

H. Res. 602

In the House of Representatives, U.S.,

October 15, 1998.

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes, and the Senate amendment thereto, and to have concurred in the Senate amendment with an amendment as follows:

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

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. TABLE OF CONTENTS.

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

Sec. 103. LORAN-C.

TITLE II—COAST GUARD MANAGEMENT

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

TITLE III—MARINE SAFETY

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

TITLE IV—MISCELLANEOUS

- Sec. 401. Vessel identification system amendments.
- Sec. 402. Conveyance of Coast Guard Reserve training facility, Jacksonville, Florida.
- Sec. 403. Documentation of certain vessels.
- Sec. 404. Conveyance of Nahant parcel, Essex County, Massachusetts.
- Sec. 405. Unreasonable obstruction to navigation.
- Sec. 406. Financial responsibility for oil spill response vessels.
- Sec. 407. Conveyance of Coast Guard property to Jacksonville University in Jacksonville, Florida.
- Sec. 408. Penalty for violation of International Safety Convention.
- Sec. 409. Coast Guard City, USA.
- Sec. 410. Conveyance of Communication Station Boston Marshfield Receiver Site, Massachusetts.
- Sec. 411. Clarification of liability of persons engaging in oil spill prevention and response activities.
- Sec. 412. Vessels not seagoing motor vessels.
- Sec. 413. Land conveyance, Coast Guard Station Ocracoke, North Carolina.
- Sec. 414. Conveyance of Coast Guard property in Sault Sainte Marie, Michigan.
- Sec. 415. Interim authority for dry bulk cargo residue disposal.
- Sec. 416. Conveyance of lighthouses.
- Sec. 417. Conveyance of Coast Guard LORAN Station Nantucket.
- Sec. 418. Conveyance of decommissioned Coast Guard vessels.
- Sec. 419. Amendment to conveyance of vessel S/S RED OAK VICTORY.
- Sec. 420. Transfer of Ocracoke Light Station to Secretary of the Interior.
- Sec. 421. Vessel documentation clarification.
- Sec. 422. Dredge clarification.

- Sec. 423. Double hull alternative designs study.
- Sec. 424. Vessel sharing agreements.
- Sec. 425. Reports.
- Sec. 426. Report on tonnage calculation methodology.
- Sec. 427. Authority to convey National Defense Reserve Fleet Vessels.
- Sec. 428. Authority to convey National Defense Reserve Fleet Vessel, JOHN HENRY.
- Sec. 429. Applicability of authority to release restrictions and encumbrances.
- Sec. 430. Barge APL-60.
- Sec. 431. Vessel financing flexibility.
- Sec. 432. Hydrographic functions.

TITLE V—ADMINISTRATIVE PROCESS FOR JONES ACT WAIVERS

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

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

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

1 **TITLE I—AUTHORIZATION**

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

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

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

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

8 and

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

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

1 not less than \$408,000,000 shall be available
2 for expenses related to drug interdiction.

3 (2) For the acquisition, construction, rebuild-
4 ing, and improvement of aids to navigation, shore
5 and offshore facilities, vessels, and aircraft, includ-
6 ing equipment related thereto—

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

11 (B) for fiscal year 1999, \$510,300,000, of
12 which \$5,300,000 shall be made available to
13 complete the conceptual design for a replace-
14 ment vessel for the Coast Guard icebreaker
15 MACKINAW;

16 to remain available until expended, of which
17 \$20,000,000 shall be derived each fiscal year from
18 the Oil Spill Liability Trust Fund to carry out the
19 purposes of section 1012(a)(5) of the Oil Pollution
20 Act of 1990 and of which not less than \$62,000,000
21 shall be available for expenses related to drug inter-
22 diction.

23 (3) For research, development, test, and evalua-
24 tion of technologies, materials, and human factors
25 directly relating to improving the performance of the

1 Coast Guard's mission in support of search and res-
2 cue, aids to navigation, marine safety, marine envi-
3 ronmental protection, enforcement of laws and trea-
4 ties, ice operations, oceanographic research, and de-
5 fense readiness—

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

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

8 to remain available until expended, of which
9 \$3,500,000 shall be derived each fiscal year from the
10 Oil Spill Liability Trust Fund to carry out the pur-
11 poses of section 1012(a)(5) of the Oil Pollution Act
12 of 1990.

13 (4) For retired pay (including the payment of
14 obligations otherwise chargeable to lapsed appropria-
15 tions for this purpose), payments under the Retired
16 Serviceman's Family Protection and Survivor Bene-
17 fit Plans, and payments for medical care of retired
18 personnel and their dependents under chapter 55 of
19 title 10, United States Code—

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

21 and

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

23 (5) For alteration or removal of bridges over
24 navigable waters of the United States constituting
25 obstructions to navigation, and for personnel and

1 administrative costs associated with the Bridge Al-
2 teration Program—

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

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

5 to remain available until expended.

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

11 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
12 **AND TRAINING.**

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

16 (1) 37,944 as of September 30, 1998; and

17 (2) 38,038 as of September 30, 1999.

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

21 (1) For recruit and special training—

22 (A) for fiscal year 1998, 1,424 student
23 years; and

24 (B) for fiscal year 1999, 1,424 student
25 years.

1 (2) For flight training—

2 (A) for fiscal year 1998, 98 student years;

3 and

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

5 (3) For professional training in military and ci-
6 vilian institutions—

7 (A) for fiscal year 1998, 283 student
8 years; and

9 (B) for fiscal year 1999, 283 student
10 years.

11 (4) For officer acquisition—

12 (A) for fiscal year 1998, 814 student
13 years; and

14 (B) for fiscal year 1999, 810 student
15 years.

16 **SEC. 103. LORAN-C.**

17 (a) FISCAL YEAR 1999.—There are authorized to be
18 appropriated to the Department of Transportation, in ad-
19 dition to the funds authorized for the Coast Guard for
20 operation of the LORAN-C System, for capital expenses
21 related to LORAN-C navigation infrastructure,
22 \$10,000,000 for fiscal year 1999. The Secretary of Trans-
23 portation may transfer from the Federal Aviation Admin-
24 istration and other agencies of the department funds ap-

1 appropriated as authorized under this section in order to re-
2 imburse the Coast Guard for related expenses.

3 (b) COST-SHARING PLAN.—Not later than 6 months
4 after the date of enactment of this Act, the Secretary of
5 Transportation shall develop and submit to the Committee
6 on Commerce, Science, and Transportation of the Senate
7 and the Committee on Transportation and Infrastructure
8 of the House of Representatives a plan for cost-sharing
9 arrangements among Federal agencies for such capital
10 and operating expenses related to LORAN-C navigation
11 infrastructure, including such expenses of the Coast
12 Guard and the Federal Aviation Administration.

13 **TITLE II—COAST GUARD** 14 **MANAGEMENT**

15 **SEC. 201. SEVERANCE PAY.**

16 (a) WARRANT OFFICERS.—Section 286a(d) of title
17 14, United States Code, is amended by striking the last
18 sentence.

19 (b) SEPARATED OFFICERS.—Section 286a of title 14,
20 United States Code, is amended by striking the period at
21 the end of subsection (b) and inserting “, unless the Sec-
22 retary determines that the conditions under which the offi-
23 cer is discharged or separated do not warrant payment
24 of that amount of severance pay.”.

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

7 **SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN**
8 **AWARDS PROGRAMS.**

9 Section 93 of title 14, United States Code, is amend-
10 ed—

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

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

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

17 “(w) provide for the honorary recognition of in-
18 dividuals and organizations that significantly con-
19 tribute to Coast Guard programs, missions, or oper-
20 ations, including State and local governments and
21 commercial and nonprofit organizations, and pay
22 for, using any appropriations or funds available to
23 the Coast Guard, plaques, medals, trophies, badges,
24 and similar items to acknowledge such contribution

1 (including reasonable expenses of ceremony and
2 presentation).”.

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

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

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

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

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

13 “(x) rent or lease, under such terms and condi-
14 tions as are considered by the Secretary to be advis-
15 able, commercial vehicles to transport the next of
16 kin of eligible retired Coast Guard military personnel
17 to attend funeral services of the service member at
18 a national cemetery.”.

19 **SEC. 204. AUTHORITY TO REIMBURSE NOVATO, CALIFOR-**
20 **NIA, REUSE COMMISSION.**

21 The Commandant of the United States Coast Guard
22 may use up to \$25,000 to provide economic adjustment
23 assistance for the City of Novato, California, for the cost
24 of revising the Hamilton Reuse Planning Authority’s reuse
25 plan as a result of the Coast Guard’s request for housing

1 at Hamilton Air Force Base. If the Department of De-
2 fense provides such economic adjustment assistance to the
3 City of Novato on behalf of the Coast Guard, then the
4 Coast Guard may use the amount authorized for use in
5 the preceding sentence to reimburse the Department of
6 Defense for the amount of economic adjustment assistance
7 provided to the City of Novato by the Department of De-
8 fense.

9 **SEC. 205. LAW ENFORCEMENT AUTHORITY FOR SPECIAL**
10 **AGENTS OF THE COAST GUARD INVESTIGA-**
11 **TIVE SERVICE.**

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

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

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

19 “(A) To carry firearms.

20 “(B) To execute and serve any warrant or other
21 process issued under the authority of the United
22 States.

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

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

1 “(ii) any felony cognizable under the laws
2 of the United States if the agent has probable
3 cause to believe that the person to be arrested
4 has committed or is committing the felony.

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

9 “(b) The Commandant may designate to have the au-
10 thority provided under subsection (a) any special agent of
11 the Coast Guard Investigative Service whose duties in-
12 clude conducting, supervising, or coordinating investiga-
13 tion of criminal activity in programs and operations of the
14 United States Coast Guard.

15 “(c) The authority provided under subsection (a)
16 shall be exercised in accordance with guidelines prescribed
17 by the Commandant and approved by the Attorney Gen-
18 eral and any other applicable guidelines prescribed by the
19 Secretary of Transportation or the Attorney General.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 5 of title 14, United States
22 Code, is amended by striking the item related to section
23 95 and inserting the following:

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

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

2 Not later than 9 months after the date of enactment
3 of this Act, the Administrator of the General Services Ad-
4 ministration and the Commandant of the Coast Guard
5 shall submit to the Congress a report on the current proce-
6 dures used to dispose of excess Coast Guard property and
7 provide recommendations to improve such procedures. The
8 recommendations shall take into consideration measures
9 that would—

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

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

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

25 “(k) The Secretary may not plan, implement or final-
26 ize any regulation that would promulgate any new mari-

1 time user fee which was not implemented and collected
2 prior to January 1, 1998, including a fee or charge for
3 any domestic icebreaking service or any other navigational
4 assistance service. This subsection expires on September
5 30, 2001.”.

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

7 Not later than 18 months after the date of enactment
8 of this Act, the Commandant of the Coast Guard shall
9 submit to Congress a report on the use of the Coast
10 Guard’s aids to navigation system. The report shall in-
11 clude an analysis of the respective use of the aids to navi-
12 gation system by commercial interests, members of the
13 general public for personal recreation, Federal and State
14 government for public safety, defense, and other similar
15 purposes. To the extent practicable within the time al-
16 lowed, the report shall include information regarding de-
17 gree of use of the various portions of the system.

18 **TITLE III—MARINE SAFETY**

19 **SEC. 301. EXTENSION OF TERRITORIAL SEA FOR CERTAIN**
20 **LAWS.**

21 (a) PORTS AND WATERWAYS SAFETY ACT.—Section
22 102 of the Ports and Waterways Safety Act (33 U.S.C.
23 1222) is amended by adding at the end the following:

24 “(5) ‘Navigable waters of the United States’ in-
25 cludes all waters of the territorial sea of the United

1 States as described in Presidential Proclamation
2 5928 of December 27, 1988.”.

3 (b) SUBTITLE II OF TITLE 46.—

4 (1) Section 2101 of title 46, United States
5 Code, is amended—

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

8 (B) by inserting after paragraph (17) the
9 following:

10 “(17a) ‘navigable waters of the United States’
11 includes all waters of the territorial sea of the
12 United States as described in Presidential Proclama-
13 tion 5928 of December 27, 1988.”.

14 (2) Section 2301 of that title is amended by in-
15 serting “(including the territorial sea of the United
16 States as described in Presidential Proclamation
17 5928 of December 27, 1988)” after “of the United
18 States”.

19 (3) Section 4102(e) of that title is amended by
20 striking “operating on the high seas” and inserting
21 “owned in the United States and operating beyond
22 3 nautical miles from the baselines from which the
23 territorial sea of the United States is measured”.

24 (4) Section 4301(a) of that title is amended by
25 inserting “(including the territorial sea of the United

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

4 (5) Section 4502(a)(7) of that title is amended
5 by striking “on the high seas” and inserting “be-
6 yond 3 nautical miles from the baselines from which
7 the territorial sea of the United States is measured,
8 and which are owned in the United States”.

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

11 “(2) is operating—

12 “(A) in internal waters of the United
13 States; or

14 “(B) within 3 nautical miles from the
15 baselines from which the territorial sea of the
16 United States is measured.”.

17 (7) Section 8502(a)(3) of that title is amended
18 by striking “not on the high seas” and inserting:
19 “not beyond 3 nautical miles from the baselines
20 from which the territorial sea of the United States
21 is measured”.

22 (8) Section 8503(a)(2) of that title is amended
23 by striking paragraph (2) and inserting the follow-
24 ing:

25 “(2) operating—

1 “(A) in internal waters of the United
2 States; or

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

6 **SEC. 302. PENALTIES FOR INTERFERING WITH THE SAFE**
7 **OPERATION OF A VESSEL.**

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

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

12 **“§ 2302. Penalties for negligent operations and inter-**
13 **fering with safe operation”;**

14 and

15 (2) in subsection (a) by striking “that endan-
16 gers” and inserting “or interfering with the safe op-
17 eration of a vessel, so as to endanger”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 23 of title 46, United States
20 Code, is amended by striking the item relating to section
21 2302 and inserting the following:

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

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

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

1 **“§ 9307. Great Lakes Pilotage Advisory Committee**

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

4 “(1) may review proposed Great Lakes pilotage
5 regulations and policies and make recommendations
6 to the Secretary that the Committee considers ap-
7 propriate;

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

11 “(3) may make available to the Congress rec-
12 ommendations that the Committee makes to the Sec-
13 retary; and

14 “(4) shall meet at the call of—

15 “(A) the Secretary, who shall call such a
16 meeting at least once during each calendar
17 year; or

18 “(B) a majority of the Committee.

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

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

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

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

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

10 “(D) 1 member representing the interests of
11 shippers whose cargoes are transported through
12 Great Lakes ports; and

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

16 “(c)(1) The Committee shall elect one of its members
17 as the Chairman and one of its members as the Vice
18 Chairman. The Vice Chairman shall act as Chairman in
19 the absence or incapacity of the Chairman, or in the event
20 of a vacancy in the office of the Chairman.

21 “(2) The Secretary shall, and any other interested
22 agency may, designate a representative to participate as
23 an observer with the Committee. The representatives shall,
24 as appropriate, report to and advise the Committee on
25 matters relating to Great Lakes pilotage. The Secretary’s

1 designated representative shall act as the executive sec-
2 retary of the Committee and shall perform the duties set
3 forth in section 10(c) of the Federal Advisory Committee
4 Act (5 U.S.C. App.).

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

8 “(2) The Secretary shall consider the information,
9 advice, and recommendations of the Committee in formu-
10 lating policy regarding matters affecting Great Lakes pi-
11 lotage.

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

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

20 “(B) travel or transportation expenses under
21 section 5703 of title 5.

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

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

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

9 **SEC. 304. ALCOHOL TESTING.**

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

17 (b) INCREASE IN CIVIL PENALTY.—Section 2115 of
18 title 46, United States Code, is amended by striking
19 “\$1,000” and inserting “\$5,000”.

20 (c) INCREASE IN NEGLIGENCE PENALTY.—Section
21 2302(c)(1) of title 46, United States Code, is amended
22 by striking “\$1,000 for a first violation and not more than
23 \$5,000 for a subsequent violation; or” and inserting
24 “\$5,000; or”.

25 (d) POST SERIOUS MARINE CASUALTY TESTING.—

1 (1) Chapter 23 of title 46, United States Code,
2 is amended by inserting after section 2303 the fol-
3 lowing:

4 **“§2303a. Post serious marine casualty alcohol testing**

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

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

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

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

1 **SEC. 305. 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
8 States.”.

9 **SEC. 306. SAFETY MANAGEMENT CODE REPORT AND POL-**
10 **ICY.**

11 (a) **REPORT ON IMPLEMENTATION AND ENFORCE-**
12 **MENT OF THE INTERNATIONAL SAFETY MANAGEMENT**
13 **CODE.—**

14 (1) The Secretary of Transportation (in this
15 section referred to as the “Secretary”) shall conduct
16 a study—

17 (A) reporting on the status of implementa-
18 tion of the International Safety Management
19 Code (hereinafter referred to in this section as
20 ‘Code’);

21 (B) detailing enforcement actions involving
22 the Code, including the role documents and re-
23 ports produced pursuant to the Code play in
24 such enforcement actions;

25 (C) evaluating the effects the Code has had
26 on marine safety and environmental protection,

1 and identifying actions to further promote ma-
2 rine safety and environmental protection
3 through the Code;

4 (D) identifying actions to achieve full com-
5 pliance with and effective implementation of the
6 Code; and

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

11 These recommended actions may include proposed
12 limits on the use in legal proceedings of documents
13 produced pursuant to the Code.

14 (2) The Secretary shall provide opportunity for
15 the public to participate in and comment on the
16 study conducted under paragraph (1).

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

21 (b) POLICY.—

22 (1) Not later than 9 months after submission of
23 the report in subsection (a)(3), the Secretary shall
24 develop a policy to achieve full compliance with and

1 effective implementation of the Code. The policy
2 may include—

3 (A) enforcement penalty reductions and
4 waivers, limits on the use in legal proceedings
5 of documents produced pursuant to the Code,
6 or other incentives to ensure accurate and can-
7 did reporting and auditing;

8 (B) any other measures to achieve full
9 compliance with and effective implementation of
10 the Code; and

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

14 (2) The Secretary shall provide opportunity for
15 the public to participate in the development of the
16 policy in paragraph (1).

17 (3) Upon completion of the policy in paragraph
18 (1), the Secretary shall publish the policy in the
19 Federal Register and provide opportunity for public
20 comment on the policy.

21 **SEC. 307. OIL AND HAZARDOUS SUBSTANCE DEFINITION**
22 **AND REPORT.**

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

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

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

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

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

1 the adequacy of the nation's marine transportation system
2 (including ports, waterways, harbor approach channels,
3 and their intermodal connections) to operate in a safe, ef-
4 ficient, secure, and environmentally sound manner.

5 (b) TASK FORCE.—

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

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

13 (c) ASSESSMENT.—

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

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

1 (B) consult with senior public and private
2 sector officials, including the users of that sys-
3 tem, such as ports, commercial carriers, ship-
4 pers, labor, recreational boaters, fishermen, and
5 environmental organizations;

6 (C) sponsor public and private sector ac-
7 tivities to further refine and implement (under
8 existing authority) the strategies, recommenda-
9 tions, and plan for action;

10 (D) evaluate the capability to dispose of
11 dredged materials that will be produced to ac-
12 commodate projected increases referred to in
13 subparagraph (A); and

14 (E) evaluate the future of the navigational
15 aid system including the use of virtual aids to
16 navigation on electronic charts.

17 (2) The Secretary shall report to Congress on
18 the results of the assessment no later than July 1,
19 1999. The report shall reflect the views of both the
20 public and private sectors. The Task Force shall
21 cease to exist upon submission of the report in this
22 paragraph.

1 **SEC. 309. AVAILABILITY AND USE OF EPIRBS FOR REC-**
2 **REATIONAL VESSELS.**

3 The Secretary of Transportation, through the Coast
4 Guard and in consultation with the National Transpor-
5 tation Safety Board and recreational boating organiza-
6 tions, shall, within 24 months of the date of enactment
7 of this Act, assess and report to Congress on the use of
8 emergency position indicating beacons (EPIRBs) and
9 similar devices by operators of recreational vessels on the
10 Intracoastal Waterway and operators of recreational ves-
11 sels beyond the Boundary Line. The assessment shall at
12 a minimum—

13 (1) evaluate the current availability and use of
14 EPIRBs and similar devices by the operators of rec-
15 reational vessels and the actual and potential con-
16 tribution of such devices to recreational boating safe-
17 ty; and

18 (2) provide recommendations on policies and
19 programs to encourage the availability and use of
20 EPIRBS and similar devices by the operators of rec-
21 reational vessels.

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

23 Not later than 9 months after the date of enactment
24 of this Act, the Commandant shall submit a report to the
25 Committee on Commerce, Science, and Transportation of

1 the Senate and the Committee on Transportation and In-
2 frastructure of the House of Representatives—

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

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

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

18 (4) identifying, among any other options the
19 Commandant may provide as required by paragraph
20 (2), locations in the State of Maine that may be
21 suitable for the stationing of a Coast Guard search
22 and rescue helicopter and crew, including any Coast
23 Guard facility in Maine, the Bangor Air National
24 Guard Base, and any other locations.

1 **SEC. 311. PETROLEUM TRANSPORTATION.**

2 (a) DEFINITIONS.—In this section:

3 (1) FIRST COAST GUARD DISTRICT.—The term
4 “First Coast Guard District” means the First Coast
5 Guard District described in section 3.05-1(b) of title
6 33, Code of Federal Regulations.

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

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

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

14 (B) includes the waters of Long Island
15 Sound.

16 (b) REGULATIONS RELATING TO WATERS OF THE
17 NORTHEAST.—

18 (1) TOWING VESSEL AND BARGE SAFETY FOR
19 WATERS OF THE NORTHEAST.—

20 (A) IN GENERAL.—Not later than Decem-
21 ber 31, 1998, the Secretary shall promulgate
22 regulations for towing vessel and barge safety
23 for the waters of the Northeast.

24 (B) INCORPORATION OF RECOMMENDA-
25 TIONS.—

1 (i) IN GENERAL.—Except as provided
2 in clause (ii), the regulations promulgated
3 under this paragraph shall give full consid-
4 eration to each of the recommendations for
5 regulations contained in the report entitled
6 “Regional Risk Assessment of Petroleum
7 Transportation in the Waters of the
8 Northeast United States” issued by the
9 Regional Risk Assessment Team for the
10 First Coast Guard District on February 6,
11 1997, and the Secretary shall provide a de-
12 tailed explanation if any recommendation
13 is not adopted.

14 (ii) EXCLUDED RECOMMENDA-
15 TIONS.—The regulations promulgated
16 under this paragraph shall not incorporate
17 any recommendation referred to in clause
18 (i) that relates to anchoring or barge re-
19 trieval systems.

20 (2) ANCHORING AND BARGE RETRIEVAL SYS-
21 TEMS.—

22 (A) IN GENERAL.—Not later than Novem-
23 ber 30, 1998, the Secretary shall promulgate
24 regulations under section 3719 of title 46,
25 United States Code, for the waters of the

1 Northeast, that shall give full consideration to
2 each of the recommendations made in the re-
3 port referred to in paragraph (1)(B)(i) relating
4 to anchoring and barge retrieval systems, and
5 the Secretary shall provide a detailed expla-
6 nation if any recommendation is not adopted.

7 (B) RULE OF CONSTRUCTION.—Nothing in
8 subparagraph (A) prevents the Secretary from
9 promulgating interim final regulations that
10 apply throughout the United States relating to
11 anchoring and barge retrieval systems that con-
12 tain requirements that are as stringent as the
13 requirements of the regulations promulgated
14 under subparagraph (A).

15 **SEC. 312. SEASONAL COAST GUARD HELICOPTER AIR RES-**
16 **CUE CAPABILITY.**

17 The Secretary of Transportation is authorized to take
18 appropriate actions to ensure the establishment and oper-
19 ation by the Coast Guard of a helicopter air rescue capa-
20 bility that—

21 (1) is located at Gabreski Airport,
22 Westhampton, New York; and

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

1 **SEC. 313. SHIP REPORTING SYSTEMS.**

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

5 “(d) SHIP REPORTING SYSTEMS.—The Secretary, in
6 cooperation with the International Maritime Organization,
7 is authorized to implement and enforce two mandatory
8 ship reporting systems, consistent with international law,
9 with respect to vessels subject to such reporting systems
10 entering the following areas of the Atlantic Ocean: Cape
11 Cod Bay, Massachusetts Bay, and Great South Channel
12 (in the area generally bounded by a line starting from a
13 point on Cape Ann, Massachusetts at 42 deg. 39’ N., 70
14 deg. 37’ W; then northeast to 42 deg. 45’ N., 70 deg.
15 13’ W; then southeast to 42 deg. 10’ N., 68 deg. 31’ W,
16 then south to 41 deg. 00’ N., 68 deg. 31’ W; then west
17 to 41 deg. 00’ N., 69 deg. 17’ W; then northeast to 42
18 deg. 05’ N., 70 deg. 02’ W, then west to 42 deg. 04’ N.,
19 70 deg. 10’ W; and then along the Massachusetts shoreline
20 of Cape Cod Bay and Massachusetts Bay back to the point
21 on Cape Ann at 42 deg. 39’ N., 70 deg. 37’ W) and in
22 the coastal waters of the Southeastern United States with-
23 in about 25 nm along a 90 nm stretch of the Atlantic
24 seaboard (in an area generally extending from the shore-
25 line east to longitude 80 deg. 51.6’ W with the southern

1 and northern boundary at latitudes 30 deg. 00' N., 31
2 deg. 27' N., respectively).”.

3 **TITLE IV—MISCELLANEOUS**

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

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

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

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

10 **“§12124. Surrender of title and number**

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

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

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

“12124. Surrender of title and number”.

23 (c) OTHER AMENDMENTS.—Title 46, United States
24 Code, is amended—

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

3 “(b) Any indebtedness secured by a preferred mort-
4 gage that is filed or recorded under this chapter, or that
5 is subject to a mortgage, security agreement, or instru-
6 ments granting a security interest that is deemed to be
7 a preferred mortgage under subsection (d) of this section,
8 may have any rate of interest to which the parties agree.”;

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

12 (3) by striking section 31322(d)(3) and insert-
13 ing the following:

14 “(3) A preferred mortgage under this sub-
15 section continues to be a preferred mortgage even if
16 the vessel is no longer titled in the State where the
17 mortgage, security agreement, or instrument grant-
18 ing a security interest became a preferred mortgage
19 under this subsection.”;

20 (4) by striking “mortgages or instruments” in
21 subsection 31322(d)(2) and inserting “mortgages,
22 security agreements, or instruments”;

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

1 (6) by inserting “a vessel titled in a State,” in
2 section 31325(b)(3) after “a vessel for which an ap-
3 plication for documentation is filed under chapter
4 121 of this title,”; and

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

8 **SEC. 402. 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 shall
17 dispose of all right, title, and interest of the United
18 States in and to that property, by sale, at fair mar-
19 ket value.

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

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

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

9 (1) SEAGULL (United States official number
10 1038605).

11 (2) BAREFOOT CONTESA (United States of-
12 ficial number 285410).

13 (3) PRECIOUS METAL (United States official
14 number 596316).

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

17 (5) SOUTHERN STAR (United States official
18 number 650774).

19 (6) KEEWAYDIN (United States official num-
20 ber 662066).

21 (7) W.G. JACKSON (United States official
22 number 1047199).

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

1 (9) MIGHTY JOHN III (formerly the NIAG-
2 ARA QUEEN, Canadian registration number
3 318746).

4 (10) MAR Y PAZ (United States official num-
5 ber 668179).

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

8 (12) NAWNSENSE (United States official
9 number 977593).

10 (13) ELMO (State of Florida registration num-
11 ber FL5337BG).

12 (14) MANA-WANUI (United States official
13 number 286657).

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

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

18 (17) WINDWISP (United States official num-
19 ber 571621).

20 (18) SOUTHLAND (United States official
21 number 639705).

22 (19) FJORDING (United States official num-
23 ber 594363).

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

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

3 (22) FLAME (United States official number
4 279363).

5 (23) DULARGE (United States official number
6 653762).

7 (24) DUSKEN IV (United States official num-
8 ber 952645).

9 (25) SUMMER BREEZE (United States offi-
10 cial number 552808).

11 (26) ARCELLA (United States official number
12 1025983).

13 (27) BILLIE-B-II (United States official num-
14 ber 982069).

15 (28) VESTERHAVET (United States official
16 number 979206).

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

19 (30) VORTICE, Bari, Italy, registration num-
20 ber 256.

21 (31) The barge G. L. 8 (Canadian official num-
22 ber 814376).

23 (32) YESTERDAYS DREAM (United States
24 official number 680266).

1 (33) ENFORCER (United States official num-
2 ber 502610).

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

5 (35) AMICI (United States official number
6 658055).

7 (36) ELIS (United States official number
8 628358).

9 (37) STURE (United States official number
10 617703).

11 (38) CAPT GRADY (United States official
12 number 626257).

13 (39) Barge number 1 (United States official
14 number 933248).

15 (40) Barge number 2 (United States official
16 number 256944).

17 (41) Barge number 14 (United States official
18 number 501212).

19 (42) Barge number 18 (United States official
20 number 297114).

21 (43) Barge number 19 (United States official
22 number 503740).

23 (44) Barge number 21 (United States official
24 number 650581).

1 (45) Barge number 22 (United States official
2 number 650582).

3 (46) Barge number 23 (United States official
4 number 650583).

5 (47) Barge number 24 (United States official
6 number 664023).

7 (48) Barge number 25 (United States official
8 number 664024).

9 (49) Barge number 26 (United States official
10 number 271926).

11 (50) FULL HOUSE (United States official
12 number 1023827).

13 (51) EMBARCADERO (United States official
14 number 669327).

15 (52) S.A., British Columbia (Canada official
16 number 195214).

17 (53) FAR HORIZONS (United States official
18 number 1044011).

19 (54) LITTLE TOOT (United States official
20 number 938858).

21 (55) EAGLE FEATHERS (United States offi-
22 cial number 1020989).

23 (56) ORCA (United States official number
24 665270).

1 (57) TAURUS (United States official number
2 955814).

3 (58) The barge KC-251 (United States official
4 number CG019166; National Vessel Documentation
5 Center number 1055559).

6 (59) VIKING (United States official number
7 224430).

8 (60) SARAH B (United States official number
9 928431).

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

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

23 (d) NINA, PINTA, AND SANTA MARIA REP-
24 LICAS.—

1 (1) IN GENERAL.—Notwithstanding section 27
2 of the Merchant Marine Act, 1920 (46 U.S.C. App.
3 883), section 8 of the Act of June 19, 1886 (46
4 U.S.C. App. 289), and section 12106 of title 46,
5 United States Code, the Secretary may issue a cer-
6 tificate of documentation with appropriate endorse-
7 ment for employment in the coastwise trade only for
8 the purpose of carrying passengers for hire for each
9 of the vessels listed in paragraph (2).

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

12 (A) NINA (United States Coast Guard
13 vessel identification number CG034346).

14 (B) PINTA (United States Coast Guard
15 vessel identification number CG034345).

16 (C) NAO SANTA MARIA (United States
17 Coast Guard vessel identification number
18 CG034344).

19 (e) DOCUMENTATION OF VESSEL COLUMBUS.—

20 (1) IN GENERAL.—Notwithstanding section 27
21 of the Merchant Marine Act, 1920 (46 App. U.S.C.
22 883), sections 12102 and 12106 of title 46, United
23 States Code, and the endorsement limitation in sec-
24 tion 5501(a)(2)(B) of Public Law 102–587, and
25 subject to paragraph (2), the Secretary of Transpor-

1 tation may issue a certificate of documentation with
2 appropriate endorsement for employment in the
3 coastwise trade for the vessel COLUMBUS (United
4 States official number 590658).

5 (2) LIMITATION.—Coastwise trade referred to
6 in paragraph (1) may not include the transportation
7 of dredged material from a project in which the stat-
8 ed intent of the Corps of Engineers, in its Construc-
9 tion Solicitation, or of another contracting entity, is
10 that the dredged material is—

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

13 (B) to be deposited into a fill area for the
14 purpose of creation of land for an immediate
15 use identified in the Construction Solicitation
16 other than disposal of the dredged material; or

17 (C) for the intention of immediate sale or
18 resale unrelated to disposal.

19 (f) FOILCAT.—

20 (1) IN GENERAL.—Notwithstanding sections
21 12106 and 12108 of title 46, United States Code,
22 section 8 of the Passenger Vessel Act (46 U.S.C.
23 App. 289), and section 27 of the Merchant Marine
24 Act, 1920 (46 U.S.C. App. 883), the Secretary of
25 Transportation may issue a certificate of documenta-

1 tion with appropriate endorsement for employment
2 in the coastwise trade for the vessel FOILCAT
3 (United States official number 1063892). The en-
4 dorsement shall provide that the vessel shall operate
5 under the certificate of documentation only within
6 the State of Hawaii and that the vessel shall not op-
7 erate on any route served by a passenger ferry as of
8 the date the Secretary of Transportation issues a
9 certificate of documentation under this Act.

10 (2) TERMINATION.—The endorsement issued
11 under paragraph (1) shall be in effect for the vessel
12 FOILCAT for the period—

13 (A) beginning on the date on which the
14 vessel is placed in service to initiate a high-
15 speed marine ferry demonstration project spon-
16 sored by the State of Hawaii; and

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

20 **SEC. 404. CONVEYANCE OF NAHANT PARCEL, ESSEX COUN-**
21 **TY, MASSACHUSETTS.**

22 (a) IN GENERAL.—The Commandant of the Coast
23 Guard, may convey, by an appropriate means of convey-
24 ance, all right, title, and interest of the United States in
25 and to the United States Coast Guard Recreation Facility

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

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

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

10 (1) without payment of consideration; and

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

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

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

22 (2) the Town fails to maintain the property
23 conveyed in a manner consistent with the terms and
24 conditions in subsection (c); or

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

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

6 Notwithstanding any other provision of law, the
7 liftbridge over the back channel of the Schuylkill River in
8 Philadelphia, Pennsylvania, is deemed to unreasonably ob-
9 struct navigation.

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

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

14 (1) in subsection (a)(1), by striking “(except”
15 and all that follows through “Act)” and inserting a
16 comma; and

17 (2) by adding at the end of subsection (c) the
18 following:

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

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

1 “(B) a tank vessel that is designated in its
2 certificate of inspection as an oil spill response
3 vessel (as that term is defined in section 2101
4 of title 46, United States Code) and that is
5 used solely for removal.”.

6 **SEC. 407. CONVEYANCE OF COAST GUARD PROPERTY TO**
7 **JACKSONVILLE UNIVERSITY IN JACKSON-**
8 **VILLE, FLORIDA.**

9 (a) **AUTHORITY TO CONVEY.**—

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

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

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

21 (1) subject to the terms and conditions the
22 Commandant may consider appropriate; and

23 (2) subject to the condition that all right, title,
24 and interest in and to property conveyed shall imme-
25 diately revert to the United States if the property,

1 or any part thereof, ceases to be used by Jackson-
2 ville University.

3 **SEC. 408. PENALTY FOR VIOLATION OF INTERNATIONAL**
4 **SAFETY CONVENTION.**

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

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

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

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

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

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

5 “(B) any date on which the owner or operator
6 of the vessel prevails in an appeal of the violation of
7 the relevant international convention on which the
8 detention is based.

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

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

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

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

1 the House of Representatives 90 days prior to approving
2 such recognition.

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

6 (a) AUTHORITY TO CONVEY.—

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

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

20 (3) IDENTIFICATION OF PROPERTY.—

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

24 (B) The Commandant shall determine the
25 exact acreage and legal description of the prop-

1 erty to be conveyed under this section by a sur-
2 vey satisfactory to the Commandant. The cost
3 of the survey shall be borne by the Town.

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

6 (1) without payment of consideration; and

7 (2) subject to the following terms and condi-
8 tions:

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

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

22 (C) Any other terms and conditions the
23 Commandant considers appropriate to protect
24 the interests of the United States, including the

1 reservation of easements or other rights on be-
2 half of the United States.

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

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

9 (2) the Town fails to maintain the property
10 conveyed in a manner consistent with the terms and
11 conditions in subsection (b); or

12 (3) at least 30 days before such reversion, the
13 Commandant provides written notice to the Town
14 that the property conveyed is needed for national se-
15 curity purposes.

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

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

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

1 (2) by striking “and” after the semicolon at the
2 end of subsection (a)(23), by striking the period at
3 the end of subsection (a)(24) and inserting “; and”,
4 and by adding at the end of subsection (a) the fol-
5 lowing:

6 “(25) ‘removal costs’ means—

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

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

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

18 (b) OIL SPILL MECHANICAL REMOVAL.—Section
19 311(a)(2) of the Federal Water Pollution Control Act (33
20 U.S.C. 1321(a)(2)) is amended—

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

23 (2) by inserting before the semicolon at the end
24 the following: “, and (D) discharges incidental to

1 mechanical removal authorized by the President
2 under subsection (c) of this section”.

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

4 (a) VESSEL TURMOIL.—

5 (1) IN GENERAL.—The vessel described in
6 paragraph (2) is deemed for all purposes, including
7 title 46, United States Code, and all regulations
8 thereunder, to be a recreational vessel of less than
9 300 gross tons, if—

10 (A) it does not carry cargo or passengers
11 for hire; and

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

14 (2) VESSEL DESCRIBED.—The vessel referred
15 to in paragraph (1) is the vessel TURMOIL (British
16 official number 726767).

17 (b) PILOT PROGRAM.—

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

1 (A) the vessel does not carry any cargo or
2 passengers for hire;

3 (B) the vessel does not engage in commer-
4 cial service, commercial fisheries, or oceano-
5 graphic research; and

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

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

12 **SEC. 413. LAND CONVEYANCE, COAST GUARD STATION**
13 **OCRACOKE, NORTH CAROLINA.**

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

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

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

5 (A) utilities;

6 (B) access to and from the property;

7 (C) the use of the boat launching ramp on
8 the property; and

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

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

14 (3) That the State utilize the property for
15 transportation, education, environmental, or other
16 public purposes.

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

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

4 (d) DESCRIPTION OF PROPERTY.—The exact acreage
5 and legal description of the property conveyed under sub-
6 section (a), and any easements or rights of way granted
7 under subsection (b)(1), shall be determined by a survey
8 satisfactory to the Secretary. The cost of the survey shall
9 be borne by the State.

10 (e) ADDITIONAL TERMS AND CONDITIONS.—The
11 Secretary may require such additional terms and condi-
12 tions with respect to the conveyance under subsection (a),
13 and any easements or rights of way granted under sub-
14 section (b)(1), as the Secretary considers appropriate to
15 protect the interests of the United States.

16 **SEC. 414. CONVEYANCE OF COAST GUARD PROPERTY IN**
17 **SAULT SAINTE MARIE, MICHIGAN.**

18 (a) REQUIREMENT TO CONVEY.—The Secretary of
19 Transportation (in this section referred to as the “Sec-
20 retary”) shall promptly convey, without consideration, to
21 American Legion Post No. 3 in Sault Sainte Marie, Michi-
22 gan, all right, title, and interest of the United States in
23 and to the parcel of real property described in section 202
24 of the Water Resources Development Act of 1990 (Public
25 Law 101–640), as amended by section 323 of the Water

1 Resources Development Act of 1992 (Public Law 102–
2 580), comprising approximately 0.565 acres, together with
3 any improvements thereon.

4 (b) CONDITION.—The conveyance under subsection
5 (a) shall be subject to the condition that the property be
6 used as a clubhouse for the American Legion Post No.
7 3.

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

15 (2) Upon reversion under paragraph (1), the property
16 shall be under the administrative jurisdiction of the Ad-
17 ministrator of General Services.

18 (d) DESCRIPTION OF PROPERTY.—The exact acreage
19 and legal description of the property conveyed under sub-
20 section (a) shall be determined by a survey satisfactory
21 to the Secretary. The cost of the survey shall be borne
22 by the American Legion Post No. 3.

23 (e) ADDITIONAL TERMS AND CONDITIONS.—The
24 Secretary may require such additional terms and condi-
25 tions with respect to the conveyance under subsection (a)

1 as the Secretary considers appropriate to protect the inter-
2 ests of the United States.

3 **SEC. 415. INTERIM AUTHORITY FOR DRY BULK CARGO RES-**
4 **IDUE DISPOSAL.**

5 (a) IN GENERAL.—

6 (1) Subject to subsection (b), the Secretary of
7 Transportation shall continue to implement and en-
8 force the United States Coast Guard 1997 Enforce-
9 ment Policy for Cargo Residues on the Great Lakes
10 and revisions thereto that are made in accordance
11 with that Policy (hereinafter in this section referred
12 to as the “Policy”) for the purpose of regulating in-
13 cidental discharges from vessels of residues of dry
14 bulk cargo into the waters of the Great Lakes under
15 the jurisdiction of the United States.

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

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

21 (1) the effective date of regulations promul-
22 gated pursuant to legislation enacted subsequent to
23 the enactment of this Act providing for the regula-
24 tion of incidental discharges from vessels of dry bulk
25 cargo residue into the waters of the Great Lakes

1 under the jurisdiction of the United States is en-
2 acted; or

3 (2) September 30, 2002.

4 **SEC. 416. CONVEYANCE OF LIGHTHOUSES.**

5 (a) AUTHORITY TO CONVEY.—

6 (1) IN GENERAL.—The Commandant of the
7 Coast Guard, or the Administrator of the General
8 Services Administration, as appropriate, may convey,
9 by an appropriate means of conveyance, all right,
10 title, and interest of the United States in and to
11 each of the following properties:

12 (A) Light Station Sand Point, located in
13 Escanaba, Michigan, to the Delta County His-
14 torical Society.

15 (B) Light Station Dunkirk, located in
16 Dunkirk, New York, to the Dunkirk Historical
17 Lighthouse and Veterans' Park Museum.

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

20 (D) Eagle Harbor Light Station, located in
21 Michigan, to the Keweenaw County Historical
22 Society.

23 (E) Cape Decision Light Station, located
24 in Alaska, to the Cape Decision Lighthouse So-
25 ciety.

1 (F) Cape St. Elias Light Station, located
2 in Alaska, to the Cape St. Elias Light Keepers
3 Association.

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

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

8 (I) Hudson-Athens Lighthouse, located in
9 New York, to the Hudson-Athens Lighthouse
10 Preservation Society.

11 (J) Georgetown Light, located in George-
12 town County, South Carolina, to the South
13 Carolina Department of Natural Resources.

14 (K) Coast Guard Light Station Two Har-
15 bors, located in Lake County, Minnesota, to the
16 Lake County Historical Society.

17 (2) IDENTIFICATION OF PROPERTY.—The Com-
18 mandant or Administrator, as appropriate, may
19 identify, describe, and determine the property to be
20 conveyed under this subsection.

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

25 (b) TERMS OF CONVEYANCE.—

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

3 (A) without payment of consideration; and

4 (B) subject to the terms and conditions re-
5 quired by this section and other terms and con-
6 ditions the Commandant or the Administrator,
7 as appropriate, may consider, including the res-
8 ervation of easements and other rights on be-
9 half of the United States.

10 (2) REVERSIONARY INTEREST.—In addition to
11 any term or condition established under this section,
12 the conveyance of property under this section shall
13 be subject to the condition that all right, title, and
14 interest in the property shall immediately revert to
15 the United States if—

16 (A) the property, or any part of the prop-
17 erty—

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

21 (ii) ceases to be maintained in a man-
22 ner that is consistent with its present or
23 future use as a site for Coast Guard aids
24 to navigation or compliance with this Act;
25 or

1 (iii) ceases to be maintained in a man-
2 ner consistent with the conditions in para-
3 graph (5) established by the Commandant
4 or the Administrator, as appropriate, pur-
5 suant to the National Historic Preserva-
6 tion Act of 1966 (16 U.S.C. 470 et seq.);
7 or

8 (B) at least 30 days before that reversion,
9 the Commandant or the Administrator, as ap-
10 propriate, provides written notice to the owner
11 that the property is needed for national security
12 purposes.

13 (3) MAINTENANCE OF NAVIGATION FUNC-
14 TIONS.—The conveyance of property under this sec-
15 tion shall be made subject to the conditions that the
16 Commandant or Administrator, as appropriate, con-
17 siders to be necessary to assure that—

18 (A) the lights, antennas, and associated
19 equipment located on the property conveyed,
20 which are active aids to navigation, shall con-
21 tinue to be operated and maintained by the
22 United States for as long as they are needed for
23 this purpose;

24 (B) the owner of the property may not
25 interfere or allow interference in any manner

1 with aids to navigation without express written
2 permission from the Commandant or Adminis-
3 trator, as appropriate;

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

9 (D) the United States shall have the right,
10 at any time, to enter the property without no-
11 tice for the purpose of operating, maintaining
12 and inspecting aids to navigation, and for the
13 purpose of enforcing compliance with subsection
14 (b); and

15 (E) the United States shall have an ease-
16 ment of access to and across the property for
17 the purpose of maintaining the aids to naviga-
18 tion in use on the property.

19 (4) OBLIGATION LIMITATION.—The owner of
20 the property is not required to maintain any active
21 aid to navigation equipment on the property, except
22 private aids to navigation permitted under section
23 83 of title 14, United States Code.

24 (5) MAINTENANCE OF PROPERTY.—The owner
25 of the property shall maintain the property in a

1 proper, substantial, and workmanlike manner, and
2 in accordance with any conditions established by the
3 Commandant or the Administrator, as appropriate,
4 pursuant to the National Historic Preservation Act
5 of 1966 (16 U.S.C. 470 et seq.), and other applica-
6 ble laws.

7 (c) DEFINITIONS.—In this section:

8 (1) AIDS TO NAVIGATION.—The term “aids to
9 navigation” means equipment used for navigation
10 purposes, including but not limited to, a light, an-
11 tenna, sound signal, electronic navigation equipment,
12 or other associated equipment which are operated or
13 maintained by the United States.

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

17 (3) DELTA COUNTY HISTORICAL SOCIETY.—The
18 term “Delta County Historical Society” means the
19 Delta County Historical Society (a nonprofit cor-
20 poration established under the laws of the State of
21 Michigan, its parent organization, or subsidiary, if
22 any).

23 (4) DUNKIRK HISTORICAL LIGHTHOUSE AND
24 VETERANS’ PARK MUSEUM.—The term “Dunkirk
25 Historical Lighthouse and Veterans’ Park Museum”

1 means Dunkirk Historical Lighthouse and Veterans'
2 Park Museum located in Dunkirk, New York, or, if
3 appropriate as determined by the Commandant, the
4 Chautauqua County Armed Forces Memorial Park
5 Corporation, New York.

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

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

1 (e) EXTENSION OF PERIOD FOR CONVEYANCE OF
2 WHITLOCK'S MILL LIGHT.—Notwithstanding section
3 1002(a)(3) of the Coast Guard Authorization Act of 1996,
4 the conveyance authorized by section 1002(a)(2)(AA) of
5 that Act may take place after the date required by section
6 1002(a)(3) of that Act but no later than December 31,
7 1998.

8 **SEC. 417. CONVEYANCE OF COAST GUARD LORAN STATION**
9 **NANTUCKET.**

10 (a) AUTHORITY TO CONVEY.—

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

22 (2) IDENTIFICATION OF PROPERTY.—

23 (A) The Commandant may identify, define,
24 describe, and determine the real property to be
25 conveyed under this section.

1 (B) The Commandant shall determine the
2 exact acreage and legal description of the prop-
3 erty to be conveyed under this section by a sur-
4 vey satisfactory to the Commandant. The cost
5 of the survey shall be borne by the Town.

6 (b) TERMS OF CONVEYANCE.—

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

9 (A) without payment of consideration; and

10 (B) subject to the following terms and con-
11 ditions:

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

23 (ii) The Town shall maintain the real
24 property conveyed in a manner consistent
25 with the present and future use of any

1 property retained by the United States at
2 Coast Guard LORAN Station Nantucket
3 as a site for an aid to navigation.

4 (iii) Any other terms and conditions
5 the Commandant considers appropriate to
6 protect the interests of the United States,
7 including the reservation of easements or
8 other rights on behalf of the United States.

9 (2) REVERSIONARY INTEREST.—The convey-
10 ance of real property pursuant to this section shall
11 be subject to the condition that all right, title, and
12 interest in such property shall immediately revert to
13 the United States if—

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

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

19 (C) at least 30 days before such reversion,
20 the Commandant provides written notice to the
21 Town that the property conveyed is needed for
22 national security purposes.

1 **SEC. 418. CONVEYANCE OF DECOMMISSIONED COAST**
2 **GUARD VESSELS.**

3 (a) IN GENERAL.—The Commandant of the Coast
4 Guard may convey all right, title, and interest of the
5 United States in and to each of 2 decommissioned “White
6 Class” 133-foot Coast Guard vessels to Canvasback Mis-
7 sion, Inc. (a nonprofit corporation under the laws of the
8 State of Oregon; in this section referred to as “the recipi-
9 ent”), without consideration, if—

10 (1) the recipient agrees—

11 (A) to use the vessel for purposes of pro-
12 viding medical services to Central and South
13 Pacific island nations;

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

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

21 (D) to hold the Government harmless for
22 any claims arising from exposure to hazardous
23 materials, including asbestos and poly-
24 chlorinated biphenyls (PCBs), after conveyance
25 of the vessel, except for claims arising from the
26 use by the Government under paragraph (1)(C);

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

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

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

21 (c) OTHER EXCESS EQUIPMENT.—The Commandant
22 may convey to the recipient of a vessel under this section
23 any excess equipment or parts from other decommissioned
24 Coast Guard vessels for use to enhance the vessel's oper-

1 ability and function as a medical services vessel in Central
2 and South Pacific Islands.

3 **SEC. 419. AMENDMENT TO CONVEYANCE OF VESSEL S/S**
4 **RED OAK VICTORY.**

5 Section 1008(d)(1) of the Coast Guard Authorization
6 Act of 1996 is amended by striking “2 years” and insert-
7 ing “3 years”.

8 **SEC. 420. TRANSFER OF OCRACOKE LIGHT STATION TO**
9 **SECRETARY OF THE INTERIOR.**

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

18 **SEC. 421. VESSEL DOCUMENTATION CLARIFICATION.**

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

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

1 **SEC. 422. DREDGE CLARIFICATION.**

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

5 “(3) A vessel—

6 “(A) configured, outfitted, and operated
7 primarily for dredging operations; and

8 “(B) engaged in dredging operations which
9 transfers fuel to other vessels engaged in the
10 same dredging operations without charge.”.

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

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

15 “(3)(A) The Secretary of Transportation shall
16 coordinate with the Marine Board of the National
17 Research Council to conduct the necessary research
18 and development of a rationally based equivalency
19 assessment approach, which accounts for the overall
20 environmental performance of alternative tank vessel
21 designs. Notwithstanding the Coast Guard opinion
22 of the application of sections 101 and 311 of the
23 Clean Water Act (33 U.S.C. 1251 and 1321), the
24 intent of this study is to establish an equivalency
25 evaluation procedure that maintains a high standard

1 of environmental protection, while encouraging inno-
2 vative ship design. The study shall include:

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

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

12 “(iii) development of a rationally based ap-
13 proach for calculating an environmental index,
14 to assess overall outflow performance due to
15 collisions and groundings; and

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

19 “(B) A Marine Board committee shall be estab-
20 lished not later than 2 months after the date of en-
21 actment of the Coast Guard Authorization Act of
22 1998. The Secretary of Transportation shall submit
23 to the Committee on Commerce, Science, and Trans-
24 portation of the Senate and the Committee on
25 Transportation and Infrastructure in the House of

1 Representatives a report on the results of the study
2 not later than 12 months after the date of enact-
3 ment of the Coast Guard Authorization Act of 1998.

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

8 **SEC. 424. VESSEL SHARING AGREEMENTS.**

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

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

1 not use or make available space on the vessel for the car-
2 riage of cargo reserved by law for United States-flag ves-
3 sels.”.

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

7 (c) Nothing in this section shall affect or in any way
8 diminish the authority or effectiveness of orders issued by
9 the Maritime Administration pursuant to sections 9 and
10 41 of the Shipping Act, 1916 (46 U.S.C. App. 808 and
11 839).

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

21 **SEC. 425. REPORTS.**

22 (a) **SWATH TECHNOLOGY.**—The Commandant of
23 the Coast Guard shall, within 18 months after the date
24 of enactment of this Act, report to the Senate Committee
25 on Commerce, Science, and Transportation and the House

1 Committee on Transportation and Infrastructure on the
2 applicability of Small Waterplane Area Twin Hull
3 (SWATH) technology, including concepts developed by the
4 United States Office of Naval Research, to the design of
5 Coast Guard vessels.

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

12 **SEC. 426. REPORT ON TONNAGE CALCULATION METHODOLOGY.**
13 **OGY.**

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

22 **SEC. 427. AUTHORITY TO CONVEY NATIONAL DEFENSE RE-**
23 **SERVE FLEET VESSELS.**

24 (a) AUTHORITY TO CONVEY.—Notwithstanding any
25 other law, the Secretary of Transportation (referred to in

1 this section as “the Secretary”) may convey all right, title,
2 and interest of the Federal Government in and to either
3 or both of the vessels S.S. AMERICAN VICTORY
4 (United States official number 248005) and S.S. HAT-
5 TIESBURG VICTORY (United States official number
6 248651) to The Victory Ship, Inc., located in Tampa,
7 Florida (in this section referred to as the “recipient”), and
8 the recipient may use each vessel conveyed only as a me-
9 morial to the Victory class of ships.

10 (b) TERMS OF CONVEYANCE.—

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

13 (A) at the place where the vessel is located
14 on the date of conveyance;

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

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

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

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

1 of the vessel by the Government after that date;
2 and

3 (B) the recipient has available, for use to
4 restore the vessel, in the form of cash, liquid as-
5 sets, or a written loan commitment, financial
6 resources of at least \$100,000.

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

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

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

18 (a) **AUTHORITY TO CONVEY.**—Notwithstanding any
19 other law, the Secretary of Transportation (in this section
20 referred to as “the Secretary”) may convey all right, title,
21 and interest of the United States Government in and to
22 the vessel JOHN HENRY (United States official number
23 599294) to a purchaser for use in humanitarian relief ef-
24 forts, including the provision of water and humanitarian
25 goods to developing nations.

1 (b) TERMS OF CONVEYANCE.—

2 (1) DELIVERY OF VESSEL.—In carrying out
3 subsection (a), the Secretary shall deliver the ves-
4 sel—

5 (A) at the place where the vessel is located
6 on the date of conveyance;

7 (B) in its condition on that date;

8 (C) at no cost to the United States Gov-
9 ernment; and

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

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

14 (A) competitive procedures are used for
15 sales under this section;

16 (B) the vessel is sold for not less than the
17 fair market value of the vessel in the United
18 States, as determined by the Secretary of
19 Transportation;

20 (C) the recipient agrees that the vessel
21 shall not be used for commercial transportation
22 purposes or for the carriage of cargoes reserved
23 to United States flag commercial vessels under
24 section 901(b) and 901f of the Merchant Ma-

1 rine Act, 1936 (46 U.S.C. App. 1241(b) and
2 1241f);

3 (D) the recipient agrees to hold the Gov-
4 ernment harmless for any claims arising from
5 exposure to hazardous material, including as-
6 bestos and polychlorinated biphenyls, after the
7 conveyance of the vessel, except for claims aris-
8 ing before the date of the conveyance or from
9 use of the vessel by the Government after that
10 date; and

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

15 (F) the recipient agrees to make the vessel
16 available to the Government if the Secretary re-
17 quires use of the vessel by the Government for
18 war or national emergency.

19 (G) the recipient agrees to document the
20 vessel under chapter 121 of title 46, United
21 States Code.

22 (3) ADDITIONAL TERMS.—The Secretary may
23 require such additional terms in connection with the
24 conveyance authorized by this section as the Sec-
25 retary considers appropriate.

1 (c) PROCEEDS.—Any amounts received by the United
2 States as proceeds from the sale of the M/V JOHN
3 HENRY shall be deposited in the Vessel Operations Re-
4 volving Fund established by the Act of June 2, 1951
5 (chapter 121; 46 U.S.C. App. 1241a) and shall be avail-
6 able and expended in accordance with section 6(a) of the
7 National Maritime Heritage Act (16 U.S.C. App.
8 5405(a)).

9 **SEC. 429. APPLICABILITY OF AUTHORITY TO RELEASE RE-**
10 **STRICTIONS AND ENCUMBRANCES.**

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

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

16 (2) by striking “Tract A” and all that follows
17 through the end of the paragraph and inserting the
18 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.”.

1 SEC. 430. BARGE APL-60.

2 (a) IN GENERAL.—Notwithstanding section 27 of the
 3 Merchant Marine Act, 1920 (46 U.S.C. App. 883), section
 4 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and
 5 section 12106 of title 46, United States Code, the Sec-
 6 retary may issue a certificate of documentation with ap-

1 appropriate endorsement for employment in the coastwise
2 trade for the barge APL-60 (United States official num-
3 ber 376857).

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

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

11 (1) the completion of the final coastwise trade
12 voyage associated with the ship disposal initiative
13 described in subsection (b); or

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

17 **SEC. 431. VESSEL FINANCING FLEXIBILITY.**

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

1 ing sections 509, 1103(c)), and 1104A(b) of the Merchant
2 Marine Act, 1936 (46 App. U.S.C. 1159, 1273(c), and
3 1274(b)), the Secretary of Transportation may guarantee
4 obligations of 87½ percent of the purchase price of such
5 vessels. Each obligation guaranteed under this section
6 may have a maturity date of 25 years from the date of
7 delivery of the vessel concerned.

8 **SEC. 432. HYDROGRAPHIC FUNCTIONS.**

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

11 (1) the enactment of the Hydrographic Services
12 Improvement Act of 1998; or

13 (2) the enactment of this Act.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
15 306 of the Hydrographic Services Improvement Act of
16 1998 is amended to read as follows:

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

18 “There is authorized to be appropriated to the Ad-
19 ministrator the following:

20 “(1) To carry out nautical mapping and chart-
21 ing functions under the Act of 1947 and sections
22 303 and 304, except for conducting hydrographic
23 surveys, \$33,000,000 for fiscal year 1999,
24 \$34,000,000 for fiscal year 2000, and \$35,000,000
25 for fiscal year 2001.

1 “(2) To conduct hydrographic surveys under
2 section 303(a)(1), including the leasing of ships,
3 \$33,000,000 for fiscal year 1999, \$35,000,000 for
4 fiscal year 2000, and \$37,000,000 for fiscal year
5 2001. Of these amounts, no more than \$16,000,000
6 is authorized for any one fiscal year to operate hy-
7 drographic survey vessels owned and operated by the
8 Administration.

9 “(3) To carry out geodetic functions under the
10 Act of 1947, \$25,000,000 for fiscal year 1999,
11 \$30,000,000 for fiscal year 2000, and \$30,000,000
12 for fiscal year 2001.

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

23 (c) REPEAL OF REPORT REQUIREMENTS.—Section
24 305 of the Hydrographic Services Improvement Act of
25 1998 is amended by striking subsections (a) and (d).

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

4 **SEC. 501. FINDINGS.**

5 The Congress finds that—

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

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

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

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

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

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

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

9 (1) United States vessel builders; or

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

13 **SEC. 503. REVOCATION.**

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

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

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

25 (A) United States vessel builders; or

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

4 **SEC. 504. DEFINITIONS.**

5 In this title:

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

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

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

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

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

22 **SEC. 505. SUNSET.**

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

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

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

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

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

11 **SEC. 602. FINDINGS.**

12 The Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **SEC. 603. ASSESSMENTS.**

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

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

14 (2) the Environmental Protection Agency;

15 (3) the Department of Agriculture;

16 (4) the Department of the Interior;

17 (5) the Department of the Navy;

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

20 (7) the National Science Foundation;

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

23 (9) the Food and Drug Administration;

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

1 (11) the Council on Environmental Quality; and

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

4 (b) ASSESSMENT OF HARMFUL ALGAL BLOOMS.—

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

17 (2) The assessment shall—

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

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

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

3 (c) ASSESSMENT OF HYPOXIA.—

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

16 (2) The assessment shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attest:

Clerk.