

SENATE CONCURRENT RESOLUTION 123—EXPRESSING THE SENSE OF CONGRESS THAT THE FUTURE OF TAIWAN SHOULD BE RESOLVED PEACEFULLY, THROUGH A DEMOCRATIC MECHANISM, WITH THE EXPRESS CONSENT OF THE PEOPLE OF TAIWAN AND FREE FROM OUTSIDE THREATS, INTIMIDATION, OR INTERFERENCE

Mr. TORRICELLI submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 123

Whereas in the San Francisco Peace Treaty signed on September 8, 1951 (3 U. S. T. 3169) (in this resolution referred to as the "treaty"), Japan renounced all right, title, and claim to Taiwan;

Whereas the signatories of the treaty left the status of Taiwan undetermined;

Whereas the universally accepted principle of self-determination is enshrined in Article 1 of the United Nations Charter;

Whereas the United States is a signatory of the United Nations Charter;

Whereas the United States recognizes and supports that the right to self-determination exists as a fundamental right of all peoples, as set forth in numerous United Nations instruments;

Whereas the people of Taiwan are committed to the principles of freedom, justice, and democracy as evidenced by the March 18, 2000, election of Mr. Chen Shui-bian as Taiwan's President;

Whereas the 1993 Montevideo Convention on Rights and Duties of States defines the qualifications of a nation-state as a defined territory, a permanent population, and a government capable of entering into relations with other states;

Whereas on February 24, 2000, and March 8, 2000, President Clinton stated: "We will ... continue to make absolutely clear that the issues between Beijing and Taiwan must be resolved peacefully and with the assent of the people of Taiwan";

Whereas both the 2000 Republican party platform and the Democratic party platform emphasized and made clear the belief that the future of Taiwan should be determined with the consent of the people of Taiwan; and

Whereas Deputy Secretary of State Richard Armitage said in a Senate Foreign Relations Committee hearing on March 16, 2001, that "what has changed is that any eventual agreement that is arrived at has to be acceptable to the majority of the people on Taiwan": Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) the future of Taiwan should be resolved peacefully, through a democratic mechanism such as a plebiscite and with the express consent of the people of Taiwan; and

(2) the future of Taiwan must be decided by the people of Taiwan without outside threats, intimidation, or interference.

AMENDMENTS SUBMITTED—JUNE 24, 2002

**SA 3970.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**TITLE XIII—COAST GUARD AUTHORIZATION**

**SEC. 1301. SHORT TITLE.**

This title may be cited as the "Coast Guard Authorization Act of 2002".

**SEC. 1302. TABLE OF CONTENTS.**

The table of contents for this title is as follows:

Sec. 1301. Short title.

Sec. 1302. Table of contents.

**SUBTITLE A—AUTHORIZATION**

Sec. 1311. Authorization of appropriations.

Sec. 1312. Authorized levels of military strength and training.

Sec. 1313. LORAN-C.

Sec. 1314. Patrol craft.

Sec. 1315. Caribbean support tender.

**SUBTITLE B—PERSONNEL MANAGEMENT**

Sec. 1321. Coast Guard band director rank.

Sec. 1322. Compensatory absence for isolated duty.

Sec. 1323. Suspension of retired pay of Coast Guard members who are absent from the United States to avoid prosecution.

Sec. 1324. Extension of Coast Guard housing authorities.

Sec. 1325. Accelerated promotion of certain Coast Guard officers.

Sec. 1326. Regular lieutenant commanders and commanders; continuation on failure of selection for promotion.

Sec. 1327. Reserve officer promotion

Sec. 1328. Reserve Student Pre-Commissioning Assistance Program.

Sec. 1329. Continuation on active duty beyond 30 years.

Sec. 1330. Payment of death gratuities on behalf of Coast Guard Auxiliaries.

Sec. 1331. Align Coast Guard severance pay and revocation of commission authority with Department of Defense authority.

**SUBTITLE C—MARINE SAFETY**

Sec. 1351. Modernization of national distress and response system.

Sec. 1352. Extension of Territorial Sea for Vessel Bridge-to-Bridge Radiotelephone Act.

Sec. 1353. Icebreaking services.

Sec. 1354. Modification of various reporting requirements.

Sec. 1355. Oil Spill Liability Trust Fund; emergency fund advancement authority.

Sec. 1356. Merchant mariner documentation requirements.

Sec. 1357. Penalties for negligent operations and interfering with safe operation.

Sec. 1358. Fishing vessel safety training.

Sec. 1359. Extend time for recreational vessel and associated equipment recalls.

Sec. 1360. Safety equipment requirement.

Sec. 1361. Marine casualty investigations involving foreign vessels.

Sec. 1362. Maritime Drug Law Enforcement Act amendments.

Sec. 1363. Temporary certificates of documentation for recreational vessels.

**SUBTITLE D—RENEWAL OF ADVISORY GROUPS**

Sec. 1371. Commercial Fishing Industry Vessel Advisory Committee.

Sec. 1372. Houston-Galveston Navigation Safety Advisory Committee.

Sec. 1373. Lower Mississippi River Waterway Advisory Committee.

Sec. 1374. Navigation Safety Advisory Council.

Sec. 1375. National Boating Safety Advisory Council.

Sec. 1376. Towing Safety Advisory Committee.

**SUBTITLE E—MISCELLANEOUS**

Sec. 1381. Conveyance of Coast Guard property in Portland, Maine.

Sec. 1382. Harbor safety committees.

Sec. 1383. Limitation of liability of pilots at Coast Guard Vessel Traffic Services.

Sec. 1384. Conforming references to the former Merchant Marine and Fisheries Committee.

Sec. 1385. Long-term lease authority for lighthouse property.

Sec. 1386. Electronic filing of commercial instruments for vessels.

Sec. 1387. Radio direction finding apparatus carriage requirement.

Sec. 1388. Wing-in-ground craft.

Sec. 1389. Deletion of thumbprint requirement for merchant mariners' documents.

Sec. 1390. Authorization of payment.

Sec. 1391. Additional Coast Guard funding needs after September 11, 2001.

Sec. 1392. Repeal of special authority to revoke endorsements.

Sec. 1393. Prearrival messages from vessels destined to United States ports.

Sec. 1394. Safety and security of ports and waterways.

Sec. 1395. Pictured Rocks National Lakeshore boundary division.

Sec. 1396. Administrative waiver.

Sec. 1397. Vessel STUYVESANT.

Sec. 1398. Escanaba dock.

**SUBTITLE A—AUTHORIZATION**

**SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.**

(a) FISCAL YEAR 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002, as follows:

(1) For the operation and maintenance of the Coast Guard, \$4,533,000,000, of which—

(A) \$25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund; and

(B) \$537,000,000 is authorized for activities associated with improving maritime security, including maritime domain awareness and law enforcement operations.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$985,000,000 of which—

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

(B) \$50,000,000 is authorized to be available for equipment and facilities associated with improving maritime security awareness, crisis prevention, and response; and

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

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$22,000,000, to remain available until expended, of which \$3,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed

appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$876,350,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) \$13,500,000, to remain available until expended; and

(B) \$2,000,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(b) FISCAL YEAR 2003.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2003, as follows:

(1) For the operation and maintenance of the Coast Guard, \$4,800,000,000, of which—

(A) \$25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund; and

(B) \$537,000,000 is authorized for activities associated with improving maritime security, including maritime domain awareness and law enforcement operations.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,000,000,000 of which—

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

(B) \$50,000,000 is authorized to be available for equipment and facilities associated with improving maritime security awareness, crisis prevention, and response; and

(C) \$500,000,000 is authorized to be available to implement the Coast Guard's Integrated Deepwater system.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$23,106,000, to remain available until expended, of which \$3,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$935,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), \$17,300,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program administrative costs associated with the Bridge Alteration Program—

(A) \$16,000,000, to remain available until expended; and

(B) \$2,000,000, to remain available until expended, which may be utilized for construc-

tion of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

**SEC. 1312. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.**

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

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

(4) For officer acquisition, 1,050 student years.

(c) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2003.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2003.

(d) TRAINING STUDENT LOADS FOR FISCAL YEAR 2003.—For fiscal year 2003, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,250 student years.

(2) For flight training, 125 student years.

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

(4) For officer acquisition, 1,150 student years.

**SEC. 1313. LORAN-C.**

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, \$22,000,000 for fiscal year 2002. The Secretary of transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

**SEC. 1314. PATROL CRAFT.**

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

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to \$100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure requirements for, up to 7 patrol craft.

**SEC. 1315. CARIBBEAN SUPPORT TENDER.**

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

(b) MEDICAL AND DENTAL CARE.—

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

(A) on an outpatient basis without cost; and

(B) on an inpatient basis if the United States is reimbursed for the costs of providing such care. Payments received as reimbursement for the provision of such care shall be credited to the appropriations

against which the charges were made for the provision of such care.

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

**SUBTITLE B—PERSONNEL MANAGEMENT**

**SEC. 1321. COAST GUARD BAND DIRECTOR RANK.**

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

**SEC. 1322. COMPENSATORY ABSENCE FOR ISOLATED DUTY.**

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

**"§ 511. Compensatory absence from duty for military personnel at isolated duty stations**

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

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following: "511. Compensatory absence from duty for military personnel at isolated duty stations."

**SEC. 1323. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.**

Section 633 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) is amended by redesignating subsections (b), (c), and (d) in order as subsections (c), (d), and (e), and by inserting after subsection (a) the following:

"(b) APPLICATION TO COAST GUARD.—Procedures promulgated by the Secretary of Defense under subsection (a) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under this section."

**SEC. 1324. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.**

(a) IN GENERAL.—Section 689 of title 14, United States Code, is amended by striking "2001." and inserting "2006."

(b) HOUSING DEMONSTRATION PROJECT.—Section 687 of title 14, United States Code, is amended by adding at the end the following:

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

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

"(2) in implementing the demonstration project shall utilize, to the maximum extent possible, the contracting authority of the Small Business Administration's Section 8(a) Program;

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

"(4) shall report to Congress by September 1st of each year on the progress of activities under the demonstration project."

**SEC. 1325. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.**

Title 14, United States Code, is amended—

(1) by adding at the end of section 259 the following:

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

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

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

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

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

**SEC. 1326. REGULAR LIEUTENANT COMMANDERS AND COMMANDERS; CONTINUATION ON FAILURE OF SELECTION FOR PROMOTION.**

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

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

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

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

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

of the Regular Coast Guard may not be continued on active duty under subsection (b) for a period which extends beyond 26 years of active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.

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

**SEC. 1327. RESERVE OFFICER PROMOTIONS.**

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

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

“(1) 2 years in the grade of lieutenant (junior grade).

“(2) 3 years in the grade of lieutenant.

“(3) 4 years in the grade of lieutenant commander.

“(4) 4 years in the grade of commander.

“(5) 3 years in the grade of captain.”.

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

**SEC. 1328. RESERVE STUDENT PRE-COMMISSIONING ASSISTANCE PROGRAM.**

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

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

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

“(1) a baccalaureate degree in not more than 5 academic years; or

“(2) a post-baccalaureate degree.

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

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

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

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

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

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

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

“(c) Expenses for which financial assistance may be provided under this section are the following:

“(1) Tuition and fees charged by the institution of higher education involved.

“(2) The cost of books.

“(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(4) Such other expenses as are deemed appropriate by the Secretary.

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

“(e) Financial assistance may be provided to a member under this section for up to 5 consecutive academic years.

“(f) A member who receives financial assistance under this section may be ordered to active duty in the Coast Guard Reserve by the Secretary to serve in a designated enlisted grade for such period as the Secretary prescribes, but not more than 4 years, if the member—

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

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

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

“(g)(1) If a member requests to be released from the program and the request is accepted by the Secretary, or if the member fails because of misconduct to complete the period of active duty specified, or if the member fails to fulfill any term or condition of the written agreement required to be eligible for financial assistance under this section, the financial assistance shall be terminated. The Secretary may request the member to reimburse the United States in an amount that bears the same ratio to the total costs of the education provided to that member as the unserved portion of active duty bears to the total period of active duty the member agreed to serve. The Secretary shall have the option to order such reimbursement without first ordering the member to active duty. An obligation to reimburse the United States imposed under this paragraph is a debt owed to the United States.

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

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

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

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

section 709: "709A. Reserve student pre-commissioning assistance program".

**SEC. 1329. CONTINUATION ON ACTIVE DUTY BEYOND 30 YEARS.**

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

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

**SEC. 1330. PAYMENT OF DEATH GRATUITIES ON BEHALF OF COAST GUARD AUXILIARISTS.**

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

"(9) On or after January 1, 2001, the first section 651 contained in the Omnibus Consolidated Appropriations Act, 1997 (110 Stat. 3009-368)."

**SEC. 1331. ALIGN COAST GUARD SEVERANCE PAY AND REVOCATION OF COMMISSION AUTHORITY WITH DEPARTMENT OF DEFENSE AUTHORITY.**

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

(1) in section 281—

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

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

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

(3) in section 286—

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

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

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

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

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

(4) in section 286a—

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

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

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

"(b) A regular warrant officer of the Coast Guard who is discharged under section 1165 or 1166 of title 10, and has completed 6 or

more, but less than 20, continuous years of active service immediately before that discharge is entitled to separation pay computed under subsection (d)(1) or (d)(2) of section 1174 of title 10, as determined under regulations promulgated by the Secretary.

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

(5) in section 327—

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

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

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

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

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

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

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

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

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

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

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

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

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

**SUBTITLE C—MARINE SAFETY**

**SEC. 1351. MODERNIZATION OF NATIONAL DISTRESS AND RESPONSE SYSTEM.**

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

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

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

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

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

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

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

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

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

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

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

**SEC. 1352. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIO-TELEPHONE ACT.**

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

**SEC. 1353. ICEBREAKING SERVICES.**

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House, that sufficient replacement assets have been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

**SEC. 1354. MODIFICATION OF VARIOUS REPORTING REQUIREMENTS.**

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

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

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

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

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

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

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

**SEC. 1355. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND ADVANCEMENT AUTHORITY.**

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

**SEC. 1356. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.**

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

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

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

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

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

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

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

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

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

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

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

**SEC. 1357. PENALTIES FOR NEGLIGENT OPERATIONS AND INTERFERING WITH SAFE OPERATION.**

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

**SEC. 1358. FISHING VESSEL SAFETY TRAINING.**

(a) IN GENERAL.—The Commandant of the Coast Guard may provide support, with or without reimbursement, to an entity en-

gaged in fishing vessel safety training including—

(1) assistance in developing training curricula;

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

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

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

(b) No Interference with Other Functions.—In providing support under subsection (a), the Commandant shall ensure that the support does not interfere with any Coast Guard function or operation.

**SEC. 1359. EXTEND TIME FOR RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT RECALLS.**

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

(1) by striking “5” wherever it appears and inserting “10” in its place in paragraph (2)(A) and (B).

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

**SEC. 1360. SAFETY EQUIPMENT REQUIREMENT.**

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

**SEC. 1361. MARINE CASUALTY INVESTIGATIONS INVOLVING FOREIGN VESSELS.**

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

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

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

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

**SEC. 1362. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENTS.**

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

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

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

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

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

(b) Section 4 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1904) is amended—

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

(2) by adding at the end the following:

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

be considered, in the totality of the circumstances, to be prima facie evidence that a vessel is intended to be used to commit, or to facilitate the commission of an offense under this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 1363. TEMPORARY CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS.**

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

(b)(1) Chapter 121 of title 46, United States Code, is amended by adding a new section 12103a, as follows:

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

“(a) The Secretary of Transportation may delegate, subject to the supervision and control of the Secretary and under terms set out

by regulation, to private entities determined and certified by the Secretary to be qualified, the authority to issue a temporary certificate of documentation for a recreational vessel, if the applicant for the certificate of documentation meets the requirements set out in sections 12102 and 12103 of this chapter.

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

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

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

#### SUBTITLE D—RENEWAL OF ADVISORY GROUPS

##### SEC. 1371. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

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

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

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

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

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

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

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

##### SEC. 1372. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

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

##### SEC. 1373. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

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

##### SEC. 1374. NAVIGATION SAFETY ADVISORY COUNCIL.

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

##### SEC. 1375. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

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

##### SEC. 1376. TOWING SAFETY ADVISORY COMMITTEE.

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

#### SUBTITLE E—MISCELLANEOUS

##### SEC. 1381. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve

Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land.

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

(b) LEASE TO THE UNITED STATES.—

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

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

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

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

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

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

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

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

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

(4) LIMITATION ON SUBLEASES.—The United States may not sublease the leased premises to a third party or use the leased premises

for purposes other than fulfilling the missions of the Coast Guard and for other mission related activities.

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

(c) IMPROVEMENT OF LEASED PREMISES.—

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

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

(d) UTILITY INSTALLATION AND MAINTENANCE OBLIGATIONS.—

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

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

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

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

(1) THE CORPORATION SHALL NOT INTERFERE OR ALLOW INTERFERENCE, IN ANY MANNER, WITH USE OF THE LEASED PREMISES BY THE UNITED STATES; AND

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

responsible for operating and maintaining the aid to navigation.

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

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

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

(i) **DEFINITIONS.**—In this section:

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

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

**SEC. 1382. HARBOR SAFETY COMMITTEES.**

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

- (1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;
- (2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);
- (3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and
- (4) recurring resources necessary to ensure the success of harbor safety committees.

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

- (1) consider the results of the study conducted under subsection (a);
- (2) consider identified safety issues for a particular port;
- (3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;
- (4) consider the anticipated level of support from interested parties; and
- (5) take into account such other factors as may be appropriate.

(c) **Effect on Existing Programs and State Law.**—Nothing in this section—

- (1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;
- (2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or
- (3) preempts State law.

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

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

- (1) whose responsibilities include recommending actions to improve the safety, mobility, environmental protection, and port security of a port or waterway; and
- (2) the membership of which includes representatives of government agencies, maritime labor, maritime industry companies and organizations, environmental groups, and public interest groups.

**SEC. 1383. LIMITATION OF LIABILITY OF PILOTS AT COAST GUARD VESSEL TRAFFIC SERVICES.**

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

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

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

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

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

**SEC. 1384. CONFORMING REFERENCES TO THE FORMER MERCHANT MARINE AND FISHERIES COMMITTEE.**

(a) **LAWS CODIFIED IN TITLE 14, UNITED STATES CODE.**—

(1) Section 194(b)(2) of title 14, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

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

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

(b) **Laws Codified in Title 33, United States Code.**—

(1) Section 3(d)(3) of the International Navigational Rules Act of 1977 (33 U.S.C. 1602(d)(3)) is amended by striking “Merchant Marine and Fisheries,” and inserting “Transportation and Infrastructure.”

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

(c) **Laws Codified in Title 46, United States Code.**—

(1) Section 6307 of title 46, United States Code, is amended by striking “Merchant Marine and Fisheries” and inserting “Transportation and Infrastructure”.

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

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

**SEC. 1385. LONG-TERM LEASE AUTHORITY FOR LIGHTHOUSE PROPERTY.**

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

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

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

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

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

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

**SEC. 1386. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS FOR VESSELS.**

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

(1) by striking “(A)”;

(2) by striking subparagraph (B).

**SEC. 1387. RADIO DIRECTION FINDING APPARATUS CARRIAGE REQUIREMENT.**

The first sentence of section 365 of the Communications Act of 1934 (47 U.S.C. 363) is amended by striking “operators.” and inserting “operators, or with radio direction-finding apparatus.”

**SEC. 1388. WING-IN-GROUND CRAFT.**

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

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

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

**SEC. 1389. DELETION OF THUMBPRINT REQUIREMENT FOR MERCHANT MARINERS’ DOCUMENTS.**

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

**SEC. 1390. AUTHORIZATION OF PAYMENT.**

(a) **IN GENERAL.**—The Secretary of the Treasury shall pay the sum of \$71,000, out of funds in the Treasury not otherwise appropriated, to the State of Hawaii, such sum being the damages arising out of the June 19, 1997, allision by the United States Coast Guard Cutter RUSH with the ferry pier at Barber’s Point Harbor, Hawaii.

(b) **FULL SETTLEMENT.**—The payment made under subsection (a) is in full settlement of all claims by the State of Hawaii against the United States arising from the June 19, 1997, allision.

**SEC. 1391. ADDITIONAL COAST GUARD FUNDING NEEDS AFTER SEPTEMBER 11, 2001.**

(a) **IN GENERAL.**—No later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Director of the Office of Homeland Security shall submit a report to the Congress that—

- (1) compares Coast Guard expenditures by mission area on an annualized basis before

and after the terrorist attacks of September 11, 2001;

(2) estimates—

(A) annual funding amounts and personnel levels that would restore all Coast Guard mission areas to the readiness levels that existed before September 11, 2001;

(B) annual funding amounts and personnel levels required to fulfill the Coast Guard's additional responsibilities for port security after September 11, 2001; and

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

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

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

(b) **REPORT REQUIRED.**—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation identifying mission targets for each Coast Guard mission for fiscal years 2003, 2004, and 2005 and the specific steps necessary to achieve those targets. The Inspector General shall review the final strategic plan, and provide an independent report with its views to the Committees within 90 days after the plan has been submitted by the Secretary.

**SEC. 1392. REPEAL OF SPECIAL AUTHORITY TO REVOKE ENDORSEMENTS.**

Section 503 of the Coast Guard Authorization Act of 1998 (46 U.S.C. 12106 note) is repealed.

**SEC. 1393. PREARRIVAL MESSAGES FROM VESSELS DESTINED TO UNITED STATES PORTS.**

(a) **PREARRIVAL MESSAGE REQUIREMENTS.**—Section 4 of the Ports and Waterways Safety Act (33 U.S.C. 1223) is amended—

(1) by striking paragraph (5) of subsection (a) and inserting the following:

“(5) may require the receipt of prearrival messages from any vessel destined for a port or place subject to the jurisdiction of the United States in accordance with subsection (e).”; and

(2) by adding at the end the following:

“(e) **PREARRIVAL MESSAGE REQUIREMENTS.**—

“(1) **IN GENERAL.**—The Secretary may require prearrival messages under subsection (a)(5) to provide any information that the Secretary determines is necessary for the control of the vessel and the safety and security of the port, waterways, facilities, vessels, and marine environment, including—

“(A) the route and name of each port and each place of destination in the United States;

“(B) the estimated date and time of arrival at each port or place;

“(C) the name of the vessel;

“(D) the country of registry of the vessel;

“(E) the call sign of the vessel;

“(F) the International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;

“(G) the name of the registered owner of the vessel;

“(H) the name of the operator of the vessel;

“(I) the name of the classification society of the vessel;

“(J) a general description of the cargo on board the vessel;

“(K) in the case of certain dangerous cargo—

“(i) the name and description of the dangerous cargo;

“(ii) the amount of the dangerous cargo carried;

“(iii) the stowage location of the dangerous cargo; and

“(iv) the operational condition of the equipment under section 164.35 of title 33, Code of Federal Regulations;

“(L) the date of departure and name of the port from which the vessel last departed;

“(M) the name and telephone number of a 24-hour point of contact for each port included in the notice of arrival;

“(N) the location or position of the vessel at the time of the report;

“(O) a list of crew members onboard the vessel including, with respect to each crew member—

“(i) the full name;

“(ii) the date of birth;

“(iii) the nationality;

“(iv) the passport number or mariners document number; and

“(v) the position or duties;

“(P) a list of persons other than crew members onboard the vessel including, with respect to each such person—

“(i) the full name;

“(ii) the date of birth;

“(iii) the nationality; and

“(iv) the passport number; and

“(Q) any other information required by the Secretary.

(2) **FORM AND TIME.**—The Secretary may require prearrival messages under subsection (a)(5) to be submitted—

“(A) in electronic or other form; and

“(B) to be submitted not later than 96 hours before the vessel's arrival or at such time, as provided in regulations, as the Secretary deems necessary to permit the Secretary to examine thoroughly all information provided.

(3) **INFORMATION NOT SUBJECT TO FOIA.**—Section 552 of title 5, United States Code, does not apply to any information submitted under subsection (a)(5).

(4) **ENFORCEMENT OF REQUIREMENT.**—The Secretary may deny entry of a vessel into the territorial sea of the United States if the Secretary has not received notification for the vessel in accordance with subsection (a)(5).’

(b) **RELATION OF PREARRIVAL MESSAGE REQUIREMENT TO OTHER PROVISION OF LAW.**—Section 5 of the Ports and Waterways Safety Act (33 U.S.C. 1224) is amended adding at the end the following:

“(c) **RELATION TO PREARRIVAL MESSAGE REQUIREMENT.**—Nothing in this section interferes with the Secretary's authority to require information under section 4(a)(5) before a vessel's arrival in a port or place subject to the jurisdiction of the United States.”.

**SEC. 1394. SAFETY AND SECURITY OF PORTS AND WATERWAYS.**

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended—

(1) by striking “safety and protection of the marine environment” in section 2(a) (33 U.S.C. 1221(a)) and inserting “safety, protection of the marine environment, and safety and security of United States ports and waterways”; and

(2) by striking “safety and protection of the marine environment,” in section 5(a) (33 U.S.C. 1224(a)) and inserting “safety, protection of the marine environment, and the safety and security of United States ports and waterways.”.

**SEC. 1395. PICTURED ROCKS NATIONAL LAKE-SHORE BOUNDARY DIVISION.**

(a) **TRANSFER.**—As soon as practicable after the date of enactment of this Act, the Administrator of General Services may transfer to the Secretary, without consideration, administrative jurisdiction over, and management of, the public land.

(b) **BOUNDARY REVISION.**—The boundary of the Lakeshore is revised to include the public land transferred under subsection (a).

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **ADMINISTRATION.**—The Secretary may administer the public land transferred under section (a)—

(1) as part of the Lakeshore; and

(2) in accordance with applicable laws (including regulations)

(e) **ACCESS TO AIDS TO NAVIGATION.**—The Secretary of Transportation, in consultation with the Secretary, may access the front and rear range lights for the purposes of servicing, operating, maintaining, and repairing those lights.

(f) **DEFINITIONS.**—In this section:

(1) **LAKESHORE.**—The term “Lakeshore” means the Pictured Rocks National Lakeshore in the State of Michigan.

(2) **MAP.**—The term “map” means the map entitled “Proposed Addition to Pictured Rocks National Lakeshore”, numbered 625/80048, and dated April 2002.

(3) **PUBLIC LAND.**—The term “public land” means the approximately .32 acres of United States Coast Guard land and improvements to the land, including the United States Coast Guard Auxiliary Operations Station and the front and rear range lights, as depicted on the map.

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

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary \$225,000 to restore, preserve, and maintain the public land transferred under subsection (a).

**SEC. 1396. ADMINISTRATIVE WAIVER.**

The yacht EXCELLENCE III, hull identification number HQZ00255K101, is deemed to be an eligible vessel within the meaning of section 504(2) of the Coast Guard Authorization Act of 1998 (46 U.S.C. 12106 nt).

**SEC. 1397. VESSEL STUYVESANT.**

(a) **IN GENERAL.**—Section 5501 (a)(2)(A) of the Oceans Act of 1992 (46 U.S.C. App. 292 note) is amended to read as follows:

“(A)(i) the vessel STUYVESANT, official number 648540; and

“(ii) until the earlier of December 8, 2022, or the date on which the vessel STUYVESANT ceases to be documented under section 12106 of title 46 United States Code—

“(I) any other hopper dredging vessel documented under section 12106 of title 46 United States Code, before November 4, 1992, and chartered to Stuyvesant Dredging Company or to an entity in which it has an ownership interest;

“(II) any non-hopper dredging vessel documented under section 12106 of title 46 United States Code and chartered to Stuyvesant Dredging Company or to an entity in which it has an ownership interest, but only as is necessary to fulfill dredging obligations under a specific contract for the employment of the STUYVESANT, including any extension periods, pursuant to which the STUYVESANT performs the majority of the work, as measured by cost and volume, and the non-hopper dredging vessel is used only on a temporary basis for the limited purpose of supplementing the dredging activity of the STUYVESANT under that specific contract and no other; and

“(III) any other non-hopper dredging vessel documented under section 12106 of title 46 United States Code, and chartered to Stuyvesant Dredging Company or to an entity in which it has an ownership interest, but only as is necessary as temporary replacement capacity for the vessel STUYVESANT,

should the STUYVESANT become disabled, for as long as the disability lasts, if repairs to the STUYVESANT to correct the disability are promptly made;”.

(b) IMPLEMENTATION.—

(1) The charterer of any vessel chartered under the authority of section 5501(a)(2)(A) of the Oceans Act of 1992, as amended by subsection (a), shall file with the Administrator of the Maritime Administration, upon execution of the charter, a copy of the charter documents, the contract pursuant to which the dredging is to occur, an affidavit of United States citizenship of the vessel owner and such other documents as the Administrator may require for the purpose of ensuring compliance with that section.

(2) The amendment made by subsection (a) applies to any vessel chartered to the Stuyvesant Dredging Company, or to an entity in which that company has an ownership interest, on the earlier of—

(A) March 1, 2005; or

(B) the date on which Army Corps of Engineers or other dredging contractual commitments for the employment of such vessel that were in effect on the date of enactment of this Act are completed.

**SEC. 1398. ESCANABA DOCK**

The Commandant of the Coast Guard is authorized to transfer \$300,000 from the funds appropriated for Acquisition, Construction, and Improvements, to the City of Escanaba, Michigan.

AMENDMENTS SUBMITTED AND  
PROPOSED—JUNE 25, 2002

SA 3973. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 3974. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3975. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3976. Mr. HATCH (for himself, Mrs. FEINSTEIN, and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3977. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3978. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3979. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3980. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3981. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3982. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3983. Mr. BIDEN submitted an amendment intended to be proposed by him to the

bill S. 2514, supra; which was ordered to lie on the table.

SA 3984. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3985. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3986. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3987. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3988. Mr. DOMENICI (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3989. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 3973. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2829. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army or the Administrator of General Services may convey, without consideration, to the Johnson County Park and Recreation District, Kansas (in this section referred to as the “District”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in the State of Kansas consisting of approximately 2,000 acres and containing the Sunflower Army Ammunition Plant. The purpose of the conveyance is to permit the District to use the parcel for recreational purposes.

(b) ENVIRONMENTAL MATTERS.—(1) With respect to the parcel conveyed under subsection (a), the Secretary or Administrator shall retain responsibility for carrying out, to levels consistent with the intended use of the parcel by the District—

(A) any response action that may be required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other applicable provisions of law; and

(B) any action required under any other statute to remediate petroleum products (or their derivatives) or propellants (or their derivatives).

(2) Any Federal department or agency that had or has operations resulting in the release or threatened release of any hazardous substances, petroleum products (or their derivatives) or propellants (or their derivatives) on, under, or about the parcel conveyed under subsection (a), and any Federal department or agency that owned the parcel at the time of such release or threatened release, shall pay the cost of any response action or other action that may be necessary to remediate the parcel to levels consistent with the intended use of the parcel by the District.

(3) In accepting the parcel conveyed under subsection (a), the District—

(A) shall not be treated as a responsible party under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), or any other applicable provision of law, for performing, or paying the cost of, any response action or other action that may be necessary as the result of any release or threatened release of hazardous substances, petroleum products (or their derivatives) or propellants (or their derivatives) on, under, or about the parcel as a result of activities on the parcel before the date of the conveyance; and

(B) shall not be subject to suit for contribution for any cost described by subparagraph (A) under section 113(f) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9613(f)), or any other applicable provision of law.

(c) EXCEPTION FROM SCREENING REQUIREMENT.—The conveyance of property authorized by subsection (a) shall be made without regard to the requirement under section 2696 of title 10, United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(d) DESCRIPTION OF PROPERTY.—(1) The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary or Administrator.

(2) The Secretary or Administrator may use for the purpose of paragraph (1) a survey prepared by the National Park Service if the Secretary or Administrator determines that the survey is appropriate for that purpose.

(3) If the Secretary or Administrator obtains for the purpose of paragraph (1) a survey other than the survey described in paragraph (2), the cost of such survey shall be borne by the District.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary or Administrator may require such additional terms and conditions in connection with the conveyance of real property under subsection (a) as the Secretary or Administrator considers appropriate to protect the interests of the United States.

(f) EFFECTIVE DATE.—This section shall take effect on January 31, 2003.

SA 3974. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2514, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2829. LAND CONVEYANCE, BLUEGRASS ARMY DEPOT, RICHMOND, KENTUCKY.**

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to Madison County, Kentucky (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10 acres at the Bluegrass Army Depot, Richmond, Kentucky, for the purpose of facilitating the construction of a veterans’ center on the parcel by the State of Kentucky.

(2) The Secretary may not make the conveyance authorized by this subsection unless