are no hard feelings; it is just the idea that the two parties have different general philosophies.

But it works okay. It works well. As my colleagues know, we concluded all of our House bills in the summer when we were supposed to conclude them, and that was partially because of the strong relationship that the gentleman from Wisconsin (Mr. OBEY) and I have and that our subcommittee chairmen and their ranking members have.

Now, on the issue of excluding any member from conference committee or their staff, we do not do that. The Committee on Appropriations does not do that. A lot of staff work goes into preparing the bills and a lot of staff work goes into preparing for the conferences. When that staff work is being done, we keep the minority staff just as involved as the majority staff, and I think that they would admit to that and agree to that.

I would not stand for any member of my committee being excluded from the considerations of the committee. The majority is going to prevail, but the minority has every right in the world to be part of that process. In fact, I remember a couple of years ago that the gentleman from Wisconsin (Mr. OBEY) came to me with a problem that some of the minority staff were not being involved in one of the subcommittee considerations, and I solved that almost more than overnight. I solved that problem in a matter of hours, and I think to the satisfaction of the minority. While the majority is going to prevail, the minority has every right to be a part of the process.

Except for those single-Member States, all of us are elected by about the same number of people. All of us have the same rights as Members of the House of Representatives. I will tell my colleagues as one who believes in this institution, I am going to do whatever I have to do to guarantee that those rights are protected and preserved for all of the Members; again, pointing out that the majority is going to prevail. I recall being in the minority here for a long time, and I did not like it a lot of times when the majority prevailed, but that is the way it is. But I think on the Committee on Appropriations, there are not very many complaints about the issue of the minority being excluded.

Now, I do know that there was an issue last week when, as the gentleman from Maryland (Mr. HOYER) pointed out, that the gentleman from Michigan (Mr. DINGELL) was uninvited to attend a fairly important conference meeting. I did not know about that until I heard the comments on the floor. But I would say this: my leadership believes very strongly in the rights of each individual Member. I will tell my colleagues that all of the committee chairmen were called to a meeting last night actually, and were told, do not ever let that happen again, that every member of that committee or that subcommittee has the right to be involved, and our leadership made it very clear that any committee chairman who allowed that to happen would not be standing in good favor with the leadership.

So we try. Now, nobody is perfect, and I am sure that there are times when there will be complaints, even from majority members, that maybe they were not told in advance or were not told enough. But sometimes, members have an obligation to either do the proper staff work or prepare themselves when things are happening. This is not a babysitting institution. But for the most part, our members are very good about things that they are interested in, inquiring of the committee, inquiring of the staff, making their contribution to what they think should be the outcome. We do the best we can with 435 Members to reach a consensus. But I would just say again, on that issue of excluding minority members or staff from what is happening on the Committee on Appropriations, as long as I am chairman, that will not happen. And if any of my subcommittee chairmen were to permit that to happen, we would have a serious conversation. But I know that all of my subcommittee chairmen believe the same as I do, that the majority and the minority members all have equal rights as Members of this House; but the majority will make the final decision.

Mr. Speaker, having said that, it did not have too much to do with the CR, but I thought I would just make that response.

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

The SPEAKER pro tempore. All time for debate having been yielded, the joint resolution is considered read for amendment, and pursuant to House Resolution 430, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

The SPEAKER pro tempore (Mr. YOUNG of Florida). Pursuant to House Resolution 416 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2443.

□ 1530

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, with Mr. OSE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

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

Mr. LOBIONDO. Mr. Chairman, I yield myself such times I may consume.

Mr. Chairman, I rise in strong support of H.R. 2443, the Coast Guard Maritime Transportation Act of 2003. Before I discuss the bill or make comments on it, I would first like to thank the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the full committee, for all of his efforts on behalf of the Coast Guard and, in particular, for this bill, also thank the gentleman from Minnesota (Mr. OBERSTAR), our ranking member, who certainly has been a champion of the Coast Guard and worked closely with us, and the gentleman from California (Mr. FILNER), the ranking member on the Coast Guard Maritime Transportation Subcommittee, for their help and cooperation with this legislation.

This legislation was developed in a bipartisan manner and deserves the support of all the Members of Congress. The primary purpose of this bill is to authorize expenditures for the United States Coast Guard and the Federal Maritime Commission for the fiscal year 2004.

Title I of the bill authorizes for fiscal year 2004 approximately $7.1 billion for Coast Guard programs and operations. The bill also authorizes the administration's request for 18.5 million for the Federal Maritime Commission.

This legislation will increase funding for Coast Guard programs at a level above the administration's request to ensure that the service can meet its traditional missions and make meaningful progress toward carrying out its homeland security responsibilities under the Maritime Transportation Security Act of 2002.

The bill funds the Coast Guard at levels requested by the President plus an additional $460 million. Of this amount, $70 million is for conducting the mandated U.S. port security plan approvals, $202 million to keep the Deepwater Capital Acquisition Program on track to meet its original 20-year implementation plan, $80 million to install equipment on already delivered C–130J aircraft, $39 million to establish a west coast HITRON squadron, $50 million for

conducting foreign port security assessments and foreign vessel security plan reviews, and, finally, $19 million is for making the Truman-Hobbs bridge alterations.

I am particularly concerned about the funding shortfalls for the critically important Deepwater recapitalization program designed to replace the Coast Guard's aging fleet of vessels and aircraft. From the start, Deepwater has been underfunded, jeopardizing on-time delivery of important assets. The effective accomplishment of the Coast Guard's national and homeland security missions, as well as its ability to sustain the level of performance of its traditional missions, is predicated upon having the required funding to recapitalize its aging assets sooner than the appropriated 20-year plan.

As evidence of this, I attended on Saturday the return of the Coast Guard cutter Dependable from a drug interdiction mission in the Caribbean where it actually had confiscated a record Coast Guard bust. The drug smugglers had dumped about 2,500 pounds overboard and the Dependable and its crew had actually confiscated about the same amount. DEA was there to take control of the substance, to destroy it, but when listening to the discussion and listening to the account of how this took place, it is remarkable that the Coast Guard cutter Dependable, which was commissioned during the 1960s, with a top speed of only 17 knots and an aging frame, was able to counter the drugies with their fast boat with only a rigid-hull inflatable that was like a Corvair chasing a Corvette.

Operation Deepwater is critically needed. I strongly endorse increasing the Coast Guard's overall funding level in order to support a faster Deepwater recapitalization program commensurate with the findings of the Deepwater acceleration plan submitted to the Congress in March of 2003.

In addition to authorizing the Coast Guard's fiscal year 2004 budget and personnel resources, the measure also provides parity between certain Coast Guard and Department of Defense authorities, improves personnel management, and includes provisions to allow the service to better accomplish its traditional regulatory and law enforcement missions.

The recent ferry accident in New York Harbor shows that the maritime transportation will never be perfect. However, the Coast Guard's constant and careful review of vessel and crew minimizes the number of maritime accidents we see in the United States. The service's response efforts also minimize the impact those incidents have in terms of loss of life and damage to property.

I did hold a hearing in New York, on Tuesday of this week, to look for ways in which we can further improve our prevention and response system.

In preparing this bill, the Coast Guard and Maritime Transportation Subcommittee held hearings on the Coast Guard's and the Federal Maritime Commission's budget request and the legislative provisions in the Coast Guard's proposal. The bill contains many of the Coast Guard's legislative requests, as well as items of concern to Members of Congress that were brought to our attention.

Mr. Chairman, I want to take this opportunity to commend the men and women of the Coast Guard. They do an amazing and remarkable job. Their ongoing traditional missions of illegal drug interdiction, of fisheries law enforcement, search and rescue, is always making the news. But what is really remarkable is the job that they are now doing on homeland and port security which is something that is new, that has been added to them since the terrible tragedy of September 11 of 2001.

America benefits from a strong Coast Guard that is equipped to stop terrorists and drug smugglers, support the country's defense, protect our natural resources, rescue mariners in distress, and respond to national emergencies.

We must act now to put the Coast Guard on sound financial footing, to be ready to respond to our increased homeland security demands, and other critical duties that the Coast Guard carries out daily. And the men and women of the Coast Guard are more than prepared to do their mission if we will only give them enough resources, enough assets and enough personnel to do the job. This bill will help ensure that that happens.

Mr. Chairman, I urge all Members to support this piece of legislation.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the good words of the chairman of the subcommittee. I note that our full committee chairman has arrived, and I will curtail my remarks so that the chairman, the gentleman from Alaska (Mr. YOUNG) can speak. But I just want to say to what a difference a week makes and how refreshing it is to be on the floor under an open rule where issues that are of concern to Members can be resolved in open fashion and that we can conduct the work of this committee in its traditional fashion, working in a bipartisan manner.

I respect enormously the work of the gentleman from New Jersey (Mr. LOBIONDO), the chairman of the subcommittee, and our ranking member, the gentleman from California (Mr. FILNER), and particularly our riverboat captain chairman, the gentleman from Alaska (Mr. YOUNG), who has not only firsthand experience on the water commanding a vessel, but has enormous respect, as I have, for the United States Coast Guard.

The chairman and I served on the Merchant Marine and Fisheries Committee from our very outset of service in the Congress, and through that work, we both came to have a great respect and admiration for the work of the Coast Guard, which started out, along with the Corps of Engineers, as one of the two oldest agencies of the Federal Government in its infancy in 1789. It was known as the Revenue Cutter Service and provided the first revenue and source of funding for our infant republic.

In the years since then, I have, in my observation and my work on the Coast Guard subcommittee, I have observed that there is probably no entity of the Federal Government from which the citizens of this country get a greater return on their investment than from the United States Coast Guard. As a former Commandant once observed, it takes a special person to wear this color blue. And they are all special people, men and women, of the United States Coast Guard.

What I regret about the Coast Guard is that in my 29 years of service, I have seen some 27 new responsibilities added by the Congress to the list of duties that the Coast Guard must perform. But that list of new duties and responsibilities has not been accompanied by a commensurate increase in personnel and in funding. And that has happened under Democratic and Republican administrations and Democratic and Republican Congresses.

Now, we bring to the floor a $7.1 billion bill to deal with the needs of the Coast Guard, and unfortunately, in past Congresses, this bill has not become law because of issues that the other body has wanted to hang on to it and slow down its progress. This time, the authorization has been done through the appropriation process. And I earnestly hope that we are not engaged in yet another exercise in futility getting a Coast Guard authorization passed and that indeed the other body will act expeditiously and not try to tie in unrelated issues to this very important authorization.

I further believe very strongly that although we have provided, I think, a responsible funding for the Coast Guard, it is still inadequate to the responsibilities that the Congress has saddled the Coast Guard with and visited upon it because we felt they could carry out all those responsibilities of drug interdiction and immigration interdiction, and now the homeland security responsibilities. They simply need more personnel and more funding to continue to carry out the job and not stretch the human resources of the Coast Guard as thin as has been done in the last few years.

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

Mr. LOBIONDO. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Transportation.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 2443, the Coast Guard and Maritime

Transportation Act of 2003. The bill is a result of a bipartisan effort, and it deserves the support of all the Members. I especially again want to thank the subcommittee chairman, the gentleman from New Jersey (Mr. LOBIONDO), and the full and subcommittee ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from California (Mr. FILNER), for their help and cooperation in developing this bill.

I want to stress that, again, as the gentleman from Minnesota (Mr. OBERSTAR) has mentioned, it has been a long time since this bill has become a law, and it is time that the other body acts as we pass it today.

I am pleased we are taking the action today to authorize funding for the most important programs of the United States Coast Guard and Federal Maritime Commission.

In addition to authorizing the fiscal year of 2004 FMC budget at the level requested by the administration, this bill authorizes the fiscal year 2004 Coast Guard budget at the level requested by the President, plus an additional $460 million.

Of this amount, $70 million is authorized for the Coast Guard domestic port security activities, $80 million is to equip four C–130J aircraft for Coast Guard missions, and $202 million is for the Coast Guard's Deepwater capital equipment modernization project.

We have also provided $39 million for an armed Coast Guard helicopter squadron, $50 million for Coast Guard foreign port security activities, and $19 million for the alteration of bridges which obstruct navigation.

H.R. 2443 will result in improved operation of the Coast Guard and the Federal Maritime Commission and safer, more efficient maritime transportation.

However, nearly one-third of our exclusive economic zone lies off the shores of Alaska. These waters include the Nation's largest fishery, and sufficient cruise ship and oil tanker traffic. Therefore, I am concerned about the ability of the Coast Guard to carry out its traditional search and rescue, fisheries law enforcement, and vessel inspection missions. There are concerns that some of these missions may be suffering as a result of the new emphasis on homeland security.

I remain optimistic that this legislation will provide the Coast Guard with the resources and legal authorities necessary to get the service back to an acceptable state of mission balance.

Mr. Chairman, all of us recognize the exceptional work performed by the Coast Guard, often under dangerous circumstances.

I urge all my colleagues to support this bill which authorizes sufficient resources for the Coast Guard to carry out its many missions and make necessary improvements of laws governing maritime transportation.

Mr. Chairman, I again speak about the role of the Coast Guard in the great State of Alaska. We have more coastline than all the United States combined and more Coast Guard activities, not only in the fisheries, but again in the oil tanker business, and in the interception of all types of foreign vessels that occur.

□ 1545

I can only compliment my Coast Guard contingency in Alaska for the work they do in adverse conditions, flying in weather that you cannot believe, rescuing people, fishermen, and, yes, even some tourists, recovering them with helicopters and with ships themselves. They have done yeoman's duty day after day in very adverse conditions.

I will again stress, as one of the authors of Homeland Security, and I expressed at that time the Coast Guard be put at the top of the list in homeland security and they were, not at the bottom, which they were under the original proposal.

But I am still very concerned. There is a possibility that their mission, which is actually navigation, safety, interdiction of drugs, of doing duties which this Congress made them responsible for, now there is sort of an emphasis on security purposes and that alone. We must protect and make sure that does not occur, that they have their mission. In fact, I will at the appropriate time, not in this legislation but during the coming year, make a proposal that we take Coast Guard out of Homeland Security, put it back where it belongs and make sure it can do the missions that we have charged them with.

Mr. Chairman, I urge all of my colleagues to understand the importance of this legislation. We will have some amendments offered. We hope to work most of them out before they are offered. We will debate those, and we will finally pass a very good piece of legislation for the United States Coast Guard.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the chairman of our subcommittee, the gentleman from New Jersey (Mr. LOBIONDO); the ranking member of our committee, the gentleman from Minnesota (Mr. OBERSTAR); and the chairman, the gentleman from Alaska (Mr. YOUNG), for bringing us this legislation—and that I was proud to work on it with them. It is a culmination of our work this session examining the Coast Guard mission, with particular emphasis on the funding for the Maritime Transportation Security Act of 2002.

This bill, H.R. 2443, authorizes $7.1 billion, and we hope that this will be sufficient funding for the Coast Guard to carry out the many missions that Congress has given the Coast Guard, including homeland security, search and rescue, marine safety, drug and migrant interdiction and law enforcement.

H.R. 2443 authorizes $39 million for a squadron of what are called HITRON armed helicopters for the west coast. The gentleman from Minnesota (Mr. OBERSTAR) talked about return of investment on this bill. Well, that is true, certainly, of this HITRON helicopter. Since their establishment, the Jacksonville, Florida, HITRON squadron has stopped over $1.5 billion in illegal drugs from entering the United States.

Deployment of the HITRON squadron on the west coast will help stem the flow of illegal narcotics through the eastern Pacific Ocean. If one were to look at this using a cost-benefit analysis, $39 million is spent for the armored HITRON squadron on the west coast, but drugs that are stopped and interdicted are worth more than 20 times that amount.

It is my strong view that the Coast Guard must increase Airborne Use of Forces assets for port security and drug interdiction. The lease option for these aircraft is already in place. The lease provides antiterrorist and antidrug coverage for the next 3 to 5 years while providing flexibility for the Coast Guard to engage in competition to select a permanent multimission cutter helicopter to meet our challenges post-9/11. When these multimission helicopters are deployed, the HITRON helicopters can be returned to their manufacturer at the option of the Coast Guard.

There are a number of changes to existing law which the previous speakers have spoken to. I would again like to thank the members of the committee for their bipartisan effort to put this bill together and look forward to working with them as we work with the Senate to reach an agreement on the authorizing legislation.

Mr. Chairman, I urge my colleagues to support passage of the Coast Guard and Maritime Transportation Act.

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

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN), former ranking member on the Subcommittee on the Coast Guard and Maritime Transportation of the Committee on Transportation and Infrastructure.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to thank all of the members on the Committee on Transportation and Infrastructure who have worked to bring this bill to the floor.

The Coast Guard has been protecting our shores for more than 200 years, and they have done an outstanding job. The Coast Guard was the first agency to react to the terrorist attack on September 11 and within minutes was guarding our ports and bridges and directing maritime traffic out of New York. This Nation's ports and waterways are still very vulnerable to terrorist attacks, and the Coast Guard is the first line of defense against those wishing to harm us.

This $7.1 billion authorization will go a long way in allowing the Coast Guard to continue its mission while expanding its authority to fight terrorists. This bill will increase the size of the Coast Guard, improve benefits for those serving, increase the authority to inspect foreign vessels, allow additional force against fleeing vessels, and give them the authority to revoke the credentials of individuals that pose a safety or security threat.

I have major concerns when they moved the Coast Guard to the Department of Homeland Security because I fear that it would prevent them from doing their core mission of drug interdiction, search and rescue, enforcing maritime and fisheries laws, and protecting our marine environment. This bill will allow them to accomplish everything we ask of them, but we need to keep the Department's feet to the fire so they can follow the law and not reduce the Coast Guard's traditional mission.

I hope that Members of this body will do the right thing and fund the Coast Guard at $7.1 billion. It is the right thing to do for America.

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

Mr. OBERSTAR. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 20 minutes remaining. The gentleman from New Jersey (Mr. LOBIONDO) has 19 minutes remaining.

Mr. LOBIONDO. Mr. Chairman, we have no further speakers on general debate. I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 6 minutes to the gentleman from Michigan (Mr. STUPAK).

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

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me time.

I would like to enter into a colloquy with the ranking member from Minnesota (Mr. OBERSTAR).

I thank the gentleman from Minnesota (Mr. OBERSTAR) for recognizing the importance of implementing national maritime safety initiatives on our Nation's waters. In a little over a year, carriage of electronic technology for nonvoice chip communication that would exchange navigation and ship data between ships or ship and coastal stations, called the Automatic Identification System, will be required in certain vessels that operate in vessel traffic service zones.

While I certainly understand the need to implement further navigation safety and maritime security on our waters, the fact is that the Coast Guard estimates that the cost of the AIS is over $9,300 per vessel. This is a considerable amount of money for small passenger vessel operators.

In Michigan's first district, small island ferries and the Soo Locks Boat Tours operate small passenger vessels seasonally from May through October that have a maximum capacity of under 300 passengers per vessel. Although most tours and passenger services carry less than 100 passengers per trip, my concern is how are these small governmental transit authorities and small mom and pop businesses in rural America going to be able to bear the extraordinarily high cost of AIS.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for raising this issue. It is a matter of concern to just that very class of vessel operator that the gentleman has described. The technology known as AIS, automatic identification system, is very sophisticated. It probably has too many bells and whistles for small operators, ones they do not need.

The Coast Guard has come back to reconsider this issue and is working with the International Maritime Organization to adopt what is an international standard that will be far less technologically sophisticated, if you will, than the system they have required, which will give the operator e-mail and other technology downloaded from the signal. They do not need all of that stuff.

What they really need for the small vessels is name, GPS position and bearing, where they are headed; and that is what the Coast Guard will do. That will draw the cost from nearly $10,000 down to $2,000 or less for the small vessels operators, and give them and the Coast Guard the information that they really need without the bells and whistles. So I think that this ruling will be completed by next spring, hopefully in time for the boating season in the gentleman's district and in mine.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for working with us to ensure that the costs of this technology is more conducive to small business. I look forward to working with him and the majority on this.

While I have the ranking member here, I would like to ask him, and thank both him and the gentleman from Alaska (Mr. YOUNG) for their support, including my provision in the manager's amendment calling for the timely review and adjustment of pilotage rates by the United States Coast Guard.

I would ask the gentleman if he knows anything further on this issue that we have raised.

Mr. OBERSTAR. Mr. Chairman, the issue of pilotage rates on the Great Lakes is one of the most vexing matters that I have had to deal with going back to my service with my predecessor as the administrative assistant when we had so many problems with the Great Lakes Pilotage Administration. We once had an administrator of that agency who would go off to his farm in Northern Virginia over the weekends when he was needed most. We could not find him. They needed regulations changed or approvals to undertake certain activities; we could not find this guy. It has just been a big headache over the years. We have shifted back and forth between the Coast Guard and the pilotage administration and who is going to administer it. I think it has now been on track.

Again, pilotage has sort of been a football kicked back and forth between Coast Guard and DOT by the Office of Management and Budget; and in the process, pilots have been stiffed, to be very honest with the gentleman. Coast Guard first developed a rule for pilotage rates, sent it to the Office of Management and Budget. They reviewed it. They sent it back to the Coast Guard. The Coast Guard then sent it to the Department of Transportation because that is where they used to live. Now they live over in the Homeland Security Department.

So Secretary Mineta's staff got right on it, and they worked it over and they said, well, we have these questions. And they asked the Coast Guard to answer certain questions. The Coast Guard questions were then sent to OMB. The OMB sent the questions back and now DOT has asked the Coast Guard to respond.

Secretary Mineta has assured me that his office, his staff will clear the way, hopefully get it done by the end of this week so that the interim rate can be approved, at least on an interim basis, pending a final rule.

It should not have to take this long, I assure the gentleman. I appreciate his advocacy on this issue. Hopefully, this will all get done within a week and pilots can apply their trade.

Mr. STUPAK. Mr. Chairman, I urge the Members to support the legislation, and I urge this committee and this Congress to continue to urge the Coast Guard to follow its own rules and regulation and adjust those pilot rates as soon as possible on the Great Lakes. The season is just about over. I appreciate the gentleman's concern.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), the former ranking member of the subcommittee.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me time. I am pleased we are taking up this bill today. For too many years the needs of the Coast Guard were neglected as we failed year after year to pass authorizing bills, and the amount of funds to the Coast Guard for their mission were inadequate.

Their mission, of course, today, is even more difficult than it was then; but I think that this bill is beginning to recognize the need for more funds, the need for better housing allowances, the need of fulfilling that expanded mission. So I am pleased to stand in general support of the bill before the House.

□ 1600

I mean, the Coast Guard is crucial to my District. I represent more than half

the Oregon coast, difficult port entrances, still an active fishing fleet and pleasure boats, and the Coast Guard is called upon many times to conduct rescues at the risk of their own life and also to do fisheries enforcement, drug interdiction and now, of course, the whole new emphasis on homeland security and all the problems in that.

There are two issues where I would raise concerns. The first, I will have an amendment on later, and that is the potential that the Coast Guard museum, which I support the idea of a Coast Guard museum, could be sited on property taken by eminent domain, and I think Congress should speak clearly on that issue, and I will have an amendment on that later.

The other is something I have raised with the Commandant in hearings, and it is just a general note of concern to other Members of Congress. I feel that the Coast Guard is doing an excellent job in its mission of homeland security, but the one place where I would fault them is as our lead negotiator with the International Maritime Organization.

The International Maritime Organization works by consensus, and often I feel rather than us setting down a hard marker and saying, this is where the rest of the world has to go on shipping, crew certification and safety issues, the Coast Guard gets much too involved in bargaining. We should lead by example with world standards. It is not enough to say, well, we always have port/State control issues where we can board these ships once they get here. No, we do not want those ships on the ocean at all. We do not want ships out there where we do not know who the owners are. We do not want ships out there where we do not know who the crews are, and we do not want ships out there when we do not know what the cargoes are.

Those are extraordinary threats both to the safety, the environment as with the *New Carissa* incident in my district. We had a totally incompetent foreign skipper, who did everything in defiance of good practice and managed to put his ship on the beach, spilling a tremendous amount of bunker fuel, causing an environmental disaster, and the ship is still there. He skipped out of the country before we could put him in jail unfortunately, but I do not think he will be coming back, but there are other skippers like that out there, not to say there are not many good ones.

But we need better crew certification requirements. We cannot have these paper schools that issue certificates. That is what we have got today. We are allowing to say, well, these schools exist in the Philippines. There is no one that goes around to certify that the schools exist, certify the curriculum, certify people have gone through the curriculum. We do not know who the crew members are. We do not have noncounterfeitable ID cards. We do not have a way of knowing better what the cargo is.

The Coast Guard is just starting to work on these things, and they are not taking the toughest position they could in the International Maritime Organization to secure our borders, our security and our safety, and I just want to urge them to redouble their efforts and set a higher standard to protect the homeland of the United States of America.

Mr. OBERSTAR. Madam Chairman, how much time, may I inquire, do we have left?

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Minnesota (Mr. OBERSTAR) has 11 minutes remaining.

Mr. OBERSTAR. Madam Chairman, I yield 5 minutes to the distinguished gentleman from Mississippi (Mr. TAYLOR) guardian of the Jones Act.

Mr. TAYLOR of Mississippi. Madam Chairman, if I could, I would like to engage in a colloquy with either the subcommittee or full committee chairman.

Mr. YOUNG of Alaska. Madam Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Madam Chairman, I gladly will accept a colloquy with the good gentleman.

Mr. TAYLOR of Mississippi. Mr. Speaker, for the sake of the folks who do not know it, I am pleased to mention that the full committee chairman owns his own commercial license as a tugboat captain, so I think he will appreciate this question.

In reading the synopsis, it says the measure requires foreign flagged vessels that depart and return to the same U.S. port without stopping at any other port in between to comply with the safety requirements of the International Safety Management Code whenever any part of the voyage occurs in international waters.

For the folks around here, that would be called a cruise to nowhere. As the chairman knows better than most, there really is not a law that allows cruises to nowhere. It is a Customs ruling going back to about the 1950s, and it has been used by foreign-owned, foreign-manned and foreign-built ships to operate in the U.S. trade. They merely go 12 miles out to sea, turn around and come back.

One of the few things that I thought we had protecting Americans from this glaring loophole in the law was that the Coast Guard at least had to inspect these vessels. If I understand this properly, and this is a colloquy, and I am asking for an answer and, hopefully, something that will stick up in law, I hope by doing this we are not taking a bad Customs ruling and making it the law of the land. A bad Customs ruling we can fix with good administration. I have not had one to do so in the three that I have dealt with, but we could still fix with a good administration.

If this becomes the law of the land, and that is why I am asking for my colleague's opinion, then we have, in effect, taken a bad practice and made it the law of the land.

Mr. YOUNG of Alaska. Madam Chairman, if the gentleman would yield, my concern is that we were going to have another colloquy on something else that is very dear to your heart.

Mr. TAYLOR of Mississippi. I am going to get to that one next.

Mr. YOUNG of Alaska. Madam Chairman, I cannot specifically answer the gentleman's question at this time. It is my intent to make sure the vessels, whatever vessels operate in these waters, will be under Coast Guard jurisdiction, and I think that is what the intent of this is. It is my intent, personally, as chairman.

The gentleman brings up a point about a Customs ruling that can be changed. I do not intend to do anything. As my colleague knows, I support the Jones Act equally as he does, and we will be reviewing this, and I am willing to work with the gentleman as this legislation goes forward to see if we cannot make sure that his and my ideas are implemented because I am not going to get involved right now with the trips to nowhere because I do not know the effect of this legislation on those activities at this time.

Mr. TAYLOR of Mississippi. Madam Chairman, if I may ask this question, is it the intent of this legislation to legalize cruises to nowhere?

Mr. YOUNG of Alaska. To my knowledge, no, and if that is the case, we will be taking care of that as time goes by. I was unaware of it. If that does this, we will be looking at it very closely.

Mr. TAYLOR of Mississippi. Second question, again coming from the synopsis, and I know it is not perfect, but it says the bill would authorize two U.S.-built, -owned and -flagged vessels to enter into the U.S. coastwise trades.

My question is, it has been highly publicized in the New York Times and other publications that through the unintended consequences, and I do mean unintended consequences, of the foreign lease provisions in the 1996 Coast Guard authorization bill that some of these U.S.-owned corporations are actually chartering out of the Bahamas and, therefore, totally avoiding their U.S. tax obligations for vessels that are protected by the Coast Guard, for vessels that use channels that are dredged by the Army Corps of Engineers and God forbid if the vessel is seized by terrorists. That owner would never hesitate to call upon the U.S. Navy Seals to go rescue his vessel.

My question is, do these two vessels fall into that category of being owned by a corporation that has already inverted overseas in order to avoid U.S. taxes?

Mr. YOUNG of Alaska. No, and I believe if the gentleman is talking about the M/V *Coastal*, which vessels is the gentleman talking about?

Mr. TAYLOR of Mississippi. Again, the synopsis says two, does not have the names, just says two U.S.-built, -owned and -flagged vessels.

Mr. YOUNG of Alaska. Madam Chairman, if the gentleman is referring to

page 35, the Bluefin and the M/V Coastal Merchant, I do believe this applies as long as it is retroactive. We do not go back and disown them. We have to probably allow them to continue to operate as American-flagged vessels, these two vessels. There are only two vessels mentioned in the bill.

Mr. TAYLOR of Mississippi. Again, my fear is this is an interpretation that we might actually be putting into law, and I hate to be doing that, and I do not think that is my colleague's intention as well.

Mr. YOUNG of Alaska. Madam Chairman, I can assure the gentleman that it is not my intent to do so at this time. That is why we will have the committee to review it, but if these vessels were actually authorized and they were done under a law of 1976 I believe it is, then we cannot make it say, no, they are no longer eligible.

Mr. OBERSTAR. Madam Chairman, does the gentleman have further speakers?

Mr. LOBIONDO. We are reserving the balance of our time.

Mr. OBERSTAR. Madam Chairman, I yield 2½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Chairman, I thank the gentleman, my friend from Minnesota, for recognizing me, and I rise in support of the manager's amendment that will be offered later, and I want to thank the gentleman from Alaska (Chairman YOUNG), the gentleman from Minnesota (Ranking Member OBERSTAR), the gentleman from New Jersey (Subcommittee Chairman LOBIONDO) and the gentleman from California (Ranking Member FILNER) for their support of my amendment which they have included as part of the manager's amendment.

I also rise in support of the overall bill. The Coast Guard is a vital part of our national security. We must provide them with the tools they need and the funding to successfully execute their mission. I am especially pleased with the funding for the Integrated Deepwater Systems program.

Madam Chairman, I offer my amendment because I continue to have grave concerns about the safety of my constituents should the Indian Point nuclear power plant be attacked. I am concerned about the safety and security of the plant. I have even more concerns about the ability to evacuate people safely, but that is for another debate.

This amendment is simple. It requires that the Coast Guard conduct a vulnerability assessment of the facility. As of January 1, 2003, the Coast Guard had established a permanent safety and security zone around Indian Point. However, the Coast Guard's Hudson River cutter passes Indian Point about twice a week, and its copter only about three times a week.

Indian Point is located in Buchanan, New York, 35 miles north of midtown Manhattan and just a few miles northeast of my district. Almost all of my district is located within the 10-mile radius of the plant, and approximately 20 million people live within the 50-mile emergency planning zone or EPZ.

In addition, as we know, blueprints for American nuclear power plants were found in al Qaeda caves in Afghanistan, and that point bears repeating. Al Qaeda has the plans to some U.S. nuclear power plants.

A study conducted by the Marist Institute found that 82 percent of people living within a 50-mile radius of the plant are concerned about a potential terrorist attack on the facility, moreover, a majority of residents in the 50-mile radius do not feel that the plant is secure and protected against a terrorist attack.

I support closing Indian Point completely. Absent that solution, I am working with my colleagues to ensure that it is the most safe and secure nuclear power plant possible.

Therefore, I urge all my colleagues to support the manager's amendment and the bill.

Mr. OBERSTAR. Madam Chairman, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) has 3½ minutes remaining.

Mr. OBERSTAR. Madam Chairman, I yield myself 3 minutes.

Yesterday, the Subcommittee on Coast Guard and Maritime Transportation conducted a hearing on the Staten Island ferry accident in which 10 passengers were killed. Even at this date, the captain and the pilot of the ferry claim to be too ill to testify before the National Transportation Safety Board. The Coast Guard can take no action against them because they are incompetent or a danger to the safety of a vessel because of their statements and because of a loophole in existing law.

The bill that the committee has reported includes a provision recommended wisely and appropriately by the administration to close that loophole. It does not give the Coast Guard authority to go on fishing expeditions to look at the health records of a mariner, but it does what I have long advocated, provide the Coast Guard authority that the FAA has, to require all mariners that are on medication or have illnesses that could affect their ability to operate a vessel safely, to report those circumstances to the Coast Guard so they can determine whether the individual can operate safely.

Enactment of this legislation is going to close a very troublesome loophole in existing law and result in far better safety on the waters as we have an obligation to provide and should undertake, and I thank the chairman for recognizing that circumstance. I know the chairman has been under enormous pressure, to put it mildly, advocacy, to do something differently, but at the hearing yesterday it became apparent why we need to proceed with the language in the bill, which I strongly support.

Let me conclude by saying, we have an outstanding bill. We have an excellent piece of work.

□ 1615

I wish we were doing more in personnel and more in funding for the Coast Guard, but I think we have done all we can under the circumstances; and we will continue to work to improve those two areas, personnel and funding, for the Coast Guard in the future.

Mr. PETRI. Madam Chairman, I applaud the vision of the Chairman of the Subcommittee and the Ranking Minority Member in recommending additional helicopter assets to be deployed on the West Coast for drug interdiction and port security. Currently, there are eight leased, armed helicopters based in Jacksonville, FL, which make up the entire Coast Guard Airborne Use of Force capability. Pre 9–11, this Helicopter Interdiction Tactical Squadron (or HITRON) was used solely for drug interdiction, primarily in the Caribbean. Occasionally, some or all of the fleet was sent to the West Coast since about 50 percent of the drug interdiction has occurred in the eastern Pacific. Post 9–11, insofar as possible, these same eight armed helicopters have also assumed port and inland waterway security duties.

Lakes Michigan and Superior form part of the Wisconsin border. Currently the air stations at Travers City, Michigan, and Detroit monitor the Great Lakes from Niagara Falls through Lake Superior. They are already stretched very thinly. To meet increased terrorist threats wherever they occur, the Coast Guard must rob Peter to pay Paul. The humanitarian aspect of the Coast Guard's mission is a constant, so it is imperative that they obtain more assets—ships, fixed wing and rotary wing aircraft.

Since their introduction into the Coast Guard Inventory many years ago, the role of helicopters has expanded. They had primarily been used for search and rescue missions at sea until the introduction of the lighter, armed Sting Rays. Beginning with the introduction of the Sting Rays in 2000, they have deployed as a cutter-based aircraft to pursue, intercept and disable ''go-fast'' boats engaged in drug running. To date, they have intercepted over 30 Tons of illegal drugs valued at more than $2.1 billion. There are just not enough of them to go around!

The Coast Guard motto is Semper Paratus—Always Prepared. As stated on their web site, they are The Shield of Freedom; The Defender of the Homeland; The Port in the Storm and The Enforcer of the Sea. They are indeed all those things and always have been. However, since 9–11, all those things have taken on added significance. To accomplish these missions, they need more assets to meet the increased burden.

Mr. STUPAK. Madam Chairman, I would like to thank Committee Chairman YOUNG and Ranking Member OBERSTAR for their support in including my provision in the Managers amendment calling for the timely review and adjustment of pilotage rates by the United States Coast Guard.

Every foreign vessel that enters the Great Lakes must secure the services of a ship pilot, whose primary responsibility is the safe navigation of the vessel. The rates that American

pilots charge shipping companies for pilotage services are set by the Coast Guard.

The Great Lakes pilotage system performs a critical safety and environmental protection function for the Great Lakes. It doesn't make sense to underfund a pilotage system that is crucial to the largest freshwater body in the world. Yet the Coast Guard failed to complete a rate adjustment of any kind last year. At the beginning of this year it announced that it intended to establish a new rate in time for the beginning of the 2003 shipping season yet with the shipping season now over, that still has not occurred.

The Coast Guard continues to set funding levels for key elements of the pilotage system at 1997 and even 1995 levels. This is particularly disturbing because the Coast Guard regulations require rates to be reviewed and adjusted on an annual basis. Setting rates to 1997 or 1995 levels will inevitably result in the fraying of the Great Lakes piloting system.

It has been reported that the delay of any rate adjustment is a result of objections from foreign shipping companies, which pay for pilot services. I have made the protection of the Great Lakes a crusade throughout my years in Congress. My Congressional District is surrounded by three Great Lakes. I would object in the strongest possible terms if the Coast Guard is placing the bottom lines of foreign shipping companies ahead of adequate funding for a pilotage system that is designated to protect the Great Lakes. The Coast Guard should not put the economic interests of a few foreign shipping companies ahead of the safety of the Great Lakes.

I urge the Coast Guard to follow its own regulations and adjust pilotage rates on the Great Lakes as soon as possible. Until they do so it places the entire Great Lakes in jeopardy.

I urge all members to support.

Ms. MILLENDER-MCDONALD. Madam Chairman, I rise to express my strong support for the Coast Guard and Maritime Transportation Act (H.R. 2443).

Specifically, I want to thank the chairman and Ranking Member FILNER for including my amendment in the manager's amendment.

My amendment will provide the Department of Homeland Security the authority to issue port security grants, by amending the Maritime Transportation Security Act.

This is a simple act, but I believe it will go a long way in clarifying the responsibility of issuing port security grants in a timely, predictable and efficient manner.

In November 2002, when the Maritime Transportation Security Act passed this House, the Department of Homeland Security had not yet been created.

Since the beginning of the 108th Congress we have worked to iron out the kinks that go with creating a new federal agency such as the Department of Homeland Security. This is, yet, another wrinkle that I hope has been ironed out.

As a representative from Long Beach, the home of the largest port complex in the country and third largest port complex in the world, we in southern California, as well as other port cities around the country, want to know where the responsibility for issuing port security grants lies.

By clarifying the authority of issuing port security grants it is my hope that we can begin to define the federal role in port security.

Specifically, from this point on, we need to provide more funding for port security and we need to establish a dedicated stream of funding for port security.

Finally, I believe, for the large port security projects, we need to provide the authority for multi-year grants so that our ports and local governments can adequately plan to build their new projects.

In closing I want to reiterate my support for this bill and look forward to continuing to work with my colleagues on the committee on these very important issues.

Ms. HARMAN. Madam Chairman, I rise in support of the Coast Guard and Maritime Transportation Act of 2004.

As the former representative of the Port of Los Angeles, and currently the representative of the communities neighboring the Port, I know the critical role the Coast Guard plays in protecting the nation's ports and sea-borne commerce.

Indeed, even before the events of September 11, the women and men of the Coast Guard worked tirelessly to ensure safe and secure operations in and around the Port of Los Angeles and Santa Monica Bay. Since that date, the role of the Coast Guard has increased in pace and intensity.

The bill before us recognizes the operational tempo of the Coast Guard and helps ensure that it has the assets and personnel to do its critical job.

I also want to point out the bill's endorsement of the Marine Exchange of Los Angeles and Long Beach. Since 1923, the Marine Exchange has maintained a continuous 24-hour operation providing detailed records of all vessel arrivals and departures of the busiest habor complex in America. Jointly with Coast Guard, the Marine Exchange operates a Vessel Traffic Information Service. This program uses state of the art electronic tracking equipment and radar and radio systems to manage all commercial vessels that travel through San Pedro Bay. The Marine Exchange VTS is the first public-private VTS partnership operation in the country that is funded by industry.

This bill notes that it is a national model for other ports to study, evaluate, and emulate and authorizes the Coast Guard to enter into similar cooperative agreements elsewhere in the nation. The VTS keeps the Ports of Los Angeles and Long Beach safe, more efficient, and environmentally protected by assisting with the movement of over 35,000 vessel transits annually and I commend its executive director, Capt. M.H.K. ''Manny'' Aschemeyer, and all those associated with the Marine Exchange for a job well done.

Lastly, I want to express my gratitude to the Chairman and Ranking Member for including in the manager's amendment a proposal first suggested to me by the City Council of Torrance, California. That proposal recognizes the linkage between the critically important roles of both the Coast Guard and the nation's cities in the fight against terrorism and recommends the Coast Guard name a class of vessels in its Deepwater program in honor of specific U.S. cities.

It is my hope that the Coast Guard will respond favorably to the sense of Congress language included in the bill and, in fact, name one of its new ships in honor of the city of Torrance, which has been on the forefront of honoring our Armed Forces and is strategically located on the shore of the Pacific Ocean.

Madam Chairman, I urge passage of the Coast Guard and Maritime Transportation Act.

Mr. HOEFFEL. Madam Chairman, I rise in support of H.R. 2443, the Coast Guard and Marine Transportation Act of 2003.

This legislation highlights the need to expand our Coast Guard aviation assets to fight the war against drugs. I strongly support the provision in this measure which permits the Coast Guard to establish a West Coast fleet of HITRON drug interdiction helicopters. This provision will afford the Coast Guard the opportunity to select a new state-of-the-art, multimission helicopter to assist in its drug interdiction efforts.

The HITRON MH–68A Sting Ray was designed, built, and maintained by the Agusta Aerospace facility in Philadelphia. Constructed on the frame of an A109E Power civilian helicopter, the Sting Ray employs state-of-the-art navigation, communication, and avionics equipment.

In 2000, eight Sting Rays were leased to the Coast Guard for the purpose of establishing an armed HITRON Squadron in Jacksonville, specifically for drug interdiction efforts. This Fleet has enjoyed a fabulous success rate in its missions.

HITRON aircrews have interdicted 30 tons of illegal drugs on the high seas valued at more than $2.1 billion. In addition, the Sting Ray is the only Homeland Security helicopter authorized for airborne use of force over civilian populations. Since September 11, the Sting Rays have also been pressed into port security service for all U.S. ports and associated waterways.

Therefore, I am pleased to support H.R. 2443 which accommodates the leasing and stationing of six HITRON helicopters in Southern California. The failure to establish a permanent West Coast Fleet will result in a serious shortage of armed assets for drug interdiction and homeland defense.

Thank you for your consideration of this important piece of legislation.

Mr. OBERSTAR. Madam Chairman, I yield back the balance of my time.

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

The CHAIRMAN pro tempore (Mrs. BIGGERT). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment, and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2443

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

SECTION 1. SHORT TITLE.

This Act may be referred to as the ''Coast Guard and Maritime Transportation Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—AUTHORIZATION
Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
TITLE II—COAST GUARD MANAGEMENT
Sec. 201. Long-term leases.

Sec. 202. Nonappropriated fund instrumentalities.
Sec. 203. Term of enlistments.
Sec. 204. Enlisted member critical skill training bonus.
Sec. 205. Enhancement of Coast Guard authority to stop vessels liable to seizure or examination.
Sec. 206. Administrative, collection, and enforcement costs for certain fees and charges.
Sec. 207. Expansion of Coast Guard housing authorities.
Sec. 208. Requirement for constructive credit.
Sec. 209. Maximum age for retention in an active status.
Sec. 210. Payments.
Sec. 211. Coast Guard fellowship program.
Sec. 212. Air search and rescue facility in Muskegon County, Michigan.
Sec. 213. National Coast Guard Museum.
Sec. 214. Limitation on number of commissioned officers.
Sec. 215. Redistricting notification requirement.

TITLE III—NAVIGATION

Sec. 301. Marking of underwater wrecks.
Sec. 302. Use of electronic devices; cooperative agreements.
Sec. 303. Inland navigation rules promulgation authority.

TITLE IV—SHIPPING

Sec. 401. Reports from charterers.
Sec. 402. Suspension of documents in lieu of mandatory revocation for proved drug convictions.
Sec. 403. Inspection of records of merchant mariners' documents.
Sec. 404. Exemption of unmanned barges from citizenship requirements regarding command of vessel.
Sec. 405. Administrative, collection, and enforcement costs for certain fees and charges.
Sec. 406. Compliance with International Safety Management Code.
Sec. 407. Civil penalties for failure to comply with recreational vessel and associated equipment safety standards.
Sec. 408. Revision of temporary suspension criteria in document suspension and revocation cases.
Sec. 409. Revision of bases for document suspension and revocation cases.
Sec. 410. Hours of service on towing vessels.
Sec. 411. Automatic identification system electronic charts.
Sec. 412. Prevention of departure.

TITLE V—FEDERAL MARITIME COMMISSION

Sec. 501. Authorization of appropriations for Federal Maritime Commission.

TITLE VI—MISCELLANEOUS

Sec. 601. Increase in civil penalties for violations of certain bridge statutes.
Sec. 602. Conveyance of decommissioned Coast Guard Cutter SUNDEW.
Sec. 603. Tonnage measurement.
Sec. 604. Operation of vessel STAD AMSTERDAM.
Sec. 605. Great Lakes National Maritime Enhancement Institute.
Sec. 606. Agile Port and Intelligent Border Security National Demonstration Project.
Sec. 607. Koss Cove.
Sec. 608. Miscellaneous certificates of documentation.
Sec. 609. Dredging study.
Sec. 610. Report regarding security inspection of vessels and vessel-borne cargo containers entering the United States.

TITLE VII—AMENDMENTS RELATING TO OIL POLLUTION ACT OF 1990

Sec. 701. Vessel response plans for nontank vessels over 400 gross tons.
Sec. 702. Requirements for tank level and pressure monitoring devices.
Sec. 703. Liability and cost recovery.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATIONS AND CAPITAL ACQUISITIONS.—

(1) IN GENERAL.—Funds are authorized to be appropriated for fiscal year 2004 for necessary expenses of the Coast Guard as follows:

(A) OPERATING EXPENSES.—For the operating expenses of the Coast Guard, $4,996,000,000, of which—

(i) $4,979,000,000 is for operation and maintenance of the Coast Guard; and

(ii) $17,000,000 is for environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance).

(B) CAPITAL ACQUISITIONS.—For the capital acquisitions of the Coast Guard, $1,097,000,000, of which—

(i) $355,000,000 is for acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto;

(ii) $702,000,000 is for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems program;

(iii) $22,000,000 is 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; and

(iv) $18,000,000 is for the 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.

(2) SOURCE OF FUNDS.—

(A) OPERATING EXPENSES.—Of the amount authorized in paragraph (1)(A), $25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(B) CAPITAL ACQUISITIONS.—Of the amounts authorized by paragraph (1)(B)—

(i) $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; and

(ii) $3,500,000 is authorized to be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(b) RETIRED PAY.—There is authorized to be appropriated for Coast Guard retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments with respect to the Coast Guard under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired Coast Guard personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 as of September 30, 2004.

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

(1) For recruit and special training for fiscal year 2004, 2,500 student years.

(2) For flight training for fiscal year 2004, 125 student years.

(3) For professional training in military and civilian institutions for fiscal year 2004, 350 student years.

(4) For officer acquisition for fiscal year 2004, 1,200 student years.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. LONG-TERM LEASES.

Section 93 of title 14, United States Code, is amended—

(1) by redesignating paragraphs (a) through (x) in order as paragraphs (1) through (23);

(2) in paragraph (18) (as so redesignated) by striking the comma at the end and inserting a semicolon;

(3) by inserting ''(a)'' before ''For the purpose''; and

(4) by adding at the end the following:

''(b)(1) Notwithstanding subsection (a)(14), a lease described in paragraph (2) of this subsection may be for a term of up to 20 years.

''(2) A lease referred to in paragraph (1) is a lease—

''(A) to the United States Coast Guard Academy Alumni Association for the construction of an Alumni Center on the grounds of the United States Coast Guard Academy; or

''(B) to an entity with which the Commandant has a cooperative agreement under section 4(e) of the Ports and Waterways Safety Act, and for which a term longer than 5 years is necessary to carry out the agreement.''.

SEC. 202. NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''§ 152. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services

''The Coast Guard Exchange System, or a morale, welfare, and recreation system of the Coast Guard, may enter into a contract or other agreement with any element or instrumentality of the Coast Guard or with another Federal department, agency, or instrumentality to provide or obtain goods and services beneficial to the efficient management and operation of the Coast Guard Exchange System or that morale, welfare, and recreation system.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''152. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services.''.

SEC. 203. TERM OF ENLISTMENTS.

Section 351(a) of title 14, United States Code, is amended by striking ''terms of full years not exceeding six years.'' and inserting ''a period of at least two years but not more than six years.''.

SEC. 204. ENLISTED MEMBER CRITICAL SKILL TRAINING BONUS.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 373 the following:

''§ 374. Critical skill training bonus

''(a) The Secretary may provide a bonus, not to exceed $20,000, to an enlisted member who completes training in a skill designated as critical, if at least four years of obligated active service remain on the member's enlistment at the time the training is completed. A bonus under this section may be paid in a single lump sum or in periodic installments.

''(b) If an enlisted member voluntarily or because of misconduct does not complete the member's term of obligated active service, the Secretary may require the member to repay the United States, on a pro rata basis, all sums paid under this section. The Secretary may charge interest on the amount repaid at a rate, to be determined quarterly, equal to 150 percent of the average of the yields on the 91-day Treasury bills auctioned during the calendar quarter preceding the date on which the amount to be repaid is determined.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14,

United States Code, is amended by inserting the following after the item relating to section 373:

''374. Critical skill training bonus.''.

SEC. 205. ENHANCEMENT OF COAST GUARD AUTHORITY TO STOP VESSELS LIABLE TO SEIZURE OR EXAMINATION.

(a) REPEAL OF REQUIREMENT TO FIRE WARNING SHOT.—Subsection (a) of section 637 of title 14, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''after a'' and all that follows through ''signal,'' and inserting ''subject to paragraph (2),''; and

(3) by adding at the end the following:

''(2) Before firing at or into a vessel as authorized in paragraph (1), the person in command or in charge of the authorized vessel or authorized aircraft shall fire a gun as a warning signal, except that the prior firing of a gun as a warning signal is not required if that person determines that the firing of a warning signal would unreasonably endanger persons or property in the vicinity of the vessel to be stopped.''.

(b) EXTENSION TO MILITARY AIRCRAFT OF COAST GUARD INTERDICTION AUTHORITY.—Subsection (c) of such section is amended—

(1) in paragraph (1) by inserting ''or'' after the semicolon; and

(2) in paragraph (2) by striking ''; or'' and all that follows through paragraph (3) and inserting a period.

(c) REPEAL OF TERMINATION OF APPLICABILITY TO NAVAL AIRCRAFT.—Subsection (d) of such section is repealed.

SEC. 206. ADMINISTRATIVE, COLLECTION, AND ENFORCEMENT COSTS FOR CERTAIN FEES AND CHARGES.

Section 664 of title 14, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (f);

(2) by inserting after subsection (b) the following:

''(c) In addition to the collection of fees and charges established under this section, the Secretary may recover from the person liable for the fee or charge the costs of collecting delinquent payments of the fee or charge, and enforcement costs associated with delinquent payments of the fees and charges.

''(d)(1) The Secretary may employ any Federal, State, or local agency or instrumentality, or any private enterprise or business, to collect a fee or charge established under this section.

''(2) A private enterprise or business employed by the Secretary to collect fees or charges—

''(A) shall be subject to reasonable terms and conditions agreed to by the Secretary and the enterprise or business;

''(B) shall provide appropriate accounting to the Secretary; and

''(C) may not institute litigation as part of that collection.

''(e) The Secretary shall account for the agency's costs of collecting a fee or charge as a reimbursable expense, and the costs shall be credited to the account from which expended.''; and

(3) by adding at the end the following:

''(g) In this section the term 'costs of collecting a fee or charge' includes the reasonable administrative, accounting, personnel, contract, equipment, supply, training, and travel expenses of calculating, assessing, collecting, enforcing, reviewing, adjusting, and reporting on a fee or charge.''.

SEC. 207. EXPANSION OF COAST GUARD HOUSING AUTHORITIES.

(a) ELIGIBLE ENTITY DEFINED.—Section 680 of title 14, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) in order as paragraphs (4) and (5); and

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

''(3) The term 'eligible entity' means any private person, corporation, firm, partnership, or company and any State or local government or housing authority of a State or local government.''.

(b) DIRECT LOANS FOR PROVIDING HOUSING.—Section 682 of title 14, United States Code, is amended—

(1) in the section heading by striking ''LOAN GUARANTEES'' and inserting ''DIRECT LOANS AND LOAN GUARANTEES'';

(2) by redesignating subsections (a) and (b) as (b) and (c) respectively;

(3) by inserting before subsection (b) (as so redesignated) the following:

''(a) DIRECT LOANS.—(1) Subject to subsection (c), the Secretary may make direct loans to an eligible entity in order to provide funds to the eligible entity for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

''(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.'';

(4) in subsection (b) (as so redesignated) by striking ''subsection (b),'' and inserting ''subsection (c),''; and

(5) in subsection (c) (as so redesignated)—

(A) in the heading by striking ''GUARANTEE''; and

(B) by striking ''Loan guarantees'' and inserting ''Direct loans and loan guarantees''.

(c) LIMITED PARTNERSHIPS WITH ELIGIBLE ENTITIES.—Section 684 of title 14, United States Code, is amended—

(1) in the section heading by striking ''***NONGOVERNMENTAL***'' and inserting ''***ELIGIBLE***'';

(2) in subsection (a) by striking ''nongovernmental'' and inserting ''eligible'';

(3) in subsection (b)(1) by striking ''a nongovernmental'' and inserting ''an eligible'';

(4) in subsection (b)(2) by striking ''a nongovernmental'' and inserting ''an eligible''; and

(5) in subsection (c) by striking ''nongovernmental'' and inserting ''eligible''.

(d) HOUSING DEMONSTRATION PROJECTS IN ALASKA.—Section 687(g) of title 14, United Sates Code, is amended—

(1) in the heading by striking ''PROJECT'' and inserting ''PROJECTS'';

(2) in paragraph (1) by striking ''a demonstration project'' and inserting ''demonstration projects'';

(3) in paragraph (1) by striking ''Kodiak, Alaska;'' and inserting ''Kodiak, Alaska, or any other Coast Guard installation in Alaska;'';

(4) in paragraph (2) by striking ''the demonstration project'' and inserting ''such a demonstration project''; and

(5) in paragraph (4) by striking ''the demonstration project'' and inserting ''such demonstration projects''.

(e) DIFFERENTIAL LEASE PAYMENTS.—Chapter 18 of title 14, United States Code, is amended by inserting after section 687 the following:

''§ 687a. Differential lease payments

''Pursuant to an agreement entered into by the Secretary and a lessor of military family housing or military unaccompanied housing to members of the armed forces, the Secretary may pay the lessor an amount, in addition to the rental payments for the housing made by the members, as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as military family housing or as military unaccompanied housing.''.

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 18 of title 14, United States Code, is amended—

(1) by striking the item related to section 682 and inserting the following:

''682. Direct loans and loan guarantees.'';

(2) in the item related to section 684 by striking ''nongovernmental'' and inserting ''eligible''; and

(3) by inserting after the item related to section 687 the following:

''687a. Differential lease payments.''.

SEC. 208. REQUIREMENT FOR CONSTRUCTIVE CREDIT.

Section 727 of title 14, United States Code, is amended in the second sentence by striking ''three years'' and inserting ''one year''.

SEC. 209. MAXIMUM AGE FOR RETENTION IN AN ACTIVE STATUS.

Section 742 of title 14, United States Code, is amended—

(1) in subsection (a), by striking ''sixty-two'' and inserting ''60''; and

(2) in subsection (c), by striking ''sixty-two'' and inserting ''60''.

SEC. 210. PAYMENTS.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

''§ 517. Payments

''(a) The Secretary may require that travel or transportation allowances due a civilian employee or military member of the Coast Guard be disbursed directly to the issuer of a Federal contractor-issued travel charge card, but only in an amount not to exceed the authorized travel expenses charged by that Coast Guard member to that travel charge card issued to that employee or member.

''(b) The Secretary may also establish requirements similar to those established by the Secretary of Defense pursuant to section 2784a of title 10 for deduction or withholding of pay or retired pay from a Coast Guard employee, member, or retired member who is delinquent in payment under the terms of the contract under which the card was issued and does not dispute the amount of the delinquency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by adding at the end the following:

''517. Payments.''.

SEC. 211. COAST GUARD FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—Title 14, United States Code, is amended by adding at the end of chapter 11 the following:

''§ 337. Coast Guard Congressional Fellowship Program

''(a) There is established in the Coast Guard a Coast Guard Congressional Fellowship Program to broaden Coast Guard officers' knowledge of the Congress.

''(b) The Commandant may appoint 4 midgrade officers as fellows under the program, subject to the following limitations:

''(1) The maximum length of a fellowship is one year.

''(2) A fellow may be assigned to an office of the House of Representatives or the Senate, including a committee, during the period of the fellowship, or may rotate between such offices.

''(3) To protect against abuses of separation of powers principles and conflicts of interest, a fellow may not engage in duties that will result in any direct or indirect benefit to the Coast Guard, other than broadening the fellow's knowledge.

''(c) An individual violating this section is subject to appropriate discipline by the Commandant.''.

(b) LIMITATION ON APPLICATION.—Section 337(b)(1) of title 14, United States Code, as amended by this section, does not apply to an individual serving on June 10, 2003, as a Coast Guard congressional fellow.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 336 the following:

''337. Coast Guard Congressional Fellowship Program.''.

SEC. 212. AIR SEARCH AND RESCUE FACILITY IN MUSKEGON COUNTY, MICHIGAN.

(a) LEASE AUTHORITY.—The Commandant may enter into a long-term lease for a period of

up to 20 years with Muskegon County, Michigan, for use of a facility constructed by the County at Muskegon County Airport as an air search and rescue station, if such a facility that meets criteria established under subsection (b) is available.

(b) CRITERIA.—Any facility leased under subsection (a) must meet criteria established by the Commandant.

SEC. 213. NATIONAL COAST GUARD MUSEUM.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''§ 98. National Coast Guard Museum

''(a) ESTABLISHMENT.—The Commandant of the Coast Guard may, subject to subsections (b) and (c), establish a National Coast Guard Museum on Federal lands that are administered by the Coast Guard and specified by the Commandant.

''(b) LOCATION.—The National Coast Guard Museum may be located at, or in close proximity to, the Coast Guard Academy in New London, Connecticut.

''(c) LIMITATION ON EXPENDITURES.—The Secretary of the Department in which the Coast Guard is operating shall not expend any Federal funds for the planning, engineering, design, construction, operation, or maintenance of any museum established under subsection (a).

''(d) OPERATION AND MAINTENANCE PLAN.—Before the date on which the Commandant establishes a museum under subsection (a), the Commandant shall provide to the Committee on Transportation and Infrastructure of the House of Representatives a plan for operating and maintaining such a museum, including—

''(1) estimated operation and maintenance costs;

''(2) proposed sources of operation and maintenance funds; and

''(3) a certification by the Inspector General of the Department in which the Coast Guard is operating that items included in the plan pursuant to paragraph (1) and (2) are reasonable and realistic.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''98. National Coast Guard Museum.''.

SEC. 214. LIMITATION ON NUMBER OF COMMISSIONED OFFICERS.

Notwithstanding section 42(a) of title 14, United States Code, the total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed 6,700 in fiscal year 2004.

SEC. 215. REDISTRICTING NOTIFICATION REQUIREMENT.

The Commandant shall notify the Committee on Transportation and Infrastructure of the House of Representatives at least 180 days before—

(1) implementing any plan to reduce the number of, change the location of, or change the geographic area covered by any existing Coast Guard Districts; or

(2) shifting of more than 10 per cent of the personnel or equipment from the station where such personnel or equipment is based.

TITLE III—NAVIGATION

SEC. 301. MARKING OF UNDERWATER WRECKS.

Section 15 of the Act of March 3, 1899 (33 U.S.C. 409), is amended—

(1) by striking ''day and'' and inserting ''day and, unless otherwise authorized by the Commandant of the Coast Guard,''; and

(2) by striking ''lighted lantern'' and inserting ''light''.

SEC. 302. USE OF ELECTRONIC DEVICES; COOPERATIVE AGREEMENTS.

Section 4(a) of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1223(a)) is amended by—

(1)(A) striking ''and'' after the semicolon at the end of paragraph (4);

(B) striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) adding at the end the following:

''(6) may prohibit the use on the bridge of a vessel of electronic or other devices that interfere with communications and navigation equipment.''; and

(2) adding at the end the following:

''(e) COOPERATIVE AGREEMENTS.—(1) The Secretary may enter into cooperative agreements with public or private agencies, authorities, associations, institutions, corporations, organizations, or other persons to carry out the functions under subsection (a)(1).

''(2) A nongovernmental entity may not under this subsection carry out an inherently governmental function.

''(3) As used in this paragraph, the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.''.

SEC. 303. INLAND NAVIGATION RULES PROMULGATION AUTHORITY.

(a) REPEAL OF INLAND RULES.—Section 2 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001–38) is repealed.

(b) AUTHORITY TO ISSUE REGULATIONS.—Section 3 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001) is amended to read as follows:

''SEC. 3. INLAND NAVIGATION RULES.

''The Secretary of the Department in which the Coast Guard is operating may issue inland navigation regulations applicable to all vessels upon the inland waters of the United States and technical annexes that are as consistent as possible with the respective annexes to the International Regulations.''.

(c) EFFECTIVE DATE.—Subsection (a) is effective on the effective date of final regulations prescribed by the Secretary of the Department in which the Coast Guard is operating under section 3 of the Inland Navigation Rules Act of 1980 (33 U.S.C. 2001), as amended by this Act.

TITLE IV—SHIPPING

SEC. 401. REPORTS FROM CHARTERERS.

Section 12120 of title 46, United States Code, is amended by striking ''owners and masters'' and inserting ''owners, masters, and charterers''.

SEC. 402. SUSPENSION OF DOCUMENTS IN LIEU OF MANDATORY REVOCATION FOR PROVED DRUG CONVICTIONS.

Section 7704(b) of title 46, United States Code, is amended by inserting ''suspended or'' after ''shall be''.

SEC. 403. INSPECTION OF RECORDS OF MERCHANT MARINERS' DOCUMENTS.

Section 7319 of title 46, United States Code, is amended by striking ''The records are not open to general or public inspection.''.

SEC. 404. EXEMPTION OF UNMANNED BARGES FROM CITIZENSHIP REQUIREMENTS REGARDING COMMAND OF VESSEL.

(a) EXEMPTION FROM LIMITATION ON COMMAND.—Section 12110(d) of title 46, United States Code, is amended by inserting ''or an unmanned barge not engaged on a coastwise voyage'' after ''recreational endorsement''.

(b) EXEMPTION FROM SEIZURE AND FORFEITURE.—Section 12122(b)(6) of title 46, United States Code, is amended by inserting ''or an unmanned barge not engaged on a coastwise voyage'' after ''recreational endorsement''.

SEC. 405. ADMINISTRATIVE, COLLECTION, AND ENFORCEMENT COSTS FOR CERTAIN FEES AND CHARGES.

Section 2110(d) of title 46, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following:

''(B) For purposes of subparagraph (A), costs of collecting the fee or charge include the reasonable administrative, accounting, personnel, contract, equipment, supply, training, and travel expenses of calculating, assessing, collecting, enforcing, reviewing, adjusting, and reporting on the fees and charges.''.

SEC. 406. COMPLIANCE WITH INTERNATIONAL SAFETY MANAGEMENT CODE.

(a) APPLICATION OF EXISTING LAW.—Section 3202(a) of title 46, United States Code, is amended to read as follows:

''(a) MANDATORY APPLICATION.—This chapter applies to a vessel that—

''(1)(A) is transporting more than 12 passengers described in section 2101(21)(A) of this title; or

''(B) is of at least 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, that is a tanker, freight vessel, bulk freight vessel, high speed freight vessel, or self-propelled mobile offshore drilling unit; and

''(2)(A) is engaged on a foreign voyage; or

''(B) is a foreign vessel departing from a place under the jurisdiction of the United States on a voyage, any part of which is on the high seas.''.

(b) COMPLIANCE OF REGULATIONS WITH INTERNATIONAL SAFETY MANAGEMENT CODE.—Section 3203(b) of title 46, United States Code, is amended by striking ''vessels engaged on a foreign voyage.'' and inserting ''vessels to which this chapter applies under section 3202(a) of this title.''.

SEC. 407. CIVIL PENALTIES FOR FAILURE TO COMPLY WITH RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT SAFETY STANDARDS.

Section 4311(b) of title 46, United States Code, is amended—

(1) by striking the first sentence and inserting ''A person violating section 4307(a) of this title is liable to the United States Government for a civil penalty of not more than $5,000, except that the maximum civil penalty may be not more than $250,000 for a related series of violations.''; and

(2) in the second sentence, by striking ''4307(a)(1)'' and inserting ''4307(a)''.

SEC. 408. REVISION OF TEMPORARY SUSPENSION CRITERIA IN DOCUMENT SUSPENSION AND REVOCATION CASES.

Section 7702(d) of title 46, United States Code, is amended—

(1) in paragraph (1) by striking ''if, when acting under the authority of that license, certificate, or document—'' and inserting ''if—'';

(2) in paragraph (1)(B)(i), by inserting '', while acting under the authority of that license, certificate, or document,'' after ''has'';

(3) by striking ''or'' after the semicolon at the end of paragraph (1)(B)(ii);

(4) by striking the period at the end of paragraph (1)(B)(iii) and inserting ''; or''; and

(5) by adding at the end of paragraph (1)(B) the following:

''(iv) is a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.''.

SEC. 409. REVISION OF BASES FOR DOCUMENT SUSPENSION AND REVOCATION CASES.

Section 7703 of title 46, United States Code, is amended—

(1) in paragraph (1)(B)—

(A) by striking ''incompetence,''; and

(B) by striking the comma after ''misconduct'';

(2) by striking ''or'' after the semicolon at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(4) by adding at the end the following:

''(4) has committed an act of incompetence; or

''(5) is a threat to the safety or security of a vessel or a structure located within or adjacent to the marine environment.''.

SEC. 410. HOURS OF SERVICE ON TOWING VESSELS.

(a) REGULATIONS.—Section 8904 of title 46, United States Code, is amended by adding at the end of the following:

''(c) The Secretary may prescribe by regulation requirements for maximum hours of service (including recording and record-keeping of that service) of individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer).''.

(b) DEMONSTRATION PROJECT.—Prior to prescribing regulations under this section the Secretary shall conduct and report to the Congress on the results of a demonstration project involving the implementation of Crew Endurance Management Systems on towing vessels. The report shall include a description of the public and private sector resources needed to enable implementation of Crew Endurance Management Systems on all United States-flag towing vessels.

SEC. 411. AUTOMATIC IDENTIFICATION SYSTEM ELECTRONIC CHARTS.

Section 70114(a)(1) of title 46, United States Code, is amended by inserting '', including an electronic chart and related display,'' after ''automatic identification system'' the first place it appears.

SEC. 412. PREVENTION OF DEPARTURE.

(a) IN GENERAL.—Section 3505 of title 46, United States Code, is amended to read as follows:

''§ 3505. Prevention of departure

''Notwithstanding section 3303 of this title, a foreign vessel carrying a citizen of the United States as a passenger or that embarks passengers from a United States port may not depart from a United States port if the Secretary finds that the vessel does not comply with the standards stated in the International Convention for the Safety of Life at Sea to which the United States Government is currently a party.''.

(b) CONFORMING AMENDMENT.—Section 3303 of title 46, United States Code, is amended by inserting ''and section 3505'' after ''chapter 37''.

TITLE V—FEDERAL MARITIME COMMISSION

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL MARITIME COMMISSION.

There is authorized to be appropriated to the Federal Maritime Commission $18,471,000 for Fiscal Year 2004.

TITLE VI—MISCELLANEOUS

SEC. 601. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF CERTAIN BRIDGE STATUTES.

(a) GENERAL BRIDGE ACT OF 1906.—Section 5(b) of Act of March 23, 1906 (chapter 1130; 33 U.S.C. 495), popularly known as the General Bridge Act, is amended by striking ''$1,000'' and inserting ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter''.

(b) DRAWBRIDGES.—Section 5(c) of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 18, 1894 (33 U.S.C. 499(c)), is amended by striking ''$1,000'' and inserting ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter''.

(c) ALTERATION, REMOVAL, OR REPAIR OF BRIDGES.—Section 18(c) of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 502(c)) is amended by striking ''$1,000'' and inserting ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter''.

(d) GENERAL BRIDGE ACT OF 1946.—Section 510(b) of the General Bridge Act of 1946 (33 U.S.C. 533(b)) is amended by striking ''$1,000'' and inserting ''$5,000 for a violation occurring in 2004; $10,000 for a violation occurring in 2005; $15,000 for a violation occurring in 2006; $20,000 for a violation occurring in 2007; and $25,000 for a violation occurring in 2008 and any year thereafter''.

SEC. 602. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER SUNDEW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter SUNDEW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to Duluth Entertainment and Convention Center Authority (a nonprofit corporation under the laws of the State of Minnesota; in this section referred to as the ''recipient''), located in Duluth, Minnesota, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of education and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as an historical display.

SEC. 603. TONNAGE MEASUREMENT.

(a) M/V BLUEFIN.—The gross tonnage of the M/V BLUEFIN (United States official number 620431) as measured under regulations prescribed under section 14502 of title 46, United States Code, is deemed to be 488 tons.

(b) M/V COASTAL MERCHANT.—The gross tonnage of the M/V COASTAL MERCHANT (United States official number 1038382) as measured under regulations prescribed under section 14502 of title 46, United States Code, is deemed to be 493 tons.

(c) TERMINATION OF APPLICATION.—Subsection (a) or (b) shall not apply on and after any date on which the Secretary of the Department in which the Coast Guard is operating determines, respectively, that the vessel M/V BLUEFIN or the vessel M/V COASTAL MERCHANT has undergone any major modification.

SEC. 604. OPERATION OF VESSEL STAD AMSTERDAM.

(a) IN GENERAL.—Notwithstanding section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and the ruling by the Acting Director of the International Trade Compliance Division of the Customs Service on May 17, 2002 (Customs Bulletins and Decisions, Vol. 36, No. 23, June 5, 2002), the vessel STAD AMSTERDAM (International Maritime Organization number 9185554) shall be authorized to carry within United States waters and between ports or places in the United States individuals who are not directly and substantially connected with the operation, navigation, ownership, or business of the vessel, who are friends, guests, or employees of the owner of the vessel, and who are not actual or prospective customers for hire of the vessel.

(b) LIMITATION.—This section does not authorize the vessel STAD AMSTERDAM to be used to carry individuals for a fare or to be chartered on a for-hire basis in the coastwise trade.

SEC. 605. GREAT LAKES NATIONAL MARITIME ENHANCEMENT INSTITUTE.

(a) DESIGNATION.—The Secretary of Transportation may designate a National Maritime Enhancement Institute for the Great Lakes Region.

(b) AUTHORIZED ACTIVITIES.—In addition to the activities that may be undertaken by that Institute under section 8(b) of Public Law 101–115 (46 App. U.S.C. 1121–2), the Great Lakes National Maritime Enhancement Institute may—

(1) conduct research and evaluate short sea shipping market opportunities on the Great Lakes, including the expanded use of freight ferries, improved mobility, and regional supply chain efficiency;

(2) evaluate markets for foreign trade between ports on the Great Lakes and draft-limited ports in Europe and Africa;

(3) evaluate the environmental benefits of waterborne transportation in the Great Lakes region;

(4) analyze the effect of the Harbor Maintenance Tax on Great Lakes shipping;

(5) study the state of shipbuilding and ship repair base on the Great Lakes;

(6) evaluate opportunities for passenger vessel services on the Great Lakes;

(7) analyze the origin to destination flow of freight cargo in the Great Lakes region that may be transported on vessels to relieve congestion in other modes of transportation;

(8) evaluate the economic viability establishing transshipment facilities for oceangoing cargoes;

(9) evaluate the adequacy of the infrastructure in ports to meet the needs of marine commerce; and

(10) study and develop new vessel designs for domestic and international shipping on the Great Lakes.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2004 through 2008 for the activities described in subsection (b).

SEC. 606. AGILE PORT AND INTELLIGENT BORDER SECURITY NATIONAL DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Transportation may carry out an Agile Port and Intelligent Border Security National Demonstration Project under the Center for the Commercial Deployment of Transportation Technologies to develop and deploy dual use transportation technologies for commercial applications, including the following:

(1) Agile port facilities, including inland multi-modal transportation facilities.

(2) Advanced cargo and passenger vessel hull design, propulsion systems, and construction.

(3) Regional supply chain efficiency, improved mobility, and air quality.

(4) Maritime, port, cargo, and supply chain security, and total asset visibility.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out the demonstration project under subsection (a) there is authorized to be appropriated to the Secretary of Transportation $5,000,000 for fiscal year 2004.

SEC. 607. KOSS COVE.

(a) IN GENERAL.—Notwithstanding any other provision of law or existing policy, the cove described in subsection (b) shall be known and designated as ''Koss Cove'', in honor of the late Able Bodied Seaman Eric Steiner Koss of the National Oceanic and Atmospheric Administration vessel RAINER who died in the performance of a nautical charting mission off the coast of Alaska.

(b) COVE DESCRIBED.—The cove referred to in subsection (a) is—

(1) adjacent to and southeast of Point Elrington, Alaska, and forms a portion of the southern coast of Elrington Island;

(2) ¾ mile across the mouth;

(3) centered at 59 degrees 56.1 minutes North, 148 degrees 14 minutes West; and

(4) 45 miles from Seaward, Alaska.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the cove described in subsection (b) is deemed to be a reference to Koss Cove.

SEC. 608. MISCELLANEOUS CERTIFICATES OF DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) OCEAN LEADER (United States official number 679511).

(2) REVELATION (United States official number 1137565).

SEC. 609. DREDGING STUDY.

(a) STUDY.—The Director of the Congressional Budget Office shall study and report to the Committee on Transportation and Infrastructure of the House of Representatives on the impacts of chartering by foreign citizens of dredges documented under the laws of the United States, on—

(1) the structure, conduct, and performance, of the United States dredging market; and

(2) costs paid by Federal agencies for dredging projects.

(b) FOREIGN CITIZEN DEFINED.—In subsection (a), the term ''foreign citizen'' means any corporation, partnership, or association that does not qualify as a citizen of the United States under section 2 of the Shipping Act of 1916 (46 APP. U.S.C. 802).

SEC. 610. REPORT REGARDING SECURITY INSPECTION OF VESSELS AND VESSEL-BORNE CARGO CONTAINERS ENTERING THE UNITED STATES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall report to the Congress regarding the numbers and types of vessels and vessel-borne cargo containers that enter the United States in a year.

(b) CONTENTS.—The report under this section shall include the following:

(1) A section regarding security inspection of vessels that includes the following:

(A) A complete breakdown of the numbers and types of vessels that entered the United States in the most recent 1-year period for which information is available.

(B) The cost incurred by the Federal Government in inspecting such vessels in such 1-year period, including specification and comparison of such cost for each type of vessel.

(C) An estimate of the per-vessel cost that would be incurred by the Federal Government in inspecting in a foreign port each type of vessel that enters the United States each year, including costs for personnel, vessels, equipment, and funds.

(D) An estimate of the annual total cost that would be incurred by the Federal Government in inspecting in foreign ports all vessels that enter the United States each year, including costs for personnel, vessels, equipment, and funds.

(2) A section regarding security inspection of containers that includes the following:

(A) A complete breakdown of the numbers and types of vessel-borne cargo containers that entered the United States in the most recent 1-year period for which information is available, including specification of the number of 1 TEU containers and the number of 2 TEU containers.

(B) The cost incurred by the Federal Government in inspecting such containers in such 1-year period, including specification and comparison of such cost for a 1 TEU container and for a 2 TEU container.

(C) An estimate of the per-container cost that would be incurred by the Federal Government in inspecting in a foreign port each type of vessel-borne container that enters the United States each year, including costs for personnel, vessels, equipment, and funds.

(D) An estimate of the annual total cost that would be incurred by the Federal Government in inspecting in foreign ports all vessel-borne containers that enter the United States each year, including costs for personnel, vessels, equipment, and funds.

TITLE VII—AMENDMENTS RELATING TO OIL POLLUTION ACT OF 1990

SEC. 701. VESSEL RESPONSE PLANS FOR NONTANK VESSELS OVER 400 GROSS TONS.

(a) NONTANK VESSEL DEFINED.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

''(9) NONTANK VESSEL DEFINED.—In this subsection, the term 'nontank vessel' means a self-propelled vessel of 400 gross tons (as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of such title as prescribed by the Secretary under section 14104 of such title) or greater, other than a tank vessel, that carries oil of any kind as fuel for main propulsion and that—

''(A) is a vessel of the United States; or

''(B) operates on the navigable waters of the United States.''.

(b) AMENDMENTS TO REQUIRE RESPONSE PLANS.—Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended—

(1) in paragraph (5) in the heading by inserting '', NONTANK VESSEL,'' after ''VESSEL'';

(2) in paragraph 5(A) by inserting '', nontank vessel,'' after ''vessel'';

(3) in paragraph (5)(B), in the matter preceding clause (i), by inserting '', nontank vessels,'' after ''vessels'';

(4) in paragraph (5)(B), by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and by inserting after clause (i) the following:

''(ii) A nontank vessel.'';

(5) in paragraph (5)(D)—

(A) by inserting '', nontank vessel,'' after ''vessel'';

(B) by striking ''and'' after the semicolon at the end of clause (iii);

(C) by striking the period at the end of clause (iv) and inserting ''; and''; and

(D) by adding after clause (iv) the following:

''(v) for nontank vessels, consider any applicable State-mandated response plan and ensure consistency to the extent practicable.'';

(6) in paragraph (5)(E), in the matter preceding clause (i), by inserting ''nontank vessel,'' after ''vessel,'';

(7) in paragraph (5)(E)(i) by inserting ''nontank vessel,'' , after ''vessel,'';

(8) in paragraph (5)(F) by striking ''tank vessel or'' and inserting ''vessel or'';

(9) in paragraph (5)(G) by inserting ''nontank vessel,'' after ''vessel,'';

(10) in paragraph (5)(H) by inserting ''and nontank vessel'' after ''each tank vessel'';

(11) in paragraph (6) in the matter preceding subparagraph (A) by striking ''Not later than 2 years after the date of enactment of this section, the President shall require—'' and inserting ''The President may require—'';

(12) in paragraph (6)(B) by inserting '', and nontank vessels carrying oil of any kind as fuel for main propulsion,'' after ''cargo''; and

(13) in paragraph (7) by inserting '', nontank vessel,'' after ''vessel''.

(c) IMPLEMENTATION DATE.—The President shall not require the owner or operator of a nontank vessel (as defined section 311(j)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(9), as amended by this section) to prepare and submit a vessel response plan for such vessel before the end of the one-year period beginning on the date of the enactment of this Act.

SEC. 702. REQUIREMENTS FOR TANK LEVEL AND PRESSURE MONITORING DEVICES.

Section 4110 of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note) is amended—

(1) in subsection (a), by striking ''Not later than 1 year after the date of the enactment of this Act, the Secretary shall'' and inserting ''The Secretary may'';

(2) in subsection (b)—

(A) by striking ''Not later than 1 year after the date of the enactment of this Act, the Secretary shall'' and inserting ''No sooner than 1 year after the Secretary prescribes regulations under subsection (a), the Secretary may''; and

(B) by striking ''the standards'' and inserting ''any standards''.

SEC. 703. LIABILITY AND COST RECOVERY.

(a) DEFINITION OF OWNER OR OPERATOR.—Section 1001(26) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(26)) is amended to read as follows:

''(26) 'owner or operator'—

''(A) means—

''(i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel;

''(ii) in the case of an onshore or offshore facility, any person owning or operating such facility;

''(iii) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

''(iv) in the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, any person who owned, operated, or otherwise controlled activities at such facility immediately beforehand;

''(v) notwithstanding subparagraph (B)(i), any State or local government that has caused or contributed to a discharge or substantial threat of a discharge of oil from a vessel or facility ownership or control of which was acquired involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign; and

''(vi) notwithstanding subparagraph (B)(ii), a person that is a lender and that holds indicia of ownership primarily to protect a security interest in a vessel or facility if, while the borrower is still in possession of the vessel or facility encumbered by the security interest, the person—

''(I) exercises decisionmaking control over the environmental compliance related to the vessel or facility, such that the person has undertaken

responsibility for oil handling or disposal practices related to the vessel or facility; or

''(II) exercises control at a level comparable to that of a manager of the vessel or facility, such that the person has assumed or manifested responsibility—

''(aa) for the overall management of the vessel or facility encompassing day-to-day decisionmaking with respect to environmental compliance; or

''(bb) over all or substantially all of the operational functions (as distinguished from financial or administrative functions) of the vessel or facility other than the function of environmental compliance; and

''(B) does not include—

''(i) a unit of State or local government that acquired ownership or control of a vessel or facility involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign;

''(ii) a person that is a lender that does not participate in management of a vessel or facility, but holds indicia of ownership primarily to protect the security interest of the person in the vessel or facility;

''(iii) a person that is a lender that did not participate in management of a vessel or facility prior to foreclosure, notwithstanding that the person—

''(I) forecloses on the vessel or facility; and

''(II) after foreclosure, sells, re-leases (in the case of a lease finance transaction), or liquidates the vessel or facility, maintains business activities, winds up operations, undertakes a removal action under 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 311(c)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan, with respect to the vessel or facility, or takes any other measure to preserve, protect, or prepare the vessel or facility prior to sale or disposition,

if the person seeks to sell, re-lease (in the case of a lease finance transaction), or otherwise divest the person of the vessel or facility at the earliest practicable, commercially reasonable time, on commercially reasonable terms, taking into account market conditions and legal and regulatory requirements;''.

(b) OTHER DEFINITIONS.—Section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701) is amended by striking ''and'' after the semicolon at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting a semicolon, and by adding at the end the following:

''(38) 'participate in management'—

''(A)(i) means actually participating in the management or operational affairs of a vessel or facility; and

''(ii) does not include merely having the capacity to influence, or the unexercised right to control, vessel or facility operations; and

''(B) does not include—

''(i) performing an act or failing to act prior to the time at which a security interest is created in a vessel or facility;

''(ii) holding a security interest or abandoning or releasing a security interest;

''(iii) including in the terms of an extension of credit, or in a contract or security agreement relating to the extension, a covenant, warranty, or other term or condition that relates to environmental compliance;

''(iv) monitoring or enforcing the terms and conditions of the extension of credit or security interest;

''(v) monitoring or undertaking one or more inspections of the vessel or facility;

''(vi) requiring a removal action or other lawful means of addressing a discharge or substantial threat of a discharge of oil in connection with the vessel or facility prior to, during, or on the expiration of the term of the extension of credit;

''(vii) providing financial or other advice or counseling in an effort to mitigate, prevent, or cure default or diminution in the value of the vessel or facility;

''(viii) restructuring, renegotiating, or otherwise agreeing to alter the terms and conditions of the extension of credit or security interest, exercising forbearance;

''(ix) exercising other remedies that may be available under applicable law for the breach of a term or condition of the extension of credit or security agreement; or

''(x) conducting a removal action under 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan,

if such actions do not rise to the level of participating in management under subparagraph (A) of this paragraph and paragraph (26)(A)(vi);

''(39) 'extension of credit' has the meaning provided in section 101(20)(G)(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(i));

''(40) 'financial or administrative function' has the meaning provided in section 101(20)(G)(ii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(ii));

''(41) 'foreclosure' and 'foreclose' each has the meaning provided in section 101(20)(G)(iii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(iii));

''(42) 'lender' has the meaning provided in section 101(20)(G)(iv) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(iv));

''(43) 'operational function' has the meaning provided in section 101(20)(G)(v) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(v)); and

''(44) 'security interest' has the meaning provided in section 101(20)(G)(vi) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(vi)).''.

(c) DEFINITION OF CONTRACTUAL RELATIONSHIP.—Section 1003 of the Oil Pollution Act of 1990 (33 U.S.C. 2703) is amended by adding at the end the following:

''(d) DEFINITION OF CONTRACTUAL RELATIONSHIP.—

''(1) IN GENERAL.—For purposes of subsection (a)(3) the term 'contractual relationship' includes, but is not limited to, land contracts, deeds, easements, leases, or other instruments transferring title or possession, unless—

''(A) the real property on which the facility concerned is located was acquired by the responsible party after the discharge of the oil on, in, or at the facility;

''(B) one or more of the circumstances described in subparagraph (A), (B), or (C) of paragraph (2) is established by the responsible party by a preponderance of the evidence; and

''(C) the responsible party complies with paragraph (3).

''(2) REQUIRED CIRCUMSTANCE.—The circumstances referred to in paragraph (1)(B) are the following:

''(A) At the time the responsible party acquired the real property on which the facility is located the responsible party did not know and had no reason to know that oil that is the subject of the discharge or substantial threat of discharge was placed on, in, or at the facility.

''(B) The responsible party is a government entity that acquired the facility—

''(i) by escheat;

''(ii) through any other involuntary transfer or acquisition; or

''(iii) through the exercise of eminent domain authority by purchase or condemnation.

''(C) The responsible party acquired the facility by inheritance or bequest.

''(3) ADDITIONAL REQUIREMENTS.—For purposes of paragraph (1)(C), the responsible party must establish by a preponderance of the evidence that the responsible party—

''(A) has satisfied the requirements of section 1003(a)(3)(A) and (B);

''(B) has provided full cooperation, assistance, and facility access to the persons that are authorized to conduct removal actions, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial removal action;

''(C) is in compliance with any land use restrictions established or relied on in connection with the removal action; and

''(D) has not impeded the effectiveness or integrity of any institutional control employed in connection with the removal action.

''(4) REASON TO KNOW.—

''(A) APPROPRIATE INQUIRIES.—To establish that the responsible party had no reason to know of the matter described in paragraph (2)(A), the responsible party must demonstrate that—

''(i) on or before the date on which the responsible party acquired the real property on which the facility is located, the responsible party carried out all appropriate inquiries, as provided in subparagraphs (B) and (D), into the previous ownership and uses of the real property on which the facility is located in accordance with generally accepted good commercial and customary standards and practices; and

''(ii) the responsible party took reasonable steps to—

''(I) stop any continuing discharge;

''(II) prevent, minimize or mitigate any substantial threat of discharge; and

''(III) prevent or limit any human, environmental, or natural resource exposure to any discharged oil.

''(B) REGULATIONS ESTABLISHING STANDARDS AND PRACTICES.—Not later than 2 years after the date of the enactment of this paragraph, the Secretary shall by regulation establish standards and practices for the purpose of satisfying the requirement to carry out all appropriate inquiries under subparagraph (A).

''(C) CRITERIA.—In promulgating regulations that establish the standards and practices referred to in subparagraph (B), the Secretary shall include in such standards provisions regarding each of the following:

''(i) The results of an inquiry by an environmental professional.

''(ii) Interviews with past and present owners, operators, and occupants of the facility and the real property on which the facility is located for the purpose of gathering information regarding the potential for oil at the facility and on the real property on which the facility is located.

''(iii) Reviews of historical sources, including, to the extent available, chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property on which the facility is located since the property was first developed.

''(iv) Searches for recorded environmental cleanup liens against the facility and the real property on which the facility is located that are filed under Federal, State, or local law.

''(v) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and waste handling, generation, treatment, disposal, and spill records, concerning oil at the facility and on the real property on which the facility is located.

''(vi) Visual inspections of the facility, the real property on which the facility is located, and adjoining properties.

''(vii) Specialized knowledge or experience on the part of the responsible party.

''(viii) The relationship of the purchase price to the value of the facility and the real property on which the facility is located, if oil was not at the facility or on the real property.

''(ix) Commonly known or reasonably ascertainable information about the facility and the real property on which the facility is located.

''(x) The degree of obviousness of the presence or likely presence of oil at the facility and on the real property on which the facility is located, and the ability to detect the oil by appropriate investigation.

''(D) INTERIM STANDARDS AND PRACTICES.—

''(i) REAL PROPERTY PURCHASED BEFORE MAY 31, 1997.—With respect to real property purchased before May 31, 1997, in making a determination with respect to a responsible party described in subparagraph (A), a court or appropriate official shall take into account—

''(I) any specialized knowledge or experience on the part of the responsible party;

''(II) the relationship of the purchase price to the value of the facility and the real property on which the facility is located, if oil was not at the facility or on the real property;

''(III) commonly known or reasonably ascertainable information about the facility and the real property on which the facility is located;

''(IV) the obviousness of the presence or likely presence of oil at the facility and on the real property on which the facility is located; and

''(V) the ability of the responsible party to detect the oil by appropriate inspection.

''(ii) REAL PROPERTY PURCHASED ON OR AFTER MAY 31, 1997.—With respect to real property purchased on or after May 31, 1997, until the Secretary promulgates the regulations described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as 'Standard E1527–97', entitled 'Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process', shall satisfy the requirements in subparagraph (A).

''(E) SITE INSPECTION AND TITLE SEARCH.—In the case of real property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, inspection and title search of the facility and the real property on which the facility is located that reveal no basis for further investigation shall be considered to satisfy the requirements of this paragraph.

''(5) PREVIOUS OWNER OR OPERATOR.—Nothing in this paragraph or in section 1003(a)(3) shall diminish the liability of any previous owner or operator of such facility who would otherwise be liable under this Act. Notwithstanding this paragraph, if a responsible party obtained actual knowledge of the discharge or substantial threat of discharge of oil at such facility when the responsible party owned the facility and then subsequently transferred ownership of the facility or the real property on which the facility is located to another person without disclosing such knowledge, the responsible party shall be treated as liable under 1002(a) and no defense under section 1003(a) shall be available to such responsible party.

''(6) LIMITATION ON DEFENSE.—Nothing in this paragraph shall affect the liability under this Act of a responsible party who, by any act or omission, caused or contributed to the discharge or substantial threat of discharge of oil which is the subject of the action relating to the facility.''.

The CHAIRMAN pro tempore. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOBIONDO:

Strike section 101 (page 3, beginning at line 2) and insert the following:

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2004 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $4,865,000,000, of which $25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,147,000,000, of which—

(A) $23,500,000 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; and

(B) $702,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater System program.

(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 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 to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including 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, $1,020,000,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $19,250,000, to remain available until expended.

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

(7) For maintenance and operation of facilities, supplies, equipment, and services necessary for the Coast Guard Reserve, as authorized by law, $114,000,000.

Strike section 205 (page 10, beginning at line 12) and insert the following:

SEC. 205. INDEMNIFICATION FOR DISABLING VESSELS LIABLE TO SEIZURE OR EXAMINATION.

(a) REPEAL OF REQUIREMENT TO FIRE WARNING SHOT.—Subsection (a) of section 637 of title 14, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''after a'' and all that follows through ''signal,'' and inserting ''subject to paragraph (2),''; and

(3) by adding at the end the following:

''(2) Before firing at or into a vessel as authorized in paragraph (1), the person in command or in charge of the authorized vessel or authorized aircraft shall fire a gun as a warning signal, except that the prior firing of a gun as a warning signal is not required if that person determines that the firing of a warning signal would unreasonably endanger persons or property in the vicinity of the vessel to be stopped.''.

(b) EXTENSION TO MILITARY AIRCRAFT OF COAST GUARD INTERDICTION AUTHORITY.—Subsection (c) of such section is amended—

(1) in paragraph (1) by inserting ''or'' after the semicolon; and

(2) in paragraph (2) by—

(A) inserting ''or military aircraft'' after ''surface naval vessel''; and

(B) striking ''; or'' and all that follows through paragraph (3) and inserting a period.

(c) REPEAL OF TERMINATION OF APPLICABILITY TO NAVAL AIRCRAFT.—Subsection (d) of such section is repealed.

(d) TECHNICAL CORRECTION.—

(1) CORRECTION.—Section 637 of title 14, United States Code, is amended in the section heading by striking ''immunity'' and inserting ''indemnification''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by striking the item relating to section 637 and inserting the following:

''637. Stopping vessels; indemnification for firing at or into vessel.''.

Page 12, line 21, insert '', subject to the availability of appropriations,'' after ''expense, and''.

Strike section 209 (page 17, beginning at line 7) and insert the following:

SEC. 209. MAXIMUM AGE FOR RETENTION IN AN ACTIVE STATUS.

Section 742 of title 14, United States Code, is amended to read as follows:

''§ 742. Maximum age for retention in an active status

''(a) A Reserve officer, if qualified, shall be transferred to the Retired Reserve on the day the officer becomes 60 years of age unless on active duty. If not qualified for retirement, a Reserve officer shall be discharged effective upon the day the officer becomes 60 years of age unless on active duty.

''(b) A Reserve officer on active duty shall, if qualified, be retired effective upon the day the officer become 62 years of age. If not qualified for retirement, a Reserve officer on active duty shall be discharged effective upon the day the officer becomes 62 years of age.

''(c) Notwithstanding subsection (a)and (b), the Secretary may authorize the retention of a Reserve rear admiral or rear admiral (lower half) in an active status not longer than the day on which the officer concerned becomes 64 years of age.

''(d) For purposes of this section, 'active duty' does not include active duty for training, duty on a board, or duty of a limited or temporary nature if assigned to active duty from an inactive duty status.''.

At the end of title II (page 22, after line 5) insert the following:

SEC. 2___. ROTC DEMONSTRATION PROJECT.

(a) IN GENERAL.—For the purpose of preparing selected students for commissioned service in the Coast Guard, the Secretary of the Department in which the Coast Guard is operating (in this section referred to as the ''Secretary''), in consultation with the Superintendent of the Coast Guard Academy, may establish and maintain a Senior Reserve Officers' Training Corps demonstration project at the University of Alaska (in this section referred to as the ''University'').

(b) OBLIGATIONS OF UNIVERSITY, GENERALLY.—As part of any demonstration project undertaken under this section, the University shall—

(1) give the senior commissioned Coast Guard officer who is assigned to the project the academic rank of professor;

(2) adopt, as a part of its curriculum, a 4-year course of military instruction as prescribed by the Secretary; and

(3) provide advanced training to eligible members of the project.

(c) STUDENT ELIGIBILITY.—To be eligible for membership in the project an individual must—

(1) be a student at the University;
(2) be a citizen of the United States;
(3) be selected for advanced training under procedures prescribed by the Secretary;
(4) enlist in the Coast Guard for the period prescribed by the Secretary;
(5) contract (with the consent of the individual's parent or guardian if the individual is a minor) with the Secretary, or a designated representative of the Secretary, to serve for the period required by the program;
(6) agree in writing to accept an appointment, if offered, as a commissioned officer in the Coast Guard and to serve for the period prescribed by the Secretary;
(7) either—
(A) complete successfully—
(i) the first 2 years of the 4-year Senior Coast Guard Reserve Officers' Training Corps course; or
(ii) field training or a practice cruise of a duration prescribed by the Secretary as a preliminary requirement for admission to the advanced course; or
(B) at the discretion of the Secretary concerned, agree in writing to complete field training or a practice cruise, as prescribed by the Secretary, within 2 years after admission to the advanced course; and
(8) execute a certificate of loyalty in such form as the Secretary prescribes or take a loyalty oath as prescribed by the Secretary.

(d) SERVICE OBLIGATION.—A member of the project who is selected for advanced training under subsection (c), and who does not complete the course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary to serve in the member's enlisted grade or rating for such period of time as the Secretary prescribes but not for more than 2 years.

(e) APPOINTMENT AS OFFICER.—
(1) IN GENERAL.—Upon satisfactorily completing the academic and military requirements of the program of advanced training under subsection (c), a member of the project who was selected for advanced training under subsection (c) may be appointed as a regular or reserve officer in the Coast Guard in the grade of second lieutenant or ensign, even if under 21 years of age.
(2) DATE OF RANK.—The date of rank of officers appointed under this subsection in May or June of any year is the date of graduation of cadets from the Coast Guard Academy. The Secretary shall establish the date of rank of all other officers appointed under this subsection.
(3) COMPUTATION OF LENGTH OF SERVICE.—In computing length of service for any purpose, an officer appointed under this subsection may not be credited with enlisted service for the period covered by advanced training under this section, other than any period of enlisted service performed in the Coast Guard.

(f) APPOINTMENT AS CADET.—
(1) IN GENERAL.—The Secretary may appoint as a cadet in the Coast Guard reserve any eligible member of the project who will be under 31 years of age on December 31 of the calendar year in which the member is eligible under this section for appointment as an ensign in the Coast Guard.
(2) ELIGIBILITY REQUIREMENTS.—To be an eligible member of the project for purposes of paragraph (1) a member must—
(A) be a citizen of the United States;
(B) be specially selected for the financial assistance program under procedures prescribed by the Secretary;
(C) enlist in the Coast Guard reserve as a cadet for the period prescribed by the Secretary;
(D) contract (with the consent of the member's parent or guardian if the member is a minor) with the Secretary, or a designated representative of the Secretary, to serve for the period required by the project; and
(E) agree in writing that, at the discretion of the Secretary, the member will—
(i)(I) accept an appointment, if offered, as a commissioned officer in Coast Guard, and, if the member is commissioned as a regular officer and the member's regular commission is terminated before the sixth anniversary of the member's date of rank, the member accept an appointment, if offered, in the Coast Guard reserve and not resign before that anniversary or before such other date, not beyond the eighth anniversary of the member's date of rank, that the Secretary may prescribe; and
(II) serve on active duty for 4 or more years;
(ii)(I) accept an appointment, if offered, as a commissioned officer in the Coast Guard; and
(II) serve in the Coast Guard reserve until the eighth anniversary of the receipt of such appointment, unless otherwise extended under subsection (g)(4), under such terms and conditions as shall be prescribed by the Secretary; or
(iii)(I) accept an appointment, if offered, as a commissioned officer in the Coast Guard; and
(II) serve in the Coast Guard reserve until at least the sixth anniversary and, at the discretion of the Secretary, up to the eighth anniversary of the receipt of such appointment, unless such appointment is otherwise extended under subsection (g)(4), under such terms and conditions as may be prescribed by the Secretary.

The performance of service under subparagraph (E)(ii) or (E)(iii) may include periods of active duty, active duty for training, and other service in an active or inactive status in the Coast Guard reserve, except that performance of service under subparagraph (E)(iii) shall include not less than 2 years of active duty.
(3) APPOINTMENT AS OFFICER.—Upon satisfactorily completing the academic and military requirements of the project, a cadet may be appointed as a regular or reserve officer in the grade of second lieutenant or ensign, even if under 21 years of age.
(4) DATE OF RANK.—The date of rank of officers appointed under this subsection in May or June of any year is the date of graduation of cadets from Coast Guard Academy in that year. The Secretary shall establish the date of rank of all other officers appointed under this subsection.
(5) SERVICE OBLIGATION.—A cadet who does not complete the 4-year course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary to serve in the member's enlisted grade or rating for such period of time as the Secretary prescribes but not for more than 4 years.

(g) ADVANCED STANDING.—
(1) IN GENERAL.—The Secretary may give to any enlisted member of the Coast Guard, or any person who has served on active duty in any armed force, such advanced standing in the program as may be justified by the member's education and training.
(2) ELIGIBILITY FOR ADVANCED TRAINING.—In determining a member's eligibility for advanced training, the Secretary may credit the member with any military training that is substantially equivalent in kind to that prescribed for admission to advanced training and was received while the member was taking a course of instruction in a program under the jurisdiction of another armed force or while the member was on active duty in the armed forces.
(3) EXCUSE FROM PRESCRIBED INSTRUCTION.—The Secretary may excuse from a portion of the prescribed course of military instruction, including field training and practice cruises, any member found qualified on the basis of the member's previous education, military experience, or both.
(4) PARTICIPATION FOLLOWING UNDERGRADUATE STUDIES.—An individual may become, remain, or be readmitted as, a member of the advanced training program after receiving a baccalaureate degree or completing preprofessional studies if the member has not completed the course of military instruction or all field training or practice cruises prescribed by the Secretary. If a member of the project has been accepted for resident graduate or professional study, the Secretary may delay the commencement of the member's obligated period of active duty, and any obligated period of active duty for training or other service in an active or inactive status in the Coast Reserve, until the member has completed that study.
(5) RELEASE FROM PROJECT.—The Secretary, if the Secretary determines that the interest of the service so requires, may release any individual from the project and discharge the member from the Coast Guard.

(h) MISCELLANEOUS AUTHORITIES.—
(1) IN GENERAL.—The Secretary may issue to the senior commissioned Coast Guard officer who is assigned to the project, or to the officers of the Coast Guard who are designated as accountable or responsible for such property—
(A) supplies, means of transportation including aircraft, arms and ammunition, and military textbooks and educational materials; and
(B) uniform clothing, except that he may pay monetary allowances for uniform clothing at such rate as he may prescribe.
(2) FLIGHT INSTRUCTION.—The Secretary may provide, or contract with civilian flying or aviation schools or educational institutions to provide, the personnel, aircraft, supplies, facilities, services, and instruction necessary for flight instruction and orientation for properly designated members of the project.
(3) MEDICAL CARE.—The Secretary—
(A) may transport members of, and designated applicants for membership in, the project to and from installations when it is necessary for them to undergo medical or other examinations or for the purposes of making visits of observation; and
(B) may furnish to such members subsistence, quarters, and necessary medical care, including hospitalization, while they are at, or traveling to or from, such an installation.
(4) PARTICIPATION IN FLIGHTS AND CRUISES.—The Secretary may authorize members of, and designated applicants for membership in, the project to participate in aerial flights in Coast Guard aircraft and in indoctrination cruises in naval vessels.
(5) FINANCIAL ASSISTANCE.—The Secretary may, to the extent amounts are available, provide for the payment of financial assistance to students participating in the project, including for tuition, fees, books, and laboratory expenses.

(i) DETAIL OF RESERVE OFFICERS.—The Secretary may detail regular or reserve Coast Officers for instructional and administrative duties related to the project.

SEC. 2___. SHOCK MITIGATION REQUIREMENTS.

(a) REQUIREMENTS.—Chapter 17 of title 14, United Sates Code, is amended by adding the end the following:

"§ 675. Shock mitigation requirements

''(a) The Secretary shall establish a shock standard for Coast Guard vessels.

''(b) The Secretary shall include shock mitigation requirements for boat decking in each procurement of a vessel for the Coast Guard that does not meet the standard established under subsection (a).

''(c) Requirements under subsection (a) shall specify the weight and durability of decking material, effects on decking material of repeated use and weather conditions, and the capability of decking material to mitigate impacts.''.

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

''675. Shock mitigation requirements.''.

SEC. 2___. COAST GUARD YARD.

(a) IN GENERAL.—Section 648 of title 14, United States Code, is amended by—

(1) amending the section heading to read as follows:

''§ 648. Industrial work'';

(2) inserting ''(a)'' before the existing text; and

(3) adding at the end the following:

''(b) The Commandant may enter into a contract or cooperative agreement with any person for the performance of work on a local, State, or Federal government vessel, or the engine, ordnance, electronics, or other equipment related to such a vessel.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 14, United States Code, is amended by amending the item relating to section 648 to read as follows:

''648. Industrial work.''.

SEC. 2___. RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.

Section 93 of title 14, United States Code, is amended—

(1) in paragraph (w) by striking ''and'' after the semicolon at the end;

(2) in paragraph (x) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(y) after informing the Secretary, make such recommendations to the Congress relating to the Coast Guard as the Commandant considers appropriate.''.

SEC. 2___. ASSIGNMENT OF OFFICER TO NATIONAL WAR COLLEGE.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''§ 152. Assignment of officer to National War College

''The Commandant shall assign an officer in the grade of captain to serve as the Coast Guard's Service Chair at the National War College.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''152. Assignment of officer to National War College.''.

SEC. 2___. COAST GUARD EDUCATION LOAN REPAYMENT PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 13 of title 14, United States Code, is amended by inserting after section 471 the following:

''§ 472. Education loan repayment program

''(a)(1) Subject to the provisions of this section, the Secretary may repay—

''(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or

''(C) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

''(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed on active duty as an enlisted member of the Coast Guard in a specialty specified by the Secretary.

''(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or $1,500, whichever is greater, for each year of service.

''(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of such loan shall accrue and be paid in the same manner as is otherwise required.

''(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

''(e) The Secretary shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out this section during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended by inserting after the item relating to section 471 the following:

''472. Education loan repayment program.''.

Strike section 405 (page 25, beginning at line 17).

At the end of title IV (page 30, after line 21) insert the following:

SEC. 4___. SERVICE OF FOREIGN NATIONALS FOR MARITIME EDUCATIONAL PURPOSES.

Section 8103(b)(1)(A) of title 46, United State Code, is amended to read as follows:

''(A) each unlicensed seaman must be—

''(i) a citizen of the United States;

''(ii) an alien lawfully admitted to the United States for permanent residence; or

''(iii) a foreign national who is enrolled in the United States Merchant Marine Academy.''.

SEC. 4___. CLASSIFICATION SOCIETIES.

(a) IN GENERAL.—Section 3316 of title 46, United States Code, is amended by adding at the end the following:

''(c)(1) A person shall not operate in interstate or foreign commerce as a classification society unless the Secretary has reviewed and approved the person with respect to the conduct of those operations.

''(2) The Secretary may approve a person for purposes of paragraph (1) only if the Secretary determines that—

''(A) the vessels surveyed by the person while acting as a classification society have an adequate safety record; and

''(B) the person has an adequate program to—

''(i) develop safety standards for vessels surveyed by the person;

''(ii) make the safety records of the person available to the Secretary in an electronic format;

''(iii) provide the safety records of a vessel surveyed by the person to any other classification society that requests those records for the purpose of conducting a survey of the vessel; and

''(iv) request the safety records of a vessel the person will survey from any classification society that previously surveyed the vessel.

''(3) The Secretary shall issue regulations implementing this subsection, including regulations describing activities that constitute operation in interstate or foreign commerce as a classification society.''.

(b) APPLICATION.—Section 3316(c)(1) of title 46, United States Code, shall apply with respect to operation as a classification society on or after January 1, 2005.

SEC. 4___. MEMBERSHIP OF AREA MARITIME SECURITY ADVISORY COMMITTEES.

Section 70112(b) of title 46, United States Code, is amended by adding at the end following:

''(5) Membership of an Area Maritime Security Advisory Committee shall include representatives of the port industry, terminal operators, port labor organizations, and other users of the port areas.''.

SEC. 4___. SECURITY PLANS.

Section 70103(c) of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''operator of a vessel or facility'' and inserting ''operator of a vessel (including a foreign vessel) or facility''; and

(B) by striking ''a security plan'' and inserting ''in writing a detailed security plan'';

(2) in paragraph (5), by striking ''A vessel'' and inserting ''A vessel (including a foreign vessel)'';

(3) in paragraph (6), by inserting ''(including a foreign vessel)'' after ''authorize a vessel'' ; and

(4) in paragraph (7), by inserting ''(including a foreign vessel)'' after ''operator of a vessel''.

Strike section 602 (page 32, beginning at line 21) and insert the following:

SEC. 602. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTERS.

(a) IN GENERAL.—The Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to a vessel described in subsection (b) to the person designated in subsection (b) with respect to the vessel (in this section referred to as the ''recipient''), without consideration, if the person complies with the conditions under subsection (c).

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

(1) The Coast Guard Cutter BRAMBLE, to be conveyed to the Port Huron Museum of Arts and History (a nonprofit corporation under the laws of the State of Michigan), located in Port Huron, Michigan.

(2) The Coast Guard Cutter PLANETREE, to be conveyed to Jewish Life (a nonprofit corporation under the laws of the State of California), located in Sherman Oaks, California.

(3) The Coast Guard Cutter SUNDEW, to be conveyed to Duluth Entertainment and Convention Center Authority (a nonprofit corporation under the laws of the State of Minnesota), located in Duluth, Minnesota.

(c) CONDITIONS.—As a condition of any conveyance of a vessel under subsection (a), the Commandant shall require the recipient to—

(1) agree—

(A) to use the vessel for purposes of education and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use of the vessel by the Government under subparagraph (C);

(2) have funds available that will be committed to operate and maintain the vessel conveyed in good working condition—

(A) in the form of cash, liquid assets, or a written loan commitment; and

(B) in an amount of at least $700,000; and

(3) agree to any other conditions the Commandant considers appropriate.

(d) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of a vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

The Commandant shall deliver a vessel conveyed under this section at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(e) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as an historical display.

Strike section 607 (page 38, beginning at line 17) and insert the following:

SEC. 607. KOSS COVE.

(a) IN GENERAL.—Notwithstanding any other provision of law or existing policy, the cove described in subsection (b) shall be known and designated as ''Koss Cove'', in honor of the late Able Bodied Seaman Eric Steiner Koss of the National Oceanic and Atmospheric Administration vessel RAINIER who died in the performance of a nautical charting mission off the coast of Alaska.

(b) COVE DESCRIBED.—The cove referred to in subsection (a) is—

(1) adjacent to and southeast of Point Elrington, Alaska, and forms a portion of the southern coast of Elrington Island;

(2) 3/4 mile across the mouth;

(3) centered at 59 degrees 56.1 minutes North, 148 degrees 14 minutes West; and

(4) 45 miles from Seward, Alaska.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the cove described in subsection (b) is deemed to be a reference to Koss Cove.

Strike section 609 (page 40, beginning at line 3) and insert the following:

SEC. 609. REGULATIONS.

No later than February 1, 2004, the Secretary of the department in which the Coast Guard is operating shall implement final regulations to carry out section 12106(e), title 46, United States Code.

At the end of title VI (page 43, after line 2) insert the following:

SEC. 6___. CONVEYANCE OF DECOMMISSIONED COAST GUARD VESSELS.

(a) IN GENERAL.—Upon the scheduled decommissioning of a Coast Guard vessel listed in subsection (d), the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the respective recipient listed in subsection (d) for that vessel, if—

(1) the recipient agrees—

(A) to use the vessel for public safety activities;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function.

(d) VESSELS AND RECIPIENTS.—The vessels and recipients referred to in subsection (a) are the following:

(1) A 21-foot rigid hull Coast Guard vessel, to the Berrien County Sheriff's Department, Berrien County, Michigan.

(2) A 44-foot motor life boat, to the Port Norris Fire Company, Commercial Township, New Jersey.

(3) A 44-foot motor life boat, to the City of Margate, New Jersey.

(4) A 44-foot motor life boat, to the Lower Alloway Creek Fire Company, Hancocks Bridge, New Jersey.

(5) A 44-foot motor life boat, to the Fortescue Fire Rescue Company 1, Downe Township, New Jersey.

(6) A 21-foot rigid hull inflatable, to the Longport Volunteer Fire Department, Longport, New Jersey.

(7) A 21-foot rigid hull inflatable, to West Wildwood Fire Company, West Wildwood, New Jersey.

(8) A 21-foot rigid hull inflatable, to the San Diego Unified Port District, California.

SEC. 6___. ASSATEAGUE LIGHTHOUSE LENS.

The Secretary of the department in which the Coast Guard is operating shall convey to the Oyster and Maritime Museum, located in Chincoteague, Virginia, without consideration, all right, title, and interest of the United States in and to the first order Fresnel lens formerly used in the Assateague Lighthouse located on Assateague Island, Virginia.

SEC. 6___. STUDY OF THE ROLE OF COAST GUARD ICE BREAKERS IN SUPPORTING UNITED STATES OPERATIONS IN THE ANTARCTIC AND THE ARCTIC.

(a) IN GENERAL.—The Commandant of the Coast Guard may enter into an arrangement with the Polar Research Board and the Marine Board of the National Academy of Sciences to—

(1) conduct a study of the role of Coast Guard icebreakers in supporting United States operations in the Antarctic and the Arctic, including—

(A) roles in logistics and material support and a general inventory of contributions to science in both regions;

(B) alternative methods for staging, supporting, and conducting Arctic and Antarctic activities other than by use of Coast Guard icebreakers;

(C) the operational status of the POLAR STAR and POLAR SEA, including the projected life expectancy of vessel systems, and strategies for extending the service life of these vessels; and

(D) key short-term and long-term functions provided by the Coast Guard icebreaker fleet and how these functions might be addressed under different service life extension and replacement scenarios; and

(2) conduct a study of changes in the roles and missions of Coast Guard icebreakers in the support of future marine operations in the Arctic that may develop due to environmental change, including—

(A) the amount and kind of icebreaking support that may be required in the future to support marine operations in the Northern Sea Route and the Northwest Passage;

(B) the suitability of the Polar Class icebreakers for these new roles; and

(C) appropriate changes in existing laws governing Coast Guard icebreaking operations and the potential for new operating regimes.

(b) REPORT.—Not later than 18 months after the date of enactment of the Act, the Commandant shall submit a report on the studies required under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) CHARGE FOR ICEBREAKING SERVICES.—After the date on which the Commandant submits the report under subsection (b), and notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may charge other Federal agencies for the Secretary's cost of providing icebreaking and related transportation services to those agencies.

SEC. 6___. CORRECTION OF REFERENCES TO NATIONAL DRIVER REGISTER.

Title 46, United States Code, is amended—

(1) in section 7302—

(A) by striking ''section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)'' and inserting ''30305(b)(5) of title 49''; and

(B) by striking ''section 205(a)(3)(A) or (B) of that Act'' and inserting ''30304(a)(3)(A) or (B) of title 49'';

(2) in section 7702(d)(1)(B)(iii) by striking ''section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982'' and inserting ''section 30304(a)(3)(A) or (B) of title 49''; and

(3) in section 7703(3) by striking ''section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982'' and inserting ''section 30304(a)(3)(A) or (B) of title 49''.

SEC. 6___. WATEREE RIVER.

For purposes of bridge administration, the portion of the Wateree River in the State of South Carolina, from a point 100 feet upstream of the railroad bridge located at approximately mile marker 10.0 to a point 100 feet downstream of such bridge, is declared to not be navigable waters of the United States for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

SEC. 6___. ALASKA MERCHANT MARINERS' DOCUMENTS PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a pilot program in the 17th Coast Guard District to demonstrate methods to improve processing and procedures for issuing merchant mariners' documents.

(b) USE OF EXISTING TOOLS.—Before conducting the pilot program authorized under subsection (a), the Secretary shall consult with the Secretary of the Air Force regarding the efficiency and effectiveness of the content management technology and information management tools that are currently used by the department of the Air Force in the Air Force Publishing Directorate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $5,000,000 to carry out the pilot program under subsection (a).

SEC. 6___. CONVEYANCE OF SENTINEL ISLAND LIGHT STATION, ALASKA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Department in which the Coast Guard is operating shall convey, by an appropriate

means of conveyance, all right, title, and interest of the United States in and to the Sentinel Island Light Station and Sentinel Island, Alaska, to the Gastineau Channel Historical Society.

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

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

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

(B) any interest in submerged land.

(b) GENERAL TERMS AND CONDITIONS.—

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

(A) without payment of consideration; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) MAINTENANCE OF PROPERTY.—

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

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

(c) DEFINITIONS.—In this section, the following definitions apply:

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

(2) OWNER.—The term ''owner'' means, for property conveyed under this section, the person to which property is conveyed under subsection (a)(1), and any successor or assign of that person.

SEC. 6___. MARITIME INTELLIGENCE AND LONG-RANGE VESSEL TRACKING SYSTEM.

(a) MARITIME INTELLIGENCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $25,000,000 for fiscal year 2004 to implement a system to carry out section 70113(a) of title 46, United States Code.

(2) SYSTEM REQUIREMENT.—Any system implemented with amounts made available under this subsection shall—

(A) include a vessel terrorism risk profiling system that assigns incoming vessels a risk rating; and

(B) be based on independently verified intelligence data.

(b) VESSEL TRACKING SYSTEM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Department in which the Coast Guard is operating $12,000,000 for fiscal year 2004 to carry out section 70115 of title 46, United States Code.

(2) SYSTEM REQUIREMENTS.—Any automated vessel tracking system implemented with amounts made available under this subsection shall be operated by an existing nonprofit maritime organization that—

(A) operates satellite communications systems, and vessel tracking software and hardware; and

(B) can have nationwide vessel tracking capability in operation by no later than 90 days after the date the organization enters into a contract with the Coast Guard to establish and operate the system.

SEC. 6___. COLUMBIA SLOUGH.

Section 325 of Public Law 97–369 (96 Stat. 1785) is repealed.

SEC. 6___. SENSE OF CONGRESS REGARDING CARBON MONOXIDE AND WATERCRAFT.

It is the sense of the Congress that the Coast Guard should continue—

(1) to place a high priority on addressing the safety risks posed to boaters by elevated levels of carbon monoxide that are unique to watercraft; and

(2) to work with vessel and engine manufacturers, the American Boat & Yacht Council, other Federal agencies, and the entire boating community in order to determine the best ways to adequately address this public safety issue and minimize the number of tragic carbon monoxide-related boating deaths that occur each year.

SEC. 6___. SENSE OF CONGRESS REGARDING NAMING NEW VESSELS UNDER THE DEEPWATER PROGRAM FOR CITIES OF THE UNITED STATES.

It is the sense of the Congress that the Coast Guard should consider including in its naming protocols for new vessels constructed under the Deepwater Program the names of cities of the United States and its territories and possessions.

SEC. 6___. PORT SECURITY GRANT AUTHORITY.

(a) IN GENERAL.—Section 70107 of title 46, United States Code, is amended—

(1) in subsection (a) by striking ''Secretary of Transportation, acting through the Maritime Administrator,'' and inserting ''Secretary, acting through the Commandant of the Coast Guard,'';

(2) by striking ''Secretary of Transportation'' each place it appears and inserting ''Secretary, acting through the Commandant of the Coast Guard,''; and

(3) by striking ''Department of Transportation'' each place it appears and inserting ''department in which the Coast Guard is operating''.

(b) EFFECTIVE DATE.—Subsection (a)—

(1) shall take effect October 1, 2004; and

(2) shall not affect any grant made before that date.

SEC. 6___. SECURITY ASSESSMENT OF INDIAN POINT ENERGY CENTER.

Not later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall—

(1) conduct a vulnerability assessment under section 70102(b) of title 46, United States Code, of the navigable waters adjacent to Indian Point Energy Center, located in Westchester County, New York; and

(2) submit a report on that assessment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate.

SEC. 6___. MITIGATION OF PENALTY DUE TO AVOIDANCE OF A CERTAIN HAZARDOUS CONDITION.

(a) TREATMENT OF VIOLATION.—For purposes of any administrative proceeding to consider mitigation of any civil penalty for a violation described in subsection (b), such violation is deemed to have been committed by reason of a safety concern.

(b) VIOLATION DESCRIBED.—A violation referred to in subsection (a) is any violation of the Act of June 19, 1886 (chapter 421; 46 App. U.S.C. 289), occurring before August 1, 2003, and consisting of operation of a passenger vessel in transporting passengers—

(1) between the Port of New Orleans and another port on the Gulf of Mexico at a time when the power lines across the Mississippi River at Chalmette, Louisiana, are a hazard to the safe return transport of passengers on that vessel to the Port of New Orleans; or

(2) in repositioning the vessel to the Port of New Orleans after that hazard is temporarily resolved.

SEC. 6___. DESIGNATION OF EMPRESS OF THE NORTH AS A TOUR VESSEL.

Notwithstanding any other law, the passenger vessel EMPRESS OF THE NORTH (United States official number 1140867) is deemed to be a tour vessel for the purpose of the regulations promulgated by the Secretary of the Interior under section 3(h) of Public Law 91–383 (16 U.S.C. 1a–2(h)) and section 3 of the Act of August 25, 1916 (16 U.S.C. 3), with respect to vessel operations in Glacier Bay National Park and Preserve, Alaska.

SEC. 6___. SENSE OF CONGRESS REGARDING TIMELY REVIEW AND ADJUSTMENT OF GREAT LAKES PILOTAGE RATES.

It is the sense of the Congress that the Secretary of the department in which the

Coast Guard is operating should, on a timely basis, review and adjust the rates payable under part 401 of title 46, Code of Federal Regulations, for services performed by United States registered pilots on the Great Lakes.

Strike section 703 (page 46, beginning at line 19) and insert the following:

SEC. 703. LIABILITY AND COST RECOVERY.

(a) DEFINITION OF OWNER OR OPERATOR.—Section 1001(26) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(26)) is amended to read as follows:

''(26) 'owner or operator'—

''(A) means—

''(i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel;

''(ii) in the case of an onshore or offshore facility, any person owning or operating such facility;

''(iii) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

''(iv) in the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, any person who owned, operated, or otherwise controlled activities at such facility immediately beforehand;

''(v) notwithstanding subparagraph (B)(i), any State or local government that has caused or contributed to a discharge or substantial threat of a discharge of oil from a vessel or facility ownership or control of which was acquired involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign; and

''(vi) notwithstanding subparagraph (B)(ii), a person that is a lender and that holds indicia of ownership primarily to protect a security interest in a vessel or facility if, while the borrower is still in possession of the vessel or facility encumbered by the security interest, the person—

''(I) exercises decisionmaking control over the environmental compliance related to the vessel or facility, such that the person has undertaken responsibility for oil handling or disposal practices related to the vessel or facility; or

''(II) exercises control at a level comparable to that of a manager of the vessel or facility, such that the person has assumed or manifested responsibility—

''(aa) for the overall management of the vessel or facility encompassing day-to-day decisionmaking with respect to environmental compliance; or

''(bb) over all or substantially all of the operational functions (as distinguished from financial or administrative functions) of the vessel or facility other than the function of environmental compliance; and

''(B) does not include—

''(i) a unit of State or local government that acquired ownership or control of a vessel or facility involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign;

''(ii) a person that is a lender that does not participate in management of a vessel or facility, but holds indicia of ownership primarily to protect the security interest of the person in the vessel or facility; or

''(iii) a person that is a lender that did not participate in management of a vessel or facility prior to foreclosure, notwithstanding that the person—

''(I) forecloses on the vessel or facility; and

''(II) after foreclosure, sells, re-leases (in the case of a lease finance transaction), or liquidates the vessel or facility, maintains business activities, winds up operations, undertakes a removal action under 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 311(c)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan, with respect to the vessel or facility, or takes any other measure to preserve, protect, or prepare the vessel or facility prior to sale or disposition,

if the person seeks to sell, re-lease (in the case of a lease finance transaction), or otherwise divest the person of the vessel or facility at the earliest practicable, commercially reasonable time, on commercially reasonable terms, taking into account market conditions and legal and regulatory requirements;''.

(b) OTHER DEFINITIONS.—Section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701) is amended by striking ''and'' after the semicolon at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting a semicolon, and by adding at the end the following:

''(38) 'participate in management'—

''(A)(i) means actually participating in the management or operational affairs of a vessel or facility; and

''(ii) does not include merely having the capacity to influence, or the unexercised right to control, vessel or facility operations; and

''(B) does not include—

''(i) performing an act or failing to act prior to the time at which a security interest is created in a vessel or facility;

''(ii) holding a security interest or abandoning or releasing a security interest;

''(iii) including in the terms of an extension of credit, or in a contract or security agreement relating to the extension, a covenant, warranty, or other term or condition that relates to environmental compliance;

''(iv) monitoring or enforcing the terms and conditions of the extension of credit or security interest;

''(v) monitoring or undertaking one or more inspections of the vessel or facility;

''(vi) requiring a removal action or other lawful means of addressing a discharge or substantial threat of a discharge of oil in connection with the vessel or facility prior to, during, or on the expiration of the term of the extension of credit;

''(vii) providing financial or other advice or counseling in an effort to mitigate, prevent, or cure default or diminution in the value of the vessel or facility;

''(viii) restructuring, renegotiating, or otherwise agreeing to alter the terms and conditions of the extension of credit or security interest, exercising forbearance;

''(ix) exercising other remedies that may be available under applicable law for the breach of a term or condition of the extension of credit or security agreement; or

''(x) conducting a removal action under 311(c) of the Federal Water Pollution Control Act (33 U.S.C. 1321(c)) or under the direction of an on-scene coordinator appointed under the National Contingency Plan,

if such actions do not rise to the level of participating in management under subparagraph (A) of this paragraph and paragraph (26)(A)(vi);

''(39) 'extension of credit' has the meaning provided in section 101(20)(G)(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(i));

''(40) 'financial or administrative function' has the meaning provided in section 101(20)(G)(ii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(ii));

''(41) 'foreclosure' and 'foreclose' each has the meaning provided in section 101(20)(G)(iii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(iii));

''(42) 'lender' has the meaning provided in section 101(20)(G)(iv) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(iv));

''(43) 'operational function' has the meaning provided in section 101(20)(G)(v) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(v)); and

''(44) 'security interest' has the meaning provided in section 101(20)(G)(vi) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601(20)(G)(vi)).''.

(c) DEFINITION OF CONTRACTUAL RELATIONSHIP.—Section 1003 of the Oil Pollution Act of 1990 (33 U.S.C. 2703) is amended by adding at the end the following:

''(d) DEFINITION OF CONTRACTUAL RELATIONSHIP.—

''(1) IN GENERAL.—For purposes of subsection (a)(3) the term 'contractual relationship' includes, but is not limited to, land contracts, deeds, easements, leases, or other instruments transferring title or possession, unless—

''(A) the real property on which the facility concerned is located was acquired by the responsible party after the discharge of the oil on, in, or at the facility;

''(B) one or more of the circumstances described in subparagraph (A), (B), or (C) of paragraph (2) is established by the responsible party by a preponderance of the evidence; and

''(C) the responsible party complies with paragraph (3).

''(2) REQUIRED CIRCUMSTANCE.—The circumstances referred to in paragraph (1)(B) are the following:

''(A) At the time the responsible party acquired the real property on which the facility is located the responsible party did not know and had no reason to know that oil that is the subject of the discharge or substantial threat of discharge was located on, in, or at the facility.

''(B) The responsible party is a government entity that acquired the facility—

''(i) by escheat;

''(ii) through any other involuntary transfer or acquisition; or

''(iii) through the exercise of eminent domain authority by purchase or condemnation.

''(C) The responsible party acquired the facility by inheritance or bequest.

''(3) ADDITIONAL REQUIREMENTS.—For purposes of paragraph (1)(C), the responsible party must establish by a preponderance of the evidence that the responsible party—

''(A) has satisfied the requirements of section 1003(a)(3)(A) and (B);

''(B) has provided full cooperation, assistance, and facility access to the persons that are authorized to conduct removal actions, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial removal action;

''(C) is in compliance with any land use restrictions established or relied on in connection with the removal action; and

''(D) has not impeded the effectiveness or integrity of any institutional control employed in connection with the removal action.

''(4) REASON TO KNOW.—

''(A) APPROPRIATE INQUIRIES.—To establish that the responsible party had no reason to know of the matter described in paragraph (2)(A), the responsible party must demonstrate that—

''(i) on or before the date on which the responsible party acquired the real property on which the facility is located, the responsible party carried out all appropriate inquiries, as provided in subparagraphs (B) and (D), into the previous ownership and uses of the real property on which the facility is located in accordance with generally accepted good commercial and customary standards and practices; and

''(ii) the responsible party took reasonable steps to—

''(I) stop any continuing discharge;

''(II) prevent, minimize or mitigate any substantial threat of discharge; and

''(III) prevent or limit any human, environmental, or natural resource exposure to any previously discharged oil.

''(B) REGULATIONS ESTABLISHING STANDARDS AND PRACTICES.—Not later than 2 years after the date of the enactment of this paragraph, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall by regulation establish standards and practices for the purpose of satisfying the requirement to carry out all appropriate inquiries under subparagraph (A).

''(C) CRITERIA.—In promulgating regulations that establish the standards and practices referred to in subparagraph (B), the Secretary shall include in such standards and practices provisions regarding each of the following:

''(i) The results of an inquiry by an environmental professional.

''(ii) Interviews with past and present owners, operators, and occupants of the facility and the real property on which the facility is located for the purpose of gathering information regarding the potential for contamination at the facility and on the real property on which the facility is located.

''(iii) Reviews of historical sources, including, to the extent available, chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property on which the facility is located since the property was first developed.

''(iv) Searches for recorded environmental cleanup liens against the facility and the real property on which the facility is located that are filed under Federal, State, or local law.

''(v) Reviews of Federal, State, and local government records, waste disposal records, underground storage tank records, and waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility and on the real property on which the facility is located.

''(vi) Visual inspections of the facility, the real property on which the facility is located, and adjoining properties.

''(vii) Specialized knowledge or experience on the part of the responsible party.

''(viii) The relationship of the purchase price to the value of the facility and the real property on which the facility is located, if the facility or the real property was not contaminated.

''(ix) Commonly known or reasonably ascertainable information about the facility and the real property on which the facility is located.

''(x) The degree of obviousness of the presence or likely presence of contamination at the facility and on the real property on which the facility is located, and the ability to detect contamination by appropriate investigation.

''(D) INTERIM STANDARDS AND PRACTICES.—

''(i) REAL PROPERTY PURCHASED BEFORE MAY 31, 1997.—With respect to real property purchased before May 31, 1997, in making a determination with respect to a responsible party described in subparagraph (A), a court or appropriate official shall take into account—

''(I) any specialized knowledge or experience on the part of the responsible party;

''(II) the relationship of the purchase price to the value of the facility and the real property on which the facility is located, if the facility or the real property was not contaminated;

''(III) commonly known or reasonably ascertainable information about the facility and the real property on which the facility is located;

''(IV) the obviousness of the presence or likely presence of contamination at the facility and on the real property on which the facility is located; and

''(V) the ability of the responsible party to detect contamination by appropriate inspection.

''(ii) REAL PROPERTY PURCHASED ON OR AFTER MAY 31, 1997.—With respect to real property purchased on or after May 31, 1997, until the Secretary promulgates the regulations described in clause (ii), the procedures of the American Society for Testing and Materials, including the document known as 'Standard E1527–97', entitled 'Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process', shall satisfy the requirements in subparagraph (A).

''(E) SITE INSPECTION AND TITLE SEARCH.—In the case of real property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, inspection and title search of the facility and the real property on which the facility is located that reveal no basis for further investigation shall be considered to satisfy the requirements of this paragraph.

''(5) PREVIOUS OWNER OR OPERATOR.—Nothing in this paragraph or in section 1003(a)(3) shall diminish the liability of any previous owner or operator of such facility who would otherwise be liable under this Act. Notwithstanding this paragraph, if a responsible party obtained actual knowledge of the discharge or substantial threat of discharge of oil at such facility when the responsible party owned the facility and then subsequently transferred ownership of the facility or the real property on which the facility is located to another person without disclosing such knowledge, the responsible party shall be treated as liable under 1002(a) and no defense under section 1003(a) shall be available to such responsible party.

''(6) LIMITATION ON DEFENSE.—Nothing in this paragraph shall affect the liability under this Act of a responsible party who, by any act or omission, caused or contributed to the discharge or substantial threat of discharge of oil which is the subject of the action relating to the facility.''.

SEC. 704. OIL SPILL RECOVERY INSTITUTE.

(a) TERMINATION OF FUNDING FOR INSTITUTE.—Section 5001(i) of the Oil Pollution Act of 1990 (33 U.S.C. 2731(i)) is amended by striking ''September 30, 2012'' and inserting ''one year after the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of the Interior, determines that oil and gas exploration, development, and production in Alaska have ceased''.

(b) USE OF FUNDING FOR SECTION 1012 OF OPA.—Subsection (c) of section 5006 of the Oil Pollution Act of 1990, as added by section 1102(b)(4) of Public Law 104–324 (110 Stat. 3965; 33 U.S.C. 2736(c)), is amended by striking ''with the eleventh year following the date of enactment of the Coast Guard Authorization Act of 1996,'' and inserting ''one year after the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of the Interior, determines that oil and gas exploration, development, and production in Alaska have ceased,''.

SEC. 705. ALTERNATIVES.

Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended to read as follows:

''(3) No later than one year after the date of enactment of the Coast Guard and Maritime Transportation Act of 2003, the Secretary shall, taking into account the recommendations contained in the report by the Marine Board of the National Research Council entitled 'Environmental Performance of Tanker Design in Collision and Grounding' and dated 2001, establish and publish an environmental equivalency evaluation index (including the methodology to develop that index) to assess overall outflow performance due to collisions and groundings for double hull tank vessels and alternative hull designs.''.

At the end of title VI (page 43, after line 2) insert the following:

SEC. 6___. PRIORITY FOR PUBLIC TRANSPORTATION SYSTEMS IN MAKING GRANTS FOR IMPLEMENTATION OF SECURITY PLANS.

Section 70107(e) of title 46, United State Code, is amended by adding at the end the following:

''(5) PRIORITY FOR PUBLIC TRANSPORTATION SYSTEMS.—

''(A) PRIORITY.—In making grants under subsection (a) the Secretary of Transportation shall give priority to otherwise eligible projects concerning implementation of security plans with respect to public transportation systems.

''(B) REGULATIONS.—The Secretary shall issue regulations establishing procedures and requirements for awarding grants pursuant to the priority required by this paragraph.''.

Mr. LOBIONDO (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. LOBIONDO. Madam Chairman, I rise to offer an amendment which has been worked out with the minority to make changes from the reported bill.

In addition to reaching an agreement with the full committee ranking Democratic member, the gentleman from Minnesota (Mr. OBERSTAR), the amendment includes provisions that have been proposed by the gentleman from North Carolina (Mr. JONES), the gentleman from New York (Mr. ENGEL), the gentleman from Michigan (Mr. STUPAK), the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentleman from Indiana (Mr. HOSTETTLER), the gentleman from Virginia (Mr. SCHROCK), the gentleman from Louisiana (Mr. VITTER), the gentleman from Maryland (Mr. GILCHREST), the gentleman from Oregon (Mr. BLUMENAUER), the gentleman from Colorado (Mr. MCINNIS), the gentlewoman from California (Ms. HARMAN), the gentleman from South Carolina (Mr. SPRATT), the gentleman from Michigan (Mr. UPTON), and the gentleman from Washington (Mr. INSLEE). I appreciate the interest of all of these Members in this bill, and I look forward to their support today.

The amendment restructures the authorization to match the format used in the appropriation measure which funds the Coast Guard. It also makes changes to laws governing management of the Coast Guard. The amendment protects the Coast Guardsmen while they are forced to use disabling fire. It also authorizes a Coast Guard ROTC pilot program, allows the Coast Guard yard to work with private firms on government ship repair jobs, and allows the commandant to make recommendations directly to Congress.

The amendment also makes changes to shipping laws. It sets standards for vessel classification societies operating in the United States, and specifies membership in maritime security advisory committees.

Finally, the amendment contains other numerous issues of interest to members. It allows the Coast Guard to convey certain property it no longer uses, requires long-overdue regulations to be published by February 1, 2004, mandates a National Academy of Science study of future polar icebreaking needs, establishes a pilot project for improving the technology related to issuing merchant mariners' documents. It also authorizes funds to implement an intelligence-based vessel profiling system and a long-rang automated vessel tracking system for vessels operating in U.S. waters, and expresses the sense of Congress that Coast Guard should address safety risks posed by elevated levels of carbon monoxide in recreational vessels.

Again, this amendment has been worked out on a bipartisan basis. It incorporates numerous provisions sought by Members of both parties. It also makes improvements to U.S. maritime policy and Coast Guard management. I urge Members to vote in favor of this amendment.

Madam Chairman, I yield the balance of my time to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Madam Chairman, I think the gentleman made a very good point about the bipartisan bill. As the gentleman read Members' names off of amendments that were worked out, it shows we can work together and that there is a good relationship between the majority and the minority. In fact, some of those amendments, if there was any hostility, I would not have accepted by some of the Members; but because we tried to work out the differences, I believe we have come out with a very good bill.

Again, I want to thank the subcommittee chairman and the ranking member for their work on this legislation, understanding there will be some discussion on other amendments. Overall, we have settled every difficult amendment prior to coming to the floor. That is one thing I pride this committee on, is working behind the scenes, in front of the scenes, and making sure the scene is finally done. And this bill does it, and I compliment the gentlemen. I also thank the staff who worked very hard on this legislation over the past 6 to 8 months. We have come out with a very good product.

Mr. OBERSTAR. Madam Chairman, I rise in support of the amendment.

The amendment addresses a number of issues. It is always a puzzle to people, if we bring a bill to the floor, why do we have a manager's amendment? Well, because from the time the bill leaves the committee and gets to the floor, there are issues that either were fermenting and developing or that arose from the time the committee reports a bill, and that is the case here.

We first have the Reserve Officer Training Program for Coast Guard officers that is established in the context of this manager's amendment, requiring all of the classification societies, including foreign classification societies, that want to do business in the United States, directly or indirectly through agents, to be licensed by the Coast Guard. We clarify that foreign flag vessels have to have security plans submitted to the Coast Guard in writing and may not operate after July 1, 2004, unless those plans have been reviewed and approved by the Coast Guard. A provision from the gentlewoman from California (Ms. MILLENDER-MCDONALD) to transfer responsibility for port security grants from DOT to Coast Guard in the Department of Homeland Security, that is a procedural matter; and the matter raised by the gentleman from New York (Mr. ENGEL), which he adequately discussed just a moment ago on the Indian Point nuclear energy facility.

Finally, we will not have to deal with the issue of the authority in the basic bill for the Coast Guard to suspend or revoke a license if the mariner has been found to have operated a vessel in a negligent manner, or to have interfered with the safe operation of a vessel, endangering life or property. That has been discussed.

I think this manager's amendment does all of the right things and does what a manager's amendment is supposed to do. I appreciate the work of the gentleman from New Jersey (Mr. LOBIONDO). And as he and the gentleman from Alaska (Mr. YOUNG) have noted, we have had full participation and discussion between the majority and the minority on this matter in the historic tradition of our committee.

Mrs. LOWEY. Madam Chairman, I rise in support of a provision authored by my colleague and good friend from New York, ELIOT ENGEL, and included in the Manager's amendment. The provision would close a critical security loophole by requiring the Coast Guard to conduct a vulnerability assessment of the Indian Point Energy Center in Buchanan, NY.

Since September 11, 2001, intelligence officials have amassed a critical body of evidence suggesting terrorist intentions to strike our nuclear infrastructure. Plans of U.S. nuclear facilities were discovered in Al Qaeda caves during U.S. military operations in Afghanistan. Most recently, reports of a terrorist plan to sabotage the Palo Verde nuclear power plants in Arizona were sufficiently serious that the National Guard was immediately deployed to secure the plant.

The public health and economic consequences of an attack on a nuclear power plant are almost too chilling to contemplate. Congressman ENGEL and I, whose districts abut Indian Point on the eastern banks of the Hudson River in Buchanan, have been briefed in detail on these scenarios. In 1982, the NRC commissioned a study which found that a meltdown at Indian Point—which lies within 50 miles of 21 million people—could lead to 123,000 short- and long-term deaths, over 300,000 injuries, and property damages conservatively estimated at over $1 trillion. Factoring the fourfold increase in property values in the New York metropolitan area since the study, the damages for our region could reach $2.3 trillion.

These devastating impacts justify the strongest possible security posture. While the NRC has required power plants to erect road barriers, increase the distance between security check points and the plants, and add perimeter fencing, the Commission has neglected the possibility of a waterborne attack. Cooperation and coordination between the Coast Guard and private security teams at the plant is lacking. Indeed, in July, 2003, the NRC aborted a force-on-force test at the plants when Coast Guard personnel, who had not been previously informed of the drill, threatened to use their live ammo against the mock attackers.

In October, 2002, Riverkeeper, a local nuclear watchdog group, approached Indian Point in a small boat. A Naval Militia cutter, manned by two officers, stopped them well outside of the security buoys. During the encounter, terrorists could have easily snuck behind the distracted militia boat and struck the unprotected plants. Moreover, neither of the militia officers carried weapons—only radios. Needless to say, their poorly maintained boat, which actually broke down as they returned to shore, would have been quickly overwhelmed by a well-armed attacking force.

The Indian Point episode vividly illustrates the need for a thorough assessment by the Coast Guard of the plant's security plans.

The NRC's casual dismissal of waterborne threats constitutes, in my estimation, a glaring oversight. We underestimate terrorists' capabilities at our own peril. In a recent article, maritime security expert Vijay Sakhuja notes that Al Qaeda and other international terrorist organizations possess ''substantial maritime capabilities'' and have developed the ''capacity to disrupt and even destroy regional maritime infrastructure.'' The article discusses in detail Al Qaeda's perfection of ''kamikaze'' tactics.

We can no longer afford to leave water approaches to nuclear reactors unprotected. The Coast Guard must carefully review Indian Point's security plans now to prevent a future terrorist attack.

I want to again thank my good friend ELIOT ENGEL for his leadership on this issue, and urge my colleagues to support the amendment.

The CHAIRMAN pro tempore. Is there any further debate on the amendment?

The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

Page 21, line 9, strike the close quotation marks and the following period.

Page 21, after line 9, insert the following:

''(e) RESTRICTION ON LOCATION.—The museum established under this section may not be located on any property that is condemned or taken after December 31, 1999, by eminent domain by the Federal Government, by a State or local government, or by any other person acting under a delegation of authority from a State or local government.''.

Mr. DEFAZIO. Madam Chairman, as was discussed earlier, there were issues that arose. At least in my case I was contacted by an attorney representing a number of homeowners, Mr. Scott Bullock of the Institute for Justice, after the committee mark. I have discussed this with a number of members of the committee.

This is a simple amendment, and there seems to be some consensus on the objective. The problem is that the bill has no statement regarding the issue of eminent domain. It is silent on that issue. In fact, that was confirmed in a letter that I received today from the Chamber of Commerce of Eastern Connecticut, which says the bill does not address the issue of eminent domain and we believe it should be left to the local judicial process.

Certainly condemnation of property in New London, Connecticut, should be left to the local judicial process; but the issue of whether or not a Federal facility, the Coast Guard Museum, might be sited on property taken by eminent domain is the business of this Congress and this committee.

I feel strongly about this issue. We have families that have lived for generations on this site. I have letters from five people who are affected homeowners, but this is from the son of one: ''My great-grandmother's family moved to this neighborhood from northern Italy in the 1890s. My mother was born in her house at 87 Wabach Street in 1918, never lived anywhere else. She married my father, a merchant marine in World War II in 1945. They have lived in the house for 56 years. She has seen three of her four children die in this property, including her first. These houses are not simply buildings on a plot of land, but home for her with a lifetime of memories. I live with my wife, son, and niece in a home right next door.'' The letter has other sections that are pertinent.

I will just read one other letter: ''I hope all Members of Congress will recognize that if the Coast Guard Museum is ultimately built on property that has been taken through eminent domain, it will be forever tainted. There is no honor in kicking my mother, an 85-year-old woman, or my father, who fought for this country in World War II, out of the only home she has ever known to make room for a museum that celebrates the past, present, and future of the Coast Guard, a service whose history is steeped in honor and integrity.''

That is the issue before this body. It is quite simple. The bill is silent on this issue. A proceeding has begun locally, and that is up to the local jurisdiction to take this property by eminent domain with the idea that the museum would be sited there. The commandant of the Coast Guard, I have been told, says they do not want to take property by eminent domain. I would hope it would also mean that they do not want the museum to ever be sited on property that was taken by eminent domain with the intent of them moving there, and this would just make that clear.

This amendment would say any property condemned or taken after December 31, 1999, by eminent domain by the Federal Government, State or local government, or any other person acting under a delegation of authority. And that is what has happened in Connecticut; the local government has delegated to a development group the authority to take this property by eminent domain. It is pending in the courts of Connecticut.

If we do not adopt this amendment, the museum could end up on property that was taken from families who have lived there for generations by a local corporation, if it is upheld by the State courts to site the museum. There seems to be broad consensus on the objective. I offered to the gentleman whose project this is, and it is a meritorious project, and I congratulate him on that, to make this a friendly amendment since he agrees he does not want eminent domain used. I said I would be happy if we could do it as a friendly amendment. The gentleman does not want to do that. I hope the gentleman will explain why, and if he wants to contest that the bill somehow restricts eminent domain, I hope he cites from a specific section of the bill because I have read the only section that pertains to this. There is no mention of restriction on siting this museum on property taken by eminent domain, and it seems to me there is no good reason why we should not adopt this amendment. I would hope the committee would move forward and look at it as a friendly amendment and adopt it.

Mr. SIMMONS. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, I thank my colleagues for working with me to establish a national Coast Guard Museum. This issue of eminent domain came up at a business meeting of the subcommittee on June 12, 2003, when I offered legislation to create a national Coast Guard Museum that was designed to extend the curriculum of the cadets at the academy and also for the leadership courses which take place in New London, which is the location of the academy.

□ 1630

Currently there is a one-room museum on academy grounds that is used for this purpose. It is inadequate for this purpose, and for years we have wanted to expand that facility into what we call the National Coast Guard Museum. The distinguished ranking member of the committee raised an objection at the time and stated that while he felt the language was well-intentioned and a good idea, a number of problems were brought to his attention by a homeowners association raising concerns. This was the issue of the displacement of people under eminent domain authority, an issue that I share his concern about.

In the context of the subcommittee meeting, I was asked by the distinguished chairman of the subcommittee, the gentleman from New Jersey, if I would be willing to withdraw my amendment and work with the distinguished ranking member on language which addressed this issue. In the intervening weeks, we did just that. On Wednesday, June 25, alternative language was introduced which is now in the bill, which I believed and I think others believed address the issue. When it was passed unanimously by the committee, I thanked the ranking member, I thanked the chairman of the committee and the subcommittee for their cooperation on this matter. It has only been in the last week that I have discovered that another Member had concerns about this language.

It is true that the bill is silent on the issue of eminent domain. That was the intent. Because issues of eminent domain, especially issues that are in litigation, should not be affected one way or another by legislative action. But what the language of subsection (d) does which is so important and it does it in what I consider to be a very elegant way, and I thank the ranking member and his staff for coming up with this formulation. It says, before the date on which the Commandant establishes a museum under subsection (a), the Commandant shall provide to the committee, shall, he has no choice. He must do it. He must provide to the Committee on Transportation and Infrastructure a plan for operating and maintaining such a museum which gives us as members of the committee the opportunity to say yes or to say no. That is where the discussion of eminent domain from our standpoint should take place, from my point of view, not legislating language that would interfere with ongoing litigation involving the State, the municipality and other instruments. I believe firmly that this is the solution that we were looking for. This is the solution that very elegantly threads the needle on this difficult issue. I was grateful to the ranking member and to the other members of the committee for this assistance in coming up with this language.

We all know that the Coast Guard has assumed new duties and a new role since September 11. We all know that the Coast Guard is the only uniformed service that currently does not have a

national-level museum. The Army, and I was proud to serve in the Army for 37 years, has 46 museums. The Marine Corps has six. The Navy has 11, and so on and so on and so forth.

But let us take the discussion of eminent domain just one step further. Following the action of the full committee on June 25, the New London Day published an article the following day which says, Museum Proposal Makes Progress. Congressional Panel Approves, et cetera, et cetera.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The time of the gentleman from Connecticut (Mr. SIMMONS) has expired.

Mr. SIMMONS. Madam Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. DEFAZIO. Reserving the right to object, Madam Chairman, if the gentleman will give me the courtesy of an additional 2 minutes to respond, I would be happy not to object.

Madam Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SIMMONS. Madam Chairman, it states, very briefly, the oversight provision, this is subsection (d), will enable Members of Congress to continue to raise questions as the project proceeds and should make it harder for backers of the museum to pursue the Fort Trumbull site, according to Scott Bullock, attorney for the Institute for Justice. Then it goes on to make several other statements in that line.

I think it is apparent, based on the reading of the RECORD and based on the reading of that public news story, that in crafting the oversight language, we met the objectives of dealing with the issue of eminent domain without interfering with litigation that may be taking place at a municipal or a State level. In that way, we have fulfilled our obligations and any further amendments to this effect are not helpful.

[From the New London Day, June 26, 2003]

MUSEUM PROPOSAL MAKES PROGRESS—CONGRESSIONAL PANEL APPROVES NL AS HOST FOR COAST GUARD PLAN

(By Judy Benson)

A Congressional subcommittee approved a measure Wednesday that authorizes the establishment of a Coast Guard museum in New London.

In addition, the measure, an amendment to a larger Coast Guard authorization bill, gives Congress continued oversight of the museum project, an addition that addresses concerns about using property taken by eminent domain.

The original measure was introduced by U.S. Rep. Rob Simmons, D–2nd District, with the oversight language added by other members of the panel concerned that property in the Fort Trumbull neighborhood in New London taken by eminent domain would be used.

The oversight provision will enable members of Congress to continue to raise questions as the project proceeds and should make it harder for backers of the Coast Guard museum to pursue the Fort Trumbull site, according to Scott Bullock, attorney for the Institute for Justice, The institute is representing property owners in the Fort Trumbull neighborhood in a lawsuit to block the city and the New London Development Corp. from taking the land by eminent domain as part of a redevelopment project.

Simmons said the action Wednesday is an important step toward the creation of the museum in New London, the home of the Coast Guard Academy. Earlier this month, Simmons proposed a similar amendment that he later withdrew when a ranking committee member brought up the eminent domain issue.

''Today's action in the House Transportation and Infrastructure Committee was a bipartisan stamp of approval to move forward and designate a national museum for the U.S. Coast Guard,'' Simmons said. ''Every other military service has at least six museums to commemorate their histories and service men and women. The Coast Guard deserves to have one.

''As the Coast Guard increases its responsibilities in a post-September 11 world,'' he continued, ''now is the time to honor the service and history of the many men and women in the Coast Guard with a national museum.''

The bill containing the amendment next goes to the full transportation committee for a vote and then to the full House. Funds to build the museum are to come from private groups.

Bullock said he considers Wednesday's action significant because it enables the museum project to move forward, but with the restriction of Congressional oversight even though federal funds have not been allocated for the museum.

''This demonstrates the very real concern in Congress about what is happening in New London and how eminent domain would be used,'' Bullock said.

He noted that the amendment said that the preferred site would be ''at or near the Coast Guard Academy,'' leaving the door open for a location in New London other than Fort Trumbull.

''There are ways to establish the museum in New London and make all parties happy,'' he said.

Coast Guard leaders remain committed to locating the museum near the academy, and are considering all options in New London, according to Jolie Shifflet, spokeswomen for the Coast Guard.

Mr. YOUNG of Alaska. Madam Chairman, will the gentleman yield?

Mr. SIMMONS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Is this museum going to be in the gentleman's district?

Mr. SIMMONS. The Coast Guard Academy is in my district.

Mr. YOUNG of Alaska. That is where the museum will be?

Mr. SIMMONS. That is where we hope the museum will be.

Mr. YOUNG of Alaska. This will not be built on Federal land?

Mr. SIMMONS. This will be built by an entity that was created to build the museum without the expenditure of Federal funds.

Mr. YOUNG of Alaska. There will be no Federal funds and not on Federal lands. It is not on Federal property as was just mentioned? I think the point here, and I have, as the gentleman from Oregon knows, some great interest in condemnation proceedings, which I do not approve of, but I do think it is wrong, though, for this body to get involved in a local government and in a State process in a condemnation deciding which side it should be on. It should be left up to the local governments to do this because there are no Federal lands involved and no Federal funds. I think gentleman's presentation is correct. Although, I do not like condemnation proceedings, I do think we have to look at the local government's position as well as the State, and we should butt out, frankly.

Mr. SIMMONS. I thank the chairman for those comments.

Mr. DEFAZIO. Madam Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Madam Chairman, the point here is that this says that a private entity will build this museum and then gift it to the Federal Government for operation. This is ultimately going to be an official museum of the United States Coast Guard, a Federal museum. This amendment does not interfere in the litigation for a taking. If this local development corporation indeed has the right under Connecticut law and the United States Constitution to take the land and throw these people off their property, they will have that right as determined by the courts. All this amendment says is that this Coast Guard museum, which is going to be a Coast Guard facility in the future after it is built and gifted to the Federal Government and the Coast Guard, will not be built on land that was condemned for that purpose, throwing families out of their homes. It is very simple. That is the issue before this Congress.

Mr. OBERSTAR. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, the subject at hand here is a matter that the gentleman from Connecticut and I did indeed discuss in the course of the markup on the Coast Guard authorization bill. I raised two questions. One was with respect to the funding the gentleman has discussed and language that he has read accurately from the committee bill. The second was the eminent domain issue. I recall how very poignantly the gentleman, in fact, we met in the Democratic sitting room off the committee floor, off the committee dias, told me how very poignantly his family had been displaced by an eminent domain proceeding and that he did not want to see anybody displaced by eminent domain. I read to him the language that the gentleman from Oregon has just a moment ago referred to from the Hartford newspaper. I was very distressed by this. People had written to me about it, especially that 87-year-old Italian immigrant

woman. Half Italian myself, I deeply sympathized with it.

But in further reviewing the matter since the issue was before the State supreme court, I said, I will desist from the eminent domain issue. Let us watch and see whether the court can resolve this matter. If not, we can revisit it again. So we bifurcated the issue and dealt with the Federal funding issue.

Now, comes the gentleman from Oregon who has been approached by the locals who very much are upset about this matter, and I understand his concern. Representing a western State, the gentleman from Oregon as the chairman of the full committee, frequently is crosscut by eminent domain issues and has confronted this matter time and again in the Committee on Resources. That is why, out of very deep personal conviction, he brings this issue to the floor. I say that for the RECORD. I want the RECORD to be clear. If the gentleman has any concern or question, I will be glad to give him a moment.

Mr. DEFAZIO. Madam Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Oregon.

Mr. DEFAZIO. I guess maybe we could establish at least one point here.

I would ask the gentleman from Connecticut if he would agree that the museum should not be placed on property that is condemned for that purpose.

Mr. OBERSTAR. I yield to the gentleman from Connecticut (Mr. SIMMONS) to respond.

Mr. SIMMONS. Madam Chairman, I thank the gentleman for his comments and his recollections. I refer to a letter from the Coast Guard in June of this year saying, the Coast Guard is not directly involved in the acquisition process. The issue of eminent domain is not for the Coast Guard to decide. We look forward to a resolution of these issues by the community.

If I could further add to the RECORD, the amendment, as drafted, would prevent any property that has been taken by eminent domain from being used for this purpose. If the Coast Guard, for example, was to decide to take the existing 3,500-square-foot facility and add a second and a third floor to it and call it the national museum, they could not because that property was taken by eminent domain back in the thirties.

DEPARTMENT OF HOMELAND SECURITY, U.S. COAST GUARD,
Washington, DC, June 18, 2003.

Hon. ROBERT SIMMONS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SIMMONS: I am writing to you concerning the establishment and siting of the National Coast Guard Museum. The American public deserves a National Coast Guard Museum to preserve the heroic and important heritage of the Service.

For over 90 years, the Coast Guard has enjoyed a close, warm, and productive relationship with the people of New London and Connecticut. New London is already the home of the Coast Guard Academy, our Leadership Development Center, America's tall ship EAGLE, Coast Guard Station New London, and Coast Guard Cutter CHINOOK. New London is also a city where our roots are established and a center of maritime and nautical tradition. Therefore, New London is the focus of current efforts to acquire a suitable property.

We realize there is an energetic local dialogue and debate over the merits of possible sites and methods of acquiring property suitable for a National Coast Guard Museum. The Coast Guard is not, however, directly involved in the acquisition process. The issue of eminent domain is not for the Coast Guard to decide. We look forward to a resolution of these issues by the community.

We have recognized, and have signed an agreement that establishes, the Coast Guard National Museum Association (CGNMA) as the sole organization working to acquire land, raise funds for the construction of a museum, and donate the museum and land to the Coast Guard. We have no formal relationship with New London Development Corporation (NLDC) beyond informing them on the progress of the museum project. I refer you to the President of the National Coast Guard Museum Association to discuss the specifics about any agreements between them and the NLDC.

Although there is an initial conceptual design, the final design of the building will depend on the site chosen and the finalization of plans for the museum style, exhibits, and functions. It will be integrated into the overall plans for development of the selected site through coordination with appropriate local officials, agencies, and affected parties.

The Coast Guard has been part of the New London community for over 90 years and has great ties with, and great feelings for the people of New London. My House Liaison Office at (202) 225–4775 would be pleased to respond to any further questions you or your staff may have.

Sincerely,

T.J. BARRETT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

Mr. OBERSTAR. The gentleman's language limits to 1999. So it cannot go back as far as the gentleman is suggesting.

I regret that this matter could not have been resolved at the committee level. It is an issue raised out of deep conviction by the gentleman from Oregon. I support his concern.

Mr. BAIRD. Madam Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Chairman, in the previous exchange, I did not get a definitive answer. He read from something from the Coast Guard that says they are neutral on this. If someone else condemns the land and the museum is built there, they will accept it. That is what that letter says. That is the bottom line here. We are not protecting these families who have lived on that land for nearly a century and do not want to give it up. An 87-year-old woman and her husband, a merchant mariner from World War II. I would just like a simple answer. I know the gentleman does not generally support eminent domain, he added something with his own family, but the question is simple. Would the gentleman agree, will he stand up and say ''yes'' in response to the question, will the gentleman say that this museum should not be built on property taken from these families in New London, Connecticut, by eminent domain, yes or no. It is a simple question.

Mr. BAIRD. I yield to the gentleman from Connecticut.

Mr. SIMMONS. Madam Chairman, unfortunately, it is not as simple as that. Unfortunately, 90 acres of land that was disposed of by the Navy as part of the BRAC process is now the focus of this development activity in a distressed city in the State of Connecticut and nobody can tell me with any assurance that this language that has been offered will not make it impossible for the Coast Guard to accept any of that Navy property, Customs property or even preexisting Coast Guard property.

If I could just make one other point. The language addresses the Coast Guard museum and places a burden on the Coast Guard, whether it be looking at property in Connecticut or New York or New Jersey, but nothing in the language prevents the New London Development Corporation from proceeding with its condemnation activities which are currently in the courts. Nothing in this amendment protects those families.

Mr. BAIRD. I appreciate the gentleman's clarification of that.

Mr. DEFAZIO. There we have it. As the gentleman said earlier in the debate, it does not interfere in the legal proceedings, and certainly we cannot do that. But what this amendment does, and this has nothing to do with the BRAC process or Federal excess property, a museum established under this section may not be located on any property that is condemned or taken after December 31, 1999. The land that was formerly a military base BRAC process does not meet that definition. By eminent domain. That is the key here. There is a group of people who are targeted. They are targeted. Families are targeted, living on this property. They do not want to give up their homes. An elderly couple. Their son and daughter-in-law and others who live on this property and have lived there for years, they do not want to give it up. This is simple. The Coast Guard has many options on where to put this museum and many adjacent and in the city of New London. It does not have to be on property that was condemned for that purpose.

I thank the gentleman for yielding.

□ 1645

The CHAIRMAN pro tempore (Mrs. BIGGERT). The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. DEFAZIO. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further

proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MANZULLO:

Insert at the end of title VI the following new section:

SEC. 6___. LIMITATION ON BRIDGE ALTERATION PROJECTS.

The Coast Guard may conduct bridge alteration projects using amounts authorized under section 101(1)(B)(iv) of this Act only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

Mr. MANZULLO. Madam Chairman, I rise to introduce this amendment to close a loophole that is allowing Federal funding under this bill to purchase foreign-made steel for bridge construction.

In 1940 Congress established the Alteration of Bridges program that enabled the Coast Guard to ensure open navigation of waterways. Under this program the Coast Guard can require bridge owners to alter bridges that pose an unreasonable obstruction to navigation. The Coast Guard contributes a portion of the bridge alteration costs based on modifications or replacement related to ensuring improved navigation. I cite two recent examples:

Even though 80 to 90 percent of the construction funds to alter a railroad bridge over the Mississippi River in Burlington, Iowa, came from the Coast Guard, the Coast Guard argued that the Buy American Act did not apply because the bridge was owned by a non-Federal entity. This project used 3,400 tons of steel.

The agency made the same argument for a $44 million railroad bridge replacement project in the Port of New Orleans. The Coast Guard's share of the project's cost came to 94 percent; yet they still determined the Buy American Act did not apply.

The Buy American Act was intended to ensure that when the taxpayers' money was spent on Federal projects that the materials and goods used came from American production, to stimulate our production in the jobs-producing aspect of the project. The Coast Guard's refusal to follow the intention of the act because of its legalistic determination circumvents the act's intent.

Let me illustrate the economic impact of this. It takes an average of 25 man-hours of labor to fabricate a ton of steel. The 3,400 tons required for the Burlington bridge equals about 85,000 hours. That is over 40 full-time jobs for 1 year. And these are exactly the kind of high-wage jobs, averaging $17 an hour plus benefits that pay enough for people to buy a home and support a decent standard of living.

The steel bridge industry fabricates on average about 500,000 tons of steel a year. That is over 12 million man-hours of labor. Now we are talking about 6,000 jobs. With an average price of steel at about $2,000 a ton, this means a billion-dollar manufacturing industry. These are the jobs directly related to fabricating the beams and girders.

When the Coast Guard circumvents the Buy American Act, it uses taxpayer dollars to pay the steelworkers of Japan and Korea. The problem here today is not with the Buy American Act, but with the multiple efforts being used to get around it. This amendment closes one of the loopholes and makes it clear that federally funded public works will be expected to adhere to the intent of the act as Congress envisioned.

The Coast Guard is our first line of defense in homeland security, guarding our shores and waterways. We should not allow the Coast Guard to undermine our economic security, the very jobs of our citizens that pay the taxes that allow us to have a Coast Guard in the first place. A similar amendment was adopted by the other body to the appropriations for the Department of Homeland Security and passed into law.

I urge the adoption of the amendment to make this permanent law.

Mr. LOBIONDO. Madam Chairman, will the gentleman yield?

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

Mr. LOBIONDO. Madam Chairman, I thank the gentleman for his amendment. We have looked it over, and we think it is a good amendment; and we are prepared to accept it.

Mr. BAIRD. Madam Chairman, I move to strike the last word.

I appreciate the comments from my colleagues, and I thank the chairman of the committee for his willingness to accept this.

I just want to briefly add my support for this. This is about jobs. It is about national security, and it is about efficient transportation. It is about jobs because we need to preserve the fundamental principles of the Buy American Act. Steel fabricators, steel producers in this country produce a high-quality product. They employ thousands of Americans with family-wage jobs, and the Buy American Act assures that they will continue to do so. It is about national security because we must sustain the domestic steel fabrication and manufacturing industry both for defense purposes and for transportation purposes. And, finally, it is about transportation efficiency. An efficient, quality, modern and economically sound steel fabrication industry is absolutely essential to the viability of our transportation system. I applaud the gentleman for his leadership, and I thank the Chair for his willingness to support this.

Mr. OBERSTAR. Madam Chairman, I move to strike the requisite number of words.

I appreciate the amendment offered by the gentleman from Illinois (Mr. MANZULLO). It fits in with the long-standing position of our Committee on Transportation and Infrastructure on Buy America on steel in our Federal aid highway and transit and Corps of Engineers programs. It is only recently the committee has had jurisdiction over the Coast Guard, and there too we need this vigilance over the Truman-Hobbs Act.

I authored in 1982 in the Surface Transportation Assistance Act of that year a provision that requires American steel to be used in all Federal-aid highway projects. The amendment accepted in committee and approved in the House required 100 percent American steel on all Federal-aid highway programs; and when we got to conference with the Senate, we had a little dispute.

They wanted to be more supportive of international trade, and we worked out language that I had a fallback position on, and it has worked out well. It requires all steel in the Federal-aid highway program to be American steel. What we see is every bridge, every girder, every rebar, every guardrail, every fence post is American steel. When I chaired the Subcommittee on Investigations and Oversight in the mid-1980s, my good friend Bill Clinger, who was ranking Republican on the subcommittee at the time, and I conducted extensive inquiry into the application of the Buy American Act, and we found that the Federal Highway Administration was administering that program rigorously. Two million tons of steel a year that go into the Federal-aid highway program is American steel.

It was not quite so good in the Federal Transit Administration. The Corps of Engineers was not doing a very good job at all. When they put in the caissons for the footings for bridges that the Corps of Engineers built, they used foreign steel. They built the bridge with American steel. I said wait a minute, how can they do this? Well, this is a temporary structure. But I found that the corps leaves that steel covering for the caisson in place afterward to help against scouring at the time of flood. I said, so that is a permanent structure. So we changed the law to toughen it up so the corps could not circumvent the Buy America provision.

Now we come to the Coast Guard and the Truman-Hobbs bridge alteration program. The language that the gentleman offers restates a provision that is already in the Homeland Security Appropriations Act that requires American steel to be used in these projects, but we ought to put it in here. We ought to reinforce an already-established strongly held principle. These are American dollars, taxpayer dollars.

In the Federal Highway Program, that is our highway trust fund dollars that are to be used to buy American steel and put it in those facilities.

What stimulated events in 1982 was we were building a bridge between Duluth and Superior. The State of Wisconsin had a responsibility for that bridge construction. They let a contract to Japanese steel, 10,000 tons of Japanese steel to build a center-arch span in that bridge. I vowed that never again would we have this happen. That iron ore from the Minnesota Iron Range would have to go under a bridge built with Japanese steel? They have got to be kidding. Out of that came the Buy American provisions.

By heavens, I am not going to let that slip away. We lost 890,000 jobs in the steel industry in the last 20 years to foreign steel, subsidized overseas, dumped in America, driving American jobs out.

The gentleman offers a very fine amendment. We ought to toughen it, but we ought to take an overview in our committee, I say to the chairman of the subcommittee. We ought to have an in-depth review of the Buy America provision as it applies not just to the Coast Guard, and I say this to the chairman of the full committee, but as it applies to all the issues under the jurisdiction of our committee. We provide funding which averages about $80 billion a year for infrastructure programs, and we ought to make sure that everything we are buying is American steel, and American goods in other arenas as well. Cement that goes into the concrete, asphalt, they all ought to be American product. So I support the gentleman's amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MS. BALDWIN

Ms. BALDWIN. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. BALDWIN:

At the end of title VI (page 43, after line 2), add the following:

SEC. . LIMITATION ON USE OF FUNDS TO ACQUIRE ENGINES FOR INTEGRATED DEEP WATER SYSTEM.

None of the funds authorized in this Act may be used to acquire any main propulsion diesel engine for the Coast Guard's Integrated Deep Water System unless the engine is manufactured in the United States.

Ms. BALDWIN. Madam Chairman, I offer this bipartisan amendment on behalf of myself and the gentleman from Wisconsin (Mr. RYAN). Our amendment is simple. It would prohibit funds authorized in this bill from being used to acquire the main propulsion diesel engines for the Coast Guard's new fleet of ships in the Integrated Deep Water System, unless the engines are manufactured in the United States of America.

Earlier this year I offered a similar amendment to the Department of Homeland Security Appropriations bill. At that time my amendment was not in order; so it did not come up for a vote. But during consideration of my prior amendment to the homeland security bill, a lively debate ensued; and I believe that there was some confusion at that time, and I wanted to take a moment right now to address those misimpressions.

A colleague opposed my amendment, arguing that the diesel engines for the new Coast Guard ships were being made in America and that my amendment was not necessary. The gentleman was incorrect. While it is true that there is a Michigan company that was selected to be the vendor for the propulsion system, I have a letter received from the Coast Guard 2 days after the conclusion of that debate that states clearly that the diesel engines are foreign made. The Coast Guard letter states that the components of the propulsion system ''include MTU Diesels of German design and manufacture.'' So while Detroit Diesel may be the vendor for the whole system, the diesel propulsion engines are designed and made in Germany by German workers, not Michigan or other American workers as the gentleman had claimed.

As we all know, Congress has made a commitment to overhaul the Coast Guard's fleet, phasing out older and obsolete ships and building new ones. It is a large taxpayer investment, one that I am proud to support. But for goodness sake, let us build those ships and all of their components in America.

Our amendment would require that the main propulsion diesel engines, a critical component of this new fleet of large ships, are made in the United States. There are several good U.S. firms with U.S. plants that are ready, willing, and able to provide the diesel engines for the Coast Guard at or below total operation cost of the German-made engines. And in the interest of full disclosure, one of those companies is in Wisconsin. But I also note that the Michigan vendor that I referred to earlier would also qualify for the engine contract under this amendment if it were to pass, if the engines were to be made in Michigan or in other U.S. locations and not in Germany.

□ 1700

Madam Chairman, we are bleeding well-paying, family-supporting manufacturing jobs in this country. Since 2000, we have lost over 2.7 million manufacturing jobs. When manufacturing jobs go away, economic history shows us that it is hard to get them back.

Let me remind Members that these are United States taxpayer dollars. They should be supporting U.S. workers, and not just U.S. CEO's who are contracting out with foreign sister corporations to take these good jobs overseas. Our amendment would help keep some of those jobs here at home, making vital products for vital parts of the defense of our Nation.

Keep in mind, the Coast Guard is part of our homeland defense. Do we want to be reliant on overseas suppliers for essential parts and services for our defense infrastructure, or do we want to produce these important components here at home? I urge Members to support this amendment.

Mr. KNOLLENBERG. Madam Chairman, I rise to oppose this amendment.

I want to keep my remarks brief, because we have been down this road before, but there is really no rational reason to support this amendment. The competition to supply the main propulsion diesel engines for the Coast Guard's Integrated Deepwater System is over. It was a fair and open competition that was won by Detroit Diesel of Michigan. It is history. Unfortunately, and we should name the other competitor that the author of the amendment brings up, it is Fairbanks Morse of Wisconsin, it is a good company, but they simply have not accepted the results of that competition.

For the second time in a few months, I have come to the floor to oppose an amendment, this particular amendment or one designed very similarly. It does nothing more than reverse the outcome of the competition and give Fairbanks Morse an unfair competitive advantage.

Now, these are both very good American companies that employ thousands of Americans, thousands of Americans, both of them. However, in this case, the proposal offered by Detroit Diesel was selected because the company offered a low-cost, high-performance, low-risk solution that was technically superior. The Coast Guard did not make this decision lightly, and it is my understanding that they oppose the amendment as well. It is time to accept the results of that competition.

This is not about protecting American manufacturers, this is about doing an end run around the procurement process. I encourage all my colleagues to oppose this amendment, to ensure that open and fair competition for government contracts are respected and maintained.

Mr. TOM DAVIS of Virginia. Madam Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Madam Chairman, I join my friend from Michigan in opposition to this amendment, which would apply a radical domestic source restriction to the acquisition of main propulsion diesel engines for use in Coast Guard vessels. This could have a devastating effect on the Coast Guard's ability to buy the best propulsion engines at reasonable costs to support its critical anti-terror missions.

We talk about taxpayers. We are asking taxpayers to pay more money to subsidize a private company. Despite the high sounding ''Buy America'' language, this is basically an earmark for a company. This goes against everything we stand for.

What about the American companies that sell abroad? This invites retaliation, so American companies selling abroad today would be retaliated against and could lose those contracts. One has to remember that 95 percent of the world's consumers live outside of the United States.

Restrictive provisions such as these run counter to our efforts to create an open, flexible, responsive and impartial competitive acquisition system that will enable all government agencies, including the Coast Guard, to acquire from the world markets, the best products available at fair and reasonable prices for American taxpayers.

At the end of the day, this is about American taxpayers and getting them the best deal. As the gentleman said, they went through a lengthy procurement process where this was all analyzed, and the taxpayers won out in this contract. It is trying to be reversed here on the House floor.

I hope my colleagues with will join the gentleman from Michigan and myself in opposing this amendment.

Mr. KNOLLENBERG. Madam Chairman, reclaiming my time, I thank the gentleman for making those comments.

Mr. RYAN of Wisconsin. Mr. Chairman, I rise in support of this amendment offered by my colleague from Wisconsin and would like to comment on a few of the comments my colleague from Michigan said. He basically said the procurement process is done. This is an end run around the system.

It is very important that we note we have had Buy American provisions in many, many Defense Department contracts. On issues of national security and on issues of homeland security, this Congress has, time over time over time, stipulated that we need to keep our U.S. manufacturing base intact so that when it comes to these matters of national and homeland security, we have the infrastructure and economy in this country to produce these goods that we need.

This is simply being consistent with our Buy American language that we have had in other bills. We have had provisions for these kinds of purchases of these kinds of engines in the Defense Department appropriations bill. So it is very consistent that this language be included in this particular authorization bill, because this exact language has been included in other bills, namely Defense appropriations.

We are not asking for something that is new and novel and different. The one thing we are asking for is we think it is important that this Congress does make a statement, and that statement is that, especially in areas of homeland and national security, we work to make sure we still have a manufacturing base in this country that can produce the kinds of goods and services we need to keep our country secure, to keep our borders secure.

These engines that are going into these ships to protect our homeland, it is very important that we keep this industry alive in this country, because who knows what could happen down the road when we have to rely on other countries to help us protect our own country? They may not be there in the future. That is why this is important.

It is also important because we are losing manufacturing jobs in this economy. Many areas of this economy are growing very well. We had 7.2 percent economic growth in the last quarter. That is the fastest in 19 years. But, and the big ''but'' is, we are still losing manufacturing jobs. This provision would keep and maintain manufacturing jobs in America, not in Germany.

We are not against manufacturing jobs in Germany, we are just more for manufacturing jobs in America, especially in matters of homeland and national security.

I urge adoption of this amendment. It is consistent with many other policies this Congress has passed in the very recent past, and, because of that, I urge its passage.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the exchange that we have just had between the Michigan delegation, or its voice, and the Wisconsin delegation and the previous amendment offered by the gentleman from Illinois, point up a problem that we have to face and to which I alluded in my previous remarks, and that is the Buy America provisions that affect activities under the jurisdiction of our Committee on Transportation and Infrastructure need to be revisited and thought through and refined.

We have two very differing views of the application of the Buy American Act to the procurement at hand that the Coast Guard is involved with. The Coast Guard is opposed to the amendment. They say the Deepwater Program will comply with the Buy American Act. The Coast Guard and the prime contractor on this procurement, Lockheed Martin, have not, to the best of my knowledge, yet selected the engine to be used, although it is widely known and supposed that it will be the Detroit Diesel engine, with major parts made in Germany, assembled in the United States.

That is where the refinements come in; products, parts of which are made overseas, assembled in the United States. We have lost the whole subway, locomotive and passenger car business to overseas producers. We have lost virtually all light rail and heavy rail production to overseas. Only just recently, Colorado Railcar has come in to produce a very high quality commuter rail vehicle. We need to recapture all of that back to the United States.

In the Transit Program, we have spent $36 billion over the last 6 years on buses and heavy rail, commuter rail, light rail, intercity passenger rail, and a good deal of that is being produced overseas with subassemblies brought back to the United States, largely because our industry abandoned that field because we were not buying much of it, because we were building a lot of highways.

Now, a lot more money is going into the transit system. We are handling 1 million new transit riders a day in America. There is a new market, so we are starting to recreate that market. Yet, big pieces of it being be produced overseas.

Well, we need to recapture that business. We need to stimulate American manufacturers. The Manzullo amendment deals with steel in bridges under the Truman-Hobbs Act. The provision offered by the gentlewoman from Wisconsin deals with equipment, vessels. There will be others when we get into the Transit program that will deal with railcars and locomotives and so on. We need a comprehensive approach to this issue. We need to further refine how the Buy American Act applies.

While I sympathize fully and totally with the advocacy by the gentlewoman and the gentleman from Wisconsin, I think we are in an inadequate position right now, and I do not think that this language adequately addresses the problem at hand.

So, I urge the chairman of the subcommittee, and I will yield to the gentleman, to schedule hearings on this subject. Let us take a closer in-depth look as we prepare for the next authorization for the Coast Guard in the next session of this Congress.

Mr. LOBIONDO. Mr. Chairman, will the gentleman yield?

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

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman for raising some very good points. We will certainly take a close look at this. It is an issue that I think most Members in this body can agree that we want to put a focus of attention on.

I strongly agree with the gentleman that, while I understand the amendment offered by the gentlewoman from Wisconsin, that this is not the right amendment, that this is the wrong time.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I appreciate the gentleman's response. I would say to the gentleman from Wisconsin, I will insist, and I know we will have the cooperation at the full committee level and subcommittee level, that we explore these matters in the depth and detail to which they are entitled and which you and your colleague from Wisconsin are entitled.

Mr. LOBIONDO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as Chair of the Subcommittee for Coast Guard and Maritime Transportation, I rise in very strong opposition to this amendment, and I join with the gentleman from Alaska (Chairman YOUNG), the chairman of the full committee, in saying that, first and foremost, this is a matter of national security.

This Deepwater Program that we are finally under way with and finally gaining some momentum with is replacing the aged assets of the Coast Guard that are desperately needed. Prior to September 11, it was an issue that just related to Coast Guard traditional missions. Since September 11, with the role that the Coast Guard has taken for homeland and port security, it is essential that we replace these assets as quickly as possible.

If in fact this amendment were to pass, the Coast Guard's National Security Cutter would be delayed by 18 months. That is totally unacceptable. The proposed amendment would also force the layoff of a number of U.S. workers; not workers in Germany, not workers somewhere else, workers right here in the United States of America. That is unacceptable.

This proposal actually is an attempt to rewrite and to go beyond the Buy America provisions that currently apply to the Coast Guard's Deepwater Program and would cancel, I repeat, cancel the current task force order that was awarded to another American company.

In addition to this, for those of my colleagues who are fiscally minded, this amendment, if enacted, would cost the American taxpayers in excess of $160 million. Unacceptable. Unacceptable on all fronts.

This was a bidding process that we entered into that we went through. I understand that there is a regional dispute about how one company was affected. But it was done fairly, it was done properly.

□ 1715

For the sake of the Coast Guard, and I will say that the Coast Guard has not taken a formal position because they have not had the opportunity to see this amendment in writing and to respond, but I feel very confident in saying that the Coast Guard would strongly oppose this if they had the opportunity to respond in writing for all of the reasons outlined above.

So I would urge my colleagues as strongly as I can to understand the implications of the Deep Water program moving forward, not being delayed, to understand the implications of national security, to understand the implications of taxpayer dollars being spent wisely, and vote against this amendment.

The CHAIRMAN pro tempore (Mr. SIMPSON). The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. BALDWIN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BELL

Mr. BELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BELL:

At the end of title VI (page 43, after line 2) add the following:

SEC. . AREA MARITIME TRANSPORTATION SECURITY PLAN FOR PORT OF HOUSTON AND HOUSTON SHIP CHANNEL.

Section 70103(b) of title 46, United States Code, is amended by adding at the end the following:

''(5) Any Area Maritime Transportation Security Plan for the Port of Houston or the Houston Ship Channel shall include the information required by this subsection for each petrochemical facility located within 5 miles of navigable waters with respect to which the plan applies.''.

Mr. BELL. Mr. Chairman, I rise today to offer this amendment to the Coast Guard and Maritime Transportation Act. This amendment is vital to the continued security of my hometown, Houston, Texas.

The amendment calls on the Coast Guard to include petrochemical plants within 5 miles of the Port of Houston and the Houston Ship Channel in their area maritime security plans.

The Maritime Transportation and Security Act requires the Coast Guard to develop both an area maritime security plan and a vessel and facilities plan.

There has been some reluctance by the Coast Guard to include things like power plants in their plans because they do not consider power plants to be transportation related. However, Mr. Chairman, Houston, Texas, is the heart of America's energy industry and our coastline in Texas, and particularly in the Houston area, is dotted with refineries and petrochemical plants that are no doubt attractive targets to would-be terrorists. In fact, in my district alone, we have over 100 refineries responsible for close to 40 percent of the entire country's petroleum and petrochemical products, which are adjacent to the navigable waterways of the Port of Houston and the Houston Ship Channel. Some of these facilities are located right on the waterway and some are a bit inland. But because of the chemicals they deal with, a terrorist incident at an inland facility could produce a chain reaction affecting plants located much further away from the port itself. A terrorist incident at one of these plants could also cost thousands of lives and could have a devastating impact on the Houston metropolitan area, the fourth largest city in America.

We have a responsibility to look at this situation holistically, Mr. Chairman. My amendment allows the Coast Guard to address the global security concerns that impact this vital transportation corridor and one of the biggest population centers in America. This amendment provides for a creative security solution that will actually make Houston, Texas, America's energy capital, much more secure.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate very much the concern of the gentleman. He presents a unique circumstance and that is that while the Coast Guard has authority for anything on the water or immediately adjacent to the water, the facilities the gentleman refers to are inland, several miles inland. We need a little time to think this through and to see whether the Coast Guard is the truly appropriate entity to have this responsibility and, if so, how we can provide it.

I will assure the gentleman that, as the bill moves forward and as we get into conference with the other body, there is always an opportunity to make some adjustments, and I think we should respond, hopefully in that context, but if not, certainly by the time the committee researches the next Coast Guard reauthorization, which will be sometime next spring. We should revisit this matter. I share the gentleman's concern. Our Port Security Act does not deal with a matter of this kind, and we ought to think of a way in which we can provide the protection the gentleman legitimately has concerns about.

Mr. Chairman, I thank the gentleman for yielding.

Mr. BELL. Mr. Chairman, reclaiming my time, with that assurance, and I very much appreciate the ranking member's commitment to this very important issue that affects the Houston area, and with the assurance that it can either be addressed in conference or at some point in the near future, at this point.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. DEFAZIO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 221, not voting 14, as follows:

[Roll No. 604]

AYES—199

Abercrombie	Clay	Filner
Ackerman	Clyburn	Flake
Andrews	Costello	Ford
Baca	Crowley	Frank (MA)
Baird	Cummings	Frost
Baldwin	Davis (AL)	Garrett (NJ)
Ballance	Davis (CA)	Gonzalez
Barrett (SC)	Davis (FL)	Goode
Becerra	Davis (IL)	Gordon
Bell	Davis (TN)	Green (TX)
Berkley	Davis, Jo Ann	Grijalva
Berman	DeFazio	Gutierrez
Berry	DeGette	Gutknecht
Bishop (GA)	DeLauro	Harman
Bishop (NY)	Deutsch	Hastings (FL)
Boswell	Dingell	Hastings (WA)
Boucher	Doggett	Hayworth
Boyd	Dooley (CA)	Hill
Brady (PA)	Doyle	Hinchey
Brown (OH)	Duncan	Hinojosa
Brown, Corrine	Edwards	Hoeffel
Capps	Emanuel	Holden
Capuano	Engel	Holt
Cardin	Eshoo	Honda
Cardoza	Etheridge	Hooley (OR)
Carson (IN)	Evans	Hoyer
Carson (OK)	Farr	Inslee

Israel	Meek (FL)	Ryan (OH)
Jackson (IL)	Meeks (NY)	Sabo
Jefferson	Menendez	Sanchez, Linda T.
Johnson, E. B.	Michaud	Sanchez, Loretta
Jones (NC)	Millender-McDonald	Sandlin
Jones (OH)	Miller (NC)	Schiff
Kanjorski	Miller, Gary	Scott (VA)
Kaptur	Miller, George	Serrano
Kennedy (MN)	Mollohan	Sherman
Kennedy (RI)	Moore	Skelton
Kildee	Moran (VA)	Slaughter
Kilpatrick	Myrick	Smith (WA)
Kind	Nadler	Solis
Kleczka	Napolitano	Spratt
Lampson	Neal (MA)	Stark
Lantos	Oberstar	Strickland
Larsen (WA)	Obey	Stupak
Larson (CT)	Olver	Tancredo
Lee	Ortiz	Tauscher
Levin	Otter	Taylor (MS)
Lewis (GA)	Owens	Thompson (CA)
Lipinski	Pallone	Thompson (MS)
Lofgren	Pascrell	Toomey
Lowey	Pastor	Towns
Lucas (KY)	Paul	Udall (CO)
Lynch	Payne	Udall (NM)
Majette	Pelosi	Van Hollen
Maloney	Peterson (MN)	Velazquez
Markey	Pombo	Visclosky
Marshall	Price (NC)	Walden (OR)
Matheson	Rahall	Waters
Matsui	Ramstad	Watson
McCarthy (MO)	Rangel	Watt
McCarthy (NY)	Renzi	Waxman
McCollum	Rohrabacher	Weiner
McDermott	Rothman	Wexler
McGovern	Roybal-Allard	Woolsey
McInnis	Ruppersberger	Wu
McNulty	Rush	Wynn
Meehan		

NOES—221

Aderholt	DeMint	Kingston
Akin	Diaz-Balart, L.	Kirk
Alexander	Diaz-Balart, M.	Kline
Allen	Dicks	Knollenberg
Bachus	Doolittle	Kolbe
Baker	Dreier	LaHood
Ballenger	Dunn	Langevin
Bartlett (MD)	Ehlers	Latham
Barton (TX)	Emerson	Leach
Bass	English	Lewis (CA)
Beauprez	Everett	Lewis (KY)
Bereuter	Feeney	Linder
Biggert	Ferguson	LoBiondo
Bilirakis	Foley	Lucas (OK)
Bishop (UT)	Forbes	Manzullo
Blackburn	Fossella	McCotter
Blumenauer	Franks (AZ)	McCrery
Blunt	Frelinghuysen	McHugh
Boehner	Gallegly	McIntyre
Bonilla	Gerlach	McKeon
Bonner	Gibbons	Mica
Bono	Gilchrest	Miller (FL)
Boozman	Gillmor	Miller (MI)
Bradley (NH)	Gingrey	Moran (KS)
Brady (TX)	Goodlatte	Murphy
Brown (SC)	Goss	Murtha
Brown-Waite, Ginny	Granger	Musgrave
	Graves	Nethercutt
Burgess	Green (WI)	Neugebauer
Burns	Greenwood	Ney
Burr	Hall	Northup
Burton (IN)	Harris	Norwood
Buyer	Hart	Nunes
Calvert	Hayes	Nussle
Camp	Hefley	Osborne
Cannon	Hensarling	Ose
Cantor	Herger	Oxley
Capito	Hobson	Pearce
Carter	Hoekstra	Pence
Case	Hostettler	Peterson (PA)
Castle	Houghton	Petri
Chabot	Hulshof	Pickering
Chocola	Hunter	Pitts
Coble	Hyde	Platts
Cole	Isakson	Pomeroy
Collins	Issa	Porter
Cooper	Istook	Portman
Cox	Janklow	Pryce (OH)
Cramer	Jenkins	Putnam
Crane	John	Quinn
Crenshaw	Johnson (CT)	Radanovich
Culberson	Johnson (IL)	Regula
Cunningham	Johnson, Sam	Rehberg
Davis, Tom	Keller	Reynolds
Deal (GA)	Kelly	Rodriguez
Delahunt	King (IA)	Rogers (AL)
DeLay	King (NY)	Rogers (KY)
Rogers (MI)	Shuster	Tiberi
Ros-Lehtinen	Simmons	Tierney
Ross	Simpson	Turner (OH)
Royce	Smith (MI)	Upton
Ryan (WI)	Smith (NJ)	Vitter
Ryun (KS)	Smith (TX)	Walsh
Saxton	Snyder	Wamp
Schakowsky	Souder	Weldon (FL)
Schrock	Stenholm	Weldon (PA)
Scott (GA)	Sullivan	Weller
Sensenbrenner	Sweeney	Whitfield
Sessions	Tanner	Wicker
Shadegg	Tauzin	Wilson (NM)
Shaw	Terry	Wilson (SC)
Shays	Thomas	Wolf
Sherwood	Thornberry	Young (AK)
Shimkus	Tiahrt	Young (FL)

NOT VOTING—14

Boehlert	Gephardt	Reyes
Conyers	Jackson-Lee (TX)	Sanders
Cubin		Stearns
Fattah	Kucinich	Taylor (NC)
Fletcher	LaTourette	Turner (TX)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1744

Messrs. DEMINT, TIERNEY, SMITH of Texas, Mrs. EMERSON, and Mrs. MUSGRAVE changed their vote from ''aye'' to ''no.''

Messrs. NADLER, JONES of North Carolina, ROHRABACHER, RAMSTAD, MCINNIS, and Mrs. JO ANN DAVIS of Virginia changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. STEARNS. Mr. Chairman, on rollcall No. 604 I was unavoidably detained. Had I been present, I would have voted ''no.''

The CHAIRMAN pro tempore. Are there other amendments?

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. SIMPSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2443) to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes, pursuant to H. Res. 416, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

□ 1745

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2443, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2003

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2443, the Clerk be authorized to correct section numbers, punctuation and cross references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House.

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

There was no objection.

GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2443.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on the questions previously postponed.

Votes will be taken in the following order:

H.J. Res. 76, by the yeas and nays;

Conference report to accompany H.R. 2559, by the yeas and nays;

H.R. 3214, by the yeas and nays;

Concur in Senate amendments to H.R. 3365, by the yeas and nays;

Conference report to accompany H.R. 2559, by the yeas and nays; and

H.R. 2620, debated Tuesday, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the vote on passage of the joint resolution, H.J. Res. 76, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the joint resolution.

The vote was taken by electronic device, and there were—yeas 418, nays 5, not voting 11, as follows: