

Calendar No. 221

105TH CONGRESS
1ST Session

H. R. 2204

AN ACT

To authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

OCTOBER 22, 1997

Received; read twice and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

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AN ACT

To authorize appropriations for fiscal years 1998 and 1999
for the Coast Guard, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coast Guard Author-
3 ization Act of 1997”.

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

5 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD MANAGEMENT

- Sec. 201. Removal of cap on warrant officer severance pay.
- Sec. 202. Authority to implement awards programs.

TITLE III—MARINE SAFETY

- Sec. 301. Extension of territorial sea for certain laws.
- Sec. 302. Penalties for interfering with the safe operation of a vessel.
- Sec. 303. Great Lakes Pilotage Advisory Committee.

TITLE IV—MISCELLANEOUS

- Sec. 401. Vessel identification system amendments.
- Sec. 402. Conveyance of Coast Guard Reserve training facility, Jacksonville, Florida.
- Sec. 403. Documentation of certain vessels.
- Sec. 404. Conveyance of Coast Guard facility in Nahant, Massachusetts.
- Sec. 405. Unreasonable obstruction to navigation.
- Sec. 406. Financial responsibility for oil spill response vessels.
- Sec. 407. Conveyance of Coast Guard property to Jacksonville University in Jacksonville, Florida.
- Sec. 408. Penalty for violation of international safety convention.
- Sec. 409. Coast Guard City, USA.
- Sec. 410. Conveyance of Communication Station, Boston Marshfield Receiver Site, Massachusetts.
- Sec. 411. Clarification of liability of persons engaging in oil spill prevention and response activities.
- Sec. 412. Vessel deemed to be a recreational vessel.
- Sec. 413. Land conveyance, Coast Guard Station Ocracoke, North Carolina.
- Sec. 414. Conveyance of Coast Guard property in Sault Sainte Marie, Michigan.
- Sec. 415. Dry bulk cargo residue.
- Sec. 416. Maintenance of foghorns.
- Sec. 417. Conveyance of Eagle Harbor Light Station.

1 **TITLE I—AUTHORIZATION**

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

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

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

7 (A) for fiscal year 1998, \$2,790,700,000;

8 and

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

10 of which \$25,000,000 shall be derived each fis-
11 cal year from the Oil Spill Liability Trust Fund
12 to carry out the purposes of section 1012(a)(5)
13 of the Oil Pollution Act of 1990.

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

18 (A) for fiscal year 1998, \$401,000,000, of
19 which \$2,000,000 shall be made available for
20 concept evaluation for a replacement vessel for
21 the Coast Guard icebreaker MACKINAW,
22 which concept evaluation shall be transmitted to
23 the Congress not later than April 1, 1998; and

24 (B) for fiscal year 1999, \$440,000,000;

1 to remain available until expended, of which
2 \$20,000,000 shall be derived each fiscal year from
3 the Oil Spill Liability Trust Fund to carry out the
4 purposes of section 1012(a)(5) of the Oil Pollution
5 Act of 1990.

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

14 (A) for fiscal year 1998, \$19,500,000; and

15 (B) for fiscal year 1999, \$19,000,000;

16 to remain available until expended, of which
17 \$3,500,000 shall be derived each fiscal year from the
18 Oil Spill Liability Trust Fund to carry out the pur-
19 poses of section 1012(a)(5) of the Oil Pollution Act
20 of 1990.

21 (4) For retired pay (including the payment of
22 obligations otherwise chargeable to lapsed appropria-
23 tions for this purpose), payments under the Retired
24 Serviceman's Family Protection and Survivor Bene-
25 fit Plans, and payments for medical care of retired

1 personnel and their dependents under chapter 55 of
2 title 10, United States Code—

3 (A) for fiscal year 1998, \$652,000,000;

4 and

5 (B) for fiscal year 1999, \$692,000,000.

6 (5) For alteration or removal of bridges over
7 navigable waters of the United States constituting
8 obstructions to navigation, and for personnel and
9 administrative costs associated with the Bridge Al-
10 teration Program—

11 (A) for fiscal year 1998, \$17,300,000; and

12 (B) for fiscal year 1999, \$20,000,000,

13 to remain available until expended.

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

19 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
20 **AND TRAINING.**

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

24 (1) 37,944 as of September 30, 1998; and

25 (2) 38,038 as of September 30, 1999.

1 (b) MILITARY TRAINING STUDENT LOADS.—The
2 Coast Guard is authorized average military training stu-
3 dent loads as follows:

4 (1) For recruit and special training—

5 (A) for fiscal year 1998, 1,424 student
6 years; and

7 (B) for fiscal year 1999, 1,424 student
8 years.

9 (2) For flight training—

10 (A) for fiscal year 1998, 98 student years;
11 and

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

13 (3) For professional training in military and ci-
14 vilian institutions—

15 (A) for fiscal year 1998, 283 student
16 years; and

17 (B) for fiscal year 1999, 283 student
18 years.

19 (4) For officer acquisition—

20 (A) for fiscal year 1998, 814 student
21 years; and

22 (B) for fiscal year 1999, 810 student
23 years.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. REMOVAL OF CAP ON WARRANT OFFICER SEVER- ANCE PAY.

Section 286a(d) of title 14, United States Code, is amended by striking the last sentence.

SEC. 202. AUTHORITY TO IMPLEMENT AWARDS PROGRAMS.

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

(1) in paragraph (s), by striking the comma at the end and inserting a semicolon;

(2) in paragraph (t), by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by redesignating paragraphs (a) through (v) in order as paragraphs (1) through (21);

(4) by redesignating the existing text (as so amended) as subsection (a); and

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

“(b) The Commandant may provide for the honorary recognition of individuals and organizations, including State and local governments and commercial and non-profit organizations, that significantly contribute to Coast Guard programs, missions, or operations, by awarding

1 plaques, medals, trophies, badges, and similar items to ac-
2 knowledge that contribution.”.

3 **TITLE III—MARINE SAFETY**

4 **SEC. 301. EXTENSION OF TERRITORIAL SEA FOR CERTAIN** 5 **LAWS.**

6 (a) PORTS AND WATERWAYS SAFETY ACT.—Section
7 3 of the Ports and Waterways Safety Act (33 U.S.C.
8 1222) is amended by adding at the end the following:

9 “(5) ‘Navigable waters of the United States’ in-
10 cludes all waters of the territorial sea of the United
11 States as described in Presidential Proclamation
12 5928 of December 27, 1988.”.

13 (b) TITLE 46, UNITED STATES CODE.—Subtitle II
14 of title 46, United States Code, is amended as follows:

15 (1) In section 2101—

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

18 (B) by inserting after paragraph (17) the
19 following:

20 “(17a) ‘navigable waters of the United States’
21 includes all waters of the territorial sea of the Unit-
22 ed States as described in Presidential Proclamation
23 5928 of December 27, 1988.”.

24 (2) In section 2301, by inserting “(including
25 the territorial sea of the United States as described

1 in Presidential Proclamation 5928 of December 27,
2 1988)” after “of the United States”.

3 (3) In section 4102(e), by striking “on the high
4 seas” and inserting “beyond 3 nautical miles from
5 the baseline from which the territorial sea of the
6 United States is measured”.

7 (4) In section 4301(a), by inserting “(including
8 the territorial sea of the United States as described
9 in Presidential Proclamation 5928 of December 27,
10 1988)” after “of the United States”.

11 (5) In section 4502(a)(7), by striking “on ves-
12 sels that operate on the high seas” and inserting
13 “beyond 3 nautical miles from the baseline from
14 which the territorial sea of the United States is
15 measured”.

16 (6) In section 4506(b), by striking paragraph
17 (2) and inserting the following:

18 “(2) is operating—

19 “(A) in internal waters of the United
20 States, or

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

24 (7) In section 8502(a)(3), by striking “not on
25 the high seas” and inserting: “not beyond 3 nautical

1 miles from the baseline from which the territorial
2 sea of the United States is measured”.

3 (8) In section 8503(a), by striking paragraph
4 (2) and inserting the following:

5 “(2) is operating—

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

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

11 **SEC. 302. PENALTIES FOR INTERFERING WITH THE SAFE**
12 **OPERATION OF A VESSEL.**

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

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

17 **“§ 2302. Penalties for negligent operations and inter-**
18 **fering with safe operation”;**

19 and

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

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

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

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 23 of title 46, United States

1 Code, is amended by striking the item relating to section
2 2302 and inserting the following:

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

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

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

6 **“§ 9307. Great Lakes Pilotage Advisory Committee**

7 “(a) The Secretary shall establish a Great Lakes Pi-
8 lotage Advisory Committee. The Committee—

9 “(1) may review proposed Great Lakes Pilotage
10 regulations and policies and make recommendations
11 to the Secretary that the Committee considers ap-
12 propriate;

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

16 “(3) may make available to the Congress rec-
17 ommendations that the Committee makes to the Sec-
18 retary; and

19 “(4) shall meet at the call of—

20 “(A) the Secretary, who shall call such a
21 meeting at least once during each calendar
22 year; or

23 “(B) a majority of the Committee.

24 “(b)(1) The Committee shall consist of 7 members
25 appointed by the Secretary in accordance with this sub-

1 section, each of whom has at least 5 years practical experi-
2 ence in maritime operations. The term of each member
3 is for a period of not more than 5 years, specified by the
4 Secretary. Before filling a position on the Committee, the
5 Secretary shall publish a notice in the Federal Register
6 soliciting nominations for membership on the Committee.

7 “(2) The membership of the Committee shall in-
8 clude—

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

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

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

16 “(D) 1 member representing the interests of
17 shippers whose cargoes are transported through
18 Great Lakes ports; and

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

22 “(c)(1) The Committee shall elect one of its members
23 as the Chairman and one of its members as the Vice
24 Chairman. The Vice Chairman shall act as Chairman in

1 the absence or incapacity of the Chairman, or in the event
2 of a vacancy in the office of the Chairman.

3 “(2) The Secretary shall, and any other interested
4 agency may, designate a representative to participate as
5 an observer with the Committee. The representatives shall,
6 as appropriate, report to and advise the Committee on
7 matters relating to Great Lakes pilotage. The Secretary’s
8 designated representative shall act as the executive sec-
9 retary of the Committee and shall perform the duties set
10 forth in section 10(c) of the Federal Advisory Committee
11 Act (5 U.S.C. App.).

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

15 “(2) The Secretary shall consider the information,
16 advice, and recommendations of the Committee in formu-
17 lating policy regarding matters affecting Great Lakes pi-
18 lotage.

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

22 “(A) compensation at a rate fixed by the Sec-
23 retary, not exceeding the daily equivalent of the cur-
24 rent rate of basic pay in effect for GS-18 of the

1 General Schedule under section 5332 of title 5 in-
2 cluding travel time; and

3 “(B) travel or transportation expenses under
4 section 5703 of title 5.

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

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

12 “(2) 2 years before the termination date set forth in
13 paragraph (1) of this subsection, the Committee shall sub-
14 mit to the Congress its recommendation regarding wheth-
15 er the Committee should be renewed and continued beyond
16 the termination date.”.

17 **TITLE IV—MISCELLANEOUS**

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

19 Title 46, United States Code, is amended—

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

22 (2) in section 12301, by adding at the end the
23 following:

24 “(c) A documented vessel shall not be titled by a
25 State or required to display numbers under this chapter,

1 and any certificate of title issued by a State for a docu-
2 mented vessel shall be surrendered in accordance with reg-
3 ulations prescribed by the Secretary.

4 “(d) The Secretary may approve the surrender under
5 subsection (c) of a certificate of title covered by a pre-
6 ferred mortgage under section 31322(d) of this title only
7 if the mortgagee consents.”;

8 (3) in section 31322—

9 (A) by amending subsection (b) to read as
10 follows:

11 “(b) Any indebtedness secured by a preferred mort-
12 gage that is filed or recorded under this chapter, or that
13 is subject to a mortgage, security agreement, or instru-
14 ment granting a security interest that is deemed to be a
15 preferred mortgage under subsection (d) of this section,
16 may have any rate of interest to which the parties agree.”;

17 (B) in subsection (d)(1), by striking
18 “mortgage or instrument” each place it appears
19 and inserting “mortgage, security agreement, or
20 instrument”;

21 (C) in subsection (d)(2), by striking “mort-
22 gages or instruments” and inserting “mort-
23 gages, security agreements, or instruments”;
24 and

1 (D) in subsection (d), by amending para-
2 graph (3) to read as follows:

3 “(3) A preferred mortgage under this subsection con-
4 tinues to be a preferred mortgage even if the vessel is no
5 longer titled in the State where the mortgage, security
6 agreement, or instrument granting a security interest be-
7 came a preferred mortgage under this subsection.”; and

8 (4) in section 31325—

9 (A) in subsection (b)(1), by inserting “a
10 vessel titled in a State,” after “a vessel to be
11 documented under chapter 121 of this title,”;

12 (B) in subsection (b)(3), by inserting “a
13 vessel titled in a State,” after “a vessel for
14 which an application for documentation is filed
15 under chapter 121 of this title,”; and

16 (C) in subsection (c), by inserting “a vessel
17 titled in a State,” after “a vessel to be docu-
18 mented under chapter 121 of this title,”.

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

21 (a) IN GENERAL.—Notwithstanding any other provi-
22 sion of law—

23 (1) the land and improvements thereto compris-
24 ing the Coast Guard Reserve training facility in

1 Jacksonville, Florida, is deemed to be surplus prop-
2 erty; and

3 (2) the Commandant of the Coast Guard shall
4 dispose of all right, title, and interest of the United
5 States in and to that property, by sale, at fair mar-
6 ket value.

7 (b) RIGHT OF FIRST REFUSAL.—Before a sale is
8 made under subsection (a) to any other person, the Com-
9 mandant of the Coast Guard shall give to the city of Jack-
10 sonville, Florida, the right of first refusal to purchase all
11 or any part of the property required to be sold under that
12 subsection.

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

14 (a) GENERAL WAIVER.—Notwithstanding section 27
15 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883),
16 section 8 of the Act of June 19, 1886 (46 App. U.S.C.
17 289), and sections 12106 and 12108 of title 46, United
18 States Code, the Secretary of Transportation may issue
19 a certificate of documentation with appropriate endorse-
20 ment for each of the following vessels:

21 (1) SEAGULL (United States official number
22 1038605).

23 (2) BAREFOOT CONTESA (United States of-
24 ficial number 285410).

1 (3) PRECIOUS METAL (United States official
2 number 596316).

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

5 (5) SOUTHERN STAR (United States official
6 number 650774).

7 (6) KEEWAYDIN (United States official num-
8 ber 662066).

9 (7) W.G. JACKSON (United States official
10 number 1047199).

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

13 (9) MIGHTY JOHN III (formerly the NIAG-
14 ARA QUEEN, Canadian registration number
15 318746).

16 (10) MAR Y PAZ (United States official num-
17 ber 668179).

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

20 (12) NAWNSENSE (United States official
21 number 977593).

22 (13) ELMO (State of Florida registration num-
23 ber FL5337BG).

24 (14) MANA-WANUI (United States official
25 number 286657).

1 (15) OLD JOE (formerly TEMPTRESS; Unit-
2 ed States official number 991150).

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

5 (17) WINDWISP (United States official num-
6 ber 571621).

7 (18) SOUTHLAND (United States official
8 number 639705).

9 (19) FJORDING (United States official num-
10 ber 594363).

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

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

15 (22) FLAME (United States official number
16 279363).

17 (23) DULARGE (United States official number
18 653762).

19 (b) OWNERSHIP OF VESSEL PHILADELPHIA.—

20 Notwithstanding section 2 of the Shipping Act, 1916 (46

21 App. U.S.C. 802, 803) and section 12102(a)(4) of title

22 46, United States Code, the parent corporation of the cor-

23 poration holding title to the vessel PHILADELPHIA

24 (United States official number 654192) on May 3, 1995,

25 is deemed on that date and thereafter to be a citizen of

1 the United States for purposes of owning corporations
2 whose vessels are eligible for documentation under chapter
3 121 of title 46, United States Code, with a coastwise en-
4 dorsement, if—

5 (1) the chief executive officer of the parent cor-
6 poration is a citizen of the United States;

7 (2) the chairman of the board of directors of
8 the parent corporation is a citizen of the United
9 States, and the number of its directors who are non-
10 citizens does not exceed a minority of the number
11 necessary to constitute a quorum;

12 (3) the parent corporation meets the stock own-
13 ership requirements of section 2 of the Shipping Act,
14 1916, for operating a vessel in the coastwise trade;

15 (4) the corporation holding title is otherwise eli-
16 gible to own a vessel operated in the coastwise trade;
17 and

18 (5) the vessel is otherwise eligible to be oper-
19 ated in the coastwise trade.

20 (c) SUNMAR SKY.—Section 1120(g) of the Coast
21 Guard Authorization Act of 1996 (Public Law 104–324;
22 110 Stat. 3978) is amended by inserting “SUNMAR SKY
23 (United States official number 683227),” after “vessels”.

24 (d) DOCUMENTATION OF THE VESSEL PRINCE
25 NOVA.—

1 (1) DOCUMENTATION AUTHORIZED.—Notwith-
2 standing section 27 of the Merchant Marine Act,
3 1920 (46 App. U.S.C. 883), section 8 of the Act of
4 June 19, 1886 (46 App. U.S.C. 289), and section
5 12106 of title 46, United States Code, the Secretary
6 of Transportation may issue a certificate of docu-
7 mentation with appropriate endorsement for employ-
8 ment in the coastwise trade for the vessel PRINCE
9 NOVA (Canadian registration number 320804).

10 (2) EXPIRATION OF CERTIFICATE.—A certifi-
11 cate of documentation issued for the vessel under
12 paragraph (1) shall expire unless—

13 (A) the vessel undergoes conversion, recon-
14 struction, repair, rebuilding, or retrofitting in a
15 shipyard located in the United States;

16 (B) the cost of that conversion, reconstruc-
17 tion, repair, rebuilding, or retrofitting is not
18 less than the greater of—

19 (i) three times the purchase value of
20 the vessel before the conversion, recon-
21 struction, repair, rebuilding, or retrofitting;

22 or

23 (ii) \$4,200,000; and

24 (C) not less than an average of \$1,000,000
25 is spent annually in a shipyard located in the

1 United States for conversion, reconstruction, re-
2 pair, rebuilding, or retrofitting of the vessel
3 until the total amount of the cost required
4 under subparagraph (B) is spent.

5 (e) DOCUMENTATION OF VESSEL COLUMBUS.—

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

16 (2) LIMITATION.—Coastwise trade referred to
17 in paragraph (1) may not include the transportation
18 of dredged material from a project in which the stat-
19 ed intent of the Corps of Engineers, in its Construc-
20 tion Solicitation, or of another contracting entity, is
21 that the dredged material is to be deposited—

22 (A) above mean high tide for the purpose
23 of beach nourishment; or

1 (B) into a fill area for the purpose of cre-
2 ation of land for an immediate use other than
3 disposal of the dredged material.

4 **SEC. 404. CONVEYANCE OF COAST GUARD FACILITY IN**
5 **NAHANT, MASSACHUSETTS.**

6 (a) **AUTHORITY TO CONVEY.**—

7 (1) **IN GENERAL.**—The Secretary of Transpor-
8 tation may convey, by an appropriate means of con-
9 veyance, all right, title, and interest of the United
10 States in and to the property comprising United
11 States Coast Guard Recreation Facility Nahant,
12 Massachusetts, to the town of Nahant, Massachu-
13 setts.

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

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

19 (1) without payment of consideration; and

20 (2) subject to the terms and conditions the Sec-
21 retary considers appropriate.

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

23 Notwithstanding any other provision of law, the
24 liftbridge over the back channel of the Schuylkill River in
25 Philadelphia, Pennsylvania, is deemed to unreasonably ob-

1 struct navigation for purposes of the Act entitled “An Act
2 to provide for the alteration of certain bridges over navi-
3 gable waters of the United States, for the apportionment
4 of the cost of such alterations between the United States
5 and the owners of such bridges, and for other purposes”,
6 approved June 21, 1940 (chapter 409; 33 U.S.C. 511–
7 523), popularly known as the “Hobbs Bridge Act” and
8 the “Truman-Hobbs Bridge Act”.

9 **SEC. 406. FINANCIAL RESPONSIBILITY FOR OIL SPILL RE-**
10 **SPONSE VESSELS.**

11 Section 1004(a)(2) of the Oil Pollution Act of 1990
12 (33 U.S.C. 2704(a)(2)) is amended by inserting “includ-
13 ing a vessel responding to a discharge or substantial
14 threat of a discharge of oil,” after “vessel,”.

15 **SEC. 407. CONVEYANCE OF COAST GUARD PROPERTY TO**
16 **JACKSONVILLE UNIVERSITY IN JACKSON-**
17 **VILLE, FLORIDA.**

18 (a) **AUTHORITY TO CONVEY.**—

19 (1) **IN GENERAL.**—The Secretary of Transpor-
20 tation may convey to Jacksonville University, located
21 in Jacksonville, Florida, without consideration, all
22 right, title, and interest of the United States in and
23 to the property comprising the Long Branch Rear
24 Range Light, Jacksonville, Florida.

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

4 (b) TERMS AND CONDITIONS.—Any conveyance of
5 any property under this section shall be made—

6 (1) subject to the terms and conditions the
7 Commandant may consider appropriate; and

8 (2) subject to the condition that all right, title,
9 and interest in and to property conveyed shall imme-
10 diately revert to the United States if the property,
11 or any part thereof, ceases to be used by Jackson-
12 ville University.

13 **SEC. 408. PENALTY FOR VIOLATION OF INTERNATIONAL**
14 **SAFETY CONVENTION.**

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

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

20 “(A) the vessel has been detained by the Sec-
21 retary for violation of an international safety conven-
22 tion to which the United States is a party, and the
23 Secretary has published notice of that detention in
24 an electronic form, including the name of the owner
25 of the vessel; or

1 “(B) the operator of the vessel has on more
2 than one occasion had a vessel detained by the Sec-
3 retary for violation of an international safety conven-
4 tion to which the United States is a party, and the
5 Secretary has published notice of that detention in
6 an electronic form, including the name of the owner
7 of the vessel.

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

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

12 “(B) any date on which the owner or operator
13 of the vessel prevails in an appeal of the violation on
14 which the detention is based.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) takes effect January 1, 1998.

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

18 The community of Grand Haven, Michigan, shall be
19 recognized as “Coast Guard City, USA”.

20 **SEC. 410. CONVEYANCE OF COMMUNICATION STATION BOS-**
21 **TON MARSHFIELD RECEIVER SITE, MASSA-**
22 **CHUSETTS.**

23 (a) AUTHORITY TO CONVEY.—

24 (1) IN GENERAL.—The Secretary of Transpor-
25 tation may convey, by an appropriate means of con-

1 conveyance, all right, title, and interest of the United
2 States in and to the Coast Guard Communication
3 Station Boston Marshfield Receiver Site, Massachu-
4 setts, to the Town of Marshfield, Massachusetts.

5 (2) LIMITATION.—The Secretary shall not con-
6 vey under this section the land on which is situated
7 the communications tower and the microwave build-
8 ing facility of that station.

9 (3) IDENTIFICATION OF PROPERTY.—(A) The
10 Secretary may identify, describe, and determine the
11 property to be conveyed to the Town under this sec-
12 tion.

13 (B) The Secretary shall determine the exact
14 acreage and legal description of the property to be
15 conveyed under this section by a survey satisfactory
16 to the Secretary. The cost of the survey shall be
17 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 condi-
22 tions:

23 (A) The Secretary may reserve utility, ac-
24 cess, and any other appropriate easements on
25 the property conveyed for the purpose of oper-

1 ating, maintaining, and protecting the commu-
2 nications tower and the microwave building fa-
3 cility.

4 (B) The Town and its successors and as-
5 signs shall, at their own cost and expense,
6 maintain the property conveyed under this sec-
7 tion in a proper, substantial, and workmanlike
8 manner as necessary to ensure the operation,
9 maintenance, and protection of the communica-
10 tions tower and the microwave building facility.

11 (C) Any other terms and conditions the
12 Secretary considers appropriate to protect the
13 interests of the United States.

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

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

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

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

1 the end of subsection (a)(24) and inserting “; and”,
2 and by adding at the end of subsection (a) the fol-
3 lowing:

4 “(25) ‘removal costs’ means—

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

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

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

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

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

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

1 (c) SENSE OF THE CONGRESS REGARDING OIL SPILL
2 RESPONSE ACTIONS.—It is the sense of the Congress
3 that, under the Oil Pollution Act of 1990, the President
4 should ensure that liability concerns regarding response
5 actions to remove a discharge, or to mitigate or prevent
6 the threat of a discharge, do not deter an expeditious or
7 effective response, by promulgating guidelines in accord-
8 ance with applicable Federal law, as soon as possible,
9 clarifying that a person who takes any response action
10 consistent with the National Contingency Plan, including
11 the applicable fish and wildlife response plan, or as other-
12 wise directed by the President, to prevent or mitigate the
13 environmental effects of a discharge or a threat of a dis-
14 charge should not be held liable for the violation of fish
15 and wildlife laws, unless the person is grossly negligent
16 or engages in willful misconduct.

17 **SEC. 412. VESSEL DEEMED TO BE A RECREATIONAL**
18 **VESSEL.**

19 (a) IN GENERAL.—The vessel described in subsection
20 (b) is deemed for all purposes, including title 46, United
21 States Code, and all regulations thereunder, to be a rec-
22 reational vessel of less than 300 gross tons, if—

23 (1) it does not carry cargo or passengers for
24 hire; and

1 (2) it does not engage in commercial fisheries
2 or oceanographic research.

3 (b) VESSEL DESCRIBED.—The vessel referred to in
4 subsection (a) is the vessel TURMOIL (British Official
5 number 726767).

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

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

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

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

23 (A) utilities;

24 (B) access to and from the property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **SEC. 415. DRY BULK CARGO RESIDUE.**

22 (a) DRY BULK CARGO RESIDUE.—Section 3 of the
23 Act to Prevent Pollution from Ships (33 U.S.C. 1902) is
24 amended by adding the following subsection at the end
25 thereof:

1 “(h) DISCHARGE OF RESIDUE OF DRY BULK CARGO
2 IN CERTAIN NAVIGABLE WATERS AND WATERS OF THE
3 GREAT LAKES.—(1) Notwithstanding any provision of
4 this Act, the Secretary may allow, under conditions and
5 standards prescribed by regulation—

6 “(A) vessels to discharge residue of dry bulk
7 cargo into the waters of the Great Lakes under the
8 jurisdiction of the United States; and

9 “(B) vessels of the United States to discharge
10 residue of dry bulk cargo into the waters of the
11 Great Lakes System governed by the Great Lakes
12 Water Quality Agreement of 1978 and the 1987
13 Protocol thereto, under the jurisdiction of the Gov-
14 ernment of Canada or other waters governed by the
15 Boundary Waters Treaty of 1909 under the jurisdic-
16 tion of the Government of Canada.

17 “(2) Any regulation issued under this subsection shall
18 be consistent with the Great Lakes Water Quality Agree-
19 ment of 1978 and the 1987 Protocol thereto, and the
20 Boundary Waters Treaty of 1909, and shall be developed
21 in consultation with the Government of Canada, under the
22 general guidance of the Secretary of State, and with the
23 concurrence of the Administrator of the Environmental
24 Protection Agency, and in consultation with appropriate

1 Federal agencies, including the Assistant Secretary of the
2 Army for Civil Works.

3 “(3) Any regulations issued under this subsection
4 shall be reviewed by the Secretary no less often than every
5 5 years to determine whether such regulations are consist-
6 ent with the water quality goals for the Great Lakes.”.

7 (b) DEFINITION.—Section 2 of the Act to Prevent
8 Pollution from Ships (33 U.S.C. 1901) is amended by re-
9 designating paragraphs (9), (10), (11), and (12) as (10),
10 (11), (12), and (13), respectively and by inserting the fol-
11 lowing new paragraph after paragraph (8):

12 “(9) ‘residue to dry bulk cargo’ includes any
13 residue or residues of dry bulk cargo generated in
14 the customary operation of commercial vessels, in-
15 cluding iron ore, coal, coke, salt, grain, stones, grav-
16 el, sand, clay, and slag, but does not include, even
17 if associated with the aforementioned materials,
18 any—

19 “(A) plastic, as defined in the convention,

20 “(B) oil or hazardous substance, as defined
21 under section 311 of the Federal Water Pollu-
22 tion Control Act (33 U.S.C. 1321), or

23 “(C) hazardous substance, as defined in
24 section 101(14) of the Comprehensive Environ-

1 mental Response Compensation and Liability
2 Act (CERCLA) (42 U.S.C. 9601(14)).”.

3 **SEC. 416. MAINTENANCE OF FOGHORNS.**

4 The Secretary of Transportation shall take such ac-
5 tions as may be necessary to ensure that foghorns at the
6 following ports are in working order:

- 7 (1) St. Joseph, Michigan.
- 8 (2) South Haven, Michigan.
- 9 (3) Grand Haven, Michigan.
- 10 (4) Muskegon, Michigan.
- 11 (5) Pentwater, Michigan.
- 12 (6) Ludington, Michigan.
- 13 (7) Frankfort, Michigan.
- 14 (8) Michigan City, Indiana.
- 15 (9) Saugatuck, Michigan.
- 16 (10) Marquette, Michigan.

17 **SEC. 417. CONVEYANCE OF EAGLE HARBOR LIGHT STA-**
18 **TION.**

19 (a) **AUTHORITY TO CONVEY.**—

20 (1) **IN GENERAL.**—The Administrator of Gen-
21 eral Services shall convey, by an appropriate means
22 of conveyance, all right, title, and interest of the
23 United States in and to the Eagle Harbor Light
24 Station, Michigan, to the Keweenaw County Histori-
25 cal Society.

1 (2) IDENTIFICATION OF PROPERTY.—The Sec-
2 retary of Transportation may identify, describe, and
3 determine the property to be conveyed pursuant to
4 this subsection.

5 (b) TERMS OF CONVEYANCE.—

6 (1) IN GENERAL.—The conveyance of property
7 pursuant to this section shall be made—

8 (A) without payment of consideration; and

9 (B) subject to the conditions required by
10 paragraphs (3), (4), and (5) and other terms
11 and conditions the Secretary of Transportation
12 may consider appropriate.

13 (2) REVERSIONARY INTEREST.—In addition to
14 any term or condition established pursuant to para-
15 graph (1), the conveyance of property pursuant to
16 this section shall be subject to the condition that all
17 right, title, and interest in the property conveyed
18 shall immediately revert to the United States if the
19 property, or any part of the property—

20 (A) ceases to be maintained in a manner
21 that ensures its present or future use as a
22 Coast Guard aid to navigation; or

23 (B) ceases to be maintained in a manner
24 consistent with the provisions of the National

1 Historic Preservation Act of 1966 (16 U.S.C.
2 470 et seq.).

3 (3) MAINTENANCE OF NAVIGATION FUNC-
4 TIONS.—The conveyance of property pursuant to
5 this section shall be made subject to the conditions
6 that the Secretary of Transportation considers to be
7 necessary 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;

13 (B) the person to which the property is
14 conveyed may not interfere or allow interference
15 in any manner with aids to navigation without
16 express written permission from the Secretary
17 of Transportation;

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

23 (D) the United States shall have the right,
24 at any time, to enter the property without no-

1 tice for the purpose of maintaining aids to navi-
2 gation; and

3 (E) the United States shall have an ease-
4 ment of access to the property for the purpose
5 of maintaining the aids to navigation in use on
6 the property.

7 (4) OBLIGATION LIMITATION.—The person to
8 which the property is conveyed is not required to
9 maintain any active aid to navigation equipment on
10 property conveyed pursuant to this section.

11 (5) REVERSION BASED ON USE.—The convey-
12 ance of the property described in subsection (a) is
13 subject to the condition that all right, title, and in-
14 terest in the property conveyed shall immediately re-
15 vert to the United States if the property, or any part
16 of the property ceases to be used as a nonprofit cen-
17 ter for public benefit for the interpretation and pres-
18 ervation of maritime history.

19 (6) MAINTENANCE OF PROPERTY.—The person
20 to which the property is conveyed shall maintain the
21 property in accordance with the National Historic

1 Preservation Act of 1966 (16 U.S.C. 470 et seq.),
2 and other applicable laws.

 Passed the House of Representatives October 21,
1997.

Attest:

ROBIN H. CARLE,

Clerk.