

In the Senate of the United States,

October 12 (legislative day, October 2), 1998.

Resolved, That the bill from the House of Representatives (H.R. 2204) entitled “An Act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Coast Guard Authoriza-*
3 *tion Act for Fiscal Years 1998, 1999, and 2000”.*

4 **SEC. 2. TABLE OF SECTIONS.**

5 *The table of sections for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of sections.

TITLE I—APPROPRIATIONS; AUTHORIZED LEVELS

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. Eliminate supply fund reimbursement requirement.
Sec. 206. Disposal of certain material to Coast Guard Auxiliary.
Sec. 207. Law enforcement authority for special agents of the Coast Guard Investigative Service.
Sec. 208. Report on excess Coast Guard property.
Sec. 209. Fees for navigation assistance service.
Sec. 210. Aids to navigation report.

TITLE III—MARINE SAFETY AND ENVIRONMENTAL PROTECTION

- Sec. 301. Alcohol testing.*
Sec. 302. Penalty for violation of international convention.
Sec. 303. Protect marine casualty investigations from mandatory release.
Sec. 304. Eliminate biennial research and development report.
Sec. 305. Extension of territorial sea for certain laws.
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.
Sec. 314. Interim authority for dry bulk cargo residue disposal.

TITLE IV—MISCELLANEOUS

- Sec. 401. Vessel identification system amendments.*
Sec. 402. Conveyance of lighthouses.
Sec. 403. Administrative authority to convey lighthouses.
Sec. 404. Conveyance of Communication Station Boston Marshfield Receiver site, Massachusetts.
Sec. 405. Conveyance of Nahant Parcel, Essex County, Massachusetts.
Sec. 406. Conveyance of Coast Guard Station Ocracoke, North Carolina.
Sec. 407. Conveyance of Coast Guard Loran Station Nantucket.
Sec. 408. Conveyance of Coast Guard Reserve training facility, Jacksonville, Florida.
Sec. 409. Conveyance of decommissioned Coast Guard vessels.
Sec. 410. Amendment to conveyance of vessel S/S Red Oak Victory.
Sec. 411. Transfer of Ocracoke Light Station to Secretary of the Interior.
Sec. 412. Vessel documentation clarification.
Sec. 413. Sanctions for failure to land or to heave to; sanctions for obstruction of boarding and providing false information.
Sec. 414. Dredge clarification.
Sec. 415. Great Lakes Pilotage Advisory Committee.
Sec. 416. Documentation of certain vessels.
Sec. 417. Double hull alternative designs study.
Sec. 418. Report on maritime activities.
Sec. 419. Vessel sharing agreements.
Sec. 420. Report on SWATH technology.
Sec. 421. Report on tonnage calculation methodology.
Sec. 422. Authority to convey National Defense Reserve Fleet Vessel, American Victory.
Sec. 423. Authority to convey National Defense Reserve Fleet Vessel, John Henry.
Sec. 424. Authorized number of NOAA Corps commissioned officers.

Sec. 425. Coast Guard City, USA.

Sec. 426. Marine transportation flexibility.

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.

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. Amendment to National Sea Grant College Program Act.

Sec. 607. Amendment to the Coastal Zone Management Act.

Sec. 608. Protection of States' rights.

TITLE VII—ADDITIONAL MISCELLANEOUS PROVISIONS

Sec. 701. Applicability of authority to release restrictions and encumbrances.

1 **TITLE I—APPROPRIATIONS;**
2 **AUTHORIZED LEVELS**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) *FISCAL YEAR 1998.—Funds are authorized to be*
5 *appropriated for necessary expenses of the Coast Guard for*
6 *fiscal year 1998, as follows:*

7 (1) *For the operation and maintenance of the*
8 *Coast Guard, \$2,715,400,000, of which \$25,000,000*
9 *shall be derived from the Oil Spill Liability Trust*
10 *Fund.*

11 (2) *For the acquisition, construction, rebuilding,*
12 *and improvement of aids to navigation, shore and off-*
13 *shore facilities, vessels, and aircraft, including equip-*
14 *ment related thereto, \$397,850,000, to remain avail-*
15 *able until expended, of which \$20,000,000 shall be de-*

1 *rived from the Oil Spill Liability Trust Fund to*
2 *carry out the purposes of section 1012(a)(5) of the Oil*
3 *Pollution Act of 1990.*

4 *(3) For research, development, test, and evalua-*
5 *tion of technologies, materials, and human factors di-*
6 *rectly relating to improving the performance of the*
7 *Coast Guard's mission in support of search and res-*
8 *cue, aids to navigation, marine safety, marine envi-*
9 *ronmental protection, enforcement of laws and trea-*
10 *ties, ice operations, oceanographic research, and de-*
11 *fense readiness, \$19,000,000, to remain available*
12 *until expended, of which \$3,500,000 shall be derived*
13 *from the Oil Spill Liability Trust Fund.*

14 *(4) For retired pay (including the payment of*
15 *obligations otherwise chargeable to lapsed appropria-*
16 *tions for this purpose), payments under the Retired*
17 *Serviceman's Family Protection and Survivor Benefit*
18 *Plans, and payments for medical care of retired per-*
19 *sonnel and their dependents under chapter 55 of title*
20 *10, United States Code, \$653,196,000.*

21 *(5) For alteration or removal of bridges over*
22 *navigable waters of the United States constituting ob-*
23 *structions to navigation, and for personnel and ad-*
24 *ministrative costs associated with the bridge alter-*

1 *ation program, \$17,000,000, to remain available*
2 *until expended.*

3 *(6) For environmental compliance and restora-*
4 *tion at Coast Guard facilities functions (other than*
5 *parts and equipment associated with operations and*
6 *maintenance), \$21,000,000, to remain available until*
7 *expended.*

8 *(b) FISCAL YEAR 1999.—Funds are authorized to be*
9 *appropriated for necessary expenses of the Coast Guard for*
10 *fiscal year 1999, as follows:*

11 *(1) For the operation and maintenance of the*
12 *Coast Guard, \$2,808,000,000, of which \$25,000,000*
13 *shall be derived from the Oil Spill Liability Trust*
14 *Fund and of which not less than \$408,000,000 shall*
15 *be available for expenses related to drug interdiction.*

16 *(2) For the acquisition, construction, rebuilding,*
17 *and improvement of aids to navigation, shore and off-*
18 *shore facilities, vessels, and aircraft, including equip-*
19 *ment related thereto, \$505,000,000, to remain avail-*
20 *able until expended, of which \$20,000,000 shall be de-*
21 *derived from the Oil Spill Liability Trust Fund to*
22 *carry out the purposes of section 1012(a)(5) of the Oil*
23 *Pollution Act of 1990 and of which not less than*
24 *\$62,000,000 shall be available for expenses related to*
25 *drug interdiction.*

1 (3) *For research, development, test, and evalua-*
2 *tion of technologies, materials, and human factors di-*
3 *rectly relating to improving the performance of the*
4 *Coast Guard's mission in support of search and res-*
5 *cue, aids to navigation, marine safety, marine envi-*
6 *ronmental protection, enforcement of laws and trea-*
7 *ties, ice operations, oceanographic research, and de-*
8 *fense readiness, \$18,300,000, to remain available*
9 *until expended, of which \$3,500,000 shall be derived*
10 *from the Oil Spill Liability Trust Fund.*

11 (4) *For retired pay (including the payment of*
12 *obligations otherwise chargeable to lapsed appropri-*
13 *ations for this purpose), payments under the Retired*
14 *Serviceman's Family Protection and Survivor Benefit*
15 *Plans, and payments for medical care of retired per-*
16 *sonnel and their dependents under chapter 55 of title*
17 *10, United States Code, \$691,493,000.*

18 (5) *For alteration or removal of bridges over*
19 *navigable waters of the United States constituting ob-*
20 *structions to navigation, and for personnel and ad-*
21 *ministrative costs associated with the bridge alter-*
22 *ation program, \$26,000,000, to remain available*
23 *until expended.*

24 (6) *For environmental compliance and restora-*
25 *tion at Coast Guard facilities functions (other than*

1 parts and equipment associated with operations and
2 maintenance), \$21,000,000, to remain available until
3 expended.

4 (c) FISCAL YEAR 2000.—Funds are authorized to be
5 appropriated for necessary expenses of the Coast Guard for
6 fiscal year 2000, as follows:

7 (1) For the operation and maintenance of the
8 Coast Guard, \$2,880,000,000, of which \$25,000,000
9 shall be derived from the Oil Spill Liability Trust
10 Fund and of which not less than \$408,000,000 shall
11 be available for expenses related to drug interdiction.

12 (2) For the acquisition, construction, rebuilding,
13 and improvement of aids to navigation, shore and off-
14 shore facilities, vessels, and aircraft, including equip-
15 ment related thereto, \$665,969,000, to remain avail-
16 able until expended, of which \$20,000,000 shall be de-
17 rived from the Oil Spill Liability Trust Fund to
18 carry out the purposes of section 1012(a)(5) of the Oil
19 Pollution Act of 1990, and of which not less than
20 \$62,000,000 shall be available for expenses related to
21 drug interdiction.

22 (3) For research, development, test, and evalua-
23 tion of technologies, materials, and human factors di-
24 rectly relating to improving the performance of the
25 Coast Guard's mission in support of search and res-

1 *cue, aids to navigation, marine safety, marine envi-*
2 *ronmental protection, enforcement of laws and trea-*
3 *ties, ice operations, oceanographic research, and de-*
4 *fense readiness, \$23,050,000, to remain available*
5 *until expended, of which \$3,500,000 shall be derived*
6 *from the Oil Spill Liability Trust Fund.*

7 (4) *For retired pay (including the payment of*
8 *obligations otherwise chargeable to lapsed appropria-*
9 *tions for this purpose), payments under the Retired*
10 *Serviceman's Family Protection and Survivor Benefit*
11 *Plans, and payments for medical care of retired per-*
12 *sonnel and their dependents under chapter 55 of title*
13 *10, United States Code, \$730,327,000.*

14 (5) *For alteration or removal of bridges over*
15 *navigable waters of the United States constituting ob-*
16 *structions to navigation, and for personnel and ad-*
17 *ministrative costs associated with the bridge alter-*
18 *ation program, \$26,000,000, to remain available*
19 *until expended.*

20 (6) *For environmental compliance and restora-*
21 *tion at Coast Guard facilities functions (other than*
22 *parts and equipment associated with operations and*
23 *maintenance), \$21,000,000, to remain available until*
24 *expended.*

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

3 (a) 1998 *END-OF-YEAR STRENGTH*.—*The Coast Guard*
4 *is authorized an end-of-year strength for active duty person-*
5 *nel of 37,944 as of September 30, 1998.*

6 (b) 1998 *MILITARY TRAINING STUDENT LOADS*.—*For*
7 *fiscal year 1998, the Coast Guard is authorized average*
8 *military training student loads as follows:*

9 (1) *For recruit and special training, 1,424 stu-*
10 *dent years.*

11 (2) *For flight training, 98 student years.*

12 (3) *For professional training in military and ci-*
13 *vilian institutions, 283 student years.*

14 (4) *For officer acquisition, 814 student years.*

15 (c) 1999 *END-OF-YEAR STRENGTH*.—*The Coast Guard*
16 *is authorized an end-of-year strength for active duty person-*
17 *nel of 38,038 as of September 30, 1999.*

18 (d) 1999 *MILITARY TRAINING STUDENT LOADS*.—*For*
19 *fiscal year 1999, the Coast Guard is authorized average*
20 *military training student loads as follows:*

21 (1) *For recruit and special training, 1,424 stu-*
22 *dent years.*

23 (2) *For flight training, 98 student years.*

24 (3) *For professional training in military and ci-*
25 *vilian institutions, 283 student years.*

26 (4) *For officer acquisition, 810 student years.*

1 (e) 2000 *END-OF-YEAR STRENGTH*.—*The Coast Guard*
2 *is authorized an end-of-year strength for active duty person-*
3 *nel of 38,313 as of September 30, 2000.*

4 (f) 2000 *MILITARY TRAINING STUDENT LOADS*.—*For*
5 *fiscal year 2000, the Coast Guard is authorized average*
6 *military training student loads as follows:*

7 (1) *For recruit and special training, 1,424 stu-*
8 *dent years.*

9 (2) *For flight training, 98 student years.*

10 (3) *For professional training in military and ci-*
11 *vilian institutions, 283 student years.*

12 (4) *For officer acquisition, 825 student years.*

13 **SEC. 103. LORAN-C.**

14 (a) *FISCAL YEARS 1999 AND 2000*.—*There are author-*
15 *ized to be appropriated to the Department of Transpor-*
16 *tation, in addition to the funds authorized for the Coast*
17 *Guard for operation of the LORAN-C System, for capital*
18 *expenses related to LORAN-C navigation infrastructure,*
19 *\$10,000,000 for fiscal year 1999, and \$35,000,000 for fiscal*
20 *year 2000. The Secretary of Transportation may transfer*
21 *from the Federal Aviation Administration and other agen-*
22 *cies of the department funds appropriated as authorized*
23 *under this section in order to reimburse the Coast Guard*
24 *for related expenses.*

1 (b) *REPORT.*—Not later than 6 months after the date
2 of enactment of this Act, the Secretary of Transportation
3 shall report to the Committee on Commerce, Science, and
4 Transportation of the Senate and the Committee on Trans-
5 portation and Infrastructure of the House of Representa-
6 tives on cost-sharing arrangements among Federal agencies
7 for such capital expenses related to LORAN-C navigation
8 infrastructure, including, but not limited to, the Coast
9 Guard and the Federal Aviation Administration.

10 **TITLE II—COAST GUARD**
11 **MANAGEMENT**

12 **SEC. 201. SEVERANCE PAY.**

13 (a) *WARRANT OFFICERS.*—Section 286a(d) of title 14,
14 United States Code, is amended by striking the last sen-
15 tence.

16 (b) *SEPARATED OFFICERS.*—Section 286a of title 14,
17 United States Code, is amended by striking the period at
18 the end of subsection (b) and inserting “, unless the Sec-
19 retary of the Service in which the Coast Guard is operating
20 determines that the conditions under which the officer is
21 discharged or separated do not warrant payment of that
22 amount of severance pay.”.

23 (c) *EXCEPTION.*—Section 327 of title 14, United States
24 Code, is amended by striking the period at the end of para-
25 graph (b)(3) and inserting “, unless the Secretary deter-

1 *mines that the conditions under which the officer is dis-*
2 *charged or separated do not warrant payment of that*
3 *amount of severance pay.”.*

4 **SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN**
5 **AWARDS PROGRAMS.**

6 *(a) Section 93 of title 14, United States Code, is*
7 *amended —*

8 *(1) by striking “and” after the semicolon at the*
9 *end of paragraph (u);*

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

12 *(3) by adding at the end the following new para-*
13 *graph:*

14 *“(w) provide for the honorary recognition of in-*
15 *dividuals and organizations that significantly con-*
16 *tribute to Coast Guard programs, missions, or oper-*
17 *ations, including but not limited to state and local*
18 *governments and commercial and nonprofit organiza-*
19 *tions, and pay for, using any appropriations or funds*
20 *available to the Coast Guard, plaques, medals, tro-*
21 *phies, badges, and similar items to acknowledge such*
22 *contribution (including reasonable expenses of cere-*
23 *mony and presentation).”.*

1 **SEC. 203. USE OF APPROPRIATED FUNDS FOR COMMERCIAL**
2 **VEHICLES AT MILITARY FUNERALS.**

3 *Section 93 of title 14, United States Code, as amended*
4 *by section 202 of this Act, is further amended—*

5 *(1) by striking “and” after the semicolon at the*
6 *end of paragraph (v);*

7 *(2) by striking the period at the end of para-*
8 *graph (w) and inserting “; and”; and*

9 *(3) by adding at the end the following new para-*
10 *graph:*

11 *“(x) rent or lease, under such terms and condi-*
12 *tions as are deemed advisable, commercial vehicles to*
13 *transport the next of kin of eligible retired Coast*
14 *Guard military personnel to attend funeral services of*
15 *the service member at a national cemetery.”.*

16 **SEC. 204. AUTHORITY TO REIMBURSE NOVATO, CALIFOR-**
17 **NIA, REUSE COMMISSION.**

18 *The Commandant of the United States Coast Guard*
19 *may use up to \$25,000 to provide economic adjustment as-*
20 *sistance for the City of Novato, California, for the cost of*
21 *revising the Hamilton Reuse Planning Authority’s reuse*
22 *plan as a result of the Coast Guard’s request for housing*
23 *at Hamilton Air Force Base. If the Department of Defense*
24 *provides such economic adjustment assistance to the City*
25 *of Novato on behalf of the Coast Guard, then the Coast*
26 *Guard may use the amount authorized for use in the preced-*

1 *ing sentence to reimburse the Department of Defense for the*
2 *amount of economic adjustment assistance provided to the*
3 *City of Novato by the Department of Defense.*

4 **SEC. 205. ELIMINATE SUPPLY FUND REIMBURSEMENT RE-**
5 **QUIREMENT.**

6 *Subsection 650(a) of title 14, United States Code, is*
7 *amended by striking the last sentence and inserting “In*
8 *these regulations, whenever the fund is reduced to delete*
9 *items stocked, the Secretary may reduce the existing capital*
10 *of the fund by the value of the materials transferred to other*
11 *Coast Guard accounts. Except for the materials so trans-*
12 *ferred, the fund shall be credited with the value of materials*
13 *consumed, issued for use, sold, or otherwise disposed of, such*
14 *values to be determined on a basis that will approximately*
15 *cover the cost thereof.”.*

16 **SEC. 206. DISPOSAL OF CERTAIN MATERIAL TO COAST**
17 **GUARD AUXILIARY.**

18 *(a) Section 641 of title 14, United States Code, is*
19 *amended—*

20 *(1) by striking “to the Coast Guard Auxiliary,*
21 *including any incorporated unit thereof,” in sub-*
22 *section (a) ; and*

23 *(2) by adding at the end thereof the following:*

24 *“(f)(1) Notwithstanding any other law, the Com-*
25 *mandant may directly transfer ownership of personal prop-*

1 *erty of the Coast Guard to the Coast Guard Auxiliary (in-*
2 *cluding any incorporated unit thereof), with or without*
3 *charge, if the Commandant determines—*

4 “(A) *after consultation with the Administrator of*
5 *General Services, that the personal property is excess*
6 *to the needs of the Coast Guard but is suitable for use*
7 *by the Auxiliary in performing Coast Guard func-*
8 *tions, powers, duties, roles, missions, or operations as*
9 *authorized by law pursuant to section 822 of this*
10 *title; and*

11 “(B) *that such excess property will be used solely*
12 *by the Auxiliary for such purposes.*

13 “(2) *Upon transfer of personal property under para-*
14 *graph (1), no appropriated funds shall be available for the*
15 *operation, maintenance, repair, alteration, or replacement*
16 *of such property, except as permitted by section 830 of this*
17 *title.”.*

18 **SEC. 207. LAW ENFORCEMENT AUTHORITY FOR SPECIAL**
19 **AGENTS OF THE COAST GUARD INVESTIGA-**
20 **TIVE SERVICE.**

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

1 **“§95. Special agents of the Coast Guard Investigative**
2 **Service law enforcement authority**

3 “(a)(1) *A special agent of the Coast Guard Investiga-*
4 *tive Service designated under subsection (b) has the follow-*
5 *ing authority:*

6 “(A) *To carry firearms.*

7 “(B) *To execute and serve any warrant or other*
8 *process issued under the authority of the United*
9 *States.*

10 “(C) *To make arrests without warrant for—*

11 “(i) *any offense against the United States*
12 *committed in the agent’s presence; or*

13 “(ii) *any felony cognizable under the laws*
14 *of the United States if the agent has probable*
15 *cause to believe that the person to be arrested has*
16 *committed or is committing the felony.*

17 “(2) *The authorities provided in paragraph (1) shall*
18 *be exercised only in the enforcement of statutes for which*
19 *the Coast Guard has law enforcement authority, or in exi-*
20 *gent circumstances.*

21 “(b) *The Commandant may designate to have the au-*
22 *thority provided under subsection (a) any special agent of*
23 *the Coast Guard Investigative Service whose duties include*
24 *conducting, supervising, or coordinating investigation of*
25 *criminal activity in programs and operations of the United*
26 *States Coast Guard.*

1 “(c) *The authority provided under subsection (a) shall*
2 *be exercised in accordance with guidelines prescribed by the*
3 *Commandant and approved by the Attorney General and*
4 *any other applicable guidelines prescribed by the Secretary*
5 *of Transportation or the Attorney General.*”.

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

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

10 **SEC. 208. REPORT ON EXCESS COAST GUARD PROPERTY.**

11 *Not later than 9 months after the date of enactment*
12 *of this Act, the Administrator of the General Services Ad-*
13 *ministration and the Commandant of the Coast Guard shall*
14 *submit to the Congress a report on the current procedures*
15 *used to dispose of excess Coast Guard property and provide*
16 *recommendations to improve such procedures. The rec-*
17 *ommendations shall take into consideration measures that*
18 *would—*

19 (1) *improve the efficiency of such procedures;*

20 (2) *improve notification of excess property deci-*
21 *sions to and enhance the participation in the prop-*
22 *erty disposal decisionmaking process of the States,*
23 *local communities, and appropriate nonprofit organi-*
24 *zations;*

1 (3) *facilitate the expeditious transfer of excess*
2 *property for recreation, historic preservation, edu-*
3 *cation, transportation, or other uses that benefit the*
4 *general public; and*

5 (4) *ensure that the interests of Federal taxpayers*
6 *are protected.*

7 **SEC. 209. FEES FOR NAVIGATION ASSISTANCE SERVICE.**

8 *Section 2110 of title 46, United States Code, is amend-*
9 *ed by adding at the end thereof the following:*

10 “(k) *The Secretary may not plan, implement or final-*
11 *ize any regulation that would promulgate any new mari-*
12 *time user fee which was not implemented and collected*
13 *prior to January 1, 1998, including a fee or charge for any*
14 *domestic icebreaking service or any other navigational as-*
15 *sistance service. This subsection expires on September 30,*
16 *2000.”.*

17 **SEC. 210. AIDS TO NAVIGATION REPORT.**

18 *Not later than 18 months after the date of enactment*
19 *of this Act, the Commandant of the Coast Guard shall sub-*
20 *mit to Congress a report on the use of the Coast Guard’s*
21 *aids to navigation system. The report shall include an anal-*
22 *ysis of the respective use of the aids to navigation system*
23 *by commercial interests, members of the general public for*
24 *personal recreation, Federal and State government for pub-*
25 *lic safety, defense, and other similar purposes. To the extent*

1 *practicable within the time allowed, the report shall include*
2 *information regarding degree of use of the various portions*
3 *of the system.*

4 ***TITLE III—MARINE SAFETY AND***
5 ***ENVIRONMENTAL PROTECTION***

6 ***SEC. 301. 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 follow-
10 ing: “The testing may include preemployment (with respect
11 to dangerous drugs only), periodic, random, and reasonable
12 cause testing, and shall include post-accident testing.”.

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

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

21 (d) *POST SERIOUS MARINE INCIDENT TESTING.*—

22 (1) Chapter 23 of title 46, United States Code,
23 is amended by inserting after section 2303 the follow-
24 ing:

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

2 “(a) *The Secretary shall establish procedures to ensure*
 3 *that after a serious marine incident occurs, alcohol testing*
 4 *of crew members or other persons responsible for the oper-*
 5 *ation or other safety-sensitive functions of the vessel or ves-*
 6 *sels involved in such incident is conducted no later than*
 7 *2 hours after the incident occurs, unless such testing cannot*
 8 *be completed within that time due to safety concerns di-*
 9 *rectly related to the incident.*

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

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

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

21 **SEC. 302. PENALTY FOR VIOLATION OF INTERNATIONAL**
 22 **CONVENTION.**

23 *Section 2302 of title 46, United States Code, is amend-*
 24 *ed by adding at the following new subsection:*

1 “(e)(1) *A vessel may not be used to transport cargoes*
2 *sponsored by the United States Government if the vessel has*
3 *been detained by the Secretary for violation of an applicable*
4 *international convention to which the United States is a*
5 *party, and the Secretary has published notice of that deten-*
6 *tion.*

7 “(2) *The prohibition in paragraph (1) expires for a*
8 *vessel 1 year after the date of the detention on which the*
9 *prohibition is based or upon the Secretary granting an ap-*
10 *peal of the detention on which the prohibition is based.*

11 “(3) *The Secretary may grant an exemption from the*
12 *prohibition in paragraph (1) on a case by case basis if the*
13 *owner of the vessel to be used for transport of the cargo spon-*
14 *sored by the United States Government can provide compel-*
15 *ling evidence that the vessel was detained due to cir-*
16 *cumstances beyond the owner’s control and that the vessel*
17 *is currently in compliance with applicable international*
18 *conventions to which the United States is a party.*

19 “(4) *As used in this subsection, the term ‘cargo spon-*
20 *sored by the United States Government’ means cargo for*
21 *which a Federal agency contracts directly for shipping by*
22 *water or for which (or the freight of which) a Federal agen-*
23 *cy provides financing, including financing by grant, loan,*
24 *or loan guarantee, resulting in shipment of the cargo by*
25 *water.’’.*

1 **SEC. 303. PROTECT MARINE CASUALTY INVESTIGATIONS**
2 **FROM MANDATORY RELEASE.**

3 *Section 6305(b) of title 46, United States Code, is*
4 *amended by striking all after “public” and inserting a pe-*
5 *riod and “This subsection does not require the release of*
6 *information described by section 552(b) of title 5 or pro-*
7 *tected from disclosure by another law of the United States.”.*

8 **SEC. 304. ELIMINATE BIENNIAL RESEARCH AND DEVELOP-**
9 **MENT REPORT.**

10 *Section 7001 of the Oil Pollution Act of 1990 (33*
11 *U.S.C. 2761) is amended by striking subsection (e) and by*
12 *redesignating subsection (f) as subsection (e).*

13 **SEC. 305. EXTENSION OF TERRITORIAL SEA FOR CERTAIN**
14 **LAWS.**

15 *(a) PORTS AND WATERWAYS SAFETY ACT.—Section*
16 *102 of the Ports and Waterways Safety Act (33 U.S.C.*
17 *1222) is amended by adding at the end the following:*

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

22 *(b) SUBTITLE II OF TITLE 46.—*

23 *(1) Section 2101 of title 46, United States Code,*
24 *is amended—*

25 *(A) by redesignating paragraph (17a) as*
26 *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 United
5 States as described in Presidential Proclamation 5928
6 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 5928
10 of December 27, 1988)” after “of the United States”.

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

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

20 (5) Section 4502(a)(7) of that title is amended
21 by striking “on the high seas” and inserting “beyond
22 3 nautical miles from the baselines from which the
23 territorial sea of the United States is measured, and
24 which are owned in the United States”.

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

3 “(2) is operating—

4 “(A) in internal waters of the United
5 States; or

6 “(B) within 3 nautical miles from the base-
7 lines from which the territorial sea of the United
8 States is measured.”.

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

14 (8) Section 8503(a)(2) of that title is amended
15 by striking paragraph (2) and inserting the following:

16 “(2) operating—

17 “(A) in internal waters of the United
18 States; or

19 “(B) within 3 nautical miles from the base-
20 lines from which the territorial sea of the United
21 States is measured.”.

1 **SEC. 306. SAFETY MANAGEMENT CODE REPORT AND POL-**
2 **ICY.**

3 (a) *IN GENERAL.*—Chapter 32 of title 46, United
4 States Code, is amended by adding at the end thereof the
5 following:

6 **“§ 3206. Report and policy.**

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

10 *“(1) The Secretary shall conduct a study—*

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

15 *“(B) detailing enforcement actions involv-*
16 *ing the Code, including the role documents and*
17 *reports produced pursuant to the Code play in*
18 *such enforcement actions;*

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

24 *“(D) identifying actions to achieve full com-*
25 *pliance with and effective implementation of the*
26 *Code; and*

1 “(E) evaluating the effectiveness of internal
2 reporting and auditing under the Code, and rec-
3 ommending actions to ensure the accuracy and
4 candidness of such reporting and auditing. These
5 recommended actions may include proposed lim-
6 its on the use in legal proceedings of documents
7 produced pursuant to the Code.

8 “(2) The Secretary shall provide opportunity for
9 the public to participate in and comment on the
10 study conducted under paragraph (1).

11 “(3) Not later than 18 months after the date of
12 enactment of the Coast Guard Authorization Act for
13 Fiscal Years 1998, 1999, and 2000, the Secretary
14 shall submit to the Congress a report on the results
15 of the study conducted under paragraph (1).

16 “(b) POLICY.—

17 “(1) Not later than 9 months after submission of
18 the report in subsection (a)(3), the Secretary shall de-
19 velop a policy to achieve full compliance with and ef-
20 fective implementation of the Code. The policy may
21 include—

22 “(A) enforcement penalty reductions and
23 waivers, limits on the use in legal proceedings of
24 documents produced pursuant to the Code, or

1 “(23) ‘oil’ means oil of any kind or in any form,
2 including, but not limited to, petroleum, fuel oil,
3 sludge, oil refuse, and oil mixed with wastes other
4 than dredged spoil, but does not include any sub-
5 stance which is specifically listed or designated as a
6 hazardous substance under subparagraphs (A)
7 through (F) of section 101(14) of the Comprehensive
8 Environmental Response, Compensation, and Liabil-
9 ity Act (42 U.S.C. 9601) and which is subject to the
10 provisions of that Act;”.

11 (b) *REPORT*.—Not later than 6 months after the date
12 of enactment of this Act, the Commandant of the Coast
13 Guard shall submit a report to the Congress on the status
14 of the joint evaluation by the Coast Guard and the Environ-
15 mental Protection Agency of the substances to be classified
16 as oils under the Clean Water Act and Title I of the Oil
17 Pollution Act of 1990, including opportunities provided for
18 public comment on the evaluation.

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

20 (a) *IN GENERAL*.—The Secretary of Transportation,
21 through the Coast Guard and the Maritime Administration,
22 shall, in consultation with the National Ocean Service of
23 the National Oceanic and Atmospheric Administration and
24 other interested Federal agencies and departments, establish
25 a task force to assess the adequacy of the nation’s marine

1 *transportation system (ports, waterways, and their inter-*
2 *modal connections) to operate in a safe, efficient, secure,*
3 *and environmentally sound manner.*

4 *(b) TASK FORCE.—*

5 *(1) The task force shall be chaired by the Sec-*
6 *retary of Transportation or his designee and may be*
7 *comprised of the representatives of interested Federal*
8 *agencies and departments and such other non-Federal*
9 *entities as the Secretary deems appropriate.*

10 *(2) The provisions of the Federal Advisory Com-*
11 *mittee Act shall not apply to the task force.*

12 *(c) ASSESSMENT.—*

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

18 *(A) take into account the capability of the*
19 *marine transportation system to accommodate*
20 *projected increases in foreign and domestic traf-*
21 *fic over the next 20 years;*

22 *(B) consult with senior public and private*
23 *sector officials, including the users of that sys-*
24 *tem, such as ports, commercial carriers, ship-*

1 *pers, labor, recreational boaters, fishermen, and*
2 *environmental organizations; and*

3 *(C) sponsor public and private sector activi-*
4 *ties to further refine and implement the strate-*
5 *gies, recommendations, and plan for action.*

6 *(2) The Secretary shall report to Congress on the*
7 *results of the assessment no later than March 31,*
8 *1999. The report shall reflect the views of both the*
9 *public and private sectors. The Task Force shall cease*
10 *to exist upon submission of the report in this para-*
11 *graph.*

12 **SEC. 309. AVAILABILITY AND USE OF EPIRBs FOR REC-**
13 **REATIONAL VESSELS.**

14 *The Secretary of Transportation, through the Coast*
15 *Guard and in consultation with the National Transpor-*
16 *tation Safety Board and recreational boating organiza-*
17 *tions, shall, within 24 months of the date of enactment of*
18 *this Act, assess and report to Congress on the use of emer-*
19 *gency position indicating beacons (EPIRBs) and similar*
20 *devices by the operators of recreational vessels. The assess-*
21 *ment shall at a minimum—*

22 *(1) evaluate the current availability and use of*
23 *EPIRBs and similar devices by the operators of rec-*
24 *reational vessels and the actual and potential con-*

1 *tribution of such devices to recreational boating safe-*
2 *ty; and*

3 (2) *provide recommendations on policies and*
4 *programs to encourage the availability and use of*
5 *EPIRBS and similar devices by the operators of rec-*
6 *reational vessels.*

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

8 *Not later than 9 months after the date of enactment*
9 *of this Act, the Commandant shall submit a report to the*
10 *Senate Committee on Commerce, Science, and Transpor-*
11 *tation—*

12 (1) *identifying waters out to 50 miles from the*
13 *territorial sea of Maine or other States that cannot*
14 *currently be served by a Coast Guard search and res-*
15 *cue helicopter within 2 hours of a report of distress*
16 *or request for assistance from such waters;*

17 (2) *providing options for ensuring that all wa-*
18 *ters of the area referred to in paragraph (1) can be*
19 *served by a Coast Guard search and rescue helicopter*
20 *within 2 hours of a report of distress or request for*
21 *assistance from such waters;*

22 (3) *providing an analysis assessing the overall*
23 *capability of Coast Guard search and rescue assets to*
24 *serve each area referred to in paragraph (1) within*

1 *2 hours of a report of distress or request for assistance*
2 *from such waters; and*

3 (4) *identifying, among any other options the*
4 *Commandant may provide as required by paragraph*
5 *(2), locations in the State of Maine that may be suit-*
6 *able for the stationing of a Coast Guard search and*
7 *rescue helicopter and crew, including any Coast*
8 *Guard facility in Maine, the Bangor Air National*
9 *Guard Base, and any other locations.*

10 **SEC. 311. PETROLEUM TRANSPORTATION.**

11 (a) *DEFINITIONS.—In this section:*

12 (1) *FIRST COAST GUARD DISTRICT.—The term*
13 *“First Coast Guard District” means the First Coast*
14 *Guard District described in section 3.05-1(b) of title*
15 *33, Code of Federal Regulations.*

16 (2) *SECRETARY.—The term “Secretary” means*
17 *the Secretary of the department in which the Coast*
18 *Guard is operating.*

19 (3) *WATERS OF THE NORTHEAST.—The term*
20 *“waters of the Northeast”—*

21 (A) *means the waters subject to the jurisdic-*
22 *tion of the First Coast Guard District; and*

23 (B) *includes the waters of Long Island*
24 *Sound.*

1 **(b) REGULATIONS RELATING TO WATERS OF THE**
2 **NORTHEAST.—**

3 **(1) TOWING VESSEL AND BARGE SAFETY FOR WA-**
4 **TERS OF THE NORTHEAST.—**

5 **(A) IN GENERAL.—***Not later than December*
6 *31, 1998, the Secretary shall promulgate regula-*
7 *tions for towing vessel and barge safety for the*
8 *waters of the Northeast.*

9 **(B) INCORPORATION OF RECOMMENDA-**
10 **TIONS.—**

11 **(i) IN GENERAL.—***Except as provided*
12 *in clause (ii), the regulations promulgated*
13 *under this paragraph shall give full consid-*
14 *eration to each of the recommendations for*
15 *regulations contained in the report entitled*
16 *“Regional Risk Assessment of Petroleum*
17 *Transportation in the Waters of the North-*
18 *east United States” issued by the Regional*
19 *Risk Assessment Team for the First Coast*
20 *Guard District on February 6, 1997, and*
21 *the Secretary shall provide a detailed expla-*
22 *nation if any recommendation is not adopt-*
23 *ed.*

24 **(ii) EXCLUDED RECOMMENDATIONS.—**
25 *The regulations promulgated under this*

1 *paragraph shall not incorporate any rec-*
2 *ommendation referred to in clause (i) that*
3 *relates to anchoring or barge retrieval sys-*
4 *tems.*

5 (2) *ANCHORING AND BARGE RETRIEVAL SYS-*
6 *TEMS.—*

7 (A) *IN GENERAL.—Not later than November*
8 *30, 1998, the Secretary shall promulgate regula-*
9 *tions under section 3719 of title 46, United*
10 *States Code, for the waters of the Northeast, that*
11 *shall give full consideration to each of the rec-*
12 *ommendations made in the report referred to in*
13 *paragraph (1)(B)(i) relating to anchoring and*
14 *barge retrieval systems, and the Secretary shall*
15 *provide a detailed explanation if any rec-*
16 *ommendation is not adopted.*

17 (B) *RULE OF CONSTRUCTION.—Nothing in*
18 *subparagraph (A) prevents the Secretary from*
19 *promulgating interim final regulations that*
20 *apply throughout the United States relating to*
21 *anchoring and barge retrieval systems that con-*
22 *tain requirements that are as stringent as the re-*
23 *quirements of the regulations promulgated under*
24 *subparagraph (A).*

1 **SEC. 312. SEASONAL COAST GUARD HELICOPTER AIR RES-**
2 **CUE CAPABILITY.**

3 *The Secretary of Transportation is authorized to take*
4 *appropriate actions to ensure the establishment and oper-*
5 *ation by the Coast Guard of a helicopter air rescue capabil-*
6 *ity that—*

7 *(1) is located at Gabreski Airport, Westhampton,*
8 *New York; and*

9 *(2) provides air rescue capability from that loca-*
10 *tion from April 15 to October 15 each year.*

11 **SEC. 313. SHIP REPORTING SYSTEMS.**

12 *Section 11 of the Ports and Waterways Safety Act, as*
13 *amended (Public Law 92-340) (33 U.S.C. 1230), is amend-*
14 *ed by adding at the end of the following:*

15 *“(d) SHIP REPORTING SYSTEMS.—The Secretary, in*
16 *consultation with the International Maritime Organiza-*
17 *tion, is authorized to implement and enforce two manda-*
18 *tory ship reporting systems, consistent with international*
19 *law, with respect to vessels subject to such reporting systems*
20 *entering the following areas of the Atlantic Ocean: Cape*
21 *Cod Bay, Massachusetts Bay, and Great South Channel (in*
22 *the area generally bounded by a line starting from a point*
23 *on Cape Ann, Massachusetts at 42 deg. 39’ N., 70 deg. 37’*
24 *W; then northeast to 42 deg. 45’ N., 70 deg. 13’ W; then*
25 *southeast to 42 deg. 10’ N., 68 deg. 31 W, then south to*
26 *41 deg. 00’ N., 68 deg. 31’ W; then west to 41 deg. 00’ N.,*

1 69 deg. 17' W; then northeast to 42 deg. 05' N., 70 deg.
2 02' W, then west to 42 deg. 04' N., 70 deg. 10' W; and
3 then along the Massachusetts shoreline of Cape Cod Bay
4 and Massachusetts Bay back to the point on Cape Ann at
5 42 deg. 39' N., 70 deg. 37' W) and in the coastal waters
6 of the Southeastern United States within about 25 nm along
7 a 90 nm stretch of the Atlantic seaboard (in an area gen-
8 erally extending from the shoreline east to longitude 80 deg.
9 51.6' W with the southern and northern boundary at lati-
10 tudes 30 deg. 00' N., 31 deg. 27' N., respectively).”

11 **SEC. 314. INTERIM AUTHORITY FOR DRY BULK CARGO RESI-**

12 **DUE DISPOSAL.**

13 (a) *IN GENERAL.*—

14 (1) *Subject to subsection (b), the Secretary of*
15 *Transportation shall implement and enforce the*
16 *United States Coast Guard 1997 Enforcement Policy*
17 *for Cargo Residues on the Great Lakes (hereinafter re-*
18 *ferred to as “Policy”) for the purpose of regulating*
19 *incidental discharges from vessels of residues of dry*
20 *bulk cargo into the waters of the Great Lakes under*
21 *the jurisdiction of the United States.*

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

1 (b) *EXPIRATION OF INTERIM AUTHORITY.*—*The Policy*
2 *shall cease to have effect on the date which is the earliest*
3 *of—*

4 (1) *the date that legislation providing for the*
5 *regulation of incidental discharges from vessels of dry*
6 *bulk cargo residue into the waters of the Great Lakes*
7 *under the jurisdiction of the United States is enacted;*

8 (2) *the date that regulations authorized under*
9 *existing law providing for the regulation of incidental*
10 *discharges from vessels of dry bulk cargo residue into*
11 *the waters of the Great Lakes under the jurisdiction*
12 *of the United States are promulgated; or*

13 (3) *September 30, 2000.*

14 **TITLE IV—MISCELLANEOUS**

15 **SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.**

16 (a) *IN GENERAL.*—*Chapter 121 of title 46, United*
17 *States Code, is amended—*

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

20 (2) *by adding at the end thereof the following:*

21 **“§ 12124. Surrender of title and number**

22 “(a) *A documented vessel shall not be titled by a State*
23 *or required to display numbers under chapter 123, and any*
24 *certificate of title issued by a State for a documented vessel*

1 *shall be surrendered in accordance with regulations pre-*
2 *scribed by the Secretary of Transportation.*

3 “(b) *The Secretary may approve the surrender under*
4 *subsection (a) of a certificate of title for a vessel covered*
5 *by a preferred mortgage under section 31322(d) of this title*
6 *only if the mortgagee consents.*”.

7 (b) *CONFORMING AMENDMENT.—The chapter analysis*
8 *for chapter 121 of title 46, United States Code, is amended*
9 *by adding at the end thereof the following:*

“12124. Surrender of title and number”.

10 (c) *OTHER AMENDMENTS.—Title 46, United States*
11 *Code, is amended—*

12 (1) *by striking section 31322(b) and inserting*
13 *the following:*

14 “(b) *Any indebtedness secured by a preferred mortgage*
15 *that is filed or recorded under this chapter, or that is subject*
16 *to a mortgage, security agreement, or instruments granting*
17 *a security interest that is deemed to be a preferred mortgage*
18 *under subsection (d) of this section, may have any rate of*
19 *interest to which the parties agree.*”;

20 (2) *by striking “mortgage or instrument” each*
21 *place it appears in section 31322(d)(1) and inserting*
22 *“mortgage, security agreement, or instrument”;*

23 (3) *by striking section 31322(d)(3) and inserting*
24 *the following:*

1 “(3) *A preferred mortgage under this subsection*
2 *continues to be a preferred mortgage even if the vessel*
3 *is no longer titled in the State where the mortgage,*
4 *security agreement, or instrument granting a security*
5 *interest became a preferred mortgage under this sub-*
6 *section.*”;

7 (4) *by striking “mortgages or instruments” in*
8 *subsection 31322(d)(2) and inserting “mortgages, se-*
9 *curity agreements, or instruments”;*

10 (5) *by inserting “a vessel titled in a State,” in*
11 *section 31325(b)(1) after “a vessel to be documented*
12 *under chapter 121 of this title,”;*

13 (6) *by inserting “a vessel titled in a State,” in*
14 *section 31325(b)(3) after “a vessel for which an appli-*
15 *cation for documentation is filed under chapter 121*
16 *of this title,”; and*

17 (7) *by inserting “a vessel titled in a State,” in*
18 *section 31325(c) after “a vessel to be documented*
19 *under chapter 121 of this title.”.*

20 **SEC. 402. CONVEYANCE OF LIGHTHOUSES.**

21 (a) *AUTHORITY TO CONVEY.—*

22 (1) *IN GENERAL.—The Commandant of the*
23 *Coast Guard, or the Administrator of the General*
24 *Services Administration, as appropriate, may convey,*
25 *by an appropriate means of conveyance, all right,*

1 *title, and interest of the United States in and to each*
2 *of the following properties:*

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

6 *(B) Light Station Dunkirk, located in Dun-*
7 *kirk, New York, to the Dunkirk Historical Light-*
8 *house and Veterans' Park Museum.*

9 *(C) Long Branch Rear Range Light, located*
10 *in Jacksonville, Florida, to Jacksonville Univer-*
11 *sity, Florida.*

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

15 *(E) Cape Decision Light Station, located in*
16 *Alaska, to the Cape Decision Lighthouse Society.*

17 *(F) Cape St. Elias Light Station, located in*
18 *Alaska, to the Cape St. Elias Light Keepers As-*
19 *sociation.*

20 *(G) Five Finger Light Station, located in*
21 *Alaska, to the Juneau Lighthouse Association.*

22 *(H) Point Retreat Light Station, located in*
23 *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 (2) *IDENTIFICATION OF PROPERTY.—The Com-*
8 *mandant or Administrator, as appropriate, may*
9 *identify, describe, and determine the property to be*
10 *conveyed under this subsection.*

11 (3) *EXCEPTION.—The Commandant or Adminis-*
12 *trator, as appropriate, may not convey any historical*
13 *artifact, including any lens or lantern, located on the*
14 *property at or before the time of the conveyance.*

15 (b) *TERMS OF CONVEYANCE.—*

16 (1) *IN GENERAL.—The conveyance of property*
17 *under this section shall be made—*

18 (A) *without payment of consideration; and*

19 (B) *subject to the terms and conditions re-*
20 *quired by this section and other terms and con-*
21 *ditions the Commandant or the Administrator,*
22 *as appropriate, may consider, including the res-*
23 *ervation of easements and other rights on behalf*
24 *of the United States.*

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

7 (A) *the property, or any part of the prop-*
8 *erty—*

9 (i) *ceases to be used as a nonprofit cen-*
10 *ter for public benefit for the interpretation*
11 *and preservation of maritime history;*

12 (ii) *ceases to be maintained in a man-*
13 *ner that is consistent with its present or fu-*
14 *ture use as a site for Coast Guard aids to*
15 *navigation or compliance with this Act; or*

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

22 (B) *at least 30 days before that reversion,*
23 *the Commandant or the Administrator, as ap-*
24 *propriate, provides written notice to the owner*

1 *that the property is needed for national security*
2 *purposes.*

3 (3) *MAINTENANCE OF NAVIGATION FUNCTIONS.*—

4 *The conveyance of property under this section shall be*
5 *made subject to the conditions that the Commandant*
6 *or Administrator, as appropriate, considers to be nec-*
7 *essary to assure that—*

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

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

19 (C) *there is reserved to the United States*
20 *the right to relocate, replace, or add any aid to*
21 *navigation or make any changes to the property*
22 *conveyed as may be necessary for navigational*
23 *purposes;*

24 (D) *the United States shall have the right,*
25 *at any time, to enter the property without notice*

1 *for the purpose of operating, maintaining and*
2 *inspecting aids to navigation, and for the pur-*
3 *pose of enforcing compliance with subsection (b);*
4 *and*

5 *(E) the United States shall have an ease-*
6 *ment of access to and across the property for the*
7 *purpose of maintaining the aids to navigation in*
8 *use on the property.*

9 (4) *OBLIGATION LIMITATION.*—*The owner of the*
10 *property is not required to maintain any active aid*
11 *to navigation equipment on the property, except pri-*
12 *vate aids to navigation permitted under section 83 of*
13 *title 14, United States Code.*

14 (5) *MAINTENANCE OF PROPERTY.*—*The owner of*
15 *the property shall maintain the property in a proper,*
16 *substantial, and workmanlike manner, and in accord-*
17 *ance with any conditions established by the Com-*
18 *mandant or the Administrator, as appropriate, pur-*
19 *suant to the National Historic Preservation Act of*
20 *1966 (16 U.S.C. 470 et seq.), and other applicable*
21 *laws.*

22 (c) *DEFINITIONS.*—*In this section:*

23 (1) *AIDS TO NAVIGATION.*—*The term “aids to*
24 *navigation” means equipment used for navigation*
25 *purposes, including but not limited to, a light, an-*

1 *tenna, sound signal, electronic navigation equipment,*
2 *or other associated equipment which are operated or*
3 *maintained by the United States.*

4 (2) *OWNER.*—*The term “owner” means the per-*
5 *son identified in subsection (a)(1), and includes any*
6 *successor or assign of that person.*

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

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

21 (d) *EXTENSION OF PERIOD FOR CONVEYANCE OF*
22 *WHITLOCK’S MILL LIGHT.*—*Notwithstanding section*
23 *1002(a)(3) of the Coast Guard Authorization Act of 1996,*
24 *the conveyance authorized by section 1002(a)(2)(AA) of that*

1 *Act may take place after the date required by section*
2 *1002(a)(3) of that Act but no later than December 31, 1998.*

3 **SEC. 403. ADMINISTRATIVE AUTHORITY TO CONVEY LIGHT-**
4 **HOUSES.**

5 *(a) IN GENERAL.—Chapter 17 of title 14, United*
6 *States Code, is amended by adding at the end thereof the*
7 *following:*

8 **“§ 675. ADMINISTRATIVE AUTHORITY TO CONVEY**
9 **LIGHTHOUSES.**

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

22 *“(b) ADMINISTRATIVE AUTHORITY TO CONVEY.—*

23 *“(1) Prior to reporting to the General Services*
24 *Administration that a lighthouse or light station is*
25 *excess to the needs of the Coast Guard, the Com-*

1 *mandant of the Coast Guard may convey, by an ap-*
2 *propriate means of conveyance, all right, title, and*
3 *interest of the United States in and to such lighthouse*
4 *or light station and associated real property to the*
5 *State in which the lighthouse or light station is lo-*
6 *cated, a local government in that State, or a non-*
7 *profit organization dedicated to lighthouse, historic,*
8 *or maritime heritage preservation located in that*
9 *State.*

10 *“(c) TERMS OF CONVEYANCE.—*

11 *“(1) IN GENERAL.—The conveyance of property*
12 *under this section shall be made—*

13 *“(A) without payment of consideration; and*

14 *“(B) subject to the terms and conditions re-*
15 *quired by this section and other terms and con-*
16 *ditions the Commandant may consider, includ-*
17 *ing the reservation of easements and other rights*
18 *on behalf of the United States.*

19 *“(2) REVERSIONARY INTEREST.—In addition to*
20 *any term or condition established under this section,*
21 *the conveyance of property under this section shall be*
22 *subject to the condition that all right, title, and inter-*
23 *est in the property shall immediately revert to the*
24 *United States if—*

1 “(A) the property, or any part of the prop-
2 erty—

3 “(i) ceases to be used as a nonprofit
4 center for public benefit for the interpreta-
5 tion and preservation of maritime history;

6 “(ii) ceases to be maintained in a
7 manner that is consistent with its present
8 or future use as a site for Coast Guard aids
9 to navigation or compliance with this Act;
10 or

11 “(iii) ceases to be maintained in a
12 manner consistent with the conditions in
13 paragraph (5) established by the Com-
14 mandant pursuant to the National Historic
15 Preservation Act of 1966 (16 U.S.C. 470 et
16 seq.); or

17 “(B) at least 30 days before that reversion,
18 the Commandant provides written notice to the
19 owner that the property is needed for national
20 security purposes.

21 “(3) MAINTENANCE OF NAVIGATION FUNC-
22 TIONS.—The conveyance of property under this sec-
23 tion shall be made subject to the conditions that the
24 Commandant considers to be necessary to assure
25 that—

1 “(A) *the lights, antennas, and associated*
2 *equipment located on the property conveyed,*
3 *which are active aids to navigation, shall con-*
4 *tinue to be operated and maintained by the*
5 *United States for as long as they are needed for*
6 *this purpose;*

7 “(B) *the owner of the property may not*
8 *interfere or allow interference in any manner*
9 *with aids to navigation without express written*
10 *permission from the Commandant;*

11 “(C) *there is reserved to the United States*
12 *the right to relocate, replace, or add any aid to*
13 *navigation or make any changes to the property*
14 *conveyed as may be necessary for navigational*
15 *purposes;*

16 “(D) *the United States shall have the right,*
17 *at any time, to enter the property without notice*
18 *for the purpose of operating, maintaining and*
19 *inspecting aids to navigation, and for the pur-*
20 *pose of enforcing compliance with subsection (b);*
21 *and*

22 “(E) *the United States shall have an ease-*
23 *ment of access to and across the property for the*
24 *purpose of maintaining the aids to navigation in*
25 *use on the property.*

1 “(4) *OBLIGATION LIMITATION.*—*The owner of the*
2 *property is not required to maintain any active aid*
3 *to navigation equipment on the property, except pri-*
4 *vate aids to navigation permitted under section 83 of*
5 *title 14, United States Code.*

6 “(5) *MAINTENANCE OF PROPERTY.*—*The owner*
7 *of the property shall maintain the property in a*
8 *proper, substantial, and workmanlike manner, and in*
9 *accordance with any conditions established by the*
10 *Commandant or the Administrator, as appropriate,*
11 *pursuant to the National Historic Preservation Act of*
12 *1966 (16 U.S.C. 470 et seq.), and other applicable*
13 *laws.”.*

14 “(b) *CLERICAL AMENDMENT.*—*The chapter analysis for*
15 *chapter 17 of title 14, United States Code, is amended by*
16 *adding at the end thereof the following:*

 “§ 675. *Administrative authority to convey lighthouses.”.*

17 **SEC. 404. CONVEYANCE OF COMMUNICATION STATION BOS-**
18 **TON MARSHFIELD RECEIVER SITE, MASSA-**
19 **CHUSETTS.**

20 “(a) *AUTHORITY TO CONVEY.*—

21 (1) *IN GENERAL.*—*The Commandant of the*
22 *Coast Guard may convey, by an appropriate means*
23 *of conveyance, all right, title, and interest of the*
24 *United States in and to the Coast Guard Commu-*
25 *nication Station Boston Marshfield Receiver Site,*

1 *Massachusetts, to the Town of Marshfield, Massachu-*
2 *setts (the “Town”) unless the Commandant, or his*
3 *delegate, in his sole discretion determines that the*
4 *conveyance would not provide a public benefit.*

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

9 (3) *IDENTIFICATION OF PROPERTY.—*

10 (A) *The Commandant may identify, de-*
11 *scribe and determine the property to be conveyed*
12 *to the Town under this section.*

13 (B) *The Commandant shall determine the*
14 *exact acreage and legal description of the prop-*
15 *erty to be conveyed under this section by a sur-*
16 *vey satisfactory to the Commandant. The cost of*
17 *the survey shall be borne by the Town.*

18 (b) *TERMS AND CONDITIONS.—Any conveyance of*
19 *property under this section shall be made—*

20 (1) *without payment of consideration; and*

21 (2) *subject to the following terms and conditions:*

22 (A) *The Commandant may reserve utility,*
23 *access, and any other appropriate easements on*
24 *the property conveyed for the purpose of operat-*
25 *ing, maintaining, and protecting the commu-*

1 *nications tower and the microwave building fa-*
2 *cility.*

3 *(B) The Town and its successors and as-*
4 *signs shall, at their own cost and expense, main-*
5 *tain the property conveyed under this section in*
6 *a proper, substantial, and workmanlike manner*
7 *as necessary to ensure the operation, mainte-*
8 *nance, and protection of the communications*
9 *tower and the microwave building facility.*

10 *(C) Any other terms and conditions the*
11 *Commandant considers appropriate to protect*
12 *the interests of the United States, including the*
13 *reservation of easements or other rights on behalf*
14 *of the United States.*

15 *(c) REVERSIONARY INTEREST.—The conveyance of real*
16 *property pursuant to this section shall be subject to the con-*
17 *dition that all right, title, and interest in such property*
18 *shall immediately revert to the United States if—*

19 *(1) the property, or any part thereof, ceases to*
20 *be owned and used by the Town;*

21 *(2) the Town fails to maintain the property con-*
22 *veyed in a manner consistent with the terms and con-*
23 *ditions in subsection (b); or*

24 *(3) at least 30 days before such reversion, the*
25 *Commandant provides written notice to the Town*

1 *that the property conveyed is needed for national se-*
2 *curity purposes.*

3 **SEC. 405. CONVEYANCE OF NAHANT PARCEL, ESSEX COUN-**
4 **TY, MASSACHUSETTS.**

5 (a) *IN GENERAL.*—*The Commandant of the Coast*
6 *Guard, may convey, by an appropriate means of convey-*
7 *ance, all right, title, and interest of the United States in*
8 *and to the United States Coast Guard Recreation Facility*
9 *Nahant, Massachusetts, to the Town of Nahant (the*
10 *“Town”)* *unless the Commandant, or his delegate, in his*
11 *sole discretion determines that the conveyance would not*
12 *provide a public benefit.*

13 (b) *IDENTIFICATION OF PROPERTY.*—*The Com-*
14 *mandant may identify, describe, and determine the prop-*
15 *erty to be conveyed under this section.*

16 (c) *TERMS OF CONVEYANCE.*—*The conveyance of prop-*
17 *erty under this section shall be made—*

18 (1) *without payment of consideration; and*

19 (2) *subject to such terms and conditions as the*
20 *Commandant may consider appropriate to protect the*
21 *interests of the United States, including the reserva-*
22 *tion of easements or other rights on behalf of the*
23 *United States.*

24 (d) *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 prop-*
2 *erty 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 con-*
6 *veyed in a manner consistent with the terms and con-*
7 *ditions in subsection (c); 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. 406. CONVEYANCE OF COAST GUARD STATION**

13 **OCRACOKE, NORTH CAROLINA.**

14 *(a) AUTHORITY TO CONVEY.—*

15 *(1) IN GENERAL.—The Commandant of the*
16 *Coast Guard may convey, by an appropriate means*
17 *of conveyance, all right, title, and interest of the*
18 *United States of America in and to the Coast Guard*
19 *Station Ocracoke, North Carolina, to the State of*
20 *North Carolina unless the Commandant, or his dele-*
21 *gate, in his sole discretion determines that the convey-*
22 *ance would not provide a public benefit.*

23 *(2) IDENTIFICATION OF PROPERTY.—The Com-*
24 *mandant may identify, describe, and determine the*
25 *property to be conveyed under this section.*

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

3 (i) *without payment of consideration; and*

4 (2) *subject to the following terms and conditions:*

5 (A) *EASEMENTS.*—*The Commandant may*
6 *reserve utility, access, and any other appropriate*
7 *easements upon the property to be conveyed for*
8 *the purpose of—*

9 (i) *use of the access road to the boat*
10 *launching ramp;*

11 (ii) *use of the boat launching ramp;*

12 *and*

13 (iii) *use of pier space for necessary*
14 *Coast Guard vessel assets (including water*
15 *and electrical power);*

16 (B) *MAINTENANCE.*—*The State shall, at its*
17 *own cost and expense, maintain the property*
18 *conveyed under this section in a proper, substan-*
19 *tial, and workmanlike manner necessary for the*
20 *use of any easements created under subpara-*
21 *graph (A) and to comply with maintenance con-*
22 *ditions established for property prior to transfer*
23 *and pursuant to the National Historic Preserva-*
24 *tion Act of 1966 (16 U.S.C. 470 et seq) and other*
25 *applicable laws; and*

1 (C) *OTHER.*—*Any other terms and condi-*
2 *tions the Commandant may consider appro-*
3 *priate to protect the interests of the United*
4 *States.*

5 (c) *REVERSIONARY INTEREST.*—*The conveyance of real*
6 *property pursuant to this section shall be subject to the con-*
7 *dition that all right, title, and interest in such property*
8 *shall immediately revert to the United States if—*

9 (1) *the property, or any part thereof, ceases to*
10 *be owned and used by the State;*

11 (2) *the State fails to maintain the property con-*
12 *veyed in a manner consistent with the terms and con-*
13 *ditions in subsection (b); or*

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

18 **SEC. 407. CONVEYANCE OF COAST GUARD LORAN STATION**

19 **NANTUCKET.**

20 (a) *AUTHORITY TO CONVEY.*—

21 (1) *IN GENERAL.*—*The Commandant of the*
22 *United States Coast Guard may convey, by an appro-*
23 *priate means of conveyance, all right, title, and inter-*
24 *est of the United States in and to approximately 29.4*
25 *acres of land, together with the improvements thereon,*

1 *at Coast Guard LORAN Station Nantucket, Nan-*
2 *tucket, Massachusetts, to the Town of Nantucket, Mas-*
3 *sachusetts (“the Town”) unless the Commandant, or*
4 *his delegate, in his sole discretion determines that the*
5 *conveyance would not provide a public benefit.*

6 (2) *IDENTIFICATION OF PROPERTY.—*

7 (A) *The Commandant may identify, define,*
8 *describe, and determine the real property to be*
9 *conveyed under this section.*

10 (B) *The Commandant shall determine the*
11 *exact acreage and legal description of the prop-*
12 *erty to be conveyed under this section by a sur-*
13 *vey satisfactory to the Commandant. The cost of*
14 *the survey shall be borne by the Town.*

15 (b) *TERMS OF CONVEYANCE.—*

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

18 (A) *without payment of consideration; and*

19 (B) *subject to the following terms and con-*
20 *ditions:*

21 (i) *The Town shall not, upon the prop-*
22 *erty conveyed, allow, conduct, or permit*
23 *any activity, or operate, allow, or permit*
24 *the operation of, any equipment or machin-*
25 *ery, that would interfere or cause inter-*

1 ference, in any manner, with any aid to
2 navigation located upon property retained
3 by the United States at Coast Guard
4 LORAN Station Nantucket, without the ex-
5 press written permission from the Com-
6 mandant.

7 (ii) The Town shall maintain the real
8 property conveyed in a manner consistent
9 with the present and future use of any
10 property retained by the United States at
11 Coast Guard LORAN Station Nantucket as
12 a site for an aid to navigation.

13 (iii) Any other terms and conditions
14 the Commandant considers appropriate to
15 protect the interests of the United States,
16 including the reservation of easements or
17 other rights on behalf of the United States.

18 (2) *REVERSIONARY INTEREST.*—The conveyance
19 of real property pursuant to this section shall be sub-
20 ject to the condition that all right, title, and interest
21 in such property shall immediately revert to the
22 United States if—

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

1 (B) the Town fails to maintain the property
2 conveyed in a manner consistent with the terms
3 and conditions in paragraph (1); or

4 (C) at least 30 days before such reversion,
5 the Commandant provides written notice to the
6 Town that the property conveyed is needed for
7 national security purposes.

8 **SEC. 408. CONVEYANCE OF COAST GUARD RESERVE TRAIN-**
9 **ING FACILITY, JACKSONVILLE, FLORIDA.**

10 (a) *IN GENERAL.*—Notwithstanding any other provi-
11 sion of law—

12 (1) the land and improvements thereto compris-
13 ing the Coast Guard Reserve training facility in
14 Jacksonville, Florida, is deemed to be surplus prop-
15 erty; and

16 (2) the Commandant of the Coast Guard may
17 dispose of all right, title, and interest of the United
18 States in and to that property, by sale, at fair market
19 value unless the Commandant, or his delegate, in his
20 sole discretion determines that the sale would not pro-
21 vide a public benefit.

22 (b) *RIGHT OF FIRST REFUSAL.*—Before a sale is made
23 under section (a) to any other person, the Commandant of
24 the Coast Guard shall give to the City of Jacksonville, Flor-

1 *ida, the right of first refusal to purchase all or any part*
2 *of the property required to be sold under that subsection.*

3 **SEC. 409. CONVEYANCE OF DECOMMISSIONED COAST**
4 **GUARD VESSELS.**

5 (a) *IN GENERAL.*—*The Commandant of the Coast*
6 *Guard may convey all right, title, and interest of the United*
7 *States in and to each of 2 decommissioned “White Class”*
8 *133-foot Coast Guard vessels to Canvasback Mission, Inc.*
9 *(a nonprofit corporation under the laws of the State of Cali-*
10 *fornia; in this section referred to as “the recipient”), with-*
11 *out consideration, if—*

12 (1) *the recipient agrees—*

13 (A) *to use the vessel for purposes of provid-*
14 *ing medical services to Central and South Pa-*
15 *cific island nations;*

16 (B) *not to use the vessel for commercial*
17 *transportation purposes except those incident to*
18 *the provisions of those medical services;*

19 (C) *to make the vessel available to the*
20 *United States Government if needed for use by*
21 *the Commandant in times of war or a national*
22 *emergency; and*

23 (D) *to hold the Government harmless for*
24 *any claims arising from exposure to hazardous*
25 *materials, including asbestos and poly-*

1 *chlorinated biphenyls (PCBs), after conveyance*
2 *of the vessel, except for claims arising from the*
3 *use by the Government under paragraph (1)(C);*
4 *(2) the recipient has funds available that will be*
5 *committed to operate and maintain each vessel con-*
6 *veyed in good working condition, in the form of cash,*
7 *liquid assets, or a written loan commitment, and in*
8 *the amount of at least \$400,000 per vessel; and*
9 *(3) the recipient agrees to any other conditions*
10 *the Commandant considers appropriate.*

11 ***(b) MAINTENANCE AND DELIVERY OF VESSELS.—***
12 *Prior to conveyance of a vessel under this section, the Com-*
13 *mandant shall, to the extent practical, and subject to other*
14 *Coast Guard mission requirements, make every effort to*
15 *maintain the integrity of the vessel and its equipment until*
16 *the time of delivery. If a conveyance is made under this*
17 *section, the Commandant shall deliver the vessel at the place*
18 *where the vessel is located, in its present condition, and*
19 *without cost to the Government. The conveyance of the vessel*
20 *under this section shall not be considered a distribution in*
21 *commerce for purposes of section 6(e) of Public Law 94-*
22 *469 (15 U.S.C. 2605(e)).*

23 ***(c) OTHER EXCESS EQUIPMENT.—****The Commandant*
24 *may convey to the recipient of a vessel under this section*
25 *any excess equipment or parts from other decommissioned*

1 *Coast Guard vessels for use to enhance the vessel's operabil-*
2 *ity and function as a medical services vessel in Central and*
3 *South Pacific Islands.*

4 **SEC. 410. AMENDMENT TO CONVEYANCE OF VESSEL S/S**
5 **RED OAK VICTORY.**

6 *Section 1008(d)(1) of the Coast Guard Authorization*
7 *Act of 1996 is amended by striking “2 years” and inserting*
8 *“3 years”.*

9 **SEC. 411. TRANSFER OF OCRACOKE LIGHT STATION TO SEC-**
10 **RETARY OF THE INTERIOR.**

11 *The Administrator of the General Services Adminis-*
12 *tration shall transfer administrative jurisdiction over the*
13 *Federal property consisting of approximately 2 acres,*
14 *known as the Ocracoke Light Station, to the Secretary of*
15 *the Interior, subject to such reservations, terms, and condi-*
16 *tions as may be necessary for Coast Guard purposes. All*
17 *property so transferred shall be included in and adminis-*
18 *tered as part of the Cape Hatteras National Seashore.*

19 **SEC. 412. VESSEL DOCUMENTATION CLARIFICATION.**

20 *Section 12102(a)(4) of title 46, United States Code,*
21 *and section 2(a) of the Shipping Act, 1916 (46 U.S.C. App.*
22 *802(a)) are each amended by—*

23 *(1) striking “president or other”; and*

24 *(2) inserting a comma and “by whatever title,”*
25 *after “chief executive officer”.*

1 **SEC. 413. SANCTIONS FOR FAILURE TO LAND OR TO HEAVE**
2 **TO; SANCTIONS FOR OBSTRUCTION OF**
3 **BOARDING AND PROVIDING FALSE INFORMA-**
4 **TION.**

5 (a) *IN GENERAL.*—Chapter 109 of title 18, United
6 States Code, is amended by adding at the end new section
7 2237 to read as follows:

8 **“§2237. Sanctions for failure to land or to heave to;**
9 **sanctions for obstruction of boarding and**
10 **providing false information**

11 “(a)(1) *It shall be unlawful for the pilot, operator, or*
12 *person in charge of an aircraft which has crossed the border*
13 *of the United States, or an aircraft subject to the jurisdic-*
14 *tion of the United States operating outside the United*
15 *States, to knowingly fail to obey an order to land by an*
16 *authorized Federal law enforcement officer who is enforcing*
17 *the laws of the United States relating to controlled sub-*
18 *stances, as that term is defined in section 102(6) of the Con-*
19 *trolled Substances Act (21 U.S.C. 802(6)), or relating to*
20 *money laundering (sections 1956–57 of this title).*

21 “(2) *The Administrator of the Federal Aviation Ad-*
22 *ministration, in consultation with the Commissioner of*
23 *Customs and the Attorney General, shall prescribe regula-*
24 *tions governing the means by, and circumstances under*
25 *which, a Federal law enforcement officer may communicate*
26 *an order to land to a pilot, operator, or person in charge*

1 *of an aircraft. Such regulations shall ensure that any such*
2 *order is clearly communicated in accordance with applica-*
3 *ble international standards. Further, such regulations shall*
4 *establish guidelines based on observed conduct, prior infor-*
5 *mation, or other circumstances for determining when an*
6 *officer may use the authority granted under paragraph (1).*

7 “(b)(1) *It shall be unlawful for the master, operator,*
8 *or person in charge of a vessel of the United States or a*
9 *vessel subject to the jurisdiction of the United States, to*
10 *knowingly fail to obey an order to heave to that vessel on*
11 *being ordered to do so by an authorized Federal law enforce-*
12 *ment officer.*

13 “(2) *It shall be unlawful for any person on board a*
14 *vessel of the United States or a vessel subject to the jurisdic-*
15 *tion of the United States to—*

16 “(A) *fail to comply with an order of an author-*
17 *ized Federal law enforcement officer in connection*
18 *with the boarding of the vessel;*

19 “(B) *impede or obstruct a boarding or arrest or*
20 *other law enforcement action authorized by any Fed-*
21 *eral law; or*

22 “(C) *provide false information to a Federal law*
23 *enforcement officer during a boarding of a vessel re-*
24 *garding the vessel’s destination, origin, ownership,*
25 *registration, nationality, cargo, or crew.*

1 “(c) This section does not limit in any way the pre-
2 existing authority of a customs officer under section 581
3 of the Tariff Act of 1930 or any other provision of law en-
4 forced or administered by the Customs Service, or the pre-
5 existing authority of any Federal law enforcement officer
6 under any law of the United States to order an aircraft
7 to land or a vessel to heave to.

8 “(d) A foreign nation may consent or waive objection
9 to the enforcement of United States law by the United
10 States under this section by radio, telephone, or similar oral
11 or electronic means. Consent or waiver is conclusively prov-
12 en by certification of the Secretary of State or the Sec-
13 retary’s designee.

14 “(e) For purposes of this section—

15 “(1) a ‘vessel of the United States’ and a ‘vessel
16 subject to the jurisdiction of the United States’ have
17 the meaning set forth for these terms in the Maritime
18 Drug Law Enforcement Act (46 App. U.S.C. 1903);

19 “(2) an aircraft ‘subject to the jurisdiction of the
20 United States’ includes—

21 “(A) an aircraft located over the United
22 States or the customs waters of the United
23 States;

24 “(B) an aircraft located in the airspace of
25 a foreign nation, where that nation consents to

1 *the enforcement of United States law by the*
2 *United States; and*

3 “(C) *over the high seas, an aircraft without*
4 *nationality, an aircraft of United States reg-*
5 *istry, or an aircraft registered in a foreign na-*
6 *tion that has consented or waived objection to the*
7 *enforcement of United States law by the United*
8 *States;*

9 “(3) *an aircraft ‘without nationality’ includes—*

10 “(A) *an aircraft aboard which the pilot, op-*
11 *erator, or person in charge makes a claim of reg-*
12 *istry, which claim is denied by the nation whose*
13 *registry is claimed; and*

14 “(B) *an aircraft aboard which the pilot, op-*
15 *erator, or person in charge fails, upon request of*
16 *an officer of the United States empowered to en-*
17 *force applicable provisions of United States law,*
18 *to make a claim of registry for that aircraft;*

19 “(4) *the term ‘heave to’ means to cause a vessel*
20 *to slow or come to a stop to facilitate a law enforce-*
21 *ment boarding by adjusting the course and speed of*
22 *the vessel to account for the weather conditions and*
23 *sea state; and*

24 “(5) *the term ‘Federal law enforcement officer’*
25 *has the meaning set forth in section 115 of this title.*

1 “(f) Any person who intentionally violates the provi-
2 sions of this section shall be subject to—

3 “(1) imprisonment for not more than 3 years; or

4 “(2) a fine as provided in this title;

5 or both.

6 “(g) An aircraft that is used in violation of this section
7 may be seized and forfeited. A vessel that is used in viola-
8 tion of subsection (b)(1) or subsection (b)(2)(A) may be
9 seized and forfeited. The laws relating to the seizure, sum-
10 mary and judicial forfeiture, and condemnation of property
11 for violation of the customs laws, the disposition of such
12 property or the proceeds from the sale thereof, the remission
13 or mitigation of such forfeitures, and the compromise of
14 claims, shall apply to seizures and forfeitures undertaken,
15 or alleged to have been undertaken, under any of the provi-
16 sions of this section; except that such duties as are imposed
17 upon the customs officer or any other person with respect
18 to the seizure and forfeiture of property under the customs
19 laws shall be performed with respect to seizures and forfeit-
20 ures of property under this section by such officers, agents,
21 or other persons as may be authorized or designated for that
22 purpose. A vessel or aircraft that is used in violation of
23 this section is also liable in rem for any fine or civil penalty
24 imposed under this section.”.

1 (b) *CLERICAL AMENDMENT.*—*The chapter analysis for*
2 *chapter 109 of title 18, United States Code, is amended by*
3 *inserting the following new item after the item for section*
4 *2236:*

*“2237. Sanctions for failure to land or to heave to; sanctions for obstruction of
boarding or providing false information.”.*

5 **SEC. 414. DREDGE CLARIFICATION.**

6 *Section 5209(b) of the Oceans Act of 1992 (46 U.S.C.*
7 *2101 note) is amended by adding at the end thereof the fol-*
8 *lowing:*

9 “(3) *A vessel—*

10 “(A) *configured, outfitted, and operated pri-*
11 *marily for dredging operations; and*

12 “(B) *engaged in dredging operations which*
13 *transfers fuel to other vessels engaged in the same*
14 *dredging operations without charge.”.*

15 **SEC. 415. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.**

16 *Section 9307 of title 46, United States Code, is amend-*
17 *ed to read as follows:*

18 **“§9307. Great Lakes Pilotage Advisory Committee**

19 “(a) *The Secretary shall establish a Great Lakes Pilot-*
20 *age Advisory Committee. The Committee—*

21 “(1) *may review proposed Great Lakes pilotage*
22 *regulations and policies and make recommendations*
23 *to the Secretary that the Committee considers appro-*
24 *priate;*

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

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

7 “(4) shall meet at the call of—

8 “(A) the Secretary, who shall call such a
9 meeting at least once during each calendar year;

10 or

11 “(B) a majority of the Committee.

12 “(b)(1) The Committee shall consist of 7 members ap-
13 pointed by the Secretary in accordance with this subsection,
14 each of whom has at least 5 years practical experience in
15 maritime operations. The term of each member is for a pe-
16 riod of not more than 5 years, specified by the Secretary.
17 Before filling a position on the Committee, the Secretary
18 shall publish a notice in the Federal Register soliciting
19 nominations for membership on the Committee.

20 “(2) The membership of the Committee shall include—

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

23 “(B) 1 member representing the interests of ves-
24 sel operators that contract for Great Lakes pilotage
25 services;

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

3 “(D) 1 member representing the interests of ship-
4 pers whose cargoes are transported through Great
5 Lakes ports; and

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

9 “(c)(1) The Committee shall elect one of its members
10 as the Chairman and one of its members as the Vice Chair-
11 man. The Vice Chairman shall act as Chairman in the ab-
12 sence or incapacity of the Chairman, or in the event of a
13 vacancy in the office of the Chairman.

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

23 “(d)(1) The Secretary shall, whenever practicable, con-
24 sult with the Committee before taking any significant ac-
25 tion relating to Great Lakes pilotage.

1 “(2) *The Secretary shall consider the information, ad-*
2 *vice, and recommendations of the Committee in formulating*
3 *policy regarding matters affecting Great Lakes pilotage.*

4 “(e)(1) *A member of the Committee, when attending*
5 *meetings of the Committee or when otherwise engaged in*
6 *the business of the Committee, is entitled to receive—*

7 “(A) *compensation at a rate fixed by the Sec-*
8 *retary, not exceeding the daily equivalent of the cur-*
9 *rent rate of basic pay in effect for GS-18 of the Gen-*
10 *eral Schedule under section 5332 of title 5 including*
11 *travel time; and*

12 “(B) *travel or transportation expenses under sec-*
13 *tion 5703 of title 5.*

14 “(2) *A member of the Committee shall not be consid-*
15 *ered to be an officer or employee of the United States for*
16 *any purpose based on their receipt of any payment under*
17 *this subsection.*

18 “(f)(1) *The Federal Advisory Committee Act (5 U.S.C.*
19 *App.) applies to the Committee, except that the Committee*
20 *terminates on September 30, 2003.*

21 “(2) *2 years before the termination date set forth in*
22 *paragraph (1) of this subsection, the Committee shall sub-*
23 *mit to the Congress its recommendation regarding whether*
24 *the Committee should be renewed and continued beyond the*
25 *termination date.”.*

1 **SEC. 416. DOCUMENTATION OF CERTAIN VESSELS.**

2 (a) *GENERAL WAIVER.*—Notwithstanding section 27 of
3 *the Merchant Marine Act, 1920 (46 U.S.C. App. 883), sec-*
4 *tion 8 of the Act of June 19, 1886 (46 U.S.C. App. 289),*
5 *and sections 12106 and 12108 of title 46, United States*
6 *Code, the Secretary of Transportation may issue a certifi-*
7 *cate of documentation with appropriate endorsement for*
8 *employment in the coastwise trade for each of the following*
9 *vessels:*

10 (1) *MIGHTY JOHN III (formerly the NIAGRA*
11 *QUEEN), Canadian official number 318746.*

12 (2) *DUSKEN IV, United States official number*
13 *952645.*

14 (3) *SUMMER BREEZE, United States official*
15 *number 552808.*

16 (4) *ARCELLA, United States official number*
17 *1025983.*

18 (5) *BILLIE-B-II, United States official number*
19 *982069.*

20 (6) *VESTERHAVET, United States official*
21 *number 979206.*

22 (7) *BETTY JANE, State of Virginia registration*
23 *number VA 7271 P.*

24 (8) *VORTICE, Bari, Italy, registration number*
25 *256, if the vessel meets the ownership requirements of*

1 *section 2 of the Shipping Act, 1916 (46 U.S.C. App.*
2 *802).*

3 *(9) The barge G. L. 8, Canadian official number*
4 *814376.*

5 *(10) FOILCAT, United States official number*
6 *1063892.*

7 *(11) YESTERDAYS DREAM, United States of-*
8 *ficial number 680266.*

9 *(12) ENFORCER, United States official number*
10 *502610.*

11 *(13) The vessel registered as State of Oregon reg-*
12 *istration number OR 766 YE.*

13 *(14) AMICI, United States official number*
14 *658055.*

15 *(15) ELIS, United States official number*
16 *628358.*

17 *(16) STURE, United States official number*
18 *617703.*

19 *(17) CAPT GRADY, United States official num-*
20 *ber 626257.*

21 *(18) Barge number 1, United States official*
22 *number 933248.*

23 *(19) Barge number 2, United States official*
24 *number 256944.*

1 (20) *Barge number 14, United States official*
2 *number 501212.*

3 (21) *Barge number 18, United States official*
4 *number 297114.*

5 (22) *Barge number 19, United States official*
6 *number 503740.*

7 (23) *Barge number 21, United States official*
8 *number 650581.*

9 (24) *Barge number 22, United States official*
10 *number 650582.*

11 (25) *Barge number 23, United States official*
12 *number 650583.*

13 (26) *Barge number 24, United States official*
14 *number 664023.*

15 (27) *Barge number 25, United States official*
16 *number 664024.*

17 (28) *Barge number 26, United States official*
18 *number 271926.*

19 (29) *PACIFIC MONARCH, United States offi-*
20 *cial number 557467.*

21 (30) *FULL HOUSE, United States official*
22 *number 1023827.*

23 (31) *W.G. JACKSON, United States official*
24 *number 1047199.*

1 (32) *EMBARCADERO*, United States official
2 number 669327.

3 (33) *S.A.*, British Columbia, Canada official
4 number 195214.

5 (34) *FAR HORIZONS*, United States official
6 number 1044011.

7 (35) *LITTLE TOOT*, United States official
8 number 938858.

9 (36) *TURMOIL*, British official number 726767.

10 (b) *FALLS POINT*.—Notwithstanding section 27 of the
11 *Merchant Marine Act, 1920* (46 U.S.C. App. 883), section
12 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and
13 section 12106 of title 46, United States Code, the Secretary
14 of Transportation may issue a certificate of documentation
15 with appropriate endorsement for employment in the coast-
16 wise trade for the vessel *FALLS POINT*, State of Maine
17 registration number *ME 5435 E*.

18 (c) *TERMINATION*.—The endorsement issued under
19 subsection (a)(10) shall terminate on the last day of the
20 36th month beginning after the date on which it was issued.

21 (d) *NINA, PINTA, AND SANTA MARIA REPLICAS*.—Not-
22 withstanding section 27 of the *Merchant Marine Act, 1920*
23 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886
24 (46 U.S.C. App. 289), and section 12106 and 12108 of title
25 46, United States Code, the Secretary of Transportation

1 *may authorize employment in the coastwise trade for the*
2 *purpose of carrying passengers for hire for each of the fol-*
3 *lowing vessels while the vessel is operated by the las*
4 *Carabelas Columbus Fleet Association under the terms of*
5 *its agreement of May 6, 1992, with the Sociedad Estatal*
6 *para la Ejecucion de Programas y Actuaciones*
7 *Conmeroratives del Quinto Centario del Descubrimiento de*
8 *America, S.A., and the Spain '92 Foundation:*

9 (1) *NINA, United States Coast Guard vessel*
10 *identification number CG034346;*

11 (2) *PINTA, United States Coast Guard vessel*
12 *identification number CG034345; and*

13 (3) *NAO SANTA MARIA, United States Coast*
14 *Guard vessel identification number CG034344.*

15 (e) *BARGE APL-60.—*

16 (1) *IN GENERAL.—Notwithstanding section 27 of*
17 *the Merchant Marine Act, 1920 (46 U.S.C. App. 883),*
18 *section 8 of the Act of June 19, 1886 (46 U.S.C. App.*
19 *289), and section 12106 of title 46, United States*
20 *Code, the Secretary may issue a certificate of docu-*
21 *mentation with appropriate endorsement for employ-*
22 *ment in the coastwise trade for the barge APL-60*
23 *(United States official number 376857).*

24 (2) *LIMITATIONS.—The vessel described in para-*
25 *graph (1) of this subsection may be employed in the*

1 *coastwise trade only for the purpose of participating*
2 *in the ship disposal initiative initially funded by the*
3 *Department of Defense Appropriations Act, 1999, for*
4 *the duration of that initiative.*

5 (3) *TERMINATION.*—*A coastwise endorsement*
6 *issued under paragraph (1) shall terminate on the*
7 *earlier of—*

8 (A) *the completion of the final coastwise*
9 *trade voyage associated with the ship disposal*
10 *initiative described in paragraph (2); or*

11 (B) *the sale or transfer of the vessel de-*
12 *scribed in paragraph (1) to an owner other than*
13 *the owner of the vessel as of October 1, 1998.*

14 **SEC. 417. DOUBLE HULL ALTERNATIVE DESIGNS STUDY.**

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

18 “(3)(A) *The Secretary of Transportation shall*
19 *coordinate with the Marine Board of the National Re-*
20 *search Council to conduct the necessary research and*
21 *development of a rationally based equivalency assess-*
22 *ment approach, which accounts for the overall envi-*
23 *ronmental performance of alternative tank vessel de-*
24 *signs. Notwithstanding sections 101 and 311 of the*
25 *Clean Water Act (33 U.S.C. 1251 and 1321), the in-*

1 *tent of this study is to establish an equivalency eval-*
2 *uation procedure that maintains a high standard of*
3 *environmental protection, while encouraging innova-*
4 *tive ship design. The study shall include:*

5 *“(i) development of a generalized cost spill*
6 *data base, which includes all relevant costs such*
7 *as clean-up costs and environmental impact*
8 *costs as a function of spill size;*

9 *“(ii) refinement of the probability density*
10 *functions used to establish the extent of vessel*
11 *damage, based on the latest available historical*
12 *damage statistics, and current research on the*
13 *crash worthiness of tank vessel structures;*

14 *“(iii) development of a rationally based ap-*
15 *proach for calculating an environmental index,*
16 *to assess overall outflow performance due to colli-*
17 *sions and groundings; and*

18 *“(iv) application of the proposed index to*
19 *double hull tank vessels and alternative designs*
20 *currently under consideration.*

21 *“(B) A Marine Board committee shall be estab-*
22 *lished not later than 2 months after the date of enact-*
23 *ment of the Coast Guard Authorization Act for Fiscal*
24 *Years 1998, 1999, and 2000. The Secretary of Trans-*
25 *portation shall submit to the Committee on Com-*

1 *merce, Science, and Transportation of the Senate and*
2 *the Committee on Transportation and Infrastructure*
3 *in the House of Representatives a report on the re-*
4 *sults of the study not later than 12 months after the*
5 *date of enactment of the Coast Guard Authorization*
6 *Act for Fiscal Years 1998, 1999, and 2000.*

7 *“(C) Of the amounts authorized by section*
8 *1012(a)(5)(A) of this Act, \$500,000 is authorized to*
9 *carry out the activities under subparagraphs (A) and*
10 *(B) of this paragraph.”.*

11 **SEC. 418. REPORT ON MARITIME ACTIVITIES.**

12 *Section 208 of the Merchant Marine Act, 1936 (46*
13 *U.S.C. App. 1118) is amended by striking “each year,” and*
14 *inserting “of each odd-numbered year,”.*

15 **SEC. 419. VESSEL SHARING AGREEMENTS.**

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

19 *“(g) VESSEL SHARING AGREEMENTS.—An ocean com-*
20 *mon carrier that is the owner, operator, or bareboat, time,*
21 *or slot charterer of a United States-flag liner vessel docu-*
22 *mented pursuant to sections 12102(a) or (d) of title 46,*
23 *United States Code, is authorized to agree with an ocean*
24 *common carrier that is not the owner, operator or bareboat*
25 *charterer for at least one year of United States-flag liner*

1 *vessels which are eligible to be included in the Maritime*
2 *Security Fleet Program and are enrolled in an Emergency*
3 *Preparedness Program pursuant to subtitle B of title VI*
4 *of the Merchant Marine Act, 1936 (46 U.S.C. App. 1187*
5 *et seq.), to which it charters or subcharters the United*
6 *States-flag vessel or space on the United States-flag vessel*
7 *that such charterer or subcharterer may not use or make*
8 *available space on the vessel for the carriage of cargo re-*
9 *served by law for United States-flag vessels.”.*

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

13 *(c) Nothing in this section shall affect or in any way*
14 *diminish the authority or effectiveness of orders issued by*
15 *the Maritime Administration pursuant to sections 9 and*
16 *41 of the Shipping Act, 1916 (46 U.S.C. App. 808 and 839).*

17 **SEC. 420. REPORT ON SWATH TECHNOLOGY.**

18 *The Commandant of the Coast Guard shall, within 18*
19 *months after the date of enactment of this Act, report to*
20 *the Senate Committee on Commerce, Science, and Trans-*
21 *portation and the House Committee on Transportation and*
22 *Infrastructure on the applicability of Small Waterplane*
23 *Area Twin Hull (SWATH) technology, including concepts*
24 *developed by the United States Office of Naval Research,*
25 *to the design of Coast Guard vessels.*

1 **SEC. 421. REPORT ON TONNAGE CALCULATION METHODOLOGY.**
2

3 *The Administrator of the Panama Canal Commission*
4 *shall, within 90 days of the date of enactment of this Act,*
5 *submit to the Committee on Transportation and Infrastruc-*
6 *ture of the House of Representatives and the Committee on*
7 *Commerce, Science, and Transportation of the Senate a re-*
8 *port detailing the methodology employed in the calculation*
9 *of the charge of tolls for the carriage of on-deck containers.*
10 *The report shall also include an explanation as to why the*
11 *8.02 percent coefficient was determined to be the upper*
12 *limit and maximum cap for on-deck container capacity,*
13 *and why any increase in that coefficient would be inappro-*
14 *priate.*

15 **SEC. 422. AUTHORITY TO CONVEY NATIONAL DEFENSE RE-**
16 **SERVE FLEET VESSEL, AMERICAN VICTORY.**

17 (a) *AUTHORITY TO CONVEY.*—*Notwithstanding any*
18 *other law, the Secretary of Transportation (referred to in*
19 *this section as “the Secretary”)* *may convey all right, title,*
20 *and interest of the Federal Government in and to the vessel*
21 *S.S. AMERICAN VICTORY (United States official number*
22 *248005) to The Victory Ship, Inc., located in Tampa, Flor-*
23 *ida (in this section referred to as the “recipient”), and the*
24 *recipient may use the vessel only as a memorial to the Vic-*
25 *tory class of ships.*

26 (b) *TERMS OF CONVEYANCE.*—

1 (1) *DELIVERY OF VESSEL.*—*In carrying out sub-*
2 *section (a), the Secretary shall deliver the vessel—*

3 (A) *at the place where the vessel is located*
4 *on the date of conveyance;*

5 (B) *in its condition on that date; and*

6 (C) *at no cost to the Federal Government.*

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

9 (A) *the recipient agrees to hold the Govern-*
10 *ment harmless for any claims arising from expo-*
11 *sure to hazardous material, including asbestos*
12 *and polychlorinated biphenyls, after conveyance*
13 *of the vessel, except for claims arising before the*
14 *date of the conveyance or from use of the vessel*
15 *by the Government after that date; and*

16 (B) *the recipient has available, for use to*
17 *restore the vessel, in the form of cash, liquid as-*
18 *sets, or a written loan commitment, financial re-*
19 *sources of at least \$100,000.*

20 (3) *ADDITIONAL TERMS.*—*The Secretary may re-*
21 *quire such additional terms in connection with the*
22 *conveyance authorized by this section as the Secretary*
23 *considers appropriate.*

24 (c) *OTHER UNNEEDED EQUIPMENT.*—*The Secretary*
25 *may convey to the recipient of the vessel conveyed under*

1 *this section any unneeded equipment from other vessels in*
2 *the National Defense Reserve Fleet, for use to restore the*
3 *vessel conveyed under this section to museum quality.*

4 **SEC. 423. AUTHORITY TO CONVEY NATIONAL DEFENSE RE-**
5 **SERVE FLEET VESSEL, JOHN HENRY.**

6 (a) *AUTHORITY TO CONVEY.*—*Notwithstanding any*
7 *other law, the Secretary of Transportation (in this section*
8 *referred to as “the Secretary”) may convey all right, title,*
9 *and interest of the United States Government in and to the*
10 *vessel JOHN HENRY (United States official number*
11 *599294) to a purchaser for use in humanitarian relief ef-*
12 *forts, including the provision of water and humanitarian*
13 *goods to developing nations.*

14 (b) *TERMS OF CONVEYANCE.*—

15 (1) *DELIVERY OF VESSEL.*—*In carrying out sub-*
16 *section (a), the Secretary shall deliver the vessel—*

17 (A) *at the place where the vessel is located*
18 *on the date of conveyance;*

19 (B) *in its condition on that date;*

20 (C) *at no cost to the United States Govern-*
21 *ment; and*

22 (D) *only after the vessel has been redesign-*
23 *ated as not militarily useful.*

24 (2) *REQUIRED CONDITIONS.*—*The Secretary may*
25 *not convey a vessel under this section unless—*

1 (A) *competitive procedures are used for*
2 *sales under this section;*

3 (B) *the vessel is sold for not less than the*
4 *fair market value of the vessel in the United*
5 *States, as determined by the Secretary of Trans-*
6 *portation;*

7 (C) *the recipient agrees that the vessel shall*
8 *not be used for commercial transportation pur-*
9 *poses or for the carriage of cargoes reserved to*
10 *United States flag commercial vessels under sec-*
11 *tion 901(b) and 901f of the Merchant Marine*
12 *Act, 1936 (46 U.S.C. App. 1241(b) and 1241f);*

13 (D) *the recipient agrees to hold the Govern-*
14 *ment harmless for any claims arising from expo-*
15 *sure to hazardous material, including asbestos*
16 *and polychlorinated biphenyls, after the convey-*
17 *ance of the vessel, except for claims arising before*
18 *the date of the conveyance or from use of the ves-*
19 *sel by the Government after that date; and*

20 (E) *the recipient provides sufficient evi-*
21 *dence to the Secretary that it has financial re-*
22 *sources in the form of cash, liquid assets, or a*
23 *written loan commitment of at least \$100,000.*

24 (F) *the recipient agrees to make the vessel*
25 *available to the Government if the Secretary re-*

1 “(a)(1) *Except as provided in paragraph (2), there are*
2 *authorized to be not less than 264 and not more than 299*
3 *commissioned officers on the active list of the National Oce-*
4 *anic and Atmospheric Administration for fiscal years 1999,*
5 *2000, 2001, 2002, and 2003.*

6 “(2) *The Administrator may reduce the number of*
7 *commissioned officers on the active list below 264 if the Ad-*
8 *ministrator determines that it is appropriate, taking into*
9 *consideration—*

10 “(A) *the number of billets on the vessels and air-*
11 *craft owned and operated by the Administration;*

12 “(B) *the need of the Administration to collect*
13 *high-quality oceanographic, fisheries, hydrographic,*
14 *and atmospheric data and information on a continu-*
15 *ing basis;*

16 “(C) *the need for effective and safe operation of*
17 *the Administration’s vessels and aircraft;*

18 “(D) *the need for effective management of the*
19 *commissioned Corps; and*

20 “(E) *the protection of the interests of taxpayers.*

21 “(3) *At least 90 days before beginning any reduction*
22 *as described in paragraph (2), the Administrator shall pro-*
23 *vide notice of such reduction to the Committee on Com-*
24 *merce, Science, and Transportation of the Senate and the*
25 *Committee on Resources of the House of Representatives.”.*

1 (b) *Section 24(a) of the Coast and Geodetic Survey*
2 *Commissioned Officers' Act of 1948 (33 U.S.C. 853u(a)) is*
3 *amended by inserting "One such position shall be appointed*
4 *from the officers on the active duty promotion list serving*
5 *in or above the grade of captain, and who shall be respon-*
6 *sible for administration of the commissioned officers, and*
7 *for oversight of the operation of the vessel and aircraft fleets,*
8 *of the Administration."* before "An officer".

9 (c) *The Secretary of Commerce immediately shall re-*
10 *lieve the moratorium on new appointments of commissioned*
11 *officers to the National Oceanic and Atmospheric Adminis-*
12 *tration Corps.*

13 **SEC. 425. 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 recognize*
17 *any other community in the United States in the same*
18 *manner or any other community requests such recognition*
19 *from the Coast Guard, the Commandant shall notify the*
20 *Committee on Commerce, Science, and Transportation of*
21 *the Senate and the Committee on Transportation and In-*
22 *frastructure of the House of Representatives at least 90 days*
23 *before approving such recognition.*

1 **SEC. 426. MARINE TRANSPORTATION FLEXIBILITY.**

2 (a) *IN GENERAL.*—Section 218 of title 23, United
3 States Code, is amended—

4 (1) by striking “the south Alaskan border” in the
5 first sentence of subsection (a) and inserting
6 “Haines”;

7 (2) in the third sentence by striking “highway”
8 in the third sentence of subsection (a) and inserting
9 “highway or the Alaska Marine Highway System”;

10 (3) by striking “any other fiscal year thereafter”
11 in the fourth sentence of subsection (a) and inserting
12 “any other fiscal year thereafter, including any por-
13 tion of any other fiscal year thereafter, prior to the
14 date of the enactment of the Transportation Equity
15 Act for the 21st Century”;

16 (4) by striking “construction of such highways
17 until an agreement” in the fifth sentence of subsection
18 (a) and inserting “construction of the portion of such
19 highways that are in Canada until an agreement”;
20 and

21 (5) by inserting “in Canada” after “undertaken”
22 in subsection (b).

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 rebuilt*
10 *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 should*
18 *be executed by an administrative agency with appro-*
19 *priate expertise.*

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

22 *Notwithstanding sections 12106 and 12108 of title 46,*
23 *United States Code, section 8 of the Act of June 19, 1886*
24 *(46 U.S.C. App. 289), and section 27 of the Merchant Ma-*
25 *rine Act, 1920 (46 U.S.C. App. 883), the Secretary of*

1 *Transportation may issue a certificate of documentation*
2 *with appropriate endorsement for employment in the coast-*
3 *wise trade as a passenger vessel, a small passenger vessel,*
4 *or an uninspected passenger vessel for an eligible vessel au-*
5 *thorized to carry no more than 12 passengers for hire if*
6 *the Secretary, after notice and an opportunity for public*
7 *comment, determines that the employment of the vessel in*
8 *the 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 that*
12 *business.*

13 **SEC. 503. REVOCATION.**

14 *The Secretary may revoke an endorsement issued*
15 *under section 502, after notice and an opportunity for pub-*
16 *lic comment, if the Secretary determines that the employ-*
17 *ment of the vessel in the coastwise trade has substantially*
18 *changed since the issuance of the endorsement, and—*

19 (1) *the vessel is employed other than as a pas-*
20 *senger vessel, a small passenger vessel, or an*
21 *uninspected passenger vessel; or*

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

24 (A) *United States vessel builders; or*

1 (B) the coastwise trade business of any per-
2 son 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) *PASSENGER VESSEL, SMALL PASSENGER VES-*
17 *SEL; UNINSPECTED PASSENGER VESSEL; PASSENGER*
18 *FOR HIRE.*—The terms “passenger vessel”, “small
19 passenger vessel”, “uninspected passenger vessel”, and
20 “passenger for hire” have the meaning given such
21 terms by section 2101 of title 46, United States Code.

1 **TITLE VI—HARMFUL ALGAL**
2 **BLOOMS AND HYPOXIA.**

3 **SEC. 601. SHORT TITLE.**

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

6 **SEC. 602. FINDINGS.**

7 *The Congress finds that—*

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

15 (2) *other recent occurrences of harmful algal*
16 *blooms include red tides in the Gulf of Mexico and the*
17 *Southeast; brown tides in New York and Texas;*
18 *ciguatera fish poisoning in Hawaii, Florida, Puerto*
19 *Rico, and the U.S. Virgin Islands; and shellfish*
20 *poisonings in the Gulf of Maine, the Pacific North-*
21 *west, and the Gulf of Alaska;*

22 (3) *in certain cases, harmful algal blooms have*
23 *resulted in fish kills, the deaths of numerous endan-*
24 *gered West Indian manatees, beach and shellfish bed*

1 *closures, threats to public health and safety, and con-*
2 *cern among the public about the safety of seafood;*

3 *(4) according to some scientists, the factors caus-*
4 *ing or contributing to harmful algal blooms may in-*
5 *clude excessive nutrients in coastal waters, other*
6 *forms of pollution, the transfer of harmful species*
7 *through ship ballast water, and ocean currents;*

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

11 *(6) harmful algal blooms and blooms of nontoxic*
12 *algal species may lead to other damaging marine con-*
13 *ditions such as hypoxia (reduced oxygen concentra-*
14 *tions), which are harmful or fatal to fish, shellfish,*
15 *and benthic organisms;*

16 *(7) according to the National Oceanic and At-*
17 *mospheric Administration in the Department of Com-*
18 *merce, 53 percent of U.S. estuaries experience hypoxia*
19 *for at least part of the year and a 7,000 square mile*
20 *area in the Gulf of Mexico off Louisiana and Texas*
21 *suffers from hypoxia;*

22 *(8) according to some scientists, a factor believed*
23 *to cause hypoxia is excessive nutrient loading into*
24 *coastal waters;*

1 (9) *there is a need to identify more workable and*
2 *effective actions to reduce nutrient loadings to coastal*
3 *waters;*

4 (10) *the National Oceanic and Atmospheric Ad-*
5 *ministration, through its ongoing research, education,*
6 *grant, and coastal resource management programs,*
7 *possesses a full range of capabilities necessary to sup-*
8 *port a near and long-term comprehensive effort to*
9 *prevent, reduce, and control harmful algal blooms and*
10 *hypoxia;*

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

17 (12) *other Federal agencies such as the Environ-*
18 *mental Protection Agency, the Department of Agri-*
19 *culture, and the National Science Foundation, along*
20 *with the States, Indian tribes, and local governments,*
21 *conduct important work related to the prevention, re-*
22 *duction, and control of harmful algal blooms and hy-*
23 *poxia.*

1 **SEC. 603. ASSESSMENTS.**

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

9 (1) *the Department of Commerce (who shall serve*
10 *as Chairman of the Task Force);*

11 (2) *the Environmental Protection Agency;*

12 (3) *the Department of Agriculture;*

13 (4) *the Department of the Interior;*

14 (5) *the Department of the Navy;*

15 (6) *the Department of Health and Human Serv-*
16 *ices;*

17 (7) *the National Science Foundation;*

18 (8) *the National Aeronautics and Space Admin-*
19 *istration;*

20 (9) *the Food and Drug Administration;*

21 (10) *the Office of Science and Technology Policy;*

22 (11) *the Council on Environmental Quality; and*

23 (12) *such other Federal agencies as the President*
24 *considers appropriate.*

25 (b) *ASSESSMENT OF HARMFUL ALGAL BLOOMS.*—

1 (1) *Not later than 12 months after the date of*
2 *enactment of this title, the Task Force, in cooperation*
3 *with the coastal States, Indian tribes, and local gov-*
4 *ernments, industry (including agricultural organiza-*
5 *tions), academic institutions, and nongovernmental*
6 *organizations with expertise in coastal zone manage-*
7 *ment, shall complete and submit to the Congress an*
8 *assessment which examines the ecological and eco-*
9 *nomical consequences of harmful algal blooms, alter-*
10 *natives for reducing, mitigating, and controlling*
11 *harmful algal blooms, and the social and economic*
12 *costs and benefits of such alternatives.*

13 (2) *The assessment shall—*

14 (A) *identify alternatives for preventing un-*
15 *necessary duplication of effort among Federal*
16 *agencies and departments with respect to harm-*
17 *ful algal blooms; and*

18 (B) *provide for Federal cooperation and co-*
19 *ordination with and assistance to the coastal*
20 *States, Indian tribes, and local governments in*
21 *the prevention, reduction, management, mitiga-*
22 *tion, and control of harmful algal blooms and*
23 *their environmental and public health impacts.*

24 (c) *ASSESSMENT OF HYPOXIA.—*

1 (1) *Not later than 12 months after the date of*
2 *enactment of this title, the Task Force, in cooperation*
3 *with the States, Indian tribes, local governments, in-*
4 *dustry, agricultural, academic institutions, and non-*
5 *governmental organizations with expertise in water-*
6 *shed and coastal zone management, shall complete*
7 *and submit to the Congress an assessment which ex-*
8 *amines the ecological and economic consequences of*
9 *hypoxia in United States Coastal waters, alternatives*
10 *for reducing, mitigating, and controlling hypoxia,*
11 *and the social and economic costs and benefits of such*
12 *alternatives.*

13 (2) *The assessment shall—*

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

18 (B) *identify alternatives for preventing un-*
19 *necessary duplication of effort among Federal*
20 *agencies and departments with respect to hy-*
21 *poxia; and*

22 (C) *provide for Federal cooperation and co-*
23 *ordination with and assistance to the States, In-*
24 *Indian tribes, and local governments in the preven-*
25 *tion, reduction, management, mitigation, and*

1 *control of hypoxia and its environmental im-*
2 *pacts.*

3 *(e) DISESTABLISHMENT OF TASK FORCE.—The Presi-*
4 *dent may disestablish the Task Force after submission of*
5 *the plan in section 604(d).*

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

7 *(a) ASSESSMENT REPORT.—Not later than May 30,*
8 *1999, the Task Force shall complete and submit to Congress*
9 *and the President an integrated assessment of hypoxia in*
10 *the northern Gulf of Mexico that examines: the distribution,*
11 *dynamics, and causes; ecological and economic con-*
12 *sequences; sources and loads of nutrients transported by the*
13 *Mississippi River to the Gulf of Mexico; effects of reducing*
14 *nutrient loads; methods for reducing nutrient loads; and the*
15 *social and economic costs and benefits of such methods.*

16 *(b) SUBMISSION OF A PLAN.—No later than March 30,*
17 *2000, the President, in conjunction with the chief executive*
18 *officers of the States, shall develop and submit to Congress*
19 *a plan, based on the integrated assessment submitted under*
20 *subsection (a), for reducing, mitigating, and controlling hy-*
21 *poxia in the northern Gulf of Mexico. In developing such*
22 *plan, the President shall consult with State, Indian tribe,*
23 *and local governments, academic, agricultural, industry,*
24 *and environmental groups and representatives. Such plan*
25 *shall include incentive-based partnership approaches. The*

1 *plan shall also include the social and economic costs and*
2 *benefits of the measures for reducing, mitigating, and con-*
3 *trolling hypoxia. At least 90 days before the President sub-*
4 *mits such plan to the Congress, a summary of the proposed*
5 *plan shall be published in the Federal Register for a public*
6 *comment period of not less than 60 days.*

7 **SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

8 *There are authorized to be appropriated to the Sec-*
9 *retary of Commerce for research, education, and monitoring*
10 *activities related to the prevention, reduction, and control*
11 *of harmful algal blooms and hypoxia, \$25.5 million in each*
12 *of fiscal years 1999, 2000, and 2001, to remain available*
13 *until expended. The Secretary shall consult with the States*
14 *on a regular basis regarding the development and imple-*
15 *mentation of the activities authorized under this section.*
16 *Of such amounts for each fiscal year—*

17 *(1) \$5,000,000 may be used to enable the Na-*
18 *tional Oceanic and Atmospheric Administration to*
19 *carry out research and assessment activities, includ-*
20 *ing procurement of necessary research equipment, at*
21 *research laboratories of the National Ocean Service*
22 *and the National Marine Fisheries Service;*

23 *(2) \$7,000,000 may be used to carry out the*
24 *Ecology and Oceanography of Harmful Algal Blooms*
25 *(ECOHAB) project under the Coastal Ocean Program*

1 *established under section 201(c) of Public Law 102-*
2 *567;*

3 *(3) \$3,000,000 may be used by the National*
4 *Ocean Service of the National Oceanic and Atmos-*
5 *pheric Administration to carry out a peer-reviewed*
6 *research project on management measures that can be*
7 *taken to prevent, reduce, control, and mitigate harm-*
8 *ful algal blooms;*

9 *(4) \$5,500,000 may be used to carry out Federal*
10 *and State annual monitoring and analysis activities*
11 *for harmful algal blooms administered by the Na-*
12 *tional Ocean Service of the National Oceanic and At-*
13 *mospheric Administration;*

14 *(5) \$5,000,000 may be used for activities related*
15 *to research and monitoring on hypoxia by the Na-*
16 *tional Ocean Service and the Office of Oceanic and*
17 *Atmospheric Research of the National Oceanic and*
18 *Atmospheric Administration.*

19 **SEC. 606. AMENDMENT TO NATIONAL SEA GRANT COLLEGE**
20 **PROGRAM ACT.**

21 *Section 212(a) of the National Sea Grant College Pro-*
22 *gram Act (33 U.S.C. 1131(a)) is amended by striking para-*
23 *graph (2)(C) and inserting the following:*

24 *“(C) up to \$3,000,000 may be made avail-*
25 *able for competitive grants for university re-*

1 *search, education, training, and advisory serv-*
2 *ices on Pfiesteria piscicida and other harmful*
3 *algal blooms.”.*

4 **SEC. 607. AMENDMENT TO THE COASTAL ZONE MANAGE-**
5 **MENT ACT.**

6 *Section 318(a) of the Coastal Zone Management Act*
7 *of 1972 (16 U.S.C. 1464 (a)) is amended by adding at the*
8 *end thereof the following:*

9 *“(3) up to \$2,000,000 for fiscal years 1999 and*
10 *2000 for technical assistance under section 310 to*
11 *support State implementation and analysis of the ef-*
12 *fectiveness of measures to prevent, reduce, mitigate, or*
13 *control harmful algal blooms and hypoxia.”.*

14 **SEC. 608. PROTECTION OF STATES’ RIGHTS.**

15 *(a) Nothing in this title shall be interpreted to ad-*
16 *versely affect existing State regulatory or enforcement*
17 *power which has been granted to any State through the*
18 *Clean Water Act or Coastal Zone Management Act of 1972.*

19 *(b) Nothing in this title shall be interpreted to expand*
20 *the regulatory or enforcement power of the Federal Govern-*
21 *ment which has been delegated to any State through the*
22 *Clean Water Act or Coastal Zone Management Act of 1972.*

1 **TITLE VII—ADDITIONAL**
 2 **MISCELLANEOUS PROVISIONS**

3 **SEC. 701. APPLICABILITY OF AUTHORITY TO RELEASE RE-**
 4 **STRICTIONS AND ENCUMBRANCES.**

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

8 (1) *by striking “3 contiguous tracts” and insert-*
 9 *ing “4 tracts”; and*

10 (2) *by striking “Tract A” and all that follows*
 11 *through the end of the paragraph and inserting the*
 12 *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 commencement 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.”

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

H. R. 2204

AMENDMENT

HR 2204 EAS—2
HR 2204 EAS—3
HR 2204 EAS—4
HR 2204 EAS—5
HR 2204 EAS—6
HR 2204 EAS—7
HR 2204 EAS—8
HR 2204 EAS—9
HR 2204 EAS—10