

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. RES. 602

Providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 2204.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 1998

Mr. SHUSTER submitted the following resolution; which was considered and agreed to

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## RESOLUTION

Providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 2204.

1       *Resolved*, That upon the adoption of this resolution  
2 the House shall be considered to have taken from the  
3 Speaker's table the bill (H.R. 2204) to authorize appro-  
4 priations for fiscal years 1998 and 1999 for the Coast  
5 Guard, and for other purposes, and the Senate amend-  
6 ment thereto, and to have concurred in the Senate amend-  
7 ment with an amendment as follows:

8       In lieu of the matter proposed to be inserted by the  
9 Senate amendment, insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coast Guard Author-  
3 ization Act of 1998”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 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.
- Sec. 103. LORAN-C.

TITLE II—COAST GUARD MANAGEMENT

- Sec. 201. Severance pay.
- Sec. 202. Authority to implement and fund certain awards programs.
- Sec. 203. Use of appropriated funds for commercial vehicles at military funerals.
- Sec. 204. Authority to reimburse Novato, California, Reuse Commission.
- Sec. 205. Law enforcement authority for special agents of the Coast Guard Investigative Service.
- Sec. 206. Report on excess Coast Guard property.
- Sec. 207. Fees for navigation assistance service.
- Sec. 208. Aids to navigation report.

TITLE III—MARINE SAFETY

- Sec. 301. Extension of territorial sea for certain laws.
- Sec. 302. Penalties for interfering with the safe operation of a vessel.
- Sec. 303. Great Lakes Pilotage Advisory Committee.
- Sec. 304. Alcohol testing.
- Sec. 305. Protect marine casualty investigations from mandatory release.
- Sec. 306. Safety management code report and policy.
- Sec. 307. Oil and hazardous substance definition and report.
- Sec. 308. National Marine Transportation System.
- Sec. 309. Availability and use of EPIRBS for recreational vessels.
- Sec. 310. Search and rescue helicopter coverage.
- Sec. 311. Petroleum transportation.
- Sec. 312. Seasonal Coast Guard helicopter air rescue capability.
- Sec. 313. Ship reporting systems.

TITLE IV—MISCELLANEOUS

- Sec. 401. Vessel identification system amendments.
- Sec. 402. Conveyance of Coast Guard Reserve training facility, Jacksonville, Florida.
- Sec. 403. Documentation of certain vessels.
- Sec. 404. Conveyance of Nahant parcel, Essex County, Massachusetts.
- Sec. 405. Unreasonable obstruction to navigation.

- Sec. 406. Financial responsibility for oil spill response vessels.
- Sec. 407. Conveyance of Coast Guard property to Jacksonville University in Jacksonville, Florida.
- Sec. 408. Penalty for violation of International Safety Convention.
- Sec. 409. Coast Guard City, USA.
- Sec. 410. Conveyance of Communication Station Boston Marshfield Receiver Site, Massachusetts.
- Sec. 411. Clarification of liability of persons engaging in oil spill prevention and response activities.
- Sec. 412. Vessels not seagoing motor vessels.
- Sec. 413. Land conveyance, Coast Guard Station Ocracoke, North Carolina.
- Sec. 414. Conveyance of Coast Guard property in Sault Sainte Marie, Michigan.
- Sec. 415. Interim authority for dry bulk cargo residue disposal.
- Sec. 416. Conveyance of lighthouses.
- Sec. 417. Conveyance of Coast Guard LORAN Station Nantucket.
- Sec. 418. Conveyance of decommissioned Coast Guard vessels.
- Sec. 419. Amendment to conveyance of vessel S/S RED OAK VICTORY.
- Sec. 420. Transfer of Ocracoke Light Station to Secretary of the Interior.
- Sec. 421. Vessel documentation clarification.
- Sec. 422. Dredge clarification.
- Sec. 423. Double hull alternative designs study.
- Sec. 424. Vessel sharing agreements.
- Sec. 425. Reports.
- Sec. 426. Report on tonnage calculation methodology.
- Sec. 427. Authority to convey National Defense Reserve Fleet Vessels.
- Sec. 428. Authority to convey National Defense Reserve Fleet Vessel, JOHN HENRY.
- Sec. 429. Applicability of authority to release restrictions and encumbrances.
- Sec. 430. Barge APL-60.
- Sec. 431. Vessel financing flexibility.
- Sec. 432. Hydrographic functions.

#### TITLE V—ADMINISTRATIVE PROCESS FOR JONES ACT WAIVERS

- Sec. 501. Findings.
- Sec. 502. Administrative waiver of coastwise trade laws.
- Sec. 503. Revocation.
- Sec. 504. Definitions.
- Sec. 505. Sunset.

#### TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

- Sec. 601. Short title.
- Sec. 602. Findings.
- Sec. 603. Assessments.
- Sec. 604. Northern Gulf of Mexico hypoxia.
- Sec. 605. Authorization of appropriations.
- Sec. 606. Protection of States' rights.

1           **TITLE I—AUTHORIZATION**

2   **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

3           Funds are authorized to be appropriated for nec-  
4   essary expenses of the Coast Guard, as follows:

5           (1) For the operation and maintenance of the  
6   Coast Guard—

7           (A) for fiscal year 1998, \$2,715,400,000;

8           and

9           (B) for fiscal year 1999, \$2,854,700,000;

10          of which \$25,000,000 shall be derived each fis-  
11          cal year from the Oil Spill Liability Trust Fund  
12          to carry out the purposes of section 1012(a)(5)  
13          of the Oil Pollution Act of 1990 and of which  
14          not less than \$408,000,000 shall be available  
15          for expenses related to drug interdiction.

16          (2) For the acquisition, construction, rebuild-  
17          ing, and improvement of aids to navigation, shore  
18          and offshore facilities, vessels, and aircraft, includ-  
19          ing equipment related thereto—

20          (A) for fiscal year 1998, \$399,850,000, of  
21          which \$2,000,000 shall be made available for  
22          concept evaluation for a replacement vessel for  
23          the Coast Guard icebreaker MACKINAW; and

24          (B) for fiscal year 1999, \$510,300,000, of  
25          which \$5,300,000 shall be made available to

1 complete the conceptual design for a replace-  
2 ment vessel for the Coast Guard icebreaker  
3 MACKINAW;

4 to remain available until expended, of which  
5 \$20,000,000 shall be derived each fiscal year from  
6 the Oil Spill Liability Trust Fund to carry out the  
7 purposes of section 1012(a)(5) of the Oil Pollution  
8 Act of 1990 and of which not less than \$62,000,000  
9 shall be available for expenses related to drug inter-  
10 diction.

11 (3) For research, development, test, and evalua-  
12 tion of technologies, materials, and human factors  
13 directly relating to improving the performance of the  
14 Coast Guard's mission in support of search and res-  
15 cue, aids to navigation, marine safety, marine envi-  
16 ronmental protection, enforcement of laws and trea-  
17 ties, ice operations, oceanographic research, and de-  
18 fense readiness—

19 (A) for fiscal year 1998, \$19,000,000; and

20 (B) for fiscal year 1999, \$18,300,000;

21 to remain available until expended, of which  
22 \$3,500,000 shall be derived each fiscal year from the  
23 Oil Spill Liability Trust Fund to carry out the pur-  
24 poses of section 1012(a)(5) of the Oil Pollution Act  
25 of 1990.

1           (4) For retired pay (including the payment of  
2 obligations otherwise chargeable to lapsed appropria-  
3 tions for this purpose), payments under the Retired  
4 Serviceman's Family Protection and Survivor Bene-  
5 fit Plans, and payments for medical care of retired  
6 personnel and their dependents under chapter 55 of  
7 title 10, United States Code—

8                   (A) for fiscal year 1998, \$653,196,000;

9                   and

10                   (B) for fiscal year 1999, \$691,493,000.

11           (5) For alteration or removal of bridges over  
12 navigable waters of the United States constituting  
13 obstructions to navigation, and for personnel and  
14 administrative costs associated with the Bridge Al-  
15 teration Program—

16                   (A) for fiscal year 1998, \$17,000,000; and

17                   (B) for fiscal year 1999, \$26,000,000,

18           to remain available until expended.

19           (6) For environmental compliance and restora-  
20 tion at Coast Guard facilities (other than parts and  
21 equipment associated with operations and mainte-  
22 nance), \$26,000,000 for each of fiscal years 1998  
23 and 1999, to remain available until expended.

1 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
2 **AND TRAINING.**

3 (a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is  
4 authorized an end-of-year strength for active duty person-  
5 nel of—

6 (1) 37,944 as of September 30, 1998; and

7 (2) 38,038 as of September 30, 1999.

8 (b) **MILITARY TRAINING STUDENT LOADS.**—The  
9 Coast Guard is authorized average military training stu-  
10 dent loads as follows:

11 (1) For recruit and special training—

12 (A) for fiscal year 1998, 1,424 student  
13 years; and

14 (B) for fiscal year 1999, 1,424 student  
15 years.

16 (2) For flight training—

17 (A) for fiscal year 1998, 98 student years;  
18 and

19 (B) for fiscal year 1999, 98 student years.

20 (3) For professional training in military and ci-  
21 vilian institutions—

22 (A) for fiscal year 1998, 283 student  
23 years; and

24 (B) for fiscal year 1999, 283 student  
25 years.

26 (4) For officer acquisition—

1 (A) for fiscal year 1998, 814 student  
2 years; and

3 (B) for fiscal year 1999, 810 student  
4 years.

5 **SEC. 103. LORAN-C.**

6 (a) FISCAL YEAR 1999.—There are authorized to be  
7 appropriated to the Department of Transportation, in ad-  
8 dition to the funds authorized for the Coast Guard for  
9 operation of the LORAN-C System, for capital expenses  
10 related to LORAN-C navigation infrastructure,  
11 \$10,000,000 for fiscal year 1999. The Secretary of Trans-  
12 portation may transfer from the Federal Aviation Admin-  
13 istration and other agencies of the department funds ap-  
14 propriated as authorized under this section in order to re-  
15 imburse the Coast Guard for related expenses.

16 (b) COST-SHARING PLAN.—Not later than 6 months  
17 after the date of enactment of this Act, the Secretary of  
18 Transportation shall develop and submit to the Committee  
19 on Commerce, Science, and Transportation of the Senate  
20 and the Committee on Transportation and Infrastructure  
21 of the House of Representatives a plan for cost-sharing  
22 arrangements among Federal agencies for such capital  
23 and operating expenses related to LORAN-C navigation  
24 infrastructure, including such expenses of the Coast  
25 Guard and the Federal Aviation Administration.

1                   **TITLE II—COAST GUARD**  
2                                   **MANAGEMENT**

3 **SEC. 201. SEVERANCE PAY.**

4           (a) **WARRANT OFFICERS.**—Section 286a(d) of title  
5 14, United States Code, is amended by striking the last  
6 sentence.

7           (b) **SEPARATED OFFICERS.**—Section 286a of title 14,  
8 United States Code, is amended by striking the period at  
9 the end of subsection (b) and inserting “, unless the Sec-  
10 retary determines that the conditions under which the offi-  
11 cer is discharged or separated do not warrant payment  
12 of that amount of severance pay.”.

13           (c) **EXCEPTION.**—Section 327 of title 14, United  
14 States Code, is amended by striking the period at the end  
15 of paragraph (b)(3) and inserting “, unless the Secretary  
16 determines that the conditions under which the officer is  
17 discharged or separated do not warrant payment of that  
18 amount of severance pay.”.

19 **SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN**  
20                                   **AWARDS PROGRAMS.**

21           Section 93 of title 14, United States Code, is amend-  
22 ed—

23                   (1) by striking “and” after the semicolon at the  
24           end of paragraph (u);

1           (2) by striking the period at the end of para-  
2 graph (v) and inserting “; and”; and

3           (3) by adding at the end the following new  
4 paragraph:

5           “(w) provide for the honorary recognition of in-  
6 dividuals and organizations that significantly con-  
7 tribute to Coast Guard programs, missions, or oper-  
8 ations, including State and local governments and  
9 commercial and nonprofit organizations, and pay  
10 for, using any appropriations or funds available to  
11 the Coast Guard, plaques, medals, trophies, badges,  
12 and similar items to acknowledge such contribution  
13 (including reasonable expenses of ceremony and  
14 presentation).”.

15 **SEC. 203. USE OF APPROPRIATED FUNDS FOR COMMER-**  
16 **CIAL VEHICLES AT MILITARY FUNERALS.**

17           Section 93 of title 14, United States Code, as amend-  
18 ed by section 202 of this Act, is further amended—

19           (1) by striking “and” after the semicolon at the  
20 end of paragraph (v);

21           (2) by striking the period at the end of para-  
22 graph (w) and inserting “; and”; and

23           (3) by adding at the end the following new  
24 paragraph:



1 **SEC. 205. LAW ENFORCEMENT AUTHORITY FOR SPECIAL**  
2 **AGENTS OF THE COAST GUARD INVESTIGA-**  
3 **TIVE SERVICE.**

4 (a) **AUTHORITY.**—Section 95 of title 14, United  
5 States Code, is amended to read as follows:

6 **“§ 95. Special agents of the Coast Guard Investiga-**  
7 **tive Service law enforcement authority**

8 “(a)(1) A special agent of the Coast Guard Investiga-  
9 tive Service designated under subsection (b) has the fol-  
10 lowing authority:

11 “(A) To carry firearms.

12 “(B) To execute and serve any warrant or other  
13 process issued under the authority of the United  
14 States.

15 “(C) To make arrests without warrant for—

16 “(i) any offense against the United States  
17 committed in the agent’s presence; or

18 “(ii) any felony cognizable under the laws  
19 of the United States if the agent has probable  
20 cause to believe that the person to be arrested  
21 has committed or is committing the felony.

22 “(2) The authorities provided in paragraph (1) shall  
23 be exercised only in the enforcement of statutes for which  
24 the Coast Guard has law enforcement authority, or in exi-  
25 gent circumstances.

1       “(b) The Commandant may designate to have the au-  
 2       thority provided under subsection (a) any special agent of  
 3       the Coast Guard Investigative Service whose duties in-  
 4       clude conducting, supervising, or coordinating investiga-  
 5       tion of criminal activity in programs and operations of the  
 6       United States Coast Guard.

7       “(c) The authority provided under subsection (a)  
 8       shall be exercised in accordance with guidelines prescribed  
 9       by the Commandant and approved by the Attorney Gen-  
 10      eral and any other applicable guidelines prescribed by the  
 11      Secretary of Transportation or the Attorney General.”.

12      (b) CLERICAL AMENDMENT.—The table of sections  
 13      at the beginning of chapter 5 of title 14, United States  
 14      Code, is amended by striking the item related to section  
 15      95 and inserting the following:

“95. Special agents of the Coast Guard Investigative Service law enforcement au-  
 thority.”.

16      **SEC. 206. REPORT ON EXCESS COAST GUARD PROPERTY.**

17      Not later than 9 months after the date of enactment  
 18      of this Act, the Administrator of the General Services Ad-  
 19      ministration and the Commandant of the Coast Guard  
 20      shall submit to the Congress a report on the current proce-  
 21      dures used to dispose of excess Coast Guard property and  
 22      provide recommendations to improve such procedures. The  
 23      recommendations shall take into consideration measures  
 24      that would—

- 1 (1) improve the efficiency of such procedures;
- 2 (2) improve notification of excess property deci-  
3 sions to and enhance the participation in the prop-  
4 erty disposal decisionmaking process of the States,  
5 local communities, and appropriate non-profit orga-  
6 nizations;
- 7 (3) facilitate the expeditious transfer of excess  
8 property for recreation, historic preservation, edu-  
9 cation, transportation, or other uses that benefit the  
10 general public; and
- 11 (4) ensure that the interests of Federal tax-  
12 payers are protected.

13 **SEC. 207. FEES FOR NAVIGATION ASSISTANCE SERVICE.**

14 Section 2110 of title 46, United States Code, is  
15 amended by adding at the end thereof the following:

16 “(k) The Secretary may not plan, implement or final-  
17 ize any regulation that would promulgate any new mari-  
18 time user fee which was not implemented and collected  
19 prior to January 1, 1998, including a fee or charge for  
20 any domestic icebreaking service or any other navigational  
21 assistance service. This subsection expires on September  
22 30, 2001.”.

23 **SEC. 208. AIDS TO NAVIGATION REPORT.**

24 Not later than 18 months after the date of enactment  
25 of this Act, the Commandant of the Coast Guard shall

1 submit to Congress a report on the use of the Coast  
2 Guard's aids to navigation system. The report shall in-  
3 clude an analysis of the respective use of the aids to navi-  
4 gation system by commercial interests, members of the  
5 general public for personal recreation, Federal and State  
6 government for public safety, defense, and other similar  
7 purposes. To the extent practicable within the time al-  
8 lowed, the report shall include information regarding de-  
9 gree of use of the various portions of the system.

### 10 **TITLE III—MARINE SAFETY**

#### 11 **SEC. 301. EXTENSION OF TERRITORIAL SEA FOR CERTAIN**

#### 12 **LAWS.**

13 (a) PORTS AND WATERWAYS SAFETY ACT.—Section  
14 102 of the Ports and Waterways Safety Act (33 U.S.C.  
15 1222) is amended by adding at the end the following:

16 “(5) ‘Navigable waters of the United States’ in-  
17 cludes all waters of the territorial sea of the United  
18 States as described in Presidential Proclamation  
19 5928 of December 27, 1988.”

20 (b) SUBTITLE II OF TITLE 46.—

21 (1) Section 2101 of title 46, United States  
22 Code, is amended—

23 (A) by redesignating paragraph (17a) as  
24 paragraph (17b); and

1 (B) by inserting after paragraph (17) the  
2 following:

3 “(17a) ‘navigable waters of the United States’  
4 includes all waters of the territorial sea of the  
5 United States as described in Presidential Proclama-  
6 tion 5928 of December 27, 1988.”.

7 (2) Section 2301 of that title is amended by in-  
8 serting “(including the territorial sea of the United  
9 States as described in Presidential Proclamation  
10 5928 of December 27, 1988)” after “of the United  
11 States”.

12 (3) Section 4102(e) of that title is amended by  
13 striking “operating on the high seas” and inserting  
14 “owned in the United States and operating beyond  
15 3 nautical miles from the baselines from which the  
16 territorial sea of the United States is measured”.

17 (4) Section 4301(a) of that title is amended by  
18 inserting “(including the territorial sea of the United  
19 States as described in Presidential Proclamation  
20 5928 of December 27, 1988)” after “of the United  
21 States”.

22 (5) Section 4502(a)(7) of that title is amended  
23 by striking “on the high seas” and inserting “be-  
24 yond 3 nautical miles from the baselines from which

1 the territorial sea of the United States is measured,  
2 and which are owned in the United States”.

3 (6) Section 4506(b) of that title is amended by  
4 striking paragraph (2) and inserting the following:

5 “(2) is operating—

6 “(A) in internal waters of the United  
7 States; or

8 “(B) within 3 nautical miles from the  
9 baselines from which the territorial sea of the  
10 United States is measured.”.

11 (7) Section 8502(a)(3) of that title is amended  
12 by striking “not on the high seas” and inserting:  
13 “not beyond 3 nautical miles from the baselines  
14 from which the territorial sea of the United States  
15 is measured”.

16 (8) Section 8503(a)(2) of that title is amended  
17 by striking paragraph (2) and inserting the follow-  
18 ing:

19 “(2) operating—

20 “(A) in internal waters of the United  
21 States; or

22 “(B) within 3 nautical miles from the  
23 baselines from which the territorial sea of the  
24 United States is measured.”.

1 **SEC. 302. PENALTIES FOR INTERFERING WITH THE SAFE**  
 2 **OPERATION OF A VESSEL.**

3 (a) IN GENERAL.—Section 2302 of title 46, United  
 4 States Code, is amended—

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

7 **“§ 2302. Penalties for negligent operations and inter-**  
 8 **fering with safe operation”;**

9 and

10 (2) in subsection (a) by striking “that endan-

11 gers” and inserting “or interfering with the safe op-

12 eration of a vessel, so as to endanger”.

13 (b) CLERICAL AMENDMENT.—The table of sections  
 14 at the beginning of chapter 23 of title 46, United States  
 15 Code, is amended by striking the item relating to section  
 16 2302 and inserting the following:

“2302. Penalties for negligent operations and interfering with safe operation.”.

17 **SEC. 303. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.**

18 Section 9307 of title 46, United States Code, is  
 19 amended to read as follows:

20 **“§ 9307. Great Lakes Pilotage Advisory Committee**

21 “(a) The Secretary shall establish a Great Lakes Pi-

22 lotage Advisory Committee. The Committee—

23 “(1) may review proposed Great Lakes pilotage  
 24 regulations and policies and make recommendations

1 to the Secretary that the Committee considers ap-  
2 propriate;

3 “(2) may advise, consult with, report to, and  
4 make recommendations to the Secretary on matters  
5 relating to Great Lakes pilotage;

6 “(3) may make available to the Congress rec-  
7 ommendations that the Committee makes to the Sec-  
8 retary; and

9 “(4) shall meet at the call of—

10 “(A) the Secretary, who shall call such a  
11 meeting at least once during each calendar  
12 year; or

13 “(B) a majority of the Committee.

14 “(b)(1) The Committee shall consist of 7 members  
15 appointed by the Secretary in accordance with this sub-  
16 section, each of whom has at least 5 years practical experi-  
17 ence in maritime operations. The term of each member  
18 is for a period of not more than 5 years, specified by the  
19 Secretary. Before filling a position on the Committee, the  
20 Secretary shall publish a notice in the Federal Register  
21 soliciting nominations for membership on the Committee.

22 “(2) The membership of the Committee shall in-  
23 clude—

24 “(A) 3 members who are practicing Great  
25 Lakes pilots and who reflect a regional balance;

1           “(B) 1 member representing the interests of  
2 vessel operators that contract for Great Lakes pilot-  
3 age services;

4           “(C) 1 member representing the interests of  
5 Great Lakes ports;

6           “(D) 1 member representing the interests of  
7 shippers whose cargoes are transported through  
8 Great Lakes ports; and

9           “(E) 1 member representing the interests of the  
10 general public, who is an independent expert on the  
11 Great Lakes maritime industry.

12          “(c)(1) The Committee shall elect one of its members  
13 as the Chairman and one of its members as the Vice  
14 Chairman. The Vice Chairman shall act as Chairman in  
15 the absence or incapacity of the Chairman, or in the event  
16 of a vacancy in the office of the Chairman.

17          “(2) The Secretary shall, and any other interested  
18 agency may, designate a representative to participate as  
19 an observer with the Committee. The representatives shall,  
20 as appropriate, report to and advise the Committee on  
21 matters relating to Great Lakes pilotage. The Secretary’s  
22 designated representative shall act as the executive sec-  
23 retary of the Committee and shall perform the duties set  
24 forth in section 10(c) of the Federal Advisory Committee  
25 Act (5 U.S.C. App.).

1 “(d)(1) The Secretary shall, whenever practicable,  
2 consult with the Committee before taking any significant  
3 action relating to Great Lakes pilotage.

4 “(2) The Secretary shall consider the information,  
5 advice, and recommendations of the Committee in formu-  
6 lating policy regarding matters affecting Great Lakes pi-  
7 lotage.

8 “(e)(1) A member of the Committee, when attending  
9 meetings of the Committee or when otherwise engaged in  
10 the business of the Committee, is entitled to receive—

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

16 “(B) travel or transportation expenses under  
17 section 5703 of title 5.

18 “(2) A member of the Committee shall not be consid-  
19 ered to be an officer or employee of the United States for  
20 any purpose based on their receipt of any payment under  
21 this subsection.

22 “(f)(1) The Federal Advisory Committee Act (5  
23 U.S.C. App.) applies to the Committee, except that the  
24 Committee terminates on September 30, 2003.

1       “(2) 2 years before the termination date set forth in  
2 paragraph (1) of this subsection, the Committee shall sub-  
3 mit to the Congress its recommendation regarding wheth-  
4 er the Committee should be renewed and continued beyond  
5 the termination date.”.

6 **SEC. 304. ALCOHOL TESTING.**

7       (a) **ADMINISTRATIVE PROCEDURE.**—Section 7702 of  
8 title 46, United States Code, is amended by striking the  
9 second sentence of subsection (c)(2) and inserting the fol-  
10 lowing: “The testing may include preemployment (with re-  
11 spect to dangerous drugs only), periodic, random, and rea-  
12 sonable cause testing, and shall include post-accident test-  
13 ing.”.

14       (b) **INCREASE IN CIVIL PENALTY.**—Section 2115 of  
15 title 46, United States Code, is amended by striking  
16 “\$1,000” and inserting “\$5,000”.

17       (c) **INCREASE IN NEGLIGENCE PENALTY.**—Section  
18 2302(c)(1) of title 46, United States Code, is amended  
19 by striking “\$1,000 for a first violation and not more than  
20 \$5,000 for a subsequent violation; or” and inserting  
21 “\$5,000; or”.

22       (d) **POST SERIOUS MARINE CASUALTY TESTING.**—  
23               (1) Chapter 23 of title 46, United States Code,  
24       is amended by inserting after section 2303 the fol-  
25       lowing:

1 **“§2303a. Post serious marine casualty alcohol testing**

2       “(a) The Secretary shall establish procedures to en-  
3 sure that after a serious marine casualty occurs, alcohol  
4 testing of crew members or other persons responsible for  
5 the operation or other safety-sensitive functions of the ves-  
6 sel or vessels involved in such casualty is conducted no  
7 later than 2 hours after the casualty occurs, unless such  
8 testing cannot be completed within that time due to safety  
9 concerns directly related to the casualty.

10       “(b) The procedures in subsection (a) shall require  
11 that if alcohol testing cannot be completed within 2 hours  
12 of the occurrence of the casualty, such testing shall be con-  
13 ducted as soon thereafter as the safety concerns in sub-  
14 section (a) have been adequately addressed to permit such  
15 testing, except that such testing may not be required more  
16 than 8 hours after the casualty occurs.”.

17           (2) The table of sections at the beginning of  
18 chapter 23 of title 46, United States Code, is  
19 amended by inserting after the item related to sec-  
20 tion 2303 the following:

“2303a. Post serious marine casualty alcohol testing”.

21 **SEC. 305. PROTECT MARINE CASUALTY INVESTIGATIONS**  
22 **FROM MANDATORY RELEASE.**

23       Section 6305(b) of title 46, United States Code, is  
24 amended by striking all after “public” and inserting a pe-  
25 riod and “This subsection does not require the release of

1 information described by section 552(b) of title 5 or pro-  
2 tected from disclosure by another law of the United  
3 States.”.

4 **SEC. 306. SAFETY MANAGEMENT CODE REPORT AND POL-**  
5 **ICY.**

6 (a) REPORT ON IMPLEMENTATION AND ENFORCE-  
7 MENT OF THE INTERNATIONAL SAFETY MANAGEMENT  
8 CODE.—

9 (1) The Secretary of Transportation (in this  
10 section referred to as the “Secretary”) shall conduct  
11 a study—

12 (A) reporting on the status of implementa-  
13 tion of the International Safety Management  
14 Code (hereinafter referred to in this section as  
15 ‘Code’);

16 (B) detailing enforcement actions involving  
17 the Code, including the role documents and re-  
18 ports produced pursuant to the Code play in  
19 such enforcement actions;

20 (C) evaluating the effects the Code has had  
21 on marine safety and environmental protection,  
22 and identifying actions to further promote ma-  
23 rine safety and environmental protection  
24 through the Code;

1 (D) identifying actions to achieve full com-  
2 pliance with and effective implementation of the  
3 Code; and

4 (E) evaluating the effectiveness of internal  
5 reporting and auditing under the Code, and rec-  
6 ommending actions to ensure the accuracy and  
7 candidness of such reporting and auditing.

8 These recommended actions may include proposed  
9 limits on the use in legal proceedings of documents  
10 produced pursuant to the Code.

11 (2) The Secretary shall provide opportunity for  
12 the public to participate in and comment on the  
13 study conducted under paragraph (1).

14 (3) Not later than 18 months after the date of  
15 enactment of this Act, the Secretary shall submit to  
16 the Congress a report on the results of the study  
17 conducted under paragraph (1).

18 (b) POLICY.—

19 (1) Not later than 9 months after submission of  
20 the report in subsection (a)(3), the Secretary shall  
21 develop a policy to achieve full compliance with and  
22 effective implementation of the Code. The policy  
23 may include—

24 (A) enforcement penalty reductions and  
25 waivers, limits on the use in legal proceedings

1 of documents produced pursuant to the Code,  
2 or other incentives to ensure accurate and can-  
3 did reporting and auditing;

4 (B) any other measures to achieve full  
5 compliance with and effective implementation of  
6 the Code; and

7 (C) if appropriate, recommendations to  
8 Congress for any legislation necessary to imple-  
9 ment one or more elements of the policy.

10 (2) The Secretary shall provide opportunity for  
11 the public to participate in the development of the  
12 policy in paragraph (1).

13 (3) Upon completion of the policy in paragraph  
14 (1), the Secretary shall publish the policy in the  
15 Federal Register and provide opportunity for public  
16 comment on the policy.

17 **SEC. 307. OIL AND HAZARDOUS SUBSTANCE DEFINITION**  
18 **AND REPORT.**

19 (a) DEFINITION OF OIL.—Section 1001(23) of the  
20 Oil Pollution Act of 1990 (33 U.S.C. 2701(23)) is amend-  
21 ed to read as follows:

22 “(23) ‘oil’ means oil of any kind or in any form,  
23 including petroleum, fuel oil, sludge, oil refuse, and  
24 oil mixed with wastes other than dredged spoil, but  
25 does not include any substance which is specifically

1 listed or designated as a hazardous substance under  
2 subparagraphs (A) through (F) of section 101(14)  
3 of the Comprehensive Environmental Response,  
4 Compensation, and Liability Act (42 U.S.C. 9601)  
5 and which is subject to the provisions of that Act;”.

6 (b) REPORT.—Not later than 6 months after the date  
7 of enactment of this Act, the Commandant of the Coast  
8 Guard shall submit a report to the Congress on the status  
9 of the joint evaluation by the Coast Guard and the Envi-  
10 ronmental Protection Agency of the substances to be clas-  
11 sified as oils under the Federal Water Pollution Control  
12 Act and title I of the Oil Pollution Act of 1990, including  
13 opportunities provided for public comment on the evalua-  
14 tion.

15 **SEC. 308. NATIONAL MARINE TRANSPORTATION SYSTEM.**

16 (a) IN GENERAL.—The Secretary of Transportation,  
17 through the Coast Guard and the Maritime Administra-  
18 tion, shall, in consultation with the National Ocean Service  
19 of the National Oceanic and Atmospheric Administration,  
20 the Corps of Engineers, and other interested Federal  
21 agencies and departments, establish a task force to assess  
22 the adequacy of the nation’s marine transportation system  
23 (including ports, waterways, harbor approach channels,  
24 and their intermodal connections) to operate in a safe, ef-  
25 ficient, secure, and environmentally sound manner.

1 (b) TASK FORCE.—

2 (1) The task force shall be chaired by the Sec-  
3 retary of Transportation or his designee and may be  
4 comprised of the representatives of interested Fed-  
5 eral agencies and departments and such other non-  
6 federal entities as the Secretary deems appropriate.

7 (2) The provisions of the Federal Advisory  
8 Committee Act shall not apply to the task force.

9 (c) ASSESSMENT.—

10 (1) In carrying out the assessment under this  
11 section, the task force shall examine critical issues  
12 and develop strategies, recommendations, and a plan  
13 for action. Pursuant to such examination and devel-  
14 opment, the task force shall—

15 (A) take into account the capability of the  
16 marine transportation system, the adequacy of  
17 depth of approach channels and harbors, and  
18 the cost to the Federal Government to accom-  
19 modate projected increases in foreign and do-  
20 mestic traffic over the next 20 years;

21 (B) consult with senior public and private  
22 sector officials, including the users of that sys-  
23 tem, such as ports, commercial carriers, ship-  
24 pers, labor, recreational boaters, fishermen, and  
25 environmental organizations;

1 (C) sponsor public and private sector ac-  
2 tivities to further refine and implement (under  
3 existing authority) the strategies, recommenda-  
4 tions, and plan for action;

5 (D) evaluate the capability to dispose of  
6 dredged materials that will be produced to ac-  
7 commodate projected increases referred to in  
8 subparagraph (A); and

9 (E) evaluate the future of the navigational  
10 aid system including the use of virtual aids to  
11 navigation on electronic charts.

12 (2) The Secretary shall report to Congress on  
13 the results of the assessment no later than July 1,  
14 1999. The report shall reflect the views of both the  
15 public and private sectors. The Task Force shall  
16 cease to exist upon submission of the report in this  
17 paragraph.

18 **SEC. 309. AVAILABILITY AND USE OF EPIRBs FOR REC-**  
19 **REATIONAL VESSELS.**

20 The Secretary of Transportation, through the Coast  
21 Guard and in consultation with the National Transpor-  
22 tation Safety Board and recreational boating organiza-  
23 tions, shall, within 24 months of the date of enactment  
24 of this Act, assess and report to Congress on the use of  
25 emergency position indicating beacons (EPIRBs) and

1 similar devices by operators of recreational vessels on the  
2 Intracoastal Waterway and operators of recreational ves-  
3 sels beyond the Boundary Line. The assessment shall at  
4 a minimum—

5 (1) evaluate the current availability and use of  
6 EPIRBs and similar devices by the operators of rec-  
7 reational vessels and the actual and potential con-  
8 tribution of such devices to recreational boating safe-  
9 ty; and

10 (2) provide recommendations on policies and  
11 programs to encourage the availability and use of  
12 EPIRBS and similar devices by the operators of rec-  
13 reational vessels.

14 **SEC. 310. SEARCH AND RESCUE HELICOPTER COVERAGE.**

15 Not later than 9 months after the date of enactment  
16 of this Act, the Commandant shall submit a report to the  
17 Committee on Commerce, Science, and Transportation of  
18 the Senate and the Committee on Transportation and In-  
19 frastructure of the House of Representatives—

20 (1) identifying waters out to 50 miles from the  
21 territorial sea of Maine and other States that cannot  
22 currently be served by a Coast Guard search and  
23 rescue helicopter within 2 hours of a report of dis-  
24 tress or request for assistance from such waters;

1           (2) providing options for ensuring that all wa-  
2           ters of the area referred to in paragraph (1) can be  
3           served by a Coast Guard search and rescue heli-  
4           copter within 2 hours of a report of distress or re-  
5           quest for assistance from such waters;

6           (3) providing an analysis assessing the overall  
7           capability of Coast Guard search and rescue assets  
8           to serve each area referred to in paragraph (1) with-  
9           in 2 hours of a report of distress or request for as-  
10          sistance from such waters; and

11          (4) identifying, among any other options the  
12          Commandant may provide as required by paragraph  
13          (2), locations in the State of Maine that may be  
14          suitable for the stationing of a Coast Guard search  
15          and rescue helicopter and crew, including any Coast  
16          Guard facility in Maine, the Bangor Air National  
17          Guard Base, and any other locations.

18 **SEC. 311. PETROLEUM TRANSPORTATION.**

19          (a) DEFINITIONS.—In this section:

20           (1) FIRST COAST GUARD DISTRICT.—The term  
21           “First Coast Guard District” means the First Coast  
22           Guard District described in section 3.05-1(b) of title  
23           33, Code of Federal Regulations.

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of the department in which the Coast  
3           Guard is operating.

4           (3) WATERS OF THE NORTHEAST.—The term  
5           “waters of the Northeast”—

6                   (A) means the waters subject to the juris-  
7                   diction of the First Coast Guard District; and

8                   (B) includes the waters of Long Island  
9                   Sound.

10          (b) REGULATIONS RELATING TO WATERS OF THE  
11          NORTHEAST.—

12               (1) TOWING VESSEL AND BARGE SAFETY FOR  
13          WATERS OF THE NORTHEAST.—

14                   (A) IN GENERAL.—Not later than Decem-  
15                   ber 31, 1998, the Secretary shall promulgate  
16                   regulations for towing vessel and barge safety  
17                   for the waters of the Northeast.

18                   (B) INCORPORATION OF RECOMMENDA-  
19                   TIONS.—

20                           (i) IN GENERAL.—Except as provided  
21                           in clause (ii), the regulations promulgated  
22                           under this paragraph shall give full consid-  
23                           eration to each of the recommendations for  
24                           regulations contained in the report entitled  
25                           “Regional Risk Assessment of Petroleum

1           Transportation in the Waters of the  
2           Northeast United States” issued by the  
3           Regional Risk Assessment Team for the  
4           First Coast Guard District on February 6,  
5           1997, and the Secretary shall provide a de-  
6           tailed explanation if any recommendation  
7           is not adopted.

8                   (ii)   EXCLUDED   RECOMMENDA-  
9                   TIONS.—The regulations promulgated  
10                  under this paragraph shall not incorporate  
11                  any recommendation referred to in clause  
12                  (i) that relates to anchoring or barge re-  
13                  trieval systems.

14           (2) ANCHORING AND BARGE RETRIEVAL SYS-  
15           TEMS.—

16                   (A) IN GENERAL.—Not later than Novem-  
17                  ber 30, 1998, the Secretary shall promulgate  
18                  regulations under section 3719 of title 46,  
19                  United States Code, for the waters of the  
20                  Northeast, that shall give full consideration to  
21                  each of the recommendations made in the re-  
22                  port referred to in paragraph (1)(B)(i) relating  
23                  to anchoring and barge retrieval systems, and  
24                  the Secretary shall provide a detailed expla-  
25                  nation if any recommendation is not adopted.

1           (B) RULE OF CONSTRUCTION.—Nothing in  
2           subparagraph (A) prevents the Secretary from  
3           promulgating interim final regulations that  
4           apply throughout the United States relating to  
5           anchoring and barge retrieval systems that con-  
6           tain requirements that are as stringent as the  
7           requirements of the regulations promulgated  
8           under subparagraph (A).

9   **SEC. 312. SEASONAL COAST GUARD HELICOPTER AIR RES-**  
10                           **CUE CAPABILITY.**

11           The Secretary of Transportation is authorized to take  
12           appropriate actions to ensure the establishment and oper-  
13           ation by the Coast Guard of a helicopter air rescue capa-  
14           bility that—

15                   (1) is located at Gabreski Airport,  
16           Westhampton, New York; and

17                   (2) provides air rescue capability from that lo-  
18           cation from April 15 to October 15 each year.

19   **SEC. 313. SHIP REPORTING SYSTEMS.**

20           Section 11 of the Ports and Waterways Safety Act  
21           (Public Law 92-340; 33 U.S.C. 1230), is amended by add-  
22           ing at the end of the following:

23           “(d) SHIP REPORTING SYSTEMS.—The Secretary, in  
24           cooperation with the International Maritime Organization,  
25           is authorized to implement and enforce two mandatory

1 ship reporting systems, consistent with international law,  
 2 with respect to vessels subject to such reporting systems  
 3 entering the following areas of the Atlantic Ocean: Cape  
 4 Cod Bay, Massachusetts Bay, and Great South Channel  
 5 (in the area generally bounded by a line starting from a  
 6 point on Cape Ann, Massachusetts at 42 deg. 39' N., 70  
 7 deg. 37' W; then northeast to 42 deg. 45' N., 70 deg.  
 8 13' W; then southeast to 42 deg. 10' N., 68 deg. 31 W,  
 9 then south to 41 deg. 00' N., 68 deg. 31' W; then west  
 10 to 41 deg. 00' N., 69 deg. 17' W; then northeast to 42  
 11 deg. 05' N., 70 deg. 02' W, then west to 42 deg. 04' N.,  
 12 70 deg. 10' W; and then along the Massachusetts shoreline  
 13 of Cape Cod Bay and Massachusetts Bay back to the point  
 14 on Cape Ann at 42 deg. 39' N., 70 deg. 37' W) and in  
 15 the coastal waters of the Southeastern United States with-  
 16 in about 25 nm along a 90 nm stretch of the Atlantic  
 17 seaboard (in an area generally extending from the shore-  
 18 line east to longitude 80 deg. 51.6' W with the southern  
 19 and northern boundary at latitudes 30 deg. 00' N., 31  
 20 deg. 27' N., respectively).”.

## 21 **TITLE IV—MISCELLANEOUS**

### 22 **SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.**

23 (a) IN GENERAL.—Chapter 121 of title 46, United  
 24 States Code, is amended—

1           (1) by striking “or is not titled in a State” in  
2           section 12102(a);

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

4   **“§12124. Surrender of title and number**

5           “(a) A documented vessel shall not be titled by a  
6 State or required to display numbers under chapter 123,  
7 and any certificate of title issued by a State for a docu-  
8 mented vessel shall be surrendered in accordance with reg-  
9 ulations prescribed by the Secretary of Transportation.

10          “(b) The Secretary may approve the surrender under  
11 subsection (a) of a certificate of title for a vessel covered  
12 by a preferred mortgage under section 31322(d) of this  
13 title only if the mortgagee consents.”.

14          (b) CONFORMING AMENDMENT.—The chapter analy-  
15 sis for chapter 121 of title 46, United States Code, is  
16 amended by adding at the end thereof the following:

“12124. Surrender of title and number”.

17          (c) OTHER AMENDMENTS.—Title 46, United States  
18 Code, is amended—

19           (1) by striking section 31322(b) and inserting  
20           the following:

21           “(b) Any indebtedness secured by a preferred mort-  
22 gage that is filed or recorded under this chapter, or that  
23 is subject to a mortgage, security agreement, or instru-  
24 ments granting a security interest that is deemed to be

1 a preferred mortgage under subsection (d) of this section,  
2 may have any rate of interest to which the parties agree.”;

3 (2) by striking “mortgage or instrument” each  
4 place it appears in section 31322(d)(1) and inserting  
5 “mortgage, security agreement, or instrument”;

6 (3) by striking section 31322(d)(3) and insert-  
7 ing the following:

8 “(3) A preferred mortgage under this sub-  
9 section continues to be a preferred mortgage even if  
10 the vessel is no longer titled in the State where the  
11 mortgage, security agreement, or instrument grant-  
12 ing a security interest became a preferred mortgage  
13 under this subsection.”;

14 (4) by striking “mortgages or instruments” in  
15 subsection 31322(d)(2) and inserting “mortgages,  
16 security agreements, or instruments”;

17 (5) by inserting “a vessel titled in a State,” in  
18 section 31325(b)(1) after “a vessel to be docu-  
19 mented under chapter 121 of this title,”;

20 (6) by inserting “a vessel titled in a State,” in  
21 section 31325(b)(3) after “a vessel for which an ap-  
22 plication for documentation is filed under chapter  
23 121 of this title,”; and

1           (7) by inserting “a vessel titled in a State,” in  
2           section 31325(c) after “a vessel to be documented  
3           under chapter 121 of this title,”.

4 **SEC. 402. CONVEYANCE OF COAST GUARD RESERVE TRAIN-**  
5 **ING FACILITY, JACKSONVILLE, FLORIDA.**

6           (a) IN GENERAL.—Notwithstanding any other provi-  
7           sion of law—

8           (1) the land and improvements thereto compris-  
9           ing the Coast Guard Reserve training facility in  
10          Jacksonville, Florida, is deemed to be surplus prop-  
11          erty; and

12          (2) the Commandant of the Coast Guard shall  
13          dispose of all right, title, and interest of the United  
14          States in and to that property, by sale, at fair mar-  
15          ket value.

16          (b) RIGHT OF FIRST REFUSAL.—Before a sale is  
17          made under subsection (a) to any other person, the Com-  
18          mandant of the Coast Guard shall give to the city of Jack-  
19          sonville, Florida, the right of first refusal to purchase all  
20          or any part of the property required to be sold under that  
21          subsection.

22 **SEC. 403. DOCUMENTATION OF CERTAIN VESSELS.**

23          (a) GENERAL WAIVER.—Notwithstanding section 27  
24          of the Merchant Marine Act, 1920 (46 App. U.S.C. 883),  
25          section 8 of the Act of June 19, 1886 (46 App. U.S.C.

1 289), and sections 12106 and 12108 of title 46, United  
2 States Code, the Secretary of Transportation may issue  
3 a certificate of documentation with appropriate endorse-  
4 ment for each of the following vessels:

5 (1) SEAGULL (United States official number  
6 1038605).

7 (2) BAREFOOT CONTESA (United States of-  
8 ficial number 285410).

9 (3) PRECIOUS METAL (United States official  
10 number 596316).

11 (4) BLUE HAWAII (State of Florida registra-  
12 tion number FL0466KC).

13 (5) SOUTHERN STAR (United States official  
14 number 650774).

15 (6) KEEWAYDIN (United States official num-  
16 ber 662066).

17 (7) W.G. JACKSON (United States official  
18 number 1047199).

19 (8) The vessel known as hopper barge E-15  
20 (North Carolina State official number 264959).

21 (9) MIGHTY JOHN III (formerly the NIAG-  
22 ARA QUEEN, Canadian registration number  
23 318746).

24 (10) MAR Y PAZ (United States official num-  
25 ber 668179).

1           (11) SAMAKEE (State of New York registra-  
2           tion number NY 4108 FK).

3           (12) NAWNSENSE (United States official  
4           number 977593).

5           (13) ELMO (State of Florida registration num-  
6           ber FL5337BG).

7           (14) MANA-WANUI (United States official  
8           number 286657).

9           (15) OLD JOE (formerly TEMPTRESS;  
10          United States official number 991150).

11          (16) M/V BAHAMA PRIDE (United States of-  
12          ficial number 588647).

13          (17) WINDWISP (United States official num-  
14          ber 571621).

15          (18) SOUTHLAND (United States official  
16          number 639705).

17          (19) FJORDING (United States official num-  
18          ber 594363).

19          (20) M/V SAND ISLAND (United States offi-  
20          cial number 542918).

21          (21) PACIFIC MONARCH (United States offi-  
22          cial number 557467).

23          (22) FLAME (United States official number  
24          279363).

1           (23) DULARGE (United States official number  
2           653762).

3           (24) DUSKEN IV (United States official num-  
4           ber 952645).

5           (25) SUMMER BREEZE (United States offi-  
6           cial number 552808).

7           (26) ARCELLA (United States official number  
8           1025983).

9           (27) BILLIE-B-II (United States official num-  
10          ber 982069).

11          (28) VESTERHAVET (United States official  
12          number 979206).

13          (29) BETTY JANE (State of Virginia registra-  
14          tion number VA 7271 P).

15          (30) VORTICE, Bari, Italy, registration num-  
16          ber 256.

17          (31) The barge G. L. 8 (Canadian official num-  
18          ber 814376).

19          (32) YESTERDAYS DREAM (United States  
20          official number 680266).

21          (33) ENFORCER (United States official num-  
22          ber 502610).

23          (34) The vessel registered as State of Oregon  
24          registration number OR 766 YE.

1           (35) AMICI (United States official number  
2           658055).

3           (36) ELIS (United States official number  
4           628358).

5           (37) STURE (United States official number  
6           617703).

7           (38) CAPT GRADY (United States official  
8           number 626257).

9           (39) Barge number 1 (United States official  
10          number 933248).

11          (40) Barge number 2 (United States official  
12          number 256944).

13          (41) Barge number 14 (United States official  
14          number 501212).

15          (42) Barge number 18 (United States official  
16          number 297114).

17          (43) Barge number 19 (United States official  
18          number 503740).

19          (44) Barge number 21 (United States official  
20          number 650581).

21          (45) Barge number 22 (United States official  
22          number 650582).

23          (46) Barge number 23 (United States official  
24          number 650583).

1           (47) Barge number 24 (United States official  
2           number 664023).

3           (48) Barge number 25 (United States official  
4           number 664024).

5           (49) Barge number 26 (United States official  
6           number 271926).

7           (50) FULL HOUSE (United States official  
8           number 1023827).

9           (51) EMBARCADERO (United States official  
10          number 669327).

11          (52) S.A., British Columbia (Canada official  
12          number 195214).

13          (53) FAR HORIZONS (United States official  
14          number 1044011).

15          (54) LITTLE TOOT (United States official  
16          number 938858).

17          (55) EAGLE FEATHERS (United States offi-  
18          cial number 1020989).

19          (56) ORCA (United States official number  
20          665270).

21          (57) TAURUS (United States official number  
22          955814).

23          (58) The barge KC-251 (United States official  
24          number CG019166; National Vessel Documentation  
25          Center number 1055559).

1           (59) VIKING (United States official number  
2           224430).

3           (60) SARAH B (United States official number  
4           928431).

5           (b) FALLS POINT.—Notwithstanding section 27 of  
6 the Merchant Marine Act, 1920 (46 U.S.C. App. 883),  
7 section 8 of the Act of June 19, 1886 (46 U.S.C. App.  
8 289), and section 12106 of title 46, United States Code,  
9 the Secretary of Transportation may issue a certificate of  
10 documentation with appropriate endorsement for employ-  
11 ment in the coastwise trade for the vessel FALLS POINT,  
12 State of Maine registration number ME 5435 E.

13           (c) COASTAL TRADER.—Section 1120(g) of the  
14 Coast Guard Authorization Act of 1996 (Public Law 104–  
15 324; 110 Stat. 3978) is amended by inserting “COASTAL  
16 TRADER (United States official number 683227),” after  
17 “vessels”.

18           (d) NINA, PINTA, AND SANTA MARIA REP-  
19 LICAS.—

20           (1) IN GENERAL.—Notwithstanding section 27  
21 of the Merchant Marine Act, 1920 (46 U.S.C. App.  
22 883), section 8 of the Act of June 19, 1886 (46  
23 U.S.C. App. 289), and section 12106 of title 46,  
24 United States Code, the Secretary may issue a cer-  
25 tificate of documentation with appropriate endorse-

1 ment for employment in the coastwise trade only for  
2 the purpose of carrying passengers for hire for each  
3 of the vessels listed in paragraph (2).

4 (2) VESSEL DESCRIPTIONS.—The vessels re-  
5 ferred to in paragraph (1) are the following:

6 (A) NINA (United States Coast Guard  
7 vessel identification number CG034346).

8 (B) PINTA (United States Coast Guard  
9 vessel identification number CG034345).

10 (C) NAO SANTA MARIA (United States  
11 Coast Guard vessel identification number  
12 CG034344).

13 (e) DOCUMENTATION OF VESSEL COLUMBUS.—

14 (1) IN GENERAL.—Notwithstanding section 27  
15 of the Merchant Marine Act, 1920 (46 App. U.S.C.  
16 883), sections 12102 and 12106 of title 46, United  
17 States Code, and the endorsement limitation in sec-  
18 tion 5501(a)(2)(B) of Public Law 102–587, and  
19 subject to paragraph (2), the Secretary of Transpor-  
20 tation may issue a certificate of documentation with  
21 appropriate endorsement for employment in the  
22 coastwise trade for the vessel COLUMBUS (United  
23 States official number 590658).

24 (2) LIMITATION.—Coastwise trade referred to  
25 in paragraph (1) may not include the transportation

1 of dredged material from a project in which the stat-  
2 ed intent of the Corps of Engineers, in its Construc-  
3 tion Solicitation, or of another contracting entity, is  
4 that the dredged material is—

5 (A) to be deposited above mean high tide  
6 for the purpose of beach nourishment;

7 (B) to be deposited into a fill area for the  
8 purpose of creation of land for an immediate  
9 use identified in the Construction Solicitation  
10 other than disposal of the dredged material; or

11 (C) for the intention of immediate sale or  
12 resale unrelated to disposal.

13 (f) FOILCAT.—

14 (1) IN GENERAL.—Notwithstanding sections  
15 12106 and 12108 of title 46, United States Code,  
16 section 8 of the Passenger Vessel Act (46 U.S.C.  
17 App. 289), and section 27 of the Merchant Marine  
18 Act, 1920 (46 U.S.C. App. 883), the Secretary of  
19 Transportation may issue a certificate of documenta-  
20 tion with appropriate endorsement for employment  
21 in the coastwise trade for the vessel FOILCAT  
22 (United States official number 1063892). The en-  
23 dorsement shall provide that the vessel shall operate  
24 under the certificate of documentation only within  
25 the State of Hawaii and that the vessel shall not op-

1       erate on any route served by a passenger ferry as of  
 2       the date the Secretary of Transportation issues a  
 3       certificate of documentation under this Act.

4           (2) TERMINATION.—The endorsement issued  
 5       under paragraph (1) shall be in effect for the vessel  
 6       FOILCAT for the period—

7           (A) beginning on the date on which the  
 8       vessel is placed in service to initiate a high-  
 9       speed marine ferry demonstration project spon-  
 10      sored by the State of Hawaii; and

11          (B) ending on the last day of the 36th  
 12      month beginning after the date on which it be-  
 13      came effective under subparagraph (A).

14   **SEC. 404. CONVEYANCE OF NAHANT PARCEL, ESSEX COUN-**  
 15                           **TY, MASSACHUSETTS.**

16          (a) IN GENERAL.—The Commandant of the Coast  
 17      Guard, may convey, by an appropriate means of convey-  
 18      ance, all right, title, and interest of the United States in  
 19      and to the United States Coast Guard Recreation Facility  
 20      Nahant, Massachusetts, to the Town of Nahant (the  
 21      “Town”) unless the Commandant, or his delegate, in his  
 22      sole discretion determines that the conveyance would not  
 23      provide a public benefit.

1 (b) IDENTIFICATION OF PROPERTY.—The Com-  
2 mandant may identify, describe, and determine the prop-  
3 erty to be conveyed under this section.

4 (c) TERMS OF CONVEYANCE.—The conveyance of  
5 property under this section shall be made—

6 (1) without payment of consideration; and

7 (2) subject to such terms and conditions as the  
8 Commandant may consider appropriate to protect  
9 the interests of the United States, including the res-  
10 ervation of easements or other rights on behalf of  
11 the United States.

12 (d) REVERSIONARY INTEREST.—The conveyance of  
13 real property pursuant to this section shall be subject to  
14 the condition that all right, title, and interest in such  
15 property shall immediately revert to the United States if—

16 (1) the property, or any part thereof, ceases to  
17 be owned and used by the Town;

18 (2) the Town fails to maintain the property  
19 conveyed in a manner consistent with the terms and  
20 conditions in subsection (c); or

21 (3) at least 30 days before such reversion, the  
22 Commandant provides written notice to the Town  
23 that the property conveyed is needed for national se-  
24 curity purposes.

1 **SEC. 405. UNREASONABLE OBSTRUCTION TO NAVIGATION.**

2 Notwithstanding any other provision of law, the  
3 liftbridge over the back channel of the Schuylkill River in  
4 Philadelphia, Pennsylvania, is deemed to unreasonably ob-  
5 struct navigation.

6 **SEC. 406. FINANCIAL RESPONSIBILITY FOR OIL SPILL RE-**  
7 **SPONSE VESSELS.**

8 Section 1004 of the Oil Pollution Act of 1990 (33  
9 U.S.C. 2704) is amended—

10 (1) in subsection (a)(1), by striking “(except”  
11 and all that follows through “Act)” and inserting a  
12 comma; and

13 (2) by adding at the end of subsection (c) the  
14 following:

15 “(4) CERTAIN TANK VESSELS.—Subsection  
16 (a)(1) shall not apply to—

17 “(A) a tank vessel on which the only oil  
18 carried as cargo is an animal fat or vegetable  
19 oil, as those terms are used in section 2 of the  
20 Edible Oil Regulatory Reform Act; and

21 “(B) a tank vessel that is designated in its  
22 certificate of inspection as an oil spill response  
23 vessel (as that term is defined in section 2101  
24 of title 46, United States Code) and that is  
25 used solely for removal.”.

1 **SEC. 407. CONVEYANCE OF COAST GUARD PROPERTY TO**  
2 **JACKSONVILLE UNIVERSITY IN JACKSON-**  
3 **VILLE, FLORIDA.**

4 (a) **AUTHORITY TO CONVEY.**—

5 (1) **IN GENERAL.**—The Secretary of Transpor-  
6 tation may convey to Jacksonville University, located  
7 in Jacksonville, Florida, without consideration, all  
8 right, title, and interest of the United States in and  
9 to the property comprising the Long Branch Rear  
10 Range Light, Jacksonville, Florida.

11 (2) **IDENTIFICATION OF PROPERTY.**—The Sec-  
12 retary may identify, describe, and determine the  
13 property to be conveyed under this section.

14 (b) **TERMS AND CONDITIONS.**—Any conveyance of  
15 any property under this section shall be made—

16 (1) subject to the terms and conditions the  
17 Commandant may consider appropriate; and

18 (2) subject to the condition that all right, title,  
19 and interest in and to property conveyed shall imme-  
20 diately revert to the United States if the property,  
21 or any part thereof, ceases to be used by Jack-  
22 sonville University.

1 **SEC. 408. PENALTY FOR VIOLATION OF INTERNATIONAL**  
2 **SAFETY CONVENTION.**

3 (a) IN GENERAL.—Section 2302 of title 46, United  
4 States Code, is amended by adding at the end the follow-  
5 ing new subsection:

6 “(e)(1) A vessel may not transport Government-im-  
7 pelled cargoes if—

8 “(A) the vessel has been detained and deter-  
9 mined to be substandard by the Secretary for viola-  
10 tion of an international safety convention to which  
11 the United States is a party, and the Secretary has  
12 published notice of that detention and determination  
13 in an electronic form, including the name of the  
14 owner of the vessel; or

15 “(B) the operator of the vessel has on more  
16 than one occasion had a vessel detained and deter-  
17 mined to be substandard by the Secretary for viola-  
18 tion of an international safety convention to which  
19 the United States is a party, and the Secretary has  
20 published notice of that detention and determination  
21 in an electronic form, including the name of the  
22 owner of the vessel.

23 “(2) The prohibition in paragraph (1) expires for a  
24 vessel on the earlier of—

25 “(A) 1 year after the date of the publication in  
26 electronic form on which the prohibition is based; or

1           “(B) any date on which the owner or operator  
2           of the vessel prevails in an appeal of the violation of  
3           the relevant international convention on which the  
4           detention is based.

5           “(3) As used in this subsection, the term ‘Govern-  
6           ment-impelled cargo’ means cargo for which a Federal  
7           agency contracts directly for shipping by water or for  
8           which (or the freight of which) a Federal agency provides  
9           financing, including financing by grant, loan, or loan guar-  
10          antee, resulting in shipment of the cargo by water.”.

11          (b) EFFECTIVE DATE.—The amendment made by  
12          subsection (a) takes effect January 1, 1999.

13          **SEC. 409. COAST GUARD CITY, USA.**

14          The Commandant of the Coast Guard may recognize  
15          the community of Grand Haven, Michigan, as “Coast  
16          Guard City, USA”. If the Commandant desires to recog-  
17          nize any other community in the same manner or any  
18          other community requests such recognition from the Coast  
19          Guard, the Commandant shall notify the Committee on  
20          Commerce, Science, and Transportation of the Senate and  
21          the Committee on Transportation and Infrastructure of  
22          the House of Representatives 90 days prior to approving  
23          such recognition.

1 **SEC. 410. CONVEYANCE OF COMMUNICATION STATION BOS-**  
2 **TON MARSHFIELD RECEIVER SITE, MASSA-**  
3 **CHUSETTS.**

4 (a) **AUTHORITY TO CONVEY.—**

5 (1) **IN GENERAL.—**The Commandant of the  
6 Coast Guard may convey, by an appropriate means  
7 of conveyance, all right, title, and interest of the  
8 United States in and to the Coast Guard Commu-  
9 nication Station Boston Marshfield Receiver Site,  
10 Massachusetts, to the Town of Marshfield, Massa-  
11 chusetts (the “Town”) unless the Commandant, or  
12 his delegate, in his sole discretion determines that  
13 the conveyance would not provide a public benefit.

14 (2) **LIMITATION.—**The Commandant shall not  
15 convey under this section the land on which is situ-  
16 ated the communications tower and the microwave  
17 building facility of that station.

18 (3) **IDENTIFICATION OF PROPERTY.—**

19 (A) The Commandant may identify, de-  
20 scribe and determine the property to be con-  
21 veyed to the Town under this section.

22 (B) The Commandant shall determine the  
23 exact acreage and legal description of the prop-  
24 erty to be conveyed under this section by a sur-  
25 vey satisfactory to the Commandant. The cost  
26 of the survey shall be borne by the Town.

1 (b) TERMS AND CONDITIONS.—Any conveyance of  
2 property under this section shall be made—

3 (1) without payment of consideration; and

4 (2) subject to the following terms and condi-  
5 tions:

6 (A) The Commandant may reserve utility,  
7 access, and any other appropriate easements on  
8 the property conveyed for the purpose of oper-  
9 ating, maintaining, and protecting the commu-  
10 nications tower and the microwave building fa-  
11 cility.

12 (B) The Town and its successors and as-  
13 signs shall, at their own cost and expense,  
14 maintain the property conveyed under this sec-  
15 tion in a proper, substantial, and workmanlike  
16 manner as necessary to ensure the operation,  
17 maintenance, and protection of the communica-  
18 tions tower and the microwave building facility.

19 (C) Any other terms and conditions the  
20 Commandant considers appropriate to protect  
21 the interests of the United States, including the  
22 reservation of easements or other rights on be-  
23 half of the United States.

24 (c) REVERSIONARY INTEREST.—The conveyance of  
25 real property pursuant to this section shall be subject to

1 the condition that all right, title, and interest in such  
2 property shall immediately revert to the United States if—

3           (1) the property, or any part thereof, ceases to  
4 be owned and used by the Town;

5           (2) the Town fails to maintain the property  
6 conveyed in a manner consistent with the terms and  
7 conditions in subsection (b); or

8           (3) at least 30 days before such reversion, the  
9 Commandant provides written notice to the Town  
10 that the property conveyed is needed for national se-  
11 curity purposes.

12 **SEC. 411. CLARIFICATION OF LIABILITY OF PERSONS EN-**  
13 **GAGING IN OIL SPILL PREVENTION AND RE-**  
14 **SPONSE ACTIVITIES.**

15           (a) CLARIFICATION OF LIABILITY FOR PREVENTING  
16 SUBSTANTIAL THREAT OF DISCHARGE.—Section 311 of  
17 the Federal Water Pollution Control Act (33 U.S.C. 1321)  
18 is amended—

19           (1) in subsection (a)(8) by striking “to mini-  
20 mize or mitigate damage” and inserting “to prevent,  
21 minimize, or mitigate damage”;

22           (2) by striking “and” after the semicolon at the  
23 end of subsection (a)(23), by striking the period at  
24 the end of subsection (a)(24) and inserting “; and”,

1 and by adding at the end of subsection (a) the fol-  
2 lowing:

3 “(25) ‘removal costs’ means—

4 “(A) the costs of removal of oil or a haz-  
5 arduous substance that are incurred after it is  
6 discharged; and

7 “(B) in any case in which there is a sub-  
8 stantial threat of a discharge of oil or a hazard-  
9 ous substance, the costs to prevent, minimize,  
10 or mitigate that threat.”; and

11 (3) in subsection (c)(4)(A), by striking the pe-  
12 riod at the end and inserting the following: “relating  
13 to a discharge or a substantial threat of a discharge  
14 of oil or a hazardous substance.”.

15 (b) OIL SPILL MECHANICAL REMOVAL.—Section  
16 311(a)(2) of the Federal Water Pollution Control Act (33  
17 U.S.C. 1321(a)(2)) is amended—

18 (1) by striking “and (C)” and inserting “, (C)”;

19 and

20 (2) by inserting before the semicolon at the end  
21 the following: “, and (D) discharges incidental to  
22 mechanical removal authorized by the President  
23 under subsection (c) of this section”.

24 **SEC. 412. VESSELS NOT SEAGOING MOTOR VESSELS.**

25 (a) VESSEL TURMOIL.—

1           (1) IN GENERAL.—The vessel described in  
2 paragraph (2) is deemed for all purposes, including  
3 title 46, United States Code, and all regulations  
4 thereunder, to be a recreational vessel of less than  
5 300 gross tons, if—

6                   (A) it does not carry cargo or passengers  
7 for hire; and

8                   (B) it does not engage in commercial fish-  
9 eries or oceanographic research.

10           (2) VESSEL DESCRIBED.—The vessel referred  
11 to in paragraph (1) is the vessel TURMOIL (British  
12 official number 726767).

13           (b) PILOT PROGRAM.—

14           (1) IN GENERAL.—The Secretary may establish  
15 a pilot program to exempt a vessel of at least 300  
16 gross tons as measured under chapter 143 or chap-  
17 ter 145 of title 46, United States Code, from the re-  
18 quirement to be inspected under section 3301(7) of  
19 title 46, United States Code, as a seagoing motor  
20 vessel, if—

21                   (A) the vessel does not carry any cargo or  
22 passengers for hire;

23                   (B) the vessel does not engage in commer-  
24 cial service, commercial fisheries, or oceano-  
25 graphic research; and

1 (C) the vessel does not engage in towing.

2 (2) EXPIRATION OF AUTHORITY.—The author-  
3 ity to grant the exemptions under this subsection ex-  
4 pires 2 years after the date of enactment of this Act.  
5 Any specific exemptions granted under this sub-  
6 section shall nonetheless remain in effect.

7 **SEC. 413. LAND CONVEYANCE, COAST GUARD STATION**  
8 **OCRACOKE, NORTH CAROLINA.**

9 (a) AUTHORITY TO CONVEY.—The Secretary of  
10 Transportation may convey, without consideration, to the  
11 State of North Carolina (in this section referred to as the  
12 “State”), all right, title, and interest of the United States  
13 in and to a parcel of real property, together with any im-  
14 provements thereon, in Ocracoke, North Carolina, consist-  
15 ing of such portion of the Coast Guard Station Ocracoke,  
16 North Carolina, as the Secretary considers appropriate for  
17 purposes of the conveyance.

18 (b) CONDITIONS.—The conveyance under subsection  
19 (a) shall be subject to the following conditions:

20 (1) That the State accept the property to be  
21 conveyed under that subsection subject to such ease-  
22 ments or rights of way in favor of the United States  
23 as the Secretary considers to be appropriate for—

24 (A) utilities;

25 (B) access to and from the property;

1           (C) the use of the boat launching ramp on  
2           the property; and

3           (D) the use of pier space on the property  
4           by search and rescue assets.

5           (2) That the State maintain the property in a  
6           manner so as to preserve the usefulness of the ease-  
7           ments or rights of way referred to in paragraph (1).

8           (3) That the State utilize the property for  
9           transportation, education, environmental, or other  
10          public purposes.

11          (c) REVERSION.—(1) If the Secretary determines at  
12          any time that the property conveyed under subsection (a)  
13          is not being used in accordance with subsection (b), all  
14          right, title, and interest in and to the property, including  
15          any improvements thereon, shall revert to the United  
16          States, and the United States shall have the right of im-  
17          mediate entry thereon.

18          (2) Upon reversion under paragraph (1), the property  
19          shall be under the administrative jurisdiction of the Ad-  
20          ministrator of General Services.

21          (d) DESCRIPTION OF PROPERTY.—The exact acreage  
22          and legal description of the property conveyed under sub-  
23          section (a), and any easements or rights of way granted  
24          under subsection (b)(1), shall be determined by a survey

1 satisfactory to the Secretary. The cost of the survey shall  
2 be borne by the State.

3 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The  
4 Secretary may require such additional terms and condi-  
5 tions with respect to the conveyance under subsection (a),  
6 and any easements or rights of way granted under sub-  
7 section (b)(1), as the Secretary considers appropriate to  
8 protect the interests of the United States.

9 **SEC. 414. CONVEYANCE OF COAST GUARD PROPERTY IN**  
10 **SAULT SAINTE MARIE, MICHIGAN.**

11 (a) **REQUIREMENT TO CONVEY.**—The Secretary of  
12 Transportation (in this section referred to as the “Sec-  
13 retary”) shall promptly convey, without consideration, to  
14 American Legion Post No. 3 in Sault Sainte Marie, Michi-  
15 gan, all right, title, and interest of the United States in  
16 and to the parcel of real property described in section 202  
17 of the Water Resources Development Act of 1990 (Public  
18 Law 101–640), as amended by section 323 of the Water  
19 Resources Development Act of 1992 (Public Law 102–  
20 580), comprising approximately 0.565 acres, together with  
21 any improvements thereon.

22 (b) **CONDITION.**—The conveyance under subsection  
23 (a) shall be subject to the condition that the property be  
24 used as a clubhouse for the American Legion Post No.  
25 3.

1 (c) REVERSION.—(1) If the Secretary determines at  
2 any time that the property conveyed under subsection (a)  
3 is not being used in accordance with subsection (b), all  
4 right, title, and interest in and to the property, including  
5 any improvements thereon, shall revert to the United  
6 States, and the United States shall have the right of im-  
7 mediate entry thereon.

8 (2) Upon reversion under paragraph (1), the property  
9 shall be under the administrative jurisdiction of the Ad-  
10 ministrator of General Services.

11 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
12 and legal description of the property conveyed under sub-  
13 section (a) shall be determined by a survey satisfactory  
14 to the Secretary. The cost of the survey shall be borne  
15 by the American Legion Post No. 3.

16 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
17 Secretary may require such additional terms and condi-  
18 tions with respect to the conveyance under subsection (a)  
19 as the Secretary considers appropriate to protect the inter-  
20 ests of the United States.

21 **SEC. 415. INTERIM AUTHORITY FOR DRY BULK CARGO RES-**

22 **IDUE DISPOSAL.**

23 (a) IN GENERAL.—

24 (1) Subject to subsection (b), the Secretary of  
25 Transportation shall continue to implement and en-

1 force the United States Coast Guard 1997 Enforce-  
2 ment Policy for Cargo Residues on the Great Lakes  
3 and revisions thereto that are made in accordance  
4 with that Policy (hereinafter in this section referred  
5 to as the “Policy”) for the purpose of regulating in-  
6 cidental discharges from vessels of residues of dry  
7 bulk cargo into the waters of the Great Lakes under  
8 the jurisdiction of the United States.

9 (2) Any discharge under this section shall com-  
10 ply with all terms and conditions of the Policy.

11 (b) EXPIRATION OF INTERIM AUTHORITY.—The Pol-  
12 icy shall cease to have effect on the date which is the earli-  
13 est of—

14 (1) the effective date of regulations promul-  
15 gated pursuant to legislation enacted subsequent to  
16 the enactment of this Act providing for the regula-  
17 tion of incidental discharges from vessels of dry bulk  
18 cargo residue into the waters of the Great Lakes  
19 under the jurisdiction of the United States is en-  
20 acted; or

21 (2) September 30, 2002.

22 **SEC. 416. CONVEYANCE OF LIGHTHOUSES.**

23 (a) AUTHORITY TO CONVEY.—

24 (1) IN GENERAL.—The Commandant of the  
25 Coast Guard, or the Administrator of the General

1 Services Administration, as appropriate, may convey,  
2 by an appropriate means of conveyance, all right,  
3 title, and interest of the United States in and to  
4 each of the following properties:

5 (A) Light Station Sand Point, located in  
6 Escanaba, Michigan, to the Delta County His-  
7 torical Society.

8 (B) Light Station Dunkirk, located in  
9 Dunkirk, New York, to the Dunkirk Historical  
10 Lighthouse and Veterans' Park Museum.

11 (C) The Mukilteo Light Station, located in  
12 Mukilteo, Washington, to the City of Mukilteo.

13 (D) Eagle Harbor Light Station, located in  
14 Michigan, to the Keweenaw County Historical  
15 Society.

16 (E) Cape Decision Light Station, located  
17 in Alaska, to the Cape Decision Lighthouse So-  
18 ciety.

19 (F) Cape St. Elias Light Station, located  
20 in Alaska, to the Cape St. Elias Light Keepers  
21 Association.

22 (G) Five Finger Light Station, located in  
23 Alaska, to the Juneau Lighthouse Association.

24 (H) Point Retreat Light Station, located in  
25 Alaska, to the Alaska Lighthouse Association.

1 (I) Hudson-Athens Lighthouse, located in  
2 New York, to the Hudson-Athens Lighthouse  
3 Preservation Society.

4 (J) Georgetown Light, located in George-  
5 town County, South Carolina, to the South  
6 Carolina Department of Natural Resources.

7 (K) Coast Guard Light Station Two Har-  
8 bors, located in Lake County, Minnesota, to the  
9 Lake County Historical Society.

10 (2) IDENTIFICATION OF PROPERTY.—The Com-  
11 mandant or Administrator, as appropriate, may  
12 identify, describe, and determine the property to be  
13 conveyed under this subsection.

14 (3) EXCEPTION.—The Commandant or Admin-  
15 istrator, as appropriate, may not convey any histori-  
16 cal artifact, including any lens or lantern, located on  
17 the property at or before the time of the conveyance.

18 (b) TERMS OF CONVEYANCE.—

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

21 (A) without payment of consideration; and

22 (B) subject to the terms and conditions re-  
23 quired by this section and other terms and con-  
24 ditions the Commandant or the Administrator,  
25 as appropriate, may consider, including the res-

1           ervation of easements and other rights on be-  
2           half of the United States.

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

9                   (A) the property, or any part of the prop-  
10                  erty—

11                           (i) ceases to be used as a nonprofit  
12                           center for public benefit for the interpreta-  
13                           tion and preservation of maritime history;

14                           (ii) ceases to be maintained in a man-  
15                           ner that is consistent with its present or  
16                           future use as a site for Coast Guard aids  
17                           to navigation or compliance with this Act;  
18                           or

19                           (iii) ceases to be maintained in a man-  
20                           ner consistent with the conditions in para-  
21                           graph (5) established by the Commandant  
22                           or the Administrator, as appropriate, pur-  
23                           suant to the National Historic Preserva-  
24                           tion Act of 1966 (16 U.S.C. 470 et seq.);  
25                           or

1 (B) at least 30 days before that reversion,  
2 the Commandant or the Administrator, as ap-  
3 propriate, provides written notice to the owner  
4 that the property is needed for national security  
5 purposes.

6 (3) MAINTENANCE OF NAVIGATION FUNC-  
7 TIONS.—The conveyance of property under this sec-  
8 tion shall be made subject to the conditions that the  
9 Commandant or Administrator, as appropriate, con-  
10 sidered to be necessary to assure that—

11 (A) the lights, antennas, and associated  
12 equipment located on the property conveyed,  
13 which are active aids to navigation, shall con-  
14 tinue to be operated and maintained by the  
15 United States for as long as they are needed for  
16 this purpose;

17 (B) the owner of the property may not  
18 interfere or allow interference in any manner  
19 with aids to navigation without express written  
20 permission from the Commandant or Adminis-  
21 trator, as appropriate;

22 (C) there is reserved to the United States  
23 the right to relocate, replace, or add any aid to  
24 navigation or make any changes to the property

1 conveyed as may be necessary for navigational  
2 purposes;

3 (D) the United States shall have the right,  
4 at any time, to enter the property without no-  
5 tice for the purpose of operating, maintaining  
6 and inspecting aids to navigation, and for the  
7 purpose of enforcing compliance with subsection  
8 (b); and

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

13 (4) OBLIGATION LIMITATION.—The owner of  
14 the property is not required to maintain any active  
15 aid to navigation equipment on the property, except  
16 private aids to navigation permitted under section  
17 83 of title 14, United States Code.

18 (5) MAINTENANCE OF PROPERTY.—The owner  
19 of the property shall maintain the property in a  
20 proper, substantial, and workmanlike manner, and  
21 in accordance with any conditions established by the  
22 Commandant or the Administrator, as appropriate,  
23 pursuant to the National Historic Preservation Act  
24 of 1966 (16 U.S.C. 470 et seq.), and other applica-  
25 ble laws.

1 (c) DEFINITIONS.—In this section:

2 (1) AIDS TO NAVIGATION.—The term “aids to  
3 navigation” means equipment used for navigation  
4 purposes, including but not limited to, a light, an-  
5 tenna, sound signal, electronic navigation equipment,  
6 or other associated equipment which are operated or  
7 maintained by the United States.

8 (2) OWNER.—The term “owner” means the  
9 person identified in subsection (a)(1), and includes  
10 any successor or assign of that person.

11 (3) DELTA COUNTY HISTORICAL SOCIETY.—The  
12 term “Delta County Historical Society” means the  
13 Delta County Historical Society (a nonprofit cor-  
14 poration established under the laws of the State of  
15 Michigan, its parent organization, or subsidiary, if  
16 any).

17 (4) DUNKIRK HISTORICAL LIGHTHOUSE AND  
18 VETERANS’ PARK MUSEUM.—The term “Dunkirk  
19 Historical Lighthouse and Veterans’ Park Museum”  
20 means Dunkirk Historical Lighthouse and Veterans’  
21 Park Museum located in Dunkirk, New York, or, if  
22 appropriate as determined by the Commandant, the  
23 Chautauqua County Armed Forces Memorial Park  
24 Corporation, New York.

1           (5) LAKE COUNTY HISTORICAL SOCIETY.—The  
2           term “Lake County Historical Society” means the  
3           Lake County Historical Society (a nonprofit corpora-  
4           tion established under the laws of the State of Min-  
5           nesota), its parent organization or subsidiary, if any,  
6           and its successors and assigns.

7           (d) NOTIFICATION.—Not less than one year prior to  
8           reporting to the General Services Administration that a  
9           lighthouse or light station eligible for listing under the Na-  
10          tional Historic Preservation Act of 1966 (16 U.S.C. 470  
11          et seq.) and under the jurisdiction of the Coast Guard is  
12          excess to the needs of the Coast Guard, the Commandant  
13          of the Coast Guard shall notify the State in which the  
14          lighthouse or light station is located, (including the State  
15          Historic Preservation Officer, if any) the appropriate po-  
16          litical subdivision of that State, and any lighthouse, his-  
17          toric, or maritime preservation organizations in that State,  
18          that such property is excess to the needs of the Coast  
19          Guard.

20          (e) EXTENSION OF PERIOD FOR CONVEYANCE OF  
21          WHITLOCK’S MILL LIGHT.—Notwithstanding section  
22          1002(a)(3) of the Coast Guard Authorization Act of 1996,  
23          the conveyance authorized by section 1002(a)(2)(AA) of  
24          that Act may take place after the date required by section

1 1002(a)(3) of that Act but no later than December 31,  
2 1998.

3 **SEC. 417. CONVEYANCE OF COAST GUARD LORAN STATION**  
4 **NANTUCKET.**

5 (a) **AUTHORITY TO CONVEY.—**

6 (1) **IN GENERAL.—**The Commandant of the  
7 United States Coast Guard may convey, by an ap-  
8 propriate means of conveyance, all right, title, and  
9 interest of the United States in and to approxi-  
10 mately 29.4 acres of land, together with the im-  
11 provements thereon, at Coast Guard LORAN Sta-  
12 tion Nantucket, Nantucket, Massachusetts, to the  
13 Town of Nantucket, Massachusetts (“the Town”)  
14 unless the Commandant, or his delegate, in his sole  
15 discretion determines that the conveyance would not  
16 provide a public benefit.

17 (2) **IDENTIFICATION OF PROPERTY.—**

18 (A) The Commandant may identify, define,  
19 describe, and determine the real property to be  
20 conveyed under this section.

21 (B) The Commandant shall determine the  
22 exact acreage and legal description of the prop-  
23 erty to be conveyed under this section by a sur-  
24 vey satisfactory to the Commandant. The cost  
25 of the survey shall be borne by the Town.

1 (b) TERMS OF CONVEYANCE.—

2 (1) IN GENERAL.—The conveyance of real prop-  
3 erty under this section shall be made—

4 (A) without payment of consideration; and

5 (B) subject to the following terms and con-  
6 ditions:

7 (i) The Town shall not, upon the  
8 property conveyed, allow, conduct, or per-  
9 mit any activity, or operate, allow, or per-  
10 mit the operation of, any equipment or ma-  
11 chinery, that would interfere or cause in-  
12 terference, in any manner, with any aid to  
13 navigation located upon property retained  
14 by the United States at Coast Guard  
15 LORAN Station Nantucket, without the  
16 express written permission from the Com-  
17 mandant.

18 (ii) The Town shall maintain the real  
19 property conveyed in a manner consistent  
20 with the present and future use of any  
21 property retained by the United States at  
22 Coast Guard LORAN Station Nantucket  
23 as a site for an aid to navigation.

24 (iii) Any other terms and conditions  
25 the Commandant considers appropriate to

1 protect the interests of the United States,  
2 including the reservation of easements or  
3 other rights on behalf of the United States.

4 (2) REVERSIONARY INTEREST.—The convey-  
5 ance of real property pursuant to this section shall  
6 be subject to the condition that all right, title, and  
7 interest in such property shall immediately revert to  
8 the United States if—

9 (A) the property, or any part thereof,  
10 ceases to be owned and used by the Town;

11 (B) the Town fails to maintain the prop-  
12 erty conveyed in a manner consistent with the  
13 terms and conditions in paragraph (1); or

14 (C) at least 30 days before such reversion,  
15 the Commandant provides written notice to the  
16 Town that the property conveyed is needed for  
17 national security purposes.

18 **SEC. 418. CONVEYANCE OF DECOMMISSIONED COAST**  
19 **GUARD VESSELS.**

20 (a) IN GENERAL.—The Commandant of the Coast  
21 Guard may convey all right, title, and interest of the  
22 United States in and to each of 2 decommissioned “White  
23 Class” 133-foot Coast Guard vessels to Canvasback Mis-  
24 sion, Inc. (a nonprofit corporation under the laws of the

1 State of Oregon; in this section referred to as “the recipi-  
2 ent”), without consideration, if—

3 (1) the recipient agrees—

4 (A) to use the vessel for purposes of pro-  
5 viding medical services to Central and South  
6 Pacific island nations;

7 (B) not to use the vessel for commercial  
8 transportation purposes except those incident to  
9 the provisions of those medical services;

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

14 (D) to hold the Government harmless for  
15 any claims arising from exposure to hazardous  
16 materials, including asbestos and poly-  
17 chlorinated biphenyls (PCBs), after conveyance  
18 of the vessel, except for claims arising from the  
19 use by the Government under paragraph (1)(C);

20 (2) the recipient has funds available that will be  
21 committed to operate and maintain each vessel con-  
22 veyed in good working condition, in the form of  
23 cash, liquid assets, or a written loan commitment,  
24 and in the amount of at least \$400,000 per vessel;  
25 and



1 **SEC. 420. TRANSFER OF OCRACOKE LIGHT STATION TO**  
2 **SECRETARY OF THE INTERIOR.**

3 The Administrator of the General Services Adminis-  
4 tration shall transfer administrative jurisdiction over the  
5 Federal property consisting of approximately 2 acres,  
6 known as the Ocracoke Light Station, to the Secretary  
7 of the Interior, subject to such reservations, terms, and  
8 conditions as may be necessary for Coast Guard purposes.  
9 All property so transferred shall be included in and admin-  
10 istered as part of the Cape Hatteras National Seashore.

11 **SEC. 421. VESSEL DOCUMENTATION CLARIFICATION.**

12 Section 12102(a)(4) of title 46, United States Code,  
13 and section 2(a) of the Shipping Act, 1916 (46 U.S.C.  
14 App. 802(a)) are each amended by—

- 15 (1) striking “president or other”; and  
16 (2) inserting a comma and “by whatever title,”  
17 after “chief executive officer”.

18 **SEC. 422. DREDGE CLARIFICATION.**

19 Section 5209(b) of the Oceans Act of 1992 (46  
20 U.S.C. 2101 note) is amended by adding at the end there-  
21 of the following:

- 22 “(3) A vessel—  
23 “(A) configured, outfitted, and operated  
24 primarily for dredging operations; and

1                   “(B) engaged in dredging operations which  
2                   transfers fuel to other vessels engaged in the  
3                   same dredging operations without charge.”.

4 **SEC. 423. DOUBLE HULL ALTERNATIVE DESIGNS STUDY.**

5                   Section 4115(e) of the Oil Pollution Act of 1990 (46  
6 U.S. Code 3703a note) is amended by adding at the end  
7 thereof the following:

8                   “(3)(A) The Secretary of Transportation shall  
9                   coordinate with the Marine Board of the National  
10                  Research Council to conduct the necessary research  
11                  and development of a rationally based equivalency  
12                  assessment approach, which accounts for the overall  
13                  environmental performance of alternative tank vessel  
14                  designs. Notwithstanding the Coast Guard opinion  
15                  of the application of sections 101 and 311 of the  
16                  Clean Water Act (33 U.S.C. 1251 and 1321), the  
17                  intent of this study is to establish an equivalency  
18                  evaluation procedure that maintains a high standard  
19                  of environmental protection, while encouraging inno-  
20                  vative ship design. The study shall include:

21                  “(i) development of a generalized cost spill  
22                  data base, which includes all relevant costs such  
23                  as clean-up costs and environmental impact  
24                  costs as a function of spill size;

1           “(ii) refinement of the probability density  
2           functions used to establish the extent of vessel  
3           damage, based on the latest available historical  
4           damage statistics, and current research on the  
5           crash worthiness of tank vessel structures;

6           “(iii) development of a rationally based ap-  
7           proach for calculating an environmental index,  
8           to assess overall outflow performance due to  
9           collisions and groundings; and

10           “(iv) application of the proposed index to  
11           double hull tank vessels and alternative designs  
12           currently under consideration.

13           “(B) A Marine Board committee shall be estab-  
14           lished not later than 2 months after the date of en-  
15           actment of the Coast Guard Authorization Act of  
16           1998. The Secretary of Transportation shall submit  
17           to the Committee on Commerce, Science, and Trans-  
18           portation of the Senate and the Committee on  
19           Transportation and Infrastructure in the House of  
20           Representatives a report on the results of the study  
21           not later than 12 months after the date of enact-  
22           ment of the Coast Guard Authorization Act of 1998.

23           “(C) Of the amounts authorized by section  
24           1012(a)(5)(A) of this Act, \$500,000 is authorized to

1 carry out the activities under subparagraphs (A) and  
2 (B) of this paragraph.”.

3 **SEC. 424. VESSEL SHARING AGREEMENTS.**

4 (a) Section 5 of the Shipping Act of 1984 (46 U.S.C.  
5 App. 1704) is amended by adding at the end thereof the  
6 following:

7 “(g) VESSEL SHARING AGREEMENTS.—An ocean  
8 common carrier that is the owner, operator, or bareboat,  
9 time, or slot charterer of a United States-flag liner vessel  
10 documented pursuant to sections 12102(a) or (d) of title  
11 46, United States Code, is authorized to agree with an  
12 ocean common carrier that is not the owner, operator or  
13 bareboat charterer for at least one year of United States-  
14 flag liner vessels which are eligible to be included in the  
15 Maritime Security Fleet Program and are enrolled in an  
16 Emergency Preparedness Program pursuant to subtitle B  
17 of title VI of the Merchant Marine Act, 1936 (46 U.S.C.  
18 App. 1187 et seq.), to which it charters or subcharters  
19 the United States-flag vessel or space on the United  
20 States-flag vessel that such charterer or subcharterer may  
21 not use or make available space on the vessel for the car-  
22 riage of cargo reserved by law for United States-flag ves-  
23 sels.”.

1 (b) Section 10(c)(6) of the Shipping Act of 1984 (46  
2 U.S.C. App. 1709(c)(6)) is amended by inserting “author-  
3 ized by section 5(g) of this Act, or as” before “otherwise”.

4 (c) Nothing in this section shall affect or in any way  
5 diminish the authority or effectiveness of orders issued by  
6 the Maritime Administration pursuant to sections 9 and  
7 41 of the Shipping Act, 1916 (46 U.S.C. App. 808 and  
8 839).

9 (d) Section 3(6)(B) of the Shipping Act of 1984 (46  
10 U.S.C. App. 1702(6)(B)) is amended by striking “parcel-  
11 tanker.” and inserting “parcel-tanker or by vessel when  
12 primarily engaged in the carriage of perishable agricul-  
13 tural commodities (i) if the common carrier and the owner  
14 of those commodities are wholly-owned, directly or indi-  
15 rectly, by a person primarily engaged in the marketing and  
16 distribution of those commodities and (ii) only with re-  
17 spect to the carriage of those commodities.”.

18 **SEC. 425. REPORTS.**

19 (a) **SWATH TECHNOLOGY.**—The Commandant of  
20 the Coast Guard shall, within 18 months after the date  
21 of enactment of this Act, report to the Senate Committee  
22 on Commerce, Science, and Transportation and the House  
23 Committee on Transportation and Infrastructure on the  
24 applicability of Small Waterplane Area Twin Hull  
25 (SWATH) technology, including concepts developed by the

1 United States Office of Naval Research, to the design of  
2 Coast Guard vessels.

3 (b) MARINE GUIDANCE SYSTEMS.—The Secretary of  
4 Transportation shall, within 12 months after the date of  
5 the enactment of this Act, evaluate and report to the Con-  
6 gress on the suitability of marine sector laser lighting, cold  
7 cathode lighting, and ultraviolet enhanced vision tech-  
8 nologies for use in guiding marine vessels and traffic.

9 **SEC. 426. REPORT ON TONNAGE CALCULATION METHODOLOGY.**  
10

11 The Administrator of the Panama Canal Commission  
12 shall, within 90 days of the date of enactment of this Act,  
13 submit to the Committee on Transportation and Infra-  
14 structure of the House of Representatives and the Com-  
15 mittee on Commerce, Science, and Transportation of the  
16 Senate a report detailing the methodology employed in the  
17 calculation of the charge of tolls for the carriage of on-  
18 deck containers and the justification thereof.

19 **SEC. 427. AUTHORITY TO CONVEY NATIONAL DEFENSE RE-**  
20 **SERVE FLEET VESSELS.**

21 (a) AUTHORITY TO CONVEY.—Notwithstanding any  
22 other law, the Secretary of Transportation (referred to in  
23 this section as “the Secretary”) may convey all right, title,  
24 and interest of the Federal Government in and to either  
25 or both of the vessels S.S. AMERICAN VICTORY

1 (United States official number 248005) and S.S. HAT-  
2 TIESBURG VICTORY (United States official number  
3 248651) to The Victory Ship, Inc., located in Tampa,  
4 Florida (in this section referred to as the “recipient”), and  
5 the recipient may use each vessel conveyed only as a me-  
6 morial to the Victory class of ships.

7 (b) TERMS OF CONVEYANCE.—

8 (1) DELIVERY OF VESSEL.—In carrying out  
9 subsection (a), the Secretary shall deliver a vessel—

10 (A) at the place where the vessel is located  
11 on the date of conveyance;

12 (B) in its condition on that date; and

13 (C) at no cost to the Federal Government.

14 (2) REQUIRED CONDITIONS.—The Secretary  
15 may not convey a vessel under this section unless—

16 (A) the recipient agrees to hold the Gov-  
17 ernment harmless for any claims arising from  
18 exposure to hazardous material, including as-  
19 bestos and polychlorinated biphenyls, after con-  
20 veyance of the vessel, except for claims arising  
21 before the date of the conveyance or from use  
22 of the vessel by the Government after that date;  
23 and

24 (B) the recipient has available, for use to  
25 restore the vessel, in the form of cash, liquid as-

1 sets, or a written loan commitment, financial  
2 resources of at least \$100,000.

3 (3) **ADDITIONAL TERMS.**—The Secretary may  
4 require such additional terms in connection with the  
5 conveyance authorized by this section as the Sec-  
6 retary considers appropriate.

7 (c) **OTHER UNNEEDED EQUIPMENT.**—The Secretary  
8 may convey to the recipient of any vessel conveyed under  
9 this section any unneeded equipment from other vessels  
10 in the National Defense Reserve Fleet, for use to restore  
11 the vessel conveyed under this section to museum quality.

12 **SEC. 428. AUTHORITY TO CONVEY NATIONAL DEFENSE RE-**  
13 **SERVE FLEET VESSEL, JOHN HENRY.**

14 (a) **AUTHORITY TO CONVEY.**—Notwithstanding any  
15 other law, the Secretary of Transportation (in this section  
16 referred to as “the Secretary”) may convey all right, title,  
17 and interest of the United States Government in and to  
18 the vessel JOHN HENRY (United States official number  
19 599294) to a purchaser for use in humanitarian relief ef-  
20 forts, including the provision of water and humanitarian  
21 goods to developing nations.

22 (b) **TERMS OF CONVEYANCE.**—

23 (1) **DELIVERY OF VESSEL.**—In carrying out  
24 subsection (a), the Secretary shall deliver the ves-  
25 sel—

1 (A) at the place where the vessel is located  
2 on the date of conveyance;

3 (B) in its condition on that date;

4 (C) at no cost to the United States Gov-  
5 ernment; and

6 (D) only after the vessel has been redesi-  
7 gnated as not militarily useful.

8 (2) REQUIRED CONDITIONS.—The Secretary  
9 may not convey a vessel under this section unless—

10 (A) competitive procedures are used for  
11 sales under this section;

12 (B) the vessel is sold for not less than the  
13 fair market value of the vessel in the United  
14 States, as determined by the Secretary of  
15 Transportation;

16 (C) the recipient agrees that the vessel  
17 shall not be used for commercial transportation  
18 purposes or for the carriage of cargoes reserved  
19 to United States flag commercial vessels under  
20 section 901(b) and 901f of the Merchant Ma-  
21 rine Act, 1936 (46 U.S.C. App. 1241(b) and  
22 1241f);

23 (D) the recipient agrees to hold the Gov-  
24 ernment harmless for any claims arising from  
25 exposure to hazardous material, including as-

1           bestos and polychlorinated biphenyls, after the  
2           conveyance of the vessel, except for claims arising  
3           before the date of the conveyance or from  
4           use of the vessel by the Government after that  
5           date; and

6                   (E) the recipient provides sufficient evidence  
7                   to the Secretary that it has financial resources  
8                   in the form of cash, liquid assets, or a  
9                   written loan commitment of at least \$100,000.

10                   (F) the recipient agrees to make the vessel  
11                   available to the Government if the Secretary requires  
12                   use of the vessel by the Government for  
13                   war or national emergency.

14                   (G) the recipient agrees to document the  
15                   vessel under chapter 121 of title 46, United  
16                   States Code.

17           (3) **ADDITIONAL TERMS.**—The Secretary may  
18           require such additional terms in connection with the  
19           conveyance authorized by this section as the Secretary  
20           considers appropriate.

21           (c) **PROCEEDS.**—Any amounts received by the United  
22           States as proceeds from the sale of the M/V JOHN  
23           HENRY shall be deposited in the Vessel Operations Re-  
24           volving Fund established by the Act of June 2, 1951  
25           (chapter 121; 46 U.S.C. App. 1241a) and shall be avail-

1 able and expended in accordance with section 6(a) of the  
 2 National Maritime Heritage Act (16 U.S.C. App.  
 3 5405(a)).

4 **SEC. 429. APPLICABILITY OF AUTHORITY TO RELEASE RE-**  
 5 **STRICTIONS AND ENCUMBRANCES.**

6 Section 315(c)(1) of the Federal Maritime Commis-  
 7 sion Authorization Act of 1990 (Public Law 101–595; 104  
 8 Stat. 2988) is amended—

9 (1) by striking “3 contiguous tracts” and in-  
 10 sserting “4 tracts”; and

11 (2) by striking “Tract A” and all that follows  
 12 through the end of the paragraph and inserting the  
 13 following:

“Tract 1—Commencing at a point N45° 28′ 31″ E 198.3 feet from point ‘A’  
 as shown on plat of survey of ‘Boundary Agreement of CAFB’  
 by D.W. Jessen and Associates, Civil Engineers, Lake Charles,  
 Louisiana, dated August 7, 1973, and filed in Plat Book 23,  
 at page 20, Records of Calcasieu Parish, Louisiana; thence  
 S44° 29′ 09″ E 220 feet; thence N45° 28′ 31″ E 50 feet;  
 thence N44° 29′ 09″ W 220 feet; thence S45° 28′ 31″ W 50  
 feet to the point of commencement and containing 11,000  
 square feet (0.2525 acres).

“Tract 2—Commencing at a point N45° 28′ 31″ E 198.3 feet from point ‘A’  
 as shown on plat of survey of ‘Boundary Agreement of CAFB’  
 by D.W. Jessen and Associates, Civil Engineers, Lake Charles,  
 Louisiana, dated August 7, 1973, and filed in Plat Book 23,  
 at page 20, Records of Calcasieu Parish, Louisiana; thence  
 S44° 29′ 09″ E 169.3 feet; thence S45° 28′ 31″ W 75 feet;  
 (Deed Call S45° 30′ 51″ W 75 feet), thence N44° 29′ 09″ W  
 169.3 feet; thence N45° 28′ 31″ E 75 feet to the point of com-  
 mencement and containing 12,697 square feet (0.2915 acres).

“Tract 3—Commencing at a point N45° 28′ 31″ E 248.3 feet from point ‘A’ as shown on plat of survey of ‘Boundary Agreement of CAFB’ by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 220 feet; thence N45° 28′ 31″ E 50 feet; thence N44° 29′ 09″ W 220 feet; thence S45° 28′ 31″ W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

“Tract 4—Commencing at a point N45° 28′ 31″ E 123.3 feet and S44° 29′ 09″ E 169.3 feet from point ‘A’ as shown on plat of survey of ‘Boundary Agreement of CAFB’ by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 50.7 feet; thence N45° 28′ 31″ E 75 feet; thence N44° 29′ 09″ W 50.7 feet; thence S45° 28′ 31″ W 75 feet (Deed Call S45° 30′ 51″ W 75 feet) to the point of commencement and containing 3,802 square feet (0.0873 acres).

“Composite Description—A tract of land lying in section 2, Township 10 South—Range 8 West, Calcasieu Parish, Louisiana, and being more [sic] particularly described as follows: Begin at a point N45° 28′ 31″ E 123.3 feet from point ‘A’ as shown on plat of survey of ‘Boundary Agreement of CAFB’ by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence N45° 28′ 31″ E 175.0 feet; thence S44° 29′ 09″ E 220.0 feet; thence S45° 28′ 31″ W 175.0 feet; thence N44° 29′ 09″ W 220.0 feet to the point of beginning, containing 0.8035 acres.”.

**1 SEC. 430. BARGE APL-60.**

2 (a) IN GENERAL.—Notwithstanding section 27 of the  
 3 Merchant Marine Act, 1920 (46 U.S.C. App. 883), section  
 4 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and  
 5 section 12106 of title 46, United States Code, the Sec-  
 6 retary may issue a certificate of documentation with ap-  
 7 propriate endorsement for employment in the coastwise  
 8 trade for the barge APL-60 (United States official num-  
 9 ber 376857).

1 (b) LIMITATIONS.—The vessel described in sub-  
2 section (a) may be employed in the coastwise trade only  
3 for the purpose of participating in the ship disposal initia-  
4 tive initially funded by the Department of Defense Appro-  
5 priations Act, 1999, for the duration of that initiative.

6 (c) TERMINATION.—A coastwise endorsement issued  
7 under subsection (a) shall terminate on the earlier of—

8 (1) the completion of the final coastwise trade  
9 voyage associated with the ship disposal initiative  
10 described in subsection (b); or

11 (2) the sale or transfer of the vessel described  
12 in subsection (a) to an owner other than the owner  
13 of the vessel as of October 1, 1998.

14 **SEC. 431. VESSEL FINANCING FLEXIBILITY.**

15 The Secretary of Transportation may guarantee obli-  
16 gations under section 1103 of the Merchant Marine Act,  
17 1936 (46 App. U.S.C.1273), for the vessels planned for  
18 construction to be purchased by the American West  
19 Steamboat Company and to be named QUEEN OF THE  
20 YUKON, which will operate on the Yukon and Tanana  
21 Rivers, and EMPRESS OF THE NORTH, which will op-  
22 erate in Alaska, Washington, and Oregon. Notwithstand-  
23 ing sections 509, 1103(c), and 1104A(b) of the Merchant  
24 Marine Act, 1936 (46 App. U.S.C. 1159, 1273(c), and  
25 1274(b)), the Secretary of Transportation may guarantee

1 obligations of 87½ percent of the purchase price of such  
2 vessels. Each obligation guaranteed under this section  
3 may have a maturity date of 25 years from the date of  
4 delivery of the vessel concerned.

5 **SEC. 432. HYDROGRAPHIC FUNCTIONS.**

6 (a) EFFECTIVE DATE.—Subsections (b) and (c) shall  
7 take effect immediately after the later of—

8 (1) the enactment of the Hydrographic Services  
9 Improvement Act of 1998; or

10 (2) the enactment of this Act.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
12 306 of the Hydrographic Services Improvement Act of  
13 1998 is amended to read as follows:

14 **“SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

15 “There is authorized to be appropriated to the Ad-  
16 ministrator the following:

17 “(1) To carry out nautical mapping and chart-  
18 ing functions under the Act of 1947 and sections  
19 303 and 304, except for conducting hydrographic  
20 surveys, \$33,000,000 for fiscal year 1999,  
21 \$34,000,000 for fiscal year 2000, and \$35,000,000  
22 for fiscal year 2001.

23 “(2) To conduct hydrographic surveys under  
24 section 303(a)(1), including the leasing of ships,  
25 \$33,000,000 for fiscal year 1999, \$35,000,000 for

1 fiscal year 2000, and \$37,000,000 for fiscal year  
2 2001. Of these amounts, no more than \$16,000,000  
3 is authorized for any one fiscal year to operate hy-  
4 drographic survey vessels owned and operated by the  
5 Administration.

6 “(3) To carry out geodetic functions under the  
7 Act of 1947, \$25,000,000 for fiscal year 1999,  
8 \$30,000,000 for fiscal year 2000, and \$30,000,000  
9 for fiscal year 2001.

10 “(4) To carry out tide and current measure-  
11 ment functions under the Act of 1947, \$22,500,000  
12 for each of fiscal years 1999 through 2001. Of these  
13 amounts \$4,500,000 is authorized for each fiscal  
14 year to implement and operate a national quality  
15 control system for real-time tide and current and  
16 maintain the national tide network, and \$7,000,000  
17 is authorized for each fiscal year to design and in-  
18 stall real-time tide and current data measurement  
19 systems under section 303(b)(4).”.

20 (c) REPEAL OF REPORT REQUIREMENTS.—Section  
21 305 of the Hydrographic Services Improvement Act of  
22 1998 is amended by striking subsections (a) and (d).

1 **TITLE**                   **V—ADMINISTRATIVE**  
2       **PROCESS FOR JONES ACT**  
3       **WAIVERS**

4 **SEC. 501. FINDINGS.**

5       The Congress finds that—

6           (1) current coastwise trade laws provide no ad-  
7       ministrative authority to waive the United-States-  
8       built requirement of those laws for the limited car-  
9       riage of passengers for hire on vessels built or re-  
10      built outside the United States;

11          (2) requests for such waivers require the enact-  
12      ment of legislation by the Congress;

13          (3) each Congress routinely approves numerous  
14      such requests for waiver and rarely rejects any such  
15      request; and

16          (4) the review and approval of such waiver re-  
17      quests is a ministerial function which properly  
18      should be executed by an administrative agency with  
19      appropriate expertise.

20 **SEC. 502. ADMINISTRATIVE WAIVER OF COASTWISE TRADE**  
21                           **LAWS.**

22       Notwithstanding sections 12106 and 12108 of title  
23 46, United States Code, section 8 of the Act of June 19,  
24 1886 (46 U.S.C. App. 289), and section 27 of the Mer-  
25 chant Marine Act, 1920 (46 U.S.C. App. 883), the Sec-

1 retary of Transportation may issue a certificate of docu-  
2 mentation with appropriate endorsement for employment  
3 in the coastwise trade as a small passenger vessel or an  
4 uninspected passenger vessel for an eligible vessel author-  
5 ized to carry no more than 12 passengers for hire if the  
6 Secretary, after notice and an opportunity for public com-  
7 ment, determines that the employment of the vessel in the  
8 coastwise trade will not adversely affect—

9 (1) United States vessel builders; or

10 (2) the coastwise trade business of any person  
11 who employs vessels built in the United States in  
12 that business.

13 **SEC. 503. REVOCATION.**

14 The Secretary may revoke an endorsement issued  
15 under section 502, after notice and an opportunity for  
16 public comment, if the Secretary determines that the em-  
17 ployment of the vessel in the coastwise trade has substan-  
18 tially changed since the issuance of the endorsement,  
19 and—

20 (1) the vessel is employed other than as a small  
21 passenger vessel or an uninspected passenger vessel;

22 or

23 (2) the employment of the vessel adversely af-  
24 fects—

25 (A) United States vessel builders; or

1 (B) the coastwise trade business of any  
2 person who employs vessels built in the United  
3 States.

4 **SEC. 504. DEFINITIONS.**

5 In this title:

6 (1) SECRETARY.—The term “Secretary” means  
7 the Secretary of Transportation.

8 (2) ELIGIBLE VESSEL.—The term “eligible ves-  
9 sel” means a vessel that—

10 (A) was not built in the United States and  
11 is at least 3 years of age; or

12 (B) if rebuilt, was rebuilt outside the  
13 United States at least 3 years before the certifi-  
14 cation requested under section 502, if granted,  
15 would take effect.

16 (3) SMALL PASSENGER VESSEL; UNINSPECTED  
17 PASSENGER VESSEL; PASSENGER FOR HIRE.—The  
18 terms “small passenger vessel”, “uninspected pas-  
19 senger vessel”, and “passenger for hire” have the  
20 meaning given such terms by section 2101 of title  
21 46, United States Code.

22 **SEC. 505. SUNSET.**

23 (a) IN GENERAL.—Subject to subsection (b), this  
24 title (other than this section) shall have no force or effect  
25 on or after September 30, 2002.

1 (b) ENDORSEMENTS CONTINUE.—Any certificate or  
2 endorsement issued under section 502 before the date re-  
3 ferred to in subsection (a) of this section shall continue  
4 in effect until otherwise invalidated or revoked under  
5 chapter 121 of title 46, United States Code.

6 **TITLE VI—HARMFUL ALGAL**  
7 **BLOOMS AND HYPOXIA**

8 **SEC. 601. SHORT TITLE.**

9 This title may be cited as the “Harmful Algal Bloom  
10 and Hypoxia Research and Control Act of 1998”.

11 **SEC. 602. FINDINGS.**

12 The Congress finds that—

13 (1) the recent outbreak of the harmful microbe  
14 *Pfiesteria piscicida* in the coastal waters of the  
15 United States is one example of potentially harmful  
16 algal blooms composed of naturally occurring species  
17 that reproduce explosively and that are increasing in  
18 frequency and intensity in the Nation’s coastal wa-  
19 ters;

20 (2) other recent occurrences of harmful algal  
21 blooms include red tides in the Gulf of Mexico and  
22 the Southeast; brown tides in New York and Texas;  
23 ciguatera fish poisoning in Hawaii, Florida, Puerto  
24 Rico, and the United States Virgin Islands; and

1 shellfish poisonings in the Gulf of Maine, the Pacific  
2 Northwest, and the Gulf of Alaska;

3 (3) in certain cases, harmful algal blooms have  
4 resulted in fish kills, the deaths of numerous endan-  
5 gered West Indian manatees, beach and shellfish bed  
6 closures, threats to public health and safety, and  
7 concern among the public about the safety of sea-  
8 food;

9 (4) according to some scientists, the factors  
10 causing or contributing to harmful algal blooms may  
11 include excessive nutrients in coastal waters, other  
12 forms of pollution, the transfer of harmful species  
13 through ship ballast water, and ocean currents;

14 (5) harmful algal blooms may have been respon-  
15 sible for an estimated \$1,000,000,000 in economic  
16 losses during the past decade;

17 (6) harmful algal blooms and blooms of non-  
18 toxic algal species may lead to other damaging ma-  
19 rine conditions such as hypoxia (reduced oxygen con-  
20 centrations), which are harmful or fatal to fish,  
21 shellfish, and benthic organisms;

22 (7) according to the National Oceanic and At-  
23 mospheric Administration in the Department of  
24 Commerce, 53 percent of United States estuaries ex-  
25 perience hypoxia for at least part of the year and a

1       7,000 square mile area in the Gulf of Mexico off  
2       Louisiana and Texas suffers from hypoxia;

3           (8) according to some scientists, a factor be-  
4       lieved to cause hypoxia is excessive nutrient loading  
5       into coastal waters;

6           (9) there is a need to identify more workable  
7       and effective actions to reduce nutrient loadings to  
8       coastal waters;

9           (10) the National Oceanic and Atmospheric Ad-  
10      ministration, through its ongoing research, edu-  
11      cation, grant, and coastal resource management pro-  
12      grams, possesses a full range of capabilities nec-  
13      essary to support a near and long-term comprehen-  
14      sive effort to prevent, reduce, and control harmful  
15      algal blooms and hypoxia;

16          (11) funding for the research and related pro-  
17      grams of the National Oceanic and Atmospheric Ad-  
18      ministration will aid in improving the Nation's un-  
19      derstanding and capabilities for addressing the  
20      human and environmental costs associated with  
21      harmful algal blooms and hypoxia; and

22          (12) other Federal agencies such as the Envi-  
23      ronmental Protection Agency, the Department of  
24      Agriculture, and the National Science Foundation,  
25      along with the States, Indian tribes, and local gov-

1 ernments, conduct important work related to the  
2 prevention, reduction, and control of harmful algal  
3 blooms and hypoxia.

4 **SEC. 603. ASSESSMENTS.**

5 (a) ESTABLISHMENT OF INTER-AGENCY TASK  
6 FORCE.—The President, through the Committee on Envi-  
7 ronment and Natural Resources of the National Science  
8 and Technology Council, shall establish an Inter-Agency  
9 Task Force on Harmful Algal Blooms and Hypoxia (here-  
10 inafter referred to as the “Task Force”). The Task Force  
11 shall consist of the following representatives from—

12 (1) the Department of Commerce (who shall  
13 serve as Chairman of the Task Force);

14 (2) the Environmental Protection Agency;

15 (3) the Department of Agriculture;

16 (4) the Department of the Interior;

17 (5) the Department of the Navy;

18 (6) the Department of Health and Human  
19 Services;

20 (7) the National Science Foundation;

21 (8) the National Aeronautics and Space Admin-  
22 istration;

23 (9) the Food and Drug Administration;

24 (10) the Office of Science and Technology Pol-  
25 icy;

1 (11) the Council on Environmental Quality; and

2 (12) such other Federal agencies as the Presi-  
3 dent considers appropriate.

4 (b) ASSESSMENT OF HARMFUL ALGAL BLOOMS.—

5 (1) Not later than 12 months after the date of  
6 enactment of this title, the Task Force, in coopera-  
7 tion with the coastal States, Indian tribes, and local  
8 governments, industry (including agricultural organi-  
9 zations), academic institutions, and non-govern-  
10 mental organizations with expertise in coastal zone  
11 management, shall complete and submit to the Con-  
12 gress an assessment which examines the ecological  
13 and economic consequences of harmful algal blooms,  
14 alternatives for reducing, mitigating, and controlling  
15 harmful algal blooms, and the social and economic  
16 costs and benefits of such alternatives.

17 (2) The assessment shall—

18 (A) identify alternatives for preventing un-  
19 necessary duplication of effort among Federal  
20 agencies and departments with respect to harm-  
21 ful algal blooms; and

22 (B) provide for Federal cooperation and  
23 coordination with and assistance to the coastal  
24 States, Indian tribes, and local governments in  
25 the prevention, reduction, management, mitiga-

1           tion, and control of harmful algal blooms and  
2           their environmental and public health impacts.

3           (c) ASSESSMENT OF HYPOXIA.—

4           (1) Not later than 12 months after the date of  
5           enactment of this title, the Task Force, in coopera-  
6           tion with the States, Indian tribes, local govern-  
7           ments, industry, agricultural, academic institutions,  
8           and non-governmental organizations with expertise  
9           in watershed and coastal zone management, shall  
10          complete and submit to the Congress an assessment  
11          which examines the ecological and economic con-  
12          sequences of hypoxia in United States coastal wa-  
13          ters, alternatives for reducing, mitigating, and con-  
14          trolling hypoxia, and the social and economic costs  
15          and benefits of such alternatives.

16          (2) The assessment shall—

17                (A) establish needs, priorities, and guide-  
18                lines for a peer-reviewed, inter-agency research  
19                program on the causes, characteristics, and im-  
20                pacts of hypoxia;

21                (B) identify alternatives for preventing un-  
22                necessary duplication of effort among Federal  
23                agencies and departments with respect to hy-  
24                poxia; and

1           (C) provide for Federal cooperation and  
2           coordination with and assistance to the States,  
3           Indian tribes, and local governments in the pre-  
4           vention, reduction, management, mitigation,  
5           and control of hypoxia and its environmental  
6           impacts.

7           (e) DISESTABLISHMENT OF TASK FORCE.—The  
8           President may disestablish the Task Force after submis-  
9           sion of the plan in section 604(d).

10 **SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.**

11           (a) ASSESSMENT REPORT.—Not later than May 30,  
12           1999, the Task Force shall complete and submit to Con-  
13           gress and the President an integrated assessment of hy-  
14           poxia in the northern Gulf of Mexico that examines: the  
15           distribution, dynamics, and causes; ecological and eco-  
16           nomic consequences; sources and loads of nutrients trans-  
17           ported by the Mississippi River to the Gulf of Mexico; ef-  
18           fects of reducing nutrient loads; methods for reducing nu-  
19           trient loads; and the social and economic costs and bene-  
20           fits of such methods.

21           (b) SUBMISSION OF A PLAN.—No later than March  
22           30, 2000, the President, in conjunction with the chief ex-  
23           ecutive officers of the States, shall develop and submit to  
24           Congress a plan, based on the integrated assessment sub-  
25           mitted under subsection (a), for reducing, mitigating, and

1 controlling hypoxia in the northern Gulf of Mexico. In de-  
2 veloping such plan, the President shall consult with State,  
3 Indian tribe, and local governments, academic, agricul-  
4 tural, industry, and environmental groups and representa-  
5 tives. Such plan shall include incentive-based partnership  
6 approaches. The plan shall also include the social and eco-  
7 nomic costs and benefits of the measures for reducing,  
8 mitigating, and controlling hypoxia. At least 90 days be-  
9 fore the President submits such plan to the Congress, a  
10 summary of the proposed plan shall be published in the  
11 Federal Register for a public comment period of not less  
12 than 60 days.

13 **SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Sec-  
15 retary of Commerce for research, education, and monitor-  
16 ing activities related to the prevention, reduction, and con-  
17 trol of harmful algal blooms and hypoxia, \$15,000,000 for  
18 fiscal year 1999, \$18,250,000 for fiscal year 2000, and  
19 \$19,000,000 for fiscal year 2001, to remain available until  
20 expended. The Secretary shall consult with the States on  
21 a regular basis regarding the development and implemen-  
22 tation of the activities authorized under this section. Of  
23 such amounts for each fiscal year—

24 (1) \$1,500,000 for fiscal year 1999, \$1,500,000  
25 for fiscal year 2000, and \$2,000,000 for fiscal year

1 2001 may be used to enable the National Oceanic  
2 and Atmospheric Administration to carry out re-  
3 search and assessment activities, including procure-  
4 ment of necessary research equipment, at research  
5 laboratories of the National Ocean Service and the  
6 National Marine Fisheries Service;

7 (2) \$4,000,000 for fiscal year 1999, \$5,500,000  
8 for fiscal year 2000, and \$5,500,000 for fiscal year  
9 2001 may be used to carry out the Ecology and  
10 Oceanography of Harmful Algal Blooms (ECOHAB)  
11 project under the Coastal Ocean Program estab-  
12 lished under section 201(c) of Public Law 102-567;

13 (3) \$1,000,000 for fiscal year 1999, \$2,000,000  
14 for fiscal year 2000, and \$2,000,000 for fiscal year  
15 2001 may be used by the National Ocean Service of  
16 the National Oceanic and Atmospheric Administra-  
17 tion to carry out a peer-reviewed research project on  
18 management measures that can be taken to prevent,  
19 reduce, control, and mitigate harmful algal blooms;

20 (4) \$5,500,000 for each of the fiscal years  
21 1999, 2000, and 2001 may be used to carry out  
22 Federal and State annual monitoring and analysis  
23 activities for harmful algal blooms administered by  
24 the National Ocean Service of the National Oceanic  
25 and Atmospheric Administration; and

1           (5) \$3,000,000 for fiscal year 1999, \$3,750,000  
2           for fiscal year 2000, and \$4,000,000 for fiscal year  
3           2001 may be used for activities related to research  
4           and monitoring on hypoxia by the National Ocean  
5           Service and the Office of Oceanic and Atmospheric  
6           Research of the National Oceanic and Atmospheric  
7           Administration.

8   **SEC. 606. PROTECTION OF STATES' RIGHTS.**

9           (a) Nothing in this title shall be interpreted to ad-  
10          versely affect existing State regulatory or enforcement  
11          power which has been granted to any State through the  
12          Clean Water Act or Coastal Zone Management Act of  
13          1972.

14          (b) Nothing in this title shall be interpreted to expand  
15          the regulatory or enforcement power of the Federal Gov-  
16          ernment which has been delegated to any State through  
17          the Clean Water Act or Coastal Zone Management Act  
18          of 1972.

○