higher grade, shall, if eligible for retirement under  
14 any provision of law, be retired under that law on the first  
15 day of the first month following the month in which the  
16 period of continued service is completed.”

17 **SEC. 413. RESERVE STUDENT PRE-COMMISSIONING ASSIST-**  
18 **ANCE PROGRAM.**

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

22 **“§ 709a. Reserve student pre-commissioning assist-**  
23 **ance program**

24 “(a) The Secretary may provide financial assistance  
25 to an eligible enlisted member of the Coast Guard Reserve,



1 not on active duty, for expenses of the member while the  
2 member is pursuing on a full-time basis at an institution  
3 of higher education a program of education approved by  
4 the Secretary that leads to—

5           “(1) a baccalaureate degree in not more than 5  
6           academic years; or

7           “(2) a post-baccalaureate degree.

8           “(b)(1) To be eligible for financial assistance under  
9 this section, an enlisted member of the Coast Guard Re-  
10 serve shall—

11           “(A) be enrolled on a full-time basis in a pro-  
12           gram of education referred to in subsection (a) at  
13           any institution of higher education; and

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

16           “(2) A written agreement referred to in paragraph  
17 (1)(B) is an agreement between the member and the Sec-  
18 retary in which the member agrees—

19           “(A) to accept an appointment as a commis-  
20           sioned officer in the Coast Guard Reserve, if ten-  
21           dered;

22           “(B) to serve on active duty for up to five  
23           years; and

24           “(C) under such terms and conditions as shall  
25           be prescribed by the Secretary, to serve in the Coast



1 Guard Reserve until the eighth anniversary of the  
2 date of the appointment.

3 “(c) Expenses for which financial assistance may be  
4 provided under this section are the following:

5 “(1) Tuition and fees charged by the institution  
6 of higher education involved.

7 “(2) The cost of books.

8 “(3) In the case of a program of education  
9 leading to a baccalaureate degree, laboratory ex-  
10 penses.

11 “(4) Such other expenses as are deemed appro-  
12 priate by the Secretary.

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

17 “(e) Financial assistance may be provided to a mem-  
18 ber under this section for up to 5 consecutive academic  
19 years.

20 “(f) A member who receives financial assistance  
21 under this section may be ordered to active duty in the  
22 Coast Guard Reserve by the Secretary to serve in a des-  
23 ignated enlisted grade for such period as the Secretary  
24 prescribes, but not more than 4 years, if the member—





1           “(1) completes the academic requirements of  
2           the program and refuses to accept an appointment  
3           as a commissioned officer in the Coast Guard Re-  
4           serve when offered;

5           “(2) fails to complete the academic require-  
6           ments of the institution of higher education involved;  
7           or

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

10          “(g)(1) If a member requests to be released from the  
11          program and the request is accepted by the Secretary, or  
12          if the member fails because of misconduct to complete the  
13          period of active duty specified, or if the member fails to  
14          fulfill any term or condition of the written agreement re-  
15          quired to be eligible for financial assistance under this sec-  
16          tion, the financial assistance shall be terminated. The Sec-  
17          retary may request the member to reimburse the United  
18          States in an amount that bears the same ratio to the total  
19          costs of the education provided to that member as the  
20          unserved portion of active duty bears to the total period  
21          of active duty the member agreed to serve. The Secretary  
22          shall have the option to order such reimbursement without  
23          first ordering the member to active duty. An obligation  
24          to reimburse the United States imposed under this para-  
25          graph is a debt owed to the United States.



1           “(2) The Secretary may waive the service obligated  
2 under subsection (f) of a member who becomes unqualified  
3 to serve on active duty due to a circumstance not within  
4 the control of that member or who is not physically quali-  
5 fied for appointment and who is determined to be unquali-  
6 fied for service as an enlisted member of the Coast Guard  
7 Reserve due to a physical or medical condition that was  
8 not the result of the member’s own misconduct or grossly  
9 negligent conduct.

10           “(3) A discharge in bankruptcy under title 11 that  
11 is entered less than five years after the termination of a  
12 written agreement entered into under subsection (b) does  
13 not discharge the individual signing the agreement from  
14 a debt arising under such agreement or under paragraph  
15 (1).

16           “(h) As used in this section, the term ‘institution of  
17 higher education’ has the meaning given that term in sec-  
18 tion 101 of the Higher Education Act of 1965 (20 U.S.C.  
19 1001).”.

20           (b) CLERICAL AMENDMENT.—The table of sections  
21 for chapter 21 of title 14, United States Code, is amended  
22 by adding the following new item after the item relating  
23 to section 709:

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



1 **SEC. 414. CONTINUATION ON ACTIVE DUTY BEYOND THIR-**  
2 **TY YEARS.**

3 Section 289 of title 14, United States Code, is  
4 amended by adding at the end the following new sub-  
5 section:

6 “(h) Notwithstanding subsection (g) and section 288  
7 of this title, the Commandant may by annual action retain  
8 on active duty from promotion year to promotion year any  
9 officer who would otherwise be retired under subsection  
10 (g) or section 288 of this title. An officer so retained, un-  
11 less retired under some other provision of law, shall be  
12 retired on June 30 of that promotion year in which no  
13 action is taken to further retain the officer under this sub-  
14 section.”.

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

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

19 “(9) On or after January 1, 2001, section 651  
20 of Public Law 104–208.”.

21 **SEC. 416. ALIGN COAST GUARD SEVERANCE PAY AND REV-**  
22 **OCATION OF COMMISSION AUTHORITY WITH**  
23 **DEPARTMENT OF DEFENSE AUTHORITY.**

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

26 (1) in section 281—



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

3 (B) by striking “three” in the text and in-  
4 serting “five”;

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

7 (3) in section 286—

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

10 (B) by striking subsection (b) and insert-  
11 ing the following:

12 “(b) An officer of the Regular Coast Guard who is  
13 discharged under this section or section 282, 283, or 284  
14 of this title and has completed 6 or more, but less than  
15 20, continuous years of active service immediately before  
16 that discharge or release is entitled to separation pay com-  
17 puted under subsection (d)(1) of section 1174 of title 10.

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



1           “(d) Notwithstanding subsections (a) and (b), an offi-  
2 cer discharged under chapter 11 of this title for twice fail-  
3 ing of selection for promotion to the next higher grade  
4 is not entitled to separation pay under this section if the  
5 officer requested in writing or otherwise sought not to be  
6 selected for promotion, or requested removal from the list  
7 of selectees.”;

8           (4) in section 286a—

9           (A) by striking “**severance**” in the sec-  
10 tion heading and inserting “**separation**” in  
11 its place; and

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

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

20           “(b) A regular warrant officer of the Coast Guard  
21 who is discharged under section 1165 or 1166 of title 10,  
22 and has completed 6 or more, but less than 20, continuous  
23 years of active service immediately before that discharge  
24 is entitled to separation pay computed under subsection



1 (d)(1) or (d)(2) of section 1174 of title 10, as determined  
2 under regulations promulgated by the Secretary.

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

9 (5) in section 327—

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

12 (B) by striking subsection (a)(2) and in-  
13 serting the following:

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

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

17 (D) by striking subsection (b)(2) and in-  
18 serting the following:

19 “(2) if on that date the officer is ineligible for  
20 voluntary retirement under any law, be honorably  
21 discharged with separation benefits under section  
22 286(c) of this title, unless under regulations promul-  
23 gated by the Secretary the condition under which  
24 the officer is discharged does not warrant an honor-  
25 able discharge.”; and



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

2 (b) CLERICAL AMENDMENT.—The table of sections  
3 for chapter 11 of title 14, United States Code, is  
4 amended—

5 (1) in the item relating to section 281, by strik-  
6 ing “three” and inserting “five”;

7 (2) in the item relating to section 286, by strik-  
8 ing “severance” and inserting “separation”;

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

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

14 (c) EFFECTIVE DATE.—The amendments made by  
15 paragraphs (2), (3), (4), and (5) of subsection (a) shall  
16 take effect four years after the date of enactment of this  
17 Act, except that subsection (d) of section 286 of title 14,  
18 United States Code, as amended by paragraph (3) of sub-  
19 section (a) of this section, shall take effect on the date  
20 of enactment of this Act and shall apply with respect to  
21 conduct on or after that date. The amendments made to  
22 the table of sections of chapter 11 of title 14, United  
23 States Code, by paragraphs (2), (3), and (4) of subsection  
24 (b) of this section shall take effect four years after the  
25 date of enactment of this Act.



1 **SEC. 417. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE**  
2 **PROPERTY.**

3 (a) IN GENERAL.—Chapter 17 of title 14, United  
4 States Code, is amended by inserting after section 672 the  
5 following:

6 **“§ 672a. Long-term lease authority for lighthouse**  
7 **property**

8 “(a) The Commandant of the Coast Guard may lease  
9 to non-Federal entities, including private individuals,  
10 lighthouse property under the administrative control of the  
11 Coast Guard for terms not to exceed 30 years. Consider-  
12 ation for the use and occupancy of lighthouse property  
13 leased under this section, and for the value of any utilities  
14 and services furnished to a lessee of such property by the  
15 Commandant, may consist, in whole or in part, of non-  
16 pecuniary remuneration including the improvement, alter-  
17 ation, restoration, rehabilitation, repair, and maintenance  
18 of the leased premises by the lessee. Section 321 of chap-  
19 ter 314 of the Act of June 30, 1932 (40 U.S.C. 303b)  
20 shall not apply to leases issued by the Commandant under  
21 this section.

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

25 (b) CLERICAL AMENDMENT.—The table of sections  
26 for chapter 17 of title 14, United States Code, is amended





1 by inserting after the item relating to section 672 the fol-  
2 lowing:

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

3 **SEC. 418. MARITIME DRUG LAW ENFORCEMENT ACT**  
4 **AMENDMENTS.**

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

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

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

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

13 “(F) a vessel located in the contiguous zone of  
14 the United States, as defined in Presidential Procla-  
15 mation 7219 of September 2, 1999, and (i) is enter-  
16 ing the United States, (ii) has departed the United  
17 States, or (iii) is a hovering vessel as defined in sec-  
18 tion 401 of the Tariff Act of 1930 (19 U.S.C.  
19 1401).”.

20 (b) MARITIME DRUG LAW ENFORCEMENT AMEND-  
21 MENT.—Section 4 of the Maritime Drug Law Enforce-  
22 ment Act (46 App. U.S.C. 1904) is amended—

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

24 and

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



1           “(b) Practices commonly recognized as smuggling  
2 tactics may provide prima facie evidence of intent to use  
3 a vessel to commit, or to facilitate the commission of, an  
4 offense under this Act, and may support seizure and for-  
5 feiture of the vessel, even in the absence of controlled sub-  
6 stances aboard the vessel. The following indicia, among  
7 others, may be considered, in the totality of the cir-  
8 cumstances, to be prima facie evidence that a vessel is in-  
9 tended to be used to commit, or to facilitate the commis-  
10 sion of an offense under this Act:

11           “(1) The construction or adaptation of the ves-  
12 sel in a manner that facilitates smuggling,  
13 including—

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

17           “(B) the presence of any compartment or  
18 equipment which is built or fitted out for smug-  
19 gling, not including items such as a safe or  
20 lock-box reasonably used for the storage of per-  
21 sonal valuables;

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



1           “(D) the presence of engines that are ex-  
2           cessively over-powered in relation to the design  
3           and size of the vessel;

4           “(E) the presence of materials used to re-  
5           duce or alter the heat or radar signature of the  
6           vessel and avoid detection;

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

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

13          “(2) The presence or absence of equipment,  
14          personnel, or cargo inconsistent with the type or de-  
15          clared purpose of the vessel.

16          “(3) The presence of excessive fuel, lube oil,  
17          food, water, or spare parts, inconsistent with legiti-  
18          mate vessel operation, inconsistent with the con-  
19          struction or equipment of the vessel, or inconsistent  
20          with the character of the vessel’s stated purpose.

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



1           “(5) The failure of the vessel to stop or respond  
2           or heave to when hailed by government authority, es-  
3           pecially where the vessel conducts evasive maneu-  
4           vering when hailed.

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

10           “(7) The presence of controlled substance res-  
11           idue on the vessel, on an item aboard the vessel, or  
12           on a person aboard the vessel, of a quantity or other  
13           nature which reasonably indicates manufacturing or  
14           distribution activity.

15           “(8) The use of petroleum products or other  
16           substances on the vessel to foil the detection of con-  
17           trolled substance residue.

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



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

2 (a) SMALL PASSENGER VESSEL.—Section 2101(35)  
3 of title 46, United States Code, is amended by inserting  
4 “a wing-in-ground craft, regardless of tonnage, carrying  
5 at least one passenger for hire, and” after “‘small pas-  
6 senger vessel’ means”.

7 (b) WING-IN-GROUND CRAFT.—Section 2101 of title  
8 46, United States Code, is amended by adding at the end  
9 the following:

10 “(48) ‘wing-in-ground craft’ means a vessel  
11 that is capable of operating completely above the  
12 surface of the water on a dynamic air cushion cre-  
13 ated by aerodynamic lift due to the ground effect be-  
14 tween the vessel and the water’s surface.”.

15 **SEC. 420. ELECTRONIC FILING OF COMMERCIAL INSTRU-**  
16 **MENTS FOR VESSELS.**

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

19 (1) by striking “(A)”; and

20 (2) by striking subparagraph (B).

21 **SEC. 421. DELETION OF THUMBPRINT REQUIREMENT FOR**  
22 **MERCHANT MARINERS’ DOCUMENTS.**

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



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

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

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

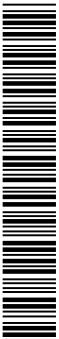
8 **“§ 12103a. Issuance of temporary certificate of docu-**  
9 **mentation by third parties**

10 “(a) The Secretary of the department in which the  
11 Coast Guard is operating may delegate, subject to the su-  
12 pervision and control of the Secretary and under terms  
13 set out by regulation, to private entities determined and  
14 certified by the Secretary to be qualified, the authority to  
15 issue a temporary certificate of documentation for a rec-  
16 reational vessel if the applicant for the certificate of docu-  
17 mentation meets the requirements set out in sections  
18 12102 and 12103 of this chapter.

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

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

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



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

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

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

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

8 “(g) To the extent consistent with generally recog-  
9 nized practices and procedures of international law, this  
10 part applies to a foreign vessel involved in a marine cas-  
11 ualty or incident, as defined in the International Maritime  
12 Organization Code for the Investigation of Marine Casual-  
13 ties and Incidents, where the United States is a Substan-  
14 tially Interested State and is, or has the consent of, the  
15 Lead Investigating State under the Code.”.

16 **SEC. 424. CONVEYANCE OF COAST GUARD PROPERTY IN**  
17 **HAMPTON TOWNSHIP, MICHIGAN.**

18 (a) REQUIREMENT TO CONVEY.—

19 (1) IN GENERAL.—Notwithstanding any other  
20 law, the Secretary of the department in which the  
21 Coast Guard is operating may convey to BaySail,  
22 Inc. (a nonprofit corporation established under the  
23 laws of the State of Michigan; in this section re-  
24 ferred to as “BaySail”), without monetary consider-  
25 ation, all right, title, and interest of the United  
26 States in and to property adjacent to Coast Guard



1 Station Saginaw River, located in Hampton Town-  
2 ship, Michigan, as identified under paragraph (2).  
3 No submerged lands may be conveyed under this  
4 section.

5 (2) IDENTIFICATION OF PROPERTY.—The Sec-  
6 retary, in consultation with the Commandant of the  
7 Coast Guard, shall identify, describe, and determine  
8 the property to be conveyed under this section.

9 (3) SURVEY.—The exact acreage and legal de-  
10 scription of the property conveyed under paragraph  
11 (1), as identified under paragraph (2), and any ease-  
12 ments or rights-of-way reserved by the United States  
13 under subsection (b), shall be determined by a sur-  
14 vey satisfactory to the Secretary. The cost of the  
15 survey shall be borne by BaySail.

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

21 (c) REVERSIONARY INTEREST.—

22 (1) IN GENERAL.—During the 5-year period be-  
23 ginning on the date the Secretary makes the convey-  
24 ance authorized by subsection (a), the real property  
25 conveyed pursuant to this section, at the option of





1 the Secretary, shall revert to the United States and  
2 be placed under the administrative control of the  
3 Secretary if—

4 (A) BaySail sells, conveys, assigns, ex-  
5 changes, or encumbers the property conveyed or  
6 any part thereof;

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

10 (C) BaySail conducts any commercial ac-  
11 tivity at the property conveyed, or any part  
12 thereof, without approval of the Secretary; or

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

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

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

23 Section 1005(c) of the Coast Guard Authorization  
24 Act of 1996 (110 Stat. 3957) is amended by striking “the  
25 Traverse City Area Public School District” and inserting



1 “a public or private nonprofit entity for an educational  
2 or recreational purpose”.

3 **SEC. 426. ANNUAL REPORT ON COAST GUARD CAPABILI-**  
4 **TIES AND READINESS TO FULFILL NATIONAL**  
5 **DEFENSE RESPONSIBILITIES.**

6 Not later than February 15 each year, the Secretary  
7 of the department in which the Coast Guard is operating  
8 shall submit to the Committee on Transportation and In-  
9 frastructure of the House of Representatives and the Com-  
10 mittee on Commerce, Science, and Transportation of the  
11 Senate a report, prepared in conjunction with the Com-  
12 mandant of the Coast Guard, setting forth the capabilities  
13 and readiness of the Coast Guard to fulfill its national  
14 defense responsibilities.

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

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

21 **SEC. 428. PROTECTION AGAINST DISCRIMINATION.**

22 (a) IN GENERAL.—Section 2114(a) of title 46,  
23 United States Code, is amended to read as follows:

24 “(a)(1) A person may not discharge or in any manner  
25 discriminate against a seaman because—



1           “(A) the seaman in good faith has reported or  
2           is about to report to the Coast Guard or other ap-  
3           propriate Federal agency or department that the  
4           seaman believes that a violation of a maritime safety  
5           law or regulation prescribed under that law or regu-  
6           lation has occurred; or

7           “(B) the seaman has refused to perform duties  
8           ordered by the seaman’s employer because the sea-  
9           man has a reasonable apprehension or expectation  
10          that performing such duties would result in serious  
11          injury to the seaman, other seamen, or the public.

12          “(2) The circumstances causing a seaman’s appre-  
13          hension of serious injury under paragraph (1)(B) must be  
14          of such a nature that a reasonable person, under similar  
15          circumstances, would conclude that there is a real danger  
16          of an injury or serious impairment of health resulting from  
17          the performance of duties as ordered by the seaman’s em-  
18          ployer.

19          “(3) To qualify for protection against the seaman’s  
20          employer under paragraph (1)(B), the employee must have  
21          sought from the employer, and been unable to obtain, cor-  
22          rection of the unsafe condition.”.

23          (b) APPROPRIATE RELIEF.—Section 2114(b) of such  
24          title is amended—



1 (1) in paragraph (1) by striking “and” at the  
2 end;

3 (2) in paragraph (2) by striking the period and  
4 inserting a semicolon; and

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

6 “(3) an award of costs and reasonable attor-  
7 ney’s fees to a prevailing plaintiff not exceeding  
8 \$1,000; and

9 “(4) an award of costs and reasonable attor-  
10 ney’s fees to a prevailing employer not exceeding  
11 \$1,000 if the court finds that a complaint filed  
12 under this section is frivolous or has been brought  
13 in bad faith.”.

14 **SEC. 429. ICEBREAKING SERVICES.**

15 The Commandant of the Coast Guard shall not plan,  
16 implement, or finalize any regulation or take any other  
17 action which would result in the decommissioning of any  
18 WYTL-class harbor tugs unless and until the Com-  
19 mandant certifies in writing to the Committee on Com-  
20 merce, Science, and Transportation of the Senate and the  
21 Committee on Transportation and Infrastructure of the  
22 House of Representatives that sufficient replacement ca-  
23 pability has been procured by the Coast Guard to reme-  
24 diate any degradation in current icebreaking services that  
25 would be caused by such decommissioning.



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

2 (a) IN GENERAL.—The Commandant of the Coast  
3 Guard may provide support, with or without reimburse-  
4 ment, to an entity engaged in fishing vessel safety train-  
5 ing, including—

6 (1) assistance in developing training curricula;

7 (2) use of Coast Guard personnel, including ac-  
8 tive duty members, members of the Coast Guard Re-  
9 serve, and members of the Coast Guard Auxiliary, as  
10 temporary or adjunct instructors;

11 (3) sharing of appropriate Coast Guard infor-  
12 mational and safety publications; and

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

15 (b) NO INTERFERENCE WITH OTHER FUNCTIONS.—

16 In providing support under subsection (a), the Com-  
17 mandant shall ensure that the support does not interfere  
18 with any Coast Guard function or operation.

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

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



1 **“§ 2307. Limitation of liability for Coast Guard Vessel**

2 **Traffic Service pilots**

3 “Any pilot, acting in the course and scope of his or  
4 her duties while at a United States Coast Guard Vessel  
5 Traffic Service, who provides information, advice, or com-  
6 munication assistance while under the supervision of a  
7 Coast Guard officer, member, or employee shall not be lia-  
8 ble for damages caused by or related to such assistance  
9 unless the acts or omissions of such pilot constitute gross  
10 negligence or willful misconduct.”.

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

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

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

16 (a) ASSISTANCE AUTHORIZED.—The Coast Guard  
17 may transfer funds, appropriated by Public Law 107–87  
18 for the construction of a Coast Guard Marine Safety and  
19 Rescue Station in Chicago, Illinois, to the City of Chicago  
20 to pay the Federal share of the cost of a project to demol-  
21 ish the Old Coast Guard Station, located at the north end  
22 of the inner Chicago Harbor breakwater at the foot of  
23 Randolph Street, and to plan, engineer, design, and con-  
24 struct a new facility at that site for use as a marine safety  
25 station on the Chicago lakefront.



1 (b) COST SHARING.—

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

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

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

12 (B) any costs incurred for site work per-  
13 formed before the date of the enactment of this  
14 Act, including costs for reconstruction of the  
15 east breakwater wall and associated utilities.

16 **SEC. 433. EXTENSION OF TIME FOR RECREATIONAL VESSEL**  
17 **AND ASSOCIATED EQUIPMENT RECALLS.**

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

20 (1) in each of paragraphs (2)(A) and (2)(B) by  
21 striking “5” and inserting “10”; and

22 (2) in each of paragraphs (1)(A), (1)(B), and  
23 (1)(C) by inserting “by first class mail or” before  
24 “by certified mail”.



1 **SEC. 434. REPAIR OF MUNICIPAL DOCK, ESCANABA, MICHIGAN.**  
2 **GAN.**

3 The Secretary of Transportation may transfer to the  
4 City of Escanaba, Michigan, up to \$300,000 of funds ap-  
5 propriated for Coast Guard acquisition, construction, and  
6 improvements by Public Law 107–87, for the repair of the  
7 North wall of the municipal dock, Escanaba, Michigan.

8 **SEC. 435. VESSEL GLOBAL EXPLORER.**

9 The Secretary of Transportation shall amend the cer-  
10 tificate of documentation of the vessel GLOBAL EX-  
11 PLORER (United States official number 556069) to state  
12 that the vessel was built in the year 2002 in Gulfport,  
13 Mississippi.

14 **SEC. 436. ALEUTIAN TRADE.**

15 (a) **LOADLINES.**—Section 5102(b)(5)(B)(ii) of title  
16 46, United States Code, is amended by inserting “is not”  
17 after “(ii)”.

18 (b) **IMPLEMENTATION.**—Except as provided in sub-  
19 section (c), a fish tender vessel that before January 1,  
20 2003, transported cargo (not including fishery related  
21 products) in the Aleutian trade is subject to chapter 51  
22 of title 46, United States Code (as amended by subsection  
23 (a) of this section).

24 (c) **EXCEPTION.**—

25 (1) **IN GENERAL.**—Before December 31, 2006,  
26 the BOWFIN (United States official number





1 604231) is exempt from chapter 51 of title 46,  
2 United States Code (as amended by subsection (a)  
3 of this section) when engaged in the Aleutian trade,  
4 if the vessel does not undergo a major conversion.

5 (2) ENSURING SAFETY.—Before the date re-  
6 ferred to in paragraph (1), a Coast Guard official  
7 who has reason to believe that the vessel referred to  
8 in paragraph (1) operating under this subsection is  
9 in a condition or is operated in a manner that cre-  
10 ates an immediate threat to life or the environment  
11 or is operated in a manner that is inconsistent with  
12 section 3302 of title 46, United States Code, may di-  
13 rect the master or individual in charge to take im-  
14 mediate and reasonable steps to safeguard life and  
15 the environment, including directing the vessel to a  
16 port or other refuge.

17 **SEC. 437. PICTURED ROCKS NATIONAL LAKESHORE**  
18 **BOUNDARY REVISION.**

19 (a) TRANSFER.—As soon as practicable after the  
20 date of enactment of this Act, the Administrator of Gen-  
21 eral Services may transfer to the Secretary, without con-  
22 sideration, administrative jurisdiction over, and manage-  
23 ment of, the public land.



1 (b) BOUNDARY REVISION.—The boundary of the  
2 Lakeshore is revised to include the public land transferred  
3 under subsection (a).

4 (c) AVAILABILITY OF MAP.—The map shall be on file  
5 and available for public inspection in the appropriate of-  
6 fices of the National Park Service.

7 (d) ADMINISTRATION.—The Secretary may admin-  
8 ister the public land transferred under section (a)—

9 (1) as part of the Lakeshore; and

10 (2) in accordance with applicable laws (includ-  
11 ing regulations).

12 (e) ACCESS TO AIDS TO NAVIGATION.—The Sec-  
13 retary of Transportation, in consultation with the Sec-  
14 retary, may access the front and rear range lights on the  
15 public land for the purposes of servicing, operating, main-  
16 taining, and repairing those lights.

17 (f) DEFINITIONS.—In this section:

18 (1) LAKESHORE.—The term “Lakeshore”  
19 means the Pictured Rocks National Lakeshore in  
20 the State of Michigan.

21 (2) MAP.—The term “map” means the map en-  
22 titled “Proposed Addition to Pictured Rocks Na-  
23 tional Lakeshore”, numbered 625/80048, and dated  
24 April 2002.



1           (3) PUBLIC LAND.—The term “public land”  
2 means the approximately .32 acres of United States  
3 Coast Guard land and improvements to the land, in-  
4 cluding the United States Coast Guard Auxiliary  
5 Operations Station and the front and rear range  
6 lights, as depicted on the map.

7           (4) SECRETARY.—The term “Secretary” means  
8 the Secretary of the Interior.

9           (g) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to the Secretary  
11 \$225,000 to restore, preserve, and maintain the public  
12 land transferred under subsection (a).

13 **SEC. 438. LORAN-C.**

14       There are authorized to be appropriated to the De-  
15 partment of Transportation, in addition to funds author-  
16 ized for the Coast Guard for operation of the LORAN-  
17 C system, for capital expenses related to LORAN-C navi-  
18 gation infrastructure, \$25,000,000 for fiscal year 2003.  
19 The Secretary of Transportation may transfer from the  
20 Federal Aviation Administration and other agencies of the  
21 Department funds appropriated as authorized under this  
22 section in order to reimburse the Coast Guard for related  
23 expenses.



1 **SEC. 439. AUTHORIZATION OF PAYMENT.**

2 (a) IN GENERAL.—The Secretary of the Treasury  
3 shall pay the sum of \$71,000, out of funds in the Treasury  
4 not otherwise appropriated, to the State of Hawaii, such  
5 sum being the damages arising out of the June 19, 1997,  
6 allision by the United States Coast Guard Cutter RUSH  
7 with the ferry pier at Barber’s Point Harbor, Hawaii.

8 (b) FULL SETTLEMENT.—The payment made under  
9 subsection (a) is in full settlement of all claims by the  
10 State of Hawaii against the United States arising from  
11 the June 19, 1997, allision.

12 **SEC. 440. REPORT ON OIL SPILL RESPONDER IMMUNITY.**

13 (a) REPORT TO CONGRESS.—Not later than January  
14 1, 2004, the Secretary of the department in which the  
15 Coast Guard is operating, jointly with the Secretary of  
16 Commerce and the Secretary of the Interior, and after  
17 consultation with the Administrator of the Environmental  
18 Protection Agency and the Attorney General, shall submit  
19 a report to the Committee on Commerce, Science, and  
20 Transportation of the Senate and the Committee on  
21 Transportation and Infrastructure of the House of Rep-  
22 resentatives on the immunity from criminal and civil pen-  
23 alties provided under existing law of a private responder  
24 (other than a responsible party) in the case of the inci-  
25 dental take of federally listed fish or wildlife that results  
26 from, but is not the purpose of, carrying out an otherwise



1 lawful activity conducted by that responder during an oil  
2 spill removal activity where the responder was acting in  
3 a manner consistent with the National Contingency Plan  
4 or as otherwise directed by the Federal On-Scene Coordi-  
5 nator for the spill, and on the circumstances under which  
6 such penalties have been or could be imposed on a private  
7 responder. The report shall take into consideration the  
8 procedures under the Inter-Agency Memorandum for ad-  
9 dressing incidental takes.

10 (b) DEFINITIONS.—In this section—

11 (1) the term “Federal On-Scene Coordinator”  
12 has the meaning given that term in section 311 of  
13 the Federal Water Pollution Control Act (33 U.S.C.  
14 1321);

15 (2) the term “incidental take” has the meaning  
16 given that term in the Inter-Agency Memorandum;

17 (3) the term “Inter-Agency Memorandum”  
18 means the Inter-Agency Memorandum of Agreement  
19 Regarding Oil Spill Planning and Response Activi-  
20 ties under the Federal Water Pollution Control Act’s  
21 National Oil and Hazardous Substances Pollution  
22 Contingency Plan and the Endangered Species Act,  
23 effective on July 22, 2001;

24 (4) the terms “National Contingency Plan”,  
25 “removal”, and “responsible party” have the mean-



1           ings given those terms under section 1001 of the Oil  
2           Pollution Act of 1990 (33 U.S.C. 2701); and

3                   (5) the term “private responder” means a non-  
4           governmental entity or individual that is carrying  
5           out an oil spill removal activity at the direction of  
6           a Federal agency or a responsible party.

7   **SEC. 441. FISHING AGREEMENTS.**

8           (a) IN GENERAL.—Section 10601(a) of title 46,  
9   United States Code, is amended—

10                   (1) by inserting after “on a voyage, the” the  
11           following: “owner, charterer, or managing operator,  
12           or a representative thereof, including the”; and

13                   (2) by inserting a comma after “individual in  
14           charge”.

15           (b) CLERICAL AND CONFORMING AMENDMENTS.—  
16   Section 10601 of title 46, United States Code, is  
17   amended—

18                   (1) in subsection (a) by striking “employed” and  
19           inserting “employed”;

20                   (2) by striking subsection (b); and

21                   (3) by redesignating subsection (c) as sub-  
22           section (b).

23           (c) APPLICATION.—An agreement that complies with  
24   the requirements of section 10601(a) of title 46, United  
25   States Code, as herein amended, and that is not the sub-



1 ject of an action prior to June 20, 2002, alleging a breach  
2 of subsections (a) or (b) of section 10601 as in effect on  
3 such date, is hereby deemed to have been in compliance  
4 with such subsections.

5 **SEC. 442. ELECTRONIC PUBLISHING OF MARINE CASUALTY**  
6 **REPORTS.**

7 (a) IN GENERAL.—Section 6101 of title 46, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing:

10 “(g)(1) The Secretary shall publish all major marine  
11 casualty reports prepared in accordance with this section  
12 in an electronic form, and shall provide information elec-  
13 tronically regarding how other marine casualty reports can  
14 be obtained.

15 “(2) For purposes of this paragraph, the term ‘major  
16 marine casualty’ means a casualty involving a vessel, other  
17 than a public vessel, that results in—

18 “(A) the loss of 6 or more lives;

19 “(B) the loss of a mechanically propelled vessel  
20 of 100 or more gross tons;

21 “(C) property damage initially estimated at  
22 \$500,000 or more; or

23 “(D) serious threat, as determined by the Com-  
24 mandant of the Coast Guard with concurrence by  
25 the Chairman of the National Transportation Safety



1 Board, to life, property, or the environment by haz-  
2 arduous materials.

3 “(h) The Secretary shall, as soon as possible, and no  
4 later than January 1, 2005, publish all marine casualty  
5 reports prepared in accordance with this section in an elec-  
6 tronic form.”.

7 (b) APPLICATION.—The amendment made by sub-  
8 section (a) applies to all marine casualty reports completed  
9 after the date of enactment of this Act.

10 **SEC. 443. SAFETY AND SECURITY OF PORTS AND WATER-**  
11 **WAYS.**

12 The Ports and Waterways Safety Act (33 U.S.C.  
13 1221 et seq.) is amended—

14 (1) by striking “safety and protection of the  
15 marine environment” in section 2(a) (33 U.S.C.  
16 1221(a)) and inserting “safety, protection of the  
17 marine environment, and safety and security of  
18 United States ports and waterways”; and

19 (2) by striking “safety and protection of the  
20 marine environment,” in section 5(a) (33 U.S.C.  
21 1224(a)) and inserting “safety, protection of the  
22 marine environment, and the safety and security of  
23 United States ports and waterways,”.





1 **SEC. 444. SUSPENSION OF PAYMENT.**

2 (a) IN GENERAL.—Title 14, United States Code, is  
3 amended by inserting after section 424 the following:

4 **“§ 424a. Suspension of payment of retired pay of**  
5 **members who are absent from the United**  
6 **States to avoid prosecution**

7 “Under procedures prescribed by the Secretary, the  
8 Secretary may suspend the payment of the retired pay of  
9 a member or former member during periods in which the  
10 member willfully remains outside the United States to  
11 avoid criminal prosecution or civil liability. The procedures  
12 shall address the types of criminal offenses and civil pro-  
13 ceedings for which the procedures may be used, including  
14 the offenses specified in section 8312 of title 5, and the  
15 manner by which a member, upon the return of the mem-  
16 ber to the United States, may obtain retired pay withheld  
17 during the member’s absence.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of chapter 11 of title 14, United States  
20 Code, is amended by inserting after the item relating to  
21 section 424 the following:

“424a. Suspension of payment of retired pay of members who are absent from  
the United States to avoid prosecution.”.

22 **SEC. 445. PROHIBITION ON NAVIGATION FEES.**

23 Section 4 of the Rivers and Harbors Appropriation  
24 Act of 1884 (33 U.S.C. 5) is amended as follows:



1           (1) The existing text is designated as subsection  
2           (a).

3           (2) The following is added at the end:

4           “(b) No taxes, tolls, operating charges, fees, or any  
5 other impositions whatever shall be levied upon or col-  
6 lected from any vessel or other water craft, or from its  
7 passengers or crew, by any non-Federal interest, if the  
8 vessel or water craft is operating on any navigable waters  
9 subject to the authority of the United States, or under  
10 the right to freedom of navigation on those waters, except  
11 for—

12           “(1) fees charged under section 208 of the  
13 Water Resources Development Act of 1986 (33  
14 U.S.C. 2236); or

15           “(2) reasonable fees charged on a fair and equi-  
16 table basis that—

17           “(A) are used solely to pay the cost of a  
18 service to the vessel or water craft;

19           “(B) enhance the safety and efficiency of  
20 interstate and foreign commerce; and

21           “(C) do not impose more than a small bur-  
22 den on interstate or foreign commerce.”.



1 **TITLE V—AUTHORIZATION OF**  
2 **APPROPRIATIONS FOR THE**  
3 **COAST GUARD**

4 **SEC. 501. SHORT TITLE.**

5 This title may be cited as the “Coast Guard Author-  
6 ization Act for Fiscal Year 2003”.

7 **SEC. 502. AUTHORIZATION OF APPROPRIATIONS.**

8 Funds are authorized to be appropriated for fiscal  
9 year 2003 for necessary expenses of the Coast Guard as  
10 follows:

11 (1) For the operation and maintenance of the  
12 Coast Guard, \$4,327,456,000, of which \$25,000,000  
13 is authorized to be derived from the Oil Spill Liabil-  
14 ity Trust Fund to carry out the purposes of section  
15 1012(a)(5) of the Oil Pollution Act of 1990.

16 (2) For the acquisition, construction, rebuild-  
17 ing, and improvement of aids to navigation, shore  
18 and offshore facilities, vessels, and aircraft, includ-  
19 ing equipment related thereto, \$725,000,000, of  
20 which \$20,000,000 is authorized to be derived from  
21 the Oil Spill Liability Trust Fund to carry out the  
22 purposes of section 1012(a)(5) of the Oil Pollution  
23 Act of 1990.

24 (3) For research, development, test, and evalua-  
25 tion of technologies, materials, and human factors



1 directly relating to improving the performance of the  
2 Coast Guard's mission in support of search and res-  
3 cue, aids to navigation, marine safety, marine envi-  
4 ronmental protection, enforcement of laws and trea-  
5 ties, ice operations, oceanographic research, and de-  
6 fense readiness, \$22,000,000, to remain available  
7 until expended, of which \$3,500,000 is authorized to  
8 be derived each fiscal year from the Oil Spill Liabil-  
9 ity Trust Fund to carry out the purposes of section  
10 1012(a)(5) of the Oil Pollution Act of 1990.

11 (4) For retired pay (including the payment of  
12 obligations otherwise chargeable to lapsed appropria-  
13 tions for this purpose), payments under the Retired  
14 Serviceman's Family Protection and Survivor Ben-  
15 efit Plans, and payments for medical care of retired  
16 personnel and their dependents under chapter 55 of  
17 title 10, United States Code, \$889,000,000.

18 (5) For alteration or removal of bridges over  
19 navigable waters of the United States constituting  
20 obstructions to navigation, and for personnel and  
21 administrative costs associated with the Bridge Al-  
22 teration Program, \$18,000,000, to remain available  
23 until expended.

24 (6) For environmental compliance and restora-  
25 tion at Coast Guard facilities (other than parts and



1 equipment associated with operations and mainte-  
2 nance), \$17,000,000, to remain available until ex-  
3 pended.

4 **SEC. 503. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
5 **AND TRAINING.**

6 (a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is  
7 authorized an end-of-year strength for active duty per-  
8 sonnel of 45,500 as of September 30, 2003.

9 (b) **MILITARY TRAINING STUDENT LOADS.**—The  
10 Coast Guard is authorized average military training stu-  
11 dent loads as follows:

12 (1) For recruit and special training for fiscal  
13 year 2003, 2,250 student years.

14 (2) For flight training for fiscal year 2003, 125  
15 student years.

16 (3) For professional training in military and ci-  
17 vilian institutions for fiscal year 2003, 300 student  
18 years.

19 (4) For officer acquisition for fiscal year 2003,  
20 1,150 student years.

And the House agree to the same.

