

105TH CONGRESS
2D SESSION

H.R. 2204

AMENDMENT

TO

SENATE AMENDMENT

In the House of Representatives, U. S.,

October 15, 1998.

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

AMENDMENT:

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 Authoriza-*
3 *tion 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 In-
vestigative 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.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

and

(B) for fiscal year 1999, \$2,854,700,000; of which \$25,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 and of which not less than \$408,000,000 shall be available for expenses related to drug interdiction.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and off-

1 *shore facilities, vessels, and aircraft, including equip-*
2 *ment related thereto—*

3 *(A) for fiscal year 1998, \$399,850,000, of*
4 *which \$2,000,000 shall be made available for*
5 *concept evaluation for a replacement vessel for*
6 *the Coast Guard icebreaker MACKINAW; and*

7 *(B) for fiscal year 1999, \$510,300,000, of*
8 *which \$5,300,000 shall be made available to*
9 *complete the conceptual design for a replacement*
10 *vessel for the Coast Guard icebreaker MACKI-*
11 *NAW;*

12 *to remain available until expended, of which*
13 *\$20,000,000 shall be derived each fiscal year from the*
14 *Oil Spill Liability Trust Fund to carry out the pur-*
15 *poses of section 1012(a)(5) of the Oil Pollution Act of*
16 *1990 and of which not less than \$62,000,000 shall be*
17 *available for expenses related to drug interdiction.*

18 *(3) For research, development, test, and evalua-*
19 *tion of technologies, materials, and human factors di-*
20 *rectly relating to improving the performance of the*
21 *Coast Guard's mission in support of search and res-*
22 *cue, aids to navigation, marine safety, marine envi-*
23 *ronmental protection, enforcement of laws and trea-*
24 *ties, ice operations, oceanographic research, and de-*
25 *fense readiness—*

1 (A) for fiscal year 1998, \$19,000,000; and
2 (B) for fiscal year 1999, \$18,300,000;
3 to remain available until expended, of which
4 \$3,500,000 shall be derived each fiscal year from the
5 Oil Spill Liability Trust Fund to carry out the pur-
6 poses of section 1012(a)(5) of the Oil Pollution Act of
7 1990.

8 (4) For retired pay (including the payment of
9 obligations otherwise chargeable to lapsed appropria-
10 tions for this purpose), payments under the Retired
11 Serviceman's Family Protection and Survivor Benefit
12 Plans, and payments for medical care of retired per-
13 sonnel and their dependents under chapter 55 of title
14 10, United States Code—

15 (A) for fiscal year 1998, \$653,196,000; and
16 (B) for fiscal year 1999, \$691,493,000.

17 (5) For alteration or removal of bridges over
18 navigable waters of the United States constituting ob-
19 structions to navigation, and for personnel and ad-
20 ministrative costs associated with the Bridge Alter-
21 ation Program—

22 (A) for fiscal year 1998, \$17,000,000; and
23 (B) for fiscal year 1999, \$26,000,000,
24 to remain available until expended.

1 (6) *For environmental compliance and restora-*
 2 *tion at Coast Guard facilities (other than parts and*
 3 *equipment associated with operations and mainte-*
 4 *nance), \$26,000,000 for each of fiscal years 1998 and*
 5 *1999, to remain available until expended.*

6 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
 7 **AND TRAINING.**

8 (a) *ACTIVE DUTY STRENGTH.*—*The Coast Guard is*
 9 *authorized an end-of-year strength for active duty personnel*
 10 *of—*

11 (1) *37,944 as of September 30, 1998; and*

12 (2) *38,038 as of September 30, 1999.*

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

16 (1) *For recruit and special training—*

17 (A) *for fiscal year 1998, 1,424 student*
 18 *years; and*

19 (B) *for fiscal year 1999, 1,424 student*
 20 *years.*

21 (2) *For flight training—*

22 (A) *for fiscal year 1998, 98 student years;*
 23 *and*

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

1 (3) *For professional training in military and ci-*
 2 *vilian institutions—*

3 (A) *for fiscal year 1998, 283 student years;*
 4 *and*

5 (B) *for fiscal year 1999, 283 student years.*

6 (4) *For officer acquisition—*

7 (A) *for fiscal year 1998, 814 student years;*
 8 *and*

9 (B) *for fiscal year 1999, 810 student years.*

10 **SEC. 103. LORAN-C.**

11 (a) *FISCAL YEAR 1999.—There are authorized to be*
 12 *appropriated to the Department of Transportation, in ad-*
 13 *dition to the funds authorized for the Coast Guard for oper-*
 14 *ation of the LORAN-C System, for capital expenses related*
 15 *to LORAN-C navigation infrastructure, \$10,000,000 for fis-*
 16 *cal year 1999. The Secretary of Transportation may trans-*
 17 *fer from the Federal Aviation Administration and other*
 18 *agencies of the department funds appropriated as author-*
 19 *ized under this section in order to reimburse the Coast*
 20 *Guard for related expenses.*

21 (b) *COST-SHARING PLAN.—Not later than 6 months*
 22 *after the date of enactment of this Act, the Secretary of*
 23 *Transportation shall develop and submit to the Committee*
 24 *on Commerce, Science, and Transportation of the Senate*
 25 *and the Committee on Transportation and Infrastructure*

1 *of the House of Representatives a plan for cost-sharing ar-*
 2 *rangements among Federal agencies for such capital and*
 3 *operating expenses related to LORAN-C navigation infra-*
 4 *structure, including such expenses of the Coast Guard and*
 5 *the Federal Aviation Administration.*

6 ***TITLE II—COAST GUARD*** 7 ***MANAGEMENT***

8 ***SEC. 201. SEVERANCE PAY.***

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

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

18 *(c) EXCEPTION.—Section 327 of title 14, United States*
 19 *Code, is amended by striking the period at the end of para-*
 20 *graph (b)(3) and inserting “, unless the Secretary deter-*
 21 *mines that the conditions under which the officer is dis-*
 22 *charged or separated do not warrant payment of that*
 23 *amount of severance pay.”.*

1 **SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN**
2 **AWARDS PROGRAMS.**

3 *Section 93 of title 14, United States Code, is amend-*
4 *ed—*

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

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

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

11 *“(w) provide for the honorary recognition of in-*
12 *dividuals and organizations that significantly con-*
13 *tribute to Coast Guard programs, missions, or oper-*
14 *ations, including State and local governments and*
15 *commercial and nonprofit organizations, and pay for,*
16 *using any appropriations or funds available to the*
17 *Coast Guard, plaques, medals, trophies, badges, and*
18 *similar items to acknowledge such contribution (in-*
19 *cluding reasonable expenses of ceremony and presen-*
20 *tation).”.*

21 **SEC. 203. USE OF APPROPRIATED FUNDS FOR COMMERCIAL**
22 **VEHICLES AT MILITARY FUNERALS.**

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

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

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

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

5 “(x) *rent or lease, under such terms and condi-*
 6 *tions as are considered by the Secretary to be advis-*
 7 *able, commercial vehicles to transport the next of kin*
 8 *of eligible retired Coast Guard military personnel to*
 9 *attend funeral services of the service member at a na-*
 10 *tional cemetery.”.*

11 **SEC. 204. AUTHORITY TO REIMBURSE NOVATO, CALIFOR-**
 12 **NIA, REUSE COMMISSION.**

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

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

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

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

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

11 “(A) *To carry firearms.*

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

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

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

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

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

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

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

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

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

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

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

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

2 (2) *improve notification of excess property deci-*
 3 *sions to and enhance the participation in the prop-*
 4 *erty disposal decisionmaking process of the States,*
 5 *local communities, and appropriate non-profit orga-*
 6 *nizations;*

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

11 (4) *ensure that the interests of Federal taxpayers*
 12 *are protected.*

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

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

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

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

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

1 *mit to Congress a report on the use of the Coast Guard's*
 2 *aids to navigation system. The report shall include an anal-*
 3 *ysis of the respective use of the aids to navigation system*
 4 *by commercial interests, members of the general public for*
 5 *personal recreation, Federal and State government for pub-*
 6 *lic safety, defense, and other similar purposes. To the extent*
 7 *practicable within the time allowed, the report shall include*
 8 *information regarding degree of use of the various portions*
 9 *of the system.*

10 ***TITLE III—MARINE SAFETY***

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

12 ***LAWS.***

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

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

20 *(b) SUBTITLE II OF TITLE 46.—*

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

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

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

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

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

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

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

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

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

“(2) is operating—

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

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

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

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

“(2) operating—

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

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

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

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

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

3 **“§2302. Penalties for negligent operations and inter-**
 4 **fering with safe operation”;**

5 *and*

6 (2) *in subsection (a) by striking “that endan-*
 7 *gers” and inserting “or interfering with the safe oper-*
 8 *ation of a vessel, so as to endanger”.*

9 (b) *CLERICAL AMENDMENT.—The table of sections at*
 10 *the beginning of chapter 23 of title 46, United States Code,*
 11 *is amended by striking the item relating to section 2302*
 12 *and inserting the following:*

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

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

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

16 **“§9307. Great Lakes Pilotage Advisory Committee**

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

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

23 *“(2) may advise, consult with, report to, and*
 24 *make recommendations to the Secretary on matters*
 25 *relating to Great Lakes pilotage;*

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

4 “(4) shall meet at the call of—

5 “(A) the Secretary, who shall call such a
6 meeting at least once during each calendar year;
7 or

8 “(B) a majority of the Committee.

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

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

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

20 “(B) 1 member representing the interests of ves-
21 sel operators that contract for Great Lakes pilotage
22 services;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 304. ALCOHOL TESTING.**

2 (a) *ADMINISTRATIVE PROCEDURE.*—Section 7702 of
 3 title 46, United States Code, is amended by striking the
 4 second sentence of subsection (c)(2) and inserting the follow-
 5 ing: “The testing may include preemployment (with respect
 6 to dangerous drugs only), periodic, random, and reasonable
 7 cause testing, and shall include post-accident testing.”.

8 (b) *INCREASE IN CIVIL PENALTY.*—Section 2115 of
 9 title 46, United States Code, is amended by striking
 10 “\$1,000” and inserting “\$5,000”.

11 (c) *INCREASE IN NEGLIGENCE PENALTY.*—Section
 12 2302(c)(1) of title 46, United States Code, is amended by
 13 striking “\$1,000 for a first violation and not more than
 14 \$5,000 for a subsequent violation; or” and inserting
 15 “\$5,000; or”.

16 (d) *POST SERIOUS MARINE CASUALTY TESTING.*—

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

20 **“§2303a. Post serious marine casualty alcohol testing**

21 “(a) The Secretary shall establish procedures to ensure
 22 that after a serious marine casualty occurs, alcohol testing
 23 of crew members or other persons responsible for the oper-
 24 ation or other safety-sensitive functions of the vessel or ves-
 25 sels involved in such casualty is conducted no later than
 26 2 hours after the casualty occurs, unless such testing cannot

1 be completed within that time due to safety concerns di-
 2 rectly related to the casualty.

3 “(b) The procedures in subsection (a) shall require that
 4 if alcohol testing cannot be completed within 2 hours of the
 5 occurrence of the casualty, such testing shall be conducted
 6 as soon thereafter as the safety concerns in subsection (a)
 7 have been adequately addressed to permit such testing, ex-
 8 cept that such testing may not be required more than 8
 9 hours after the casualty occurs.”.

10 (2) The table of sections at the beginning of
 11 chapter 23 of title 46, United States Code, is amended
 12 by inserting after the item related to section 2303 the
 13 following:

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

14 **SEC. 305. PROTECT MARINE CASUALTY INVESTIGATIONS**
 15 **FROM MANDATORY RELEASE.**

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

21 **SEC. 306. SAFETY MANAGEMENT CODE REPORT AND POL-**
 22 **ICY.**

23 (a) **REPORT ON IMPLEMENTATION AND ENFORCEMENT**
 24 **OF THE INTERNATIONAL SAFETY MANAGEMENT CODE.—**

1 (1) *The Secretary of Transportation (in this sec-*
2 *tion referred to as the “Secretary”) shall conduct a*
3 *study—*

4 (A) *reporting on the status of implementa-*
5 *tion of the International Safety Management*
6 *Code (hereinafter referred to in this section as*
7 *‘Code’);*

8 (B) *detailing enforcement actions involving*
9 *the Code, including the role documents and re-*
10 *ports produced pursuant to the Code play in*
11 *such enforcement actions;*

12 (C) *evaluating the effects the Code has had*
13 *on marine safety and environmental protection,*
14 *and identifying actions to further promote ma-*
15 *rine safety and environmental protection through*
16 *the Code;*

17 (D) *identifying actions to achieve full com-*
18 *pliance with and effective implementation of the*
19 *Code; and*

20 (E) *evaluating the effectiveness of internal*
21 *reporting and auditing under the Code, and rec-*
22 *ommending actions to ensure the accuracy and*
23 *candidness of such reporting and auditing.*

1 *These recommended actions may include proposed*
2 *limits on the use in legal proceedings of documents*
3 *produced pursuant to the Code.*

4 *(2) The Secretary shall provide opportunity for*
5 *the public to participate in and comment on the*
6 *study conducted under paragraph (1).*

7 *(3) Not later than 18 months after the date of*
8 *enactment of this Act, the Secretary shall submit to*
9 *the Congress a report on the results of the study con-*
10 *ducted under paragraph (1).*

11 *(b) POLICY.—*

12 *(1) Not later than 9 months after submission of*
13 *the report in subsection (a)(3), the Secretary shall de-*
14 *velop a policy to achieve full compliance with and ef-*
15 *fective implementation of the Code. The policy may*
16 *include—*

17 *(A) enforcement penalty reductions and*
18 *waivers, limits on the use in legal proceedings of*
19 *documents produced pursuant to the Code, or*
20 *other incentives to ensure accurate and candid*
21 *reporting and auditing;*

22 *(B) any other measures to achieve full com-*
23 *pliance with and effective implementation of the*
24 *Code; and*

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

4 (2) The Secretary shall provide opportunity for
5 the public to participate in the development of the
6 policy in paragraph (1).

7 (3) Upon completion of the policy in paragraph
8 (1), the Secretary shall publish the policy in the Fed-
9 eral Register and provide opportunity for public com-
10 ment on the policy.

11 **SEC. 307. OIL AND HAZARDOUS SUBSTANCE DEFINITION**
12 **AND REPORT.**

13 (a) *DEFINITION OF OIL.*—Section 1001(23) of the Oil
14 Pollution Act of 1990 (33 U.S.C. 2701(23)) is amended to
15 read as follows:

16 “(23) ‘oil’ means oil of any kind or in any form,
17 including petroleum, fuel oil, sludge, oil refuse, and
18 oil mixed with wastes other than dredged spoil, but
19 does not include any substance which is specifically
20 listed or designated as a hazardous substance under
21 subparagraphs (A) through (F) of section 101(14) of
22 the Comprehensive Environmental Response, Com-
23 pensation, and Liability Act (42 U.S.C. 9601) and
24 which is subject to the provisions of that Act;”.

1 (b) *REPORT.*—Not later than 6 months after the date
 2 of enactment of this Act, the Commandant of the Coast
 3 Guard shall submit a report to the Congress on the status
 4 of the joint evaluation by the Coast Guard and the Environ-
 5 mental Protection Agency of the substances to be classified
 6 as oils under the Federal Water Pollution Control Act and
 7 title I of the Oil Pollution Act of 1990, including opportuni-
 8 ties provided for public comment on the evaluation.

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

10 (a) *IN GENERAL.*—The Secretary of Transportation,
 11 through the Coast Guard and the Maritime Administration,
 12 shall, in consultation with the National Ocean Service of
 13 the National Oceanic and Atmospheric Administration, the
 14 Corps of Engineers, and other interested Federal agencies
 15 and departments, establish a task force to assess the ade-
 16 quacy of the nation’s marine transportation system (includ-
 17 ing ports, waterways, harbor approach channels, and their
 18 intermodal connections) to operate in a safe, efficient, se-
 19 cure, and environmentally sound manner.

20 (b) *TASK FORCE.*—

21 (1) The task force shall be chaired by the Sec-
 22 retary of Transportation or his designee and may be
 23 comprised of the representatives of interested Federal
 24 agencies and departments and such other nonfederal
 25 entities as the Secretary deems appropriate.

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

3 (c) *ASSESSMENT.*—

4 (1) *In carrying out the assessment under this*
5 *section, the task force shall examine critical issues*
6 *and develop strategies, recommendations, and a plan*
7 *for action. Pursuant to such examination and devel-*
8 *opment, the task force shall—*

9 (A) *take into account the capability of the*
10 *marine transportation system, the adequacy of*
11 *depth of approach channels and harbors, and the*
12 *cost to the Federal Government to accommodate*
13 *projected increases in foreign and domestic traf-*
14 *fic over the next 20 years;*

15 (B) *consult with senior public and private*
16 *sector officials, including the users of that sys-*
17 *tem, such as ports, commercial carriers, ship-*
18 *pers, labor, recreational boaters, fishermen, and*
19 *environmental organizations;*

20 (C) *sponsor public and private sector activi-*
21 *ties to further refine and implement (under ex-*
22 *isting authority) the strategies, recommenda-*
23 *tions, and plan for action;*

24 (D) *evaluate the capability to dispose of*
25 *dredged materials that will be produced to ac-*

1 *commodate projected increases referred to in sub-*
 2 *paragraph (A); and*

3 *(E) evaluate the future of the navigational*
 4 *aid system including the use of virtual aids to*
 5 *navigation on electronic charts.*

6 *(2) The Secretary shall report to Congress on the*
 7 *results of the assessment no later than July 1, 1999.*
 8 *The report shall reflect the views of both the public*
 9 *and private sectors. The Task Force shall cease to*
 10 *exist upon submission of the report in this paragraph.*

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

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

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

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

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

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

8 *Not later than 9 months after the date of enactment*
9 *of this Act, the Commandant shall submit a report to the*
10 *Committee on Commerce, Science, and Transportation of*
11 *the Senate and the Committee on Transportation and In-*
12 *frastructure of the House of Representatives—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

paragraph shall not incorporate any recommendation referred to in clause (i) that relates to anchoring or barge retrieval systems.

(2) ANCHORING AND BARGE RETRIEVAL SYSTEMS.—

(A) IN GENERAL.—Not later than November 30, 1998, the Secretary shall promulgate regulations under section 3719 of title 46, United States Code, for the waters of the Northeast, that shall give full consideration to each of the recommendations made in the report referred to in paragraph (1)(B)(i) relating to anchoring and barge retrieval systems, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) prevents the Secretary from promulgating interim final regulations that apply throughout the United States relating to anchoring and barge retrieval systems that contain requirements that are as stringent as the requirements of the regulations promulgated under subparagraph (A).

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

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

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

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

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

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

15 *“(d) SHIP REPORTING SYSTEMS.—The Secretary, in*
 16 *cooperation with the International Maritime Organization,*
 17 *is authorized to implement and enforce two mandatory ship*
 18 *reporting systems, consistent with international law, with*
 19 *respect to vessels subject to such reporting systems entering*
 20 *the following areas of the Atlantic Ocean: Cape Cod Bay,*
 21 *Massachusetts Bay, and Great South Channel (in the area*
 22 *generally bounded by a line starting from a point on Cape*
 23 *Ann, Massachusetts at 42 deg. 39’ N., 70 deg. 37’ W; then*
 24 *northeast to 42 deg. 45’ N., 70 deg. 13’ W; then southeast*
 25 *to 42 deg. 10’ N., 68 deg. 31 W, then south to 41 deg. 00’*
 26 *N., 68 deg. 31’ W; then west to 41 deg. 00’ N., 69 deg. 17’*

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

11 ***TITLE IV—MISCELLANEOUS***

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

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

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

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

18 ***“§12124. Surrender of title and number***

19 “(a) A documented vessel shall not be titled by a State
 20 or required to display numbers under chapter 123, and any
 21 certificate of title issued by a State for a documented vessel
 22 shall be surrendered in accordance with regulations pre-
 23 scribed by the Secretary of Transportation.

24 “(b) The Secretary may approve the surrender under
 25 subsection (a) of a certificate of title for a vessel covered

1 *by a preferred mortgage under section 31322(d) of this title*
 2 *only if the mortgagee consents.”.*

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

“12124. Surrender of title and number.”.

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

8 *(1) by striking section 31322(b) and inserting*
 9 *the following:*

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

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

19 *(3) by striking section 31322(d)(3) and inserting*
 20 *the following:*

21 *“(3) A preferred mortgage under this subsection*
 22 *continues to be a preferred mortgage even if the vessel*
 23 *is no longer titled in the State where the mortgage,*
 24 *security agreement, or instrument granting a security*

1 *interest became a preferred mortgage under this sub-*
 2 *section.”;*

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

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

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

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

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

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

20 (1) *the land and improvements thereto compris-*
 21 *ing the Coast Guard Reserve training facility in*
 22 *Jacksonville, Florida, is deemed to be surplus prop-*
 23 *erty; and*

24 (2) *the Commandant of the Coast Guard shall*
 25 *dispose of all right, title, and interest of the United*

1 *States in and to that property, by sale, at fair market*
 2 *value.*

3 **(b) RIGHT OF FIRST REFUSAL.**—*Before a sale is made*
 4 *under subsection (a) to any other person, the Commandant*
 5 *of the Coast Guard shall give to the city of Jacksonville,*
 6 *Florida, the right of first refusal to purchase all or any*
 7 *part of the property required to be sold under that sub-*
 8 *section.*

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

10 **(a) GENERAL WAIVER.**—*Notwithstanding section 27 of*
 11 *the Merchant Marine Act, 1920 (46 App. U.S.C. 883), sec-*
 12 *tion 8 of the Act of June 19, 1886 (46 App. U.S.C. 289),*
 13 *and sections 12106 and 12108 of title 46, United States*
 14 *Code, the Secretary of Transportation may issue a certifi-*
 15 *cate of documentation with appropriate endorsement for*
 16 *each of the following vessels:*

17 **(1) SEAGULL** *(United States official number*
 18 *1038605).*

19 **(2) BAREFOOT CONTESA** *(United States offi-*
 20 *cial number 285410).*

21 **(3) PRECIOUS METAL** *(United States official*
 22 *number 596316).*

23 **(4) BLUE HAWAII** *(State of Florida registra-*
 24 *tion number FL0466KC).*

1 (5) *SOUTHERN STAR* (United States official
2 number 650774).

3 (6) *KEEWAYDIN* (United States official num-
4 ber 662066).

5 (7) *W.G. JACKSON* (United States official
6 number 1047199).

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

9 (9) *MIGHTY JOHN III* (formerly the *NIAG-*
10 *ARA QUEEN*, Canadian registration number
11 318746).

12 (10) *MAR Y PAZ* (United States official number
13 668179).

14 (11) *SAMAKEE* (State of New York registration
15 number NY 4108 FK).

16 (12) *NAWNSENSE* (United States official num-
17 ber 977593).

18 (13) *ELMO* (State of Florida registration num-
19 ber FL5337BG).

20 (14) *MANA-WANUI* (United States official
21 number 286657).

22 (15) *OLD JOE* (formerly *TEMPTRESS*; United
23 States official number 991150).

24 (16) *M/V BAHAMA PRIDE* (United States offi-
25 cial number 588647).

1 (17) *WINDWISP* (United States official number
2 571621).

3 (18) *SOUTHLAND* (United States official num-
4 ber 639705).

5 (19) *FJORDING* (United States official number
6 594363).

7 (20) *M/V SAND ISLAND* (United States official
8 number 542918).

9 (21) *PACIFIC MONARCH* (United States offi-
10 cial number 557467).

11 (22) *FLAME* (United States official number
12 279363).

13 (23) *DULARGE* (United States official number
14 653762).

15 (24) *DUSKEN IV* (United States official num-
16 ber 952645).

17 (25) *SUMMER BREEZE* (United States official
18 number 552808).

19 (26) *ARCELLA* (United States official number
20 1025983).

21 (27) *BILLIE-B-II* (United States official num-
22 ber 982069).

23 (28) *VESTERHAVET* (United States official
24 number 979206).

1 (29) *BETTY JANE* (State of Virginia registra-
2 tion number VA 7271 P).

3 (30) *VORTICE*, Bari, Italy, registration number
4 256.

5 (31) The barge *G. L. 8* (Canadian official num-
6 ber 814376).

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

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

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

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

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

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

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

21 (39) Barge number 1 (United States official
22 number 933248).

23 (40) Barge number 2 (United States official
24 number 256944).

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

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

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

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

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

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

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

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

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

19 (50) *FULL HOUSE (United States official*
20 *number 1023827).*

21 (51) *EMBARCADERO (United States official*
22 *number 669327).*

23 (52) *S.A., British Columbia (Canada official*
24 *number 195214).*

1 (53) *FAR HORIZONS* (United States official
2 number 1044011).

3 (54) *LITTLE TOOT* (United States official
4 number 938858).

5 (55) *EAGLE FEATHERS* (United States offi-
6 cial number 1020989).

7 (56) *ORCA* (United States official number
8 665270).

9 (57) *TAURUS* (United States official number
10 955814).

11 (58) *The barge KC-251* (United States official
12 number CG019166; National Vessel Documentation
13 Center number 1055559).

14 (59) *VIKING* (United States official number
15 224430).

16 (60) *SARAH B* (United States official number
17 928431).

18 (b) *FALLS POINT*.—Notwithstanding section 27 of
19 the *Merchant Marine Act, 1920* (46 U.S.C. App. 883), sec-
20 tion 8 of the *Act of June 19, 1886* (46 U.S.C. App. 289),
21 and section 12106 of title 46, *United States Code*, the Sec-
22 retary of Transportation may issue a certificate of docu-
23 mentation with appropriate endorsement for employment
24 in the coastwise trade for the vessel *FALLS POINT*, State
25 of Maine registration number *ME 5435 E*.

1 (c) *COASTAL TRADER*.—Section 1120(g) of the
 2 *Coast Guard Authorization Act of 1996 (Public Law 104–*
 3 *324; 110 Stat. 3978)* is amended by inserting “*COASTAL*
 4 *TRADER (United States official number 683227),”* after
 5 “*vessels*”.

6 (d) *NINA, PINTA, AND SANTA MARIA REPLICAS*.—

7 (1) *IN GENERAL*.—Notwithstanding section 27 of
 8 *the Merchant Marine Act, 1920 (46 U.S.C. App. 883),*
 9 *section 8 of the Act of June 19, 1886 (46 U.S.C. App.*
 10 *289), and section 12106 of title 46, United States*
 11 *Code, the Secretary may issue a certificate of docu-*
 12 *mentation with appropriate endorsement for employ-*
 13 *ment in the coastwise trade only for the purpose of*
 14 *carrying passengers for hire for each of the vessels*
 15 *listed in paragraph (2).*

16 (2) *VESSEL DESCRIPTIONS*.—The vessels referred
 17 to in paragraph (1) are the following:

18 (A) *NINA (United States Coast Guard ves-*
 19 *sel identification number CG034346).*

20 (B) *PINTA (United States Coast Guard*
 21 *vessel identification number CG034345).*

22 (C) *NAO SANTA MARIA (United States*
 23 *Coast Guard vessel identification number*
 24 *CG034344).*

25 (e) *DOCUMENTATION OF VESSEL COLUMBUS*.—

1 (1) *IN GENERAL.*—Notwithstanding section 27 of
 2 the Merchant Marine Act, 1920 (46 App. U.S.C. 883),
 3 sections 12102 and 12106 of title 46, United States
 4 Code, and the endorsement limitation in section
 5 5501(a)(2)(B) of Public Law 102–587, and subject to
 6 paragraph (2), the Secretary of Transportation may
 7 issue a certificate of documentation with appropriate
 8 endorsement for employment in the coastwise trade
 9 for the vessel *COLUMBUS* (United States official
 10 number 590658).

11 (2) *LIMITATION.*—Coastwise trade referred to in
 12 paragraph (1) may not include the transportation of
 13 dredged material from a project in which the stated
 14 intent of the Corps of Engineers, in its Construction
 15 Solicitation, or of another contracting entity, is that
 16 the dredged material is—

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

19 (B) to be deposited into a fill area for the
 20 purpose of creation of land for an immediate use
 21 identified in the Construction Solicitation other
 22 than disposal of the dredged material; or

23 (C) for the intention of immediate sale or
 24 resale unrelated to disposal.

25 (f) *FOILCAT.*—

1 (1) *IN GENERAL.*—Notwithstanding sections
2 12106 and 12108 of title 46, United States Code, sec-
3 tion 8 of the Passenger Vessel Act (46 U.S.C. App.
4 289), and section 27 of the Merchant Marine Act,
5 1920 (46 U.S.C. App. 883), the Secretary of Trans-
6 portation may issue a certificate of documentation
7 with appropriate endorsement for employment in the
8 coastwise trade for the vessel *FOILCAT* (United
9 States official number 1063892). The endorsement
10 shall provide that the vessel shall operate under the
11 certificate of documentation only within the State of
12 Hawaii and that the vessel shall not operate on any
13 route served by a passenger ferry as of the date the
14 Secretary of Transportation issues a certificate of
15 documentation under this Act.

16 (2) *TERMINATION.*—The endorsement issued
17 under paragraph (1) shall be in effect for the vessel
18 *FOILCAT* for the period—

19 (A) beginning on the date on which the ves-
20 sel is placed in service to initiate a high-speed
21 marine ferry demonstration project sponsored by
22 the State of Hawaii; and

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

1 **SEC. 404. CONVEYANCE OF NAHANT PARCEL, ESSEX COUN-**
2 **TY, MASSACHUSETTS.**

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

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

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

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

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

22 (d) *REVERSIONARY INTEREST.*—*The conveyance of*
23 *real property pursuant to this section shall be subject to*
24 *the condition that all right, title, and interest in such prop-*
25 *erty shall immediately revert to the United States if—*

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

3 (2) *the Town fails to maintain the property con-*
 4 *veyed in a manner consistent with the terms and con-*
 5 *ditions in subsection (c); or*

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

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

11 *Notwithstanding any other provision of law, the*
 12 *liftbridge over the back channel of the Schuylkill River in*
 13 *Philadelphia, Pennsylvania, is deemed to unreasonably ob-*
 14 *struct navigation.*

15 **SEC. 406. FINANCIAL RESPONSIBILITY FOR OIL SPILL RE-**
 16 **SPONSE VESSELS.**

17 *Section 1004 of the Oil Pollution Act of 1990 (33*
 18 *U.S.C. 2704) is amended—*

19 (1) *in subsection (a)(1), by striking “(except”*
 20 *and all that follows through “Act)” and inserting a*
 21 *comma; and*

22 (2) *by adding at the end of subsection (c) the fol-*
 23 *lowing:*

24 “(4) **CERTAIN TANK VESSELS.**—Subsection (a)(1)
 25 *shall not apply to—*

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

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

10 **SEC. 407. CONVEYANCE OF COAST GUARD PROPERTY TO**
 11 **JACKSONVILLE UNIVERSITY IN JACKSON-**
 12 **VILLE, FLORIDA.**

13 (a) *AUTHORITY TO CONVEY.*—

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

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

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

1 (1) *subject to the terms and conditions the Com-*
 2 *mandant may consider appropriate; and*

3 (2) *subject to the condition that all right, title,*
 4 *and interest in and to property conveyed shall imme-*
 5 *diately revert to the United States if the property, or*
 6 *any part thereof, ceases to be used by Jacksonville*
 7 *University.*

8 **SEC. 408. PENALTY FOR VIOLATION OF INTERNATIONAL**
 9 **SAFETY CONVENTION.**

10 (a) *IN GENERAL.*—Section 2302 of title 46, United
 11 *States Code, is amended by adding at the end the following*
 12 *new subsection:*

13 “(e)(1) *A vessel may not transport Government-im-*
 14 *pelled cargoes if—*

15 “(A) *the vessel has been detained and determined*
 16 *to be substandard by the Secretary for violation of an*
 17 *international safety convention to which the United*
 18 *States is a party, and the Secretary has published no-*
 19 *tice of that detention and determination in an elec-*
 20 *tronic form, including the name of the owner of the*
 21 *vessel; or*

22 “(B) *the operator of the vessel has on more than*
 23 *one occasion had a vessel detained and determined to*
 24 *be substandard by the Secretary for violation of an*
 25 *international safety convention to which the United*

1 *States is a party, and the Secretary has published no-*
 2 *tice of that detention and determination in an elec-*
 3 *tronic form, including the name of the owner of the*
 4 *vessel.*

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

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

9 “(B) *any date on which the owner or operator*
 10 *of the vessel prevails in an appeal of the violation of*
 11 *the relevant international convention on which the de-*
 12 *tention is based.*

13 “(3) *As used in this subsection, the term ‘Government-*
 14 *impelled cargo’ means cargo for which a Federal agency*
 15 *contracts directly for shipping by water or for which (or*
 16 *the freight of which) a Federal agency provides financing,*
 17 *including financing by grant, loan, or loan guarantee, re-*
 18 *sulting in shipment of the cargo by water.”.*

19 (b) *EFFECTIVE DATE.—The amendment made by sub-*
 20 *section (a) takes effect January 1, 1999.*

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

22 *The Commandant of the Coast Guard may recognize*
 23 *the community of Grand Haven, Michigan, as “Coast*
 24 *Guard City, USA”. If the Commandant desires to recognize*
 25 *any other community in the same manner or any other*

1 *community requests such recognition from the Coast Guard,*
 2 *the Commandant shall notify the Committee on Commerce,*
 3 *Science, and Transportation of the Senate and the Commit-*
 4 *tee on Transportation and Infrastructure of the House of*
 5 *Representatives 90 days prior to approving such recogni-*
 6 *tion.*

7 **SEC. 410. CONVEYANCE OF COMMUNICATION STATION BOS-**
 8 **TON MARSHFIELD RECEIVER SITE, MASSA-**
 9 **CHUSETTS.**

10 *(a) AUTHORITY TO CONVEY.—*

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

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

24 *(3) IDENTIFICATION OF PROPERTY.—*

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

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

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

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

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

13 (A) *The Commandant may reserve utility,*
14 *access, and any other appropriate easements on*
15 *the property conveyed for the purpose of operat-*
16 *ing, maintaining, and protecting the commu-*
17 *nications tower and the microwave building fa-*
18 *cility.*

19 (B) *The Town and its successors and as-*
20 *signs shall, at their own cost and expense, main-*
21 *tain the property conveyed under this section in*
22 *a proper, substantial, and workmanlike manner*
23 *as necessary to ensure the operation, mainte-*
24 *nance, and protection of the communications*
25 *tower and the microwave building facility.*

1 (C) *Any other terms and conditions the*
 2 *Commandant considers appropriate to protect*
 3 *the interests of the United States, including the*
 4 *reservation of easements or other rights on behalf*
 5 *of the United States.*

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

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

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

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

19 **SEC. 411. CLARIFICATION OF LIABILITY OF PERSONS EN-**
 20 **GAGING IN OIL SPILL PREVENTION AND RE-**
 21 **SPONSE ACTIVITIES.**

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

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

4 (2) by striking “and” after the semicolon at the
5 end of subsection (a)(23), by striking the period at the
6 end of subsection (a)(24) and inserting “; and”, and
7 by adding at the end of subsection (a) the following:

8 “(25) ‘removal costs’ means—

9 “(A) the costs of removal of oil or a hazard-
10 ous substance that are incurred after it is dis-
11 charged; and

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

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

20 (b) OIL SPILL MECHANICAL REMOVAL.—Section
21 311(a)(2) of the Federal Water Pollution Control Act (33
22 U.S.C. 1321(a)(2)) is amended—

23 (1) by striking “and (C)” and inserting “; (C)”;
24 and

1 (2) *by inserting before the semicolon at the end*
 2 *the following: “, and (D) discharges incidental to me-*
 3 *chanical removal authorized by the President under*
 4 *subsection (c) of this section”.*

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

6 (a) *VESSEL TURMOIL.—*

7 (1) *IN GENERAL.—The vessel described in para-*
 8 *graph (2) is deemed for all purposes, including title*
 9 *46, United States Code, and all regulations there-*
 10 *under, to be a recreational vessel of less than 300*
 11 *gross tons, if—*

12 (A) *it does not carry cargo or passengers for*
 13 *hire; and*

14 (B) *it does not engage in commercial fish-*
 15 *eries or oceanographic research.*

16 (2) *VESSEL DESCRIBED.—The vessel referred to*
 17 *in paragraph (1) is the vessel TURMOIL (British of-*
 18 *ficial number 726767).*

19 (b) *PILOT PROGRAM.—*

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

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

3 (B) the vessel does not engage in commercial
4 service, commercial fisheries, or oceanographic
5 research; and

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

7 (2) *EXPIRATION OF AUTHORITY.*—The authority
8 to grant the exemptions under this subsection expires
9 2 years after the date of enactment of this Act. Any
10 specific exemptions granted under this subsection
11 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 Trans-
15 portation may convey, without consideration, to the State
16 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 con-*
2 *veyed under that subsection subject to such easements*
3 *or rights of way in favor of the United States as the*
4 *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 by*
10 *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 trans-*
15 *portation, education, environmental, or other public*
16 *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 States,*
22 *and the United States shall have the right of immediate*
23 *entry thereon.*

1 (2) *Upon reversion under paragraph (1), the property*
 2 *shall be under the administrative jurisdiction of the Admin-*
 3 *istrator 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 sat-*
 8 *isfactory to the Secretary. The cost of the survey shall be*
 9 *borne by the State.*

10 (e) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
 11 *retary may require such additional terms and conditions*
 12 *with respect to the conveyance under subsection (a), and*
 13 *any easements or rights of way granted under subsection*
 14 *(b)(1), as the Secretary considers appropriate to protect the*
 15 *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 Re-*

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

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

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

14 (2) *Upon reversion under paragraph (1), the property*
15 *shall be under the administrative jurisdiction of the Admin-*
16 *istrator of General Services.*

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

22 (e) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
23 *retary may require such additional terms and conditions*
24 *with respect to the conveyance under subsection (a) as the*

1 *Secretary considers appropriate to protect the interests of*
 2 *the United States.*

3 **SEC. 415. INTERIM AUTHORITY FOR DRY BULK CARGO RESI-**
 4 **DUE 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 inci-*
 13 *dental discharges from vessels of residues of dry bulk*
 14 *cargo into the waters of the Great Lakes under the ju-*
 15 *risdiction 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 Policy*
 19 *shall cease to have effect on the date which is the earliest*
 20 *of—*

21 *(1) the effective date of regulations promulgated*
 22 *pursuant to legislation enacted subsequent to the en-*
 23 *actment of this Act providing for the regulation of in-*
 24 *cidental discharges from vessels of dry bulk cargo resi-*

1 *due into the waters of the Great Lakes under the ju-*
 2 *risdiction of the United States is enacted; 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 each*
 11 *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 Dun-*
 16 *kirk, New York, to the Dunkirk Historical Light-*
 17 *house 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 in*
 24 *Alaska, to the Cape Decision Lighthouse Society.*

1 (F) *Cape St. Elias Light Station, located in*
 2 *Alaska, to the Cape St. Elias Light Keepers As-*
 3 *sociation.*

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 Adminis-*
 22 *trator, as appropriate, may not convey any historical*
 23 *artifact, including any lens or lantern, located on the*
 24 *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 behalf*
9 *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 be*
13 *subject to the condition that all right, title, and inter-*
14 *est in the property shall immediately revert to the*
15 *United States if—*

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

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

21 (ii) *ceases to be maintained in a man-*
22 *ner that is consistent with its present or fu-*
23 *ture use as a site for Coast Guard aids to*
24 *navigation or compliance with this Act; 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 Preservation
6 Act of 1966 (16 U.S.C. 470 et seq.); or

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

12 (3) MAINTENANCE OF NAVIGATION FUNCTIONS.—

13 *The conveyance of property under this section shall be*
14 *made subject to the conditions that the Commandant*
15 *or Administrator, as appropriate, considers to be nec-*
16 *essary to assure that—*

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

23 (B) the owner of the property may not
24 interfere or allow interference in any manner
25 with aids to navigation without express written

1 *permission from the Commandant or Adminis-*
2 *trator, as appropriate;*

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

8 *(D) the United States shall have the right,*
9 *at any time, to enter the property without notice*
10 *for the purpose of operating, maintaining and*
11 *inspecting aids to navigation, and for the pur-*
12 *pose of enforcing compliance with subsection (b);*
13 *and*

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

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

23 *(5) MAINTENANCE OF PROPERTY.—The owner of*
24 *the property shall maintain the property in a proper,*
25 *substantial, and workmanlike manner, and in accord-*

1 *ance with any conditions established by the Com-*
 2 *mandant or the Administrator, as appropriate, pur-*
 3 *suant to the National Historic Preservation Act of*
 4 *1966 (16 U.S.C. 470 et seq.), and other applicable*
 5 *laws.*

6 *(c) DEFINITIONS.—In this section:*

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

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

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

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

1 *Park Museum located in Dunkirk, New York, or, if*
 2 *appropriate as determined by the Commandant, the*
 3 *Chautauqua County Armed Forces Memorial Park*
 4 *Corporation, New York.*

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

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

23 (e) *EXTENSION OF PERIOD FOR CONVEYANCE OF*
 24 *WHITLOCK’S MILL LIGHT.—Notwithstanding section*
 25 *1002(a)(3) of the Coast Guard Authorization Act of 1996,*

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

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

6 *(a) AUTHORITY TO CONVEY.—*

7 *(1) IN GENERAL.—The Commandant of the*
 8 *United States Coast Guard may convey, by an appro-*
 9 *priate means of conveyance, all right, title, and inter-*
 10 *est of the United States in and to approximately 29.4*
 11 *acres of land, together with the improvements thereon,*
 12 *at Coast Guard LORAN Station Nantucket, Nan-*
 13 *tucket, Massachusetts, to the Town of Nantucket, Mas-*
 14 *sachusetts (“the Town”) unless the Commandant, or*
 15 *his delegate, in his sole discretion determines that the*
 16 *conveyance would not provide a public benefit.*

17 *(2) IDENTIFICATION OF PROPERTY.—*

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

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

1 (b) *TERMS OF CONVEYANCE.*—

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

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

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

7 (i) *The Town shall not, upon the prop-*
8 *erty conveyed, allow, conduct, or permit*
9 *any activity, or operate, allow, or permit*
10 *the operation of, any equipment or machin-*
11 *ery, that would interfere or cause inter-*
12 *ference, in any manner, with any aid to*
13 *navigation located upon property retained*
14 *by the United States at Coast Guard*
15 *LORAN Station Nantucket, without the ex-*
16 *press written permission from the Com-*
17 *mandant.*

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

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

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

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

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

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

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

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

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

1 *egon; in this section referred to as “the recipient”), without*
2 *consideration, if—*

3 *(1) the recipient agrees—*

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

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

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

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

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

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

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

15 (c) *OTHER EXCESS EQUIPMENT.—The Commandant*
 16 *may convey to the recipient of a vessel under this section*
 17 *any excess equipment or parts from other decommissioned*
 18 *Coast Guard vessels for use to enhance the vessel's operabil-*
 19 *ity and function as a medical services vessel in Central and*
 20 *South Pacific Islands.*

21 **SEC. 419. AMENDMENT TO CONVEYANCE OF VESSEL S/S**
 22 **RED OAK VICTORY.**

23 *Section 1008(d)(1) of the Coast Guard Authorization*
 24 *Act of 1996 is amended by striking “2 years” and inserting*
 25 *“3 years”.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (d) *Section 3(6)(B) of the Shipping Act of 1984 (46*
 6 *U.S.C. App. 1702(6)(B)) is amended by striking “parcel-*
 7 *tanker.” and inserting “parcel-tanker or by vessel when pri-*
 8 *marily engaged in the carriage of perishable agricultural*
 9 *commodities (i) if the common carrier and the owner of*
 10 *those commodities are wholly-owned, directly or indirectly,*
 11 *by a person primarily engaged in the marketing and dis-*
 12 *tribution of those commodities and (ii) only with respect*
 13 *to the carriage of those commodities.”.*

14 **SEC. 425. REPORTS.**

15 (a) *SWATH TECHNOLOGY.—The Commandant of the*
 16 *Coast Guard shall, within 18 months after the date of enact-*
 17 *ment of this Act, report to the Senate Committee on Com-*
 18 *merce, Science, and Transportation and the House Com-*
 19 *mittee on Transportation and Infrastructure on the appli-*
 20 *cability of Small Waterplane Area Twin Hull (SWATH)*
 21 *technology, including concepts developed by the United*
 22 *States Office of Naval Research, to the design of Coast*
 23 *Guard vessels.*

24 (b) *MARINE GUIDANCE SYSTEMS.—The Secretary of*
 25 *Transportation shall, within 12 months after the date of*

1 *the enactment of this Act, evaluate and report to the Con-*
 2 *gress on the suitability of marine sector laser lighting, cold*
 3 *cathode lighting, and ultraviolet enhanced vision tech-*
 4 *nologies for use in guiding marine vessels and traffic.*

5 **SEC. 426. REPORT ON TONNAGE CALCULATION METHODOLOGY.**
 6

7 *The Administrator of the Panama Canal Commission*
 8 *shall, within 90 days of the date of enactment of this Act,*
 9 *submit to the Committee on Transportation and Infrastruc-*
 10 *ture of the House of Representatives and the Committee on*
 11 *Commerce, Science, and Transportation of the Senate a re-*
 12 *port detailing the methodology employed in the calculation*
 13 *of the charge of tolls for the carriage of on-deck containers*
 14 *and the justification thereof.*

15 **SEC. 427. AUTHORITY TO CONVEY NATIONAL DEFENSE RE-**
 16 **SERVE FLEET VESSELS.**

17 *(a) AUTHORITY TO CONVEY.—Notwithstanding any*
 18 *other law, the Secretary of Transportation (referred to in*
 19 *this section as “the Secretary”) may convey all right, title,*
 20 *and interest of the Federal Government in and to either*
 21 *or both of the vessels S.S. AMERICAN VICTORY (United*
 22 *States official number 248005) and S.S. HATTIESBURG*
 23 *VICTORY (United States official number 248651) to The*
 24 *Victory Ship, Inc., located in Tampa, Florida (in this sec-*
 25 *tion referred to as the “recipient”), and the recipient may*

1 *use each vessel conveyed only as a memorial to the Victory*
2 *class of ships.*

3 (b) *TERMS OF CONVEYANCE.*—

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

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

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

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

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

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

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

23 (3) *ADDITIONAL TERMS.*—*The Secretary may re-*
24 *quire such additional terms in connection with the*

1 conveyance authorized by this section as the Secretary
2 considers appropriate.

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

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

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

18 (b) *TERMS OF CONVEYANCE.*—

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

21 (A) at the place where the vessel is located
22 on the date of conveyance;

23 (B) in its condition on that date;

24 (C) at no cost to the United States Govern-
25 ment; and

1 (D) only after the vessel has been redesign-
2 nated as not militarily useful.

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

5 (A) competitive procedures are used for
6 sales under this section;

7 (B) the vessel is sold for not less than the
8 fair market value of the vessel in the United
9 States, as determined by the Secretary of Trans-
10 portation;

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

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

24 (E) the recipient provides sufficient evi-
25 dence to the Secretary that it has financial re-

1 *sources in the form of cash, liquid assets, or a*
 2 *written loan commitment of at least \$100,000.*

3 *(F) the recipient agrees to make the vessel*
 4 *available to the Government if the Secretary re-*
 5 *quires use of the vessel by the Government for*
 6 *war or national emergency.*

7 *(G) the recipient agrees to document the*
 8 *vessel under chapter 121 of title 46, United*
 9 *States Code.*

10 *(3) ADDITIONAL TERMS.—The Secretary may re-*
 11 *quire such additional terms in connection with the*
 12 *conveyance authorized by this section as the Secretary*
 13 *considers appropriate.*

14 *(c) PROCEEDS.—Any amounts received by the United*
 15 *States as proceeds from the sale of the M/V JOHN HENRY*
 16 *shall be deposited in the Vessel Operations Revolving Fund*
 17 *established by the Act of June 2, 1951 (chapter 121; 46*
 18 *U.S.C. App. 1241a) and shall be available and expended*
 19 *in accordance with section 6(a) of the National Maritime*
 20 *Heritage Act (16 U.S.C. App. 5405(a)).*

21 **SEC. 429. APPLICABILITY OF AUTHORITY TO RELEASE RE-**
 22 **STRICTIONS AND ENCUMBRANCES.**

23 *Section 315(c)(1) of the Federal Maritime Commission*
 24 *Authorization Act of 1990 (Public Law 101–595; 104 Stat.*
 25 *2988) is amended—*

- 1 (1) by striking “3 contiguous tracts” and insert-
- 2 ing “4 tracts”; and
- 3 (2) by striking “Tract A” and all that follows
- 4 through the end of the paragraph and inserting the
- 5 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 Secretary*
6 *may issue a certificate of documentation with appropriate*
7 *endorsement for employment in the coastwise trade for the*
8 *barge APL–60 (United States official number 376857).*

9 (b) *LIMITATIONS.*—The vessel described in subsection
10 (a) may be employed in the coastwise trade only for the
11 purpose of participating in the ship disposal initiative ini-
12 tially funded by the Department of Defense Appropriations
13 Act, 1999, for the duration of that initiative.

14 (c) *TERMINATION.*—A coastwise endorsement issued
15 under subsection (a) shall terminate on the earlier of—

16 (1) the completion of the final coastwise trade
17 voyage associated with the ship disposal initiative de-
18 scribed in subsection (b); or

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

4 **SEC. 431. VESSEL FINANCING FLEXIBILITY.**

5 *The Secretary of Transportation may guarantee obli-*
 6 *gations under section 1103 of the Merchant Marine Act,*
 7 *1936 (46 App. U.S.C.1273), for the vessels planned for con-*
 8 *struction to be purchased by the American West Steamboat*
 9 *Company and to be named QUEEN OF THE YUKON,*
 10 *which will operate on the Yukon and Tanana Rivers, and*
 11 *EMPRESS OF THE NORTH, which will operate in Alas-*
 12 *ka, Washington, and Oregon. Notwithstanding sections 509,*
 13 *1103(c)), and 1104A(b) of the Merchant Marine Act, 1936*
 14 *(46 App. U.S.C. 1159, 1273(c), and 1274(b)), the Secretary*
 15 *of Transportation may guarantee obligations of 87½ per-*
 16 *cent of the purchase price of such vessels. Each obligation*
 17 *guaranteed under this section may have a maturity date*
 18 *of 25 years from the date of delivery of the vessel concerned.*

19 **SEC. 432. HYDROGRAPHIC FUNCTIONS.**

20 (a) *EFFECTIVE DATE.*—Subsections (b) and (c) shall
 21 *take effect immediately after the later of—*

22 (1) *the enactment of the Hydrographic Services*
 23 *Improvement Act of 1998; or*

24 (2) *the enactment of this Act.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
2 306 of the *Hydrographic Services Improvement Act of 1998*
3 is amended to read as follows:

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

5 *“There is authorized to be appropriated to the Admin-*
6 *istrator the following:*

7 “(1) *To carry out nautical mapping and chart-*
8 *ing functions under the Act of 1947 and sections 303*
9 *and 304, except for conducting hydrographic surveys,*
10 *\$33,000,000 for fiscal year 1999, \$34,000,000 for fis-*
11 *cal year 2000, and \$35,000,000 for fiscal year 2001.*

12 “(2) *To conduct hydrographic surveys under sec-*
13 *tion 303(a)(1), including the leasing of ships,*
14 *\$33,000,000 for fiscal year 1999, \$35,000,000 for fis-*
15 *cal year 2000, and \$37,000,000 for fiscal year 2001.*
16 *Of these amounts, no more than \$16,000,000 is au-*
17 *thorized for any one fiscal year to operate hydro-*
18 *graphic survey vessels owned and operated by the Ad-*
19 *ministration.*

20 “(3) *To carry out geodetic functions under the*
21 *Act of 1947, \$25,000,000 for fiscal year 1999,*
22 *\$30,000,000 for fiscal year 2000, and \$30,000,000 for*
23 *fiscal year 2001.*

24 “(4) *To carry out tide and current measurement*
25 *functions under the Act of 1947, \$22,500,000 for each*

1 of fiscal years 1999 through 2001. Of these amounts
 2 \$4,500,000 is authorized for each fiscal year to imple-
 3 ment and operate a national quality control system
 4 for real-time tide and current and maintain the na-
 5 tional tide network, and \$7,000,000 is authorized for
 6 each fiscal year to design and install real-time tide
 7 and current data measurement systems under section
 8 303(b)(4).”.

9 (c) *REPEAL OF REPORT REQUIREMENTS.*—Section
 10 305 of the Hydrographic Services Improvement Act of 1998
 11 is amended by striking subsections (a) and (d).

12 **TITLE V—ADMINISTRATIVE**
 13 **PROCESS FOR JONES ACT**
 14 **WAIVERS**

15 **SEC. 501. FINDINGS.**

16 *The Congress finds that—*

17 (1) *current coastwise trade laws provide no ad-*
 18 *ministrative authority to waive the United-States-*
 19 *built requirement of those laws for the limited car-*
 20 *riage of passengers for hire on vessels built or rebuilt*
 21 *outside the United States;*

22 (2) *requests for such waivers require the enact-*
 23 *ment of legislation by the Congress;*

1 (3) *each Congress routinely approves numerous*
 2 *such requests for waiver and rarely rejects any such*
 3 *request; and*

4 (4) *the review and approval of such waiver re-*
 5 *quests is a ministerial function which properly should*
 6 *be executed by an administrative agency with appro-*
 7 *priate expertise.*

8 **SEC. 502. ADMINISTRATIVE WAIVER OF COASTWISE TRADE**
 9 **LAWS.**

10 *Notwithstanding sections 12106 and 12108 of title 46,*
 11 *United States Code, section 8 of the Act of June 19, 1886*
 12 *(46 U.S.C. App. 289), and section 27 of the Merchant Ma-*
 13 *rine Act, 1920 (46 U.S.C. App. 883), the Secretary of*
 14 *Transportation may issue a certificate of documentation*
 15 *with appropriate endorsement for employment in the coast-*
 16 *wise trade as a small passenger vessel or an uninspected*
 17 *passenger vessel for an eligible vessel authorized to carry*
 18 *no more than 12 passengers for hire if the Secretary, after*
 19 *notice and an opportunity for public comment, determines*
 20 *that the employment of the vessel in the coastwise trade will*
 21 *not adversely affect—*

22 (1) *United States vessel builders; or*

23 (2) *the coastwise trade business of any person*
 24 *who employs vessels built in the United States in that*
 25 *business.*

1 **SEC. 503. REVOCATION.**

2 *The Secretary may revoke an endorsement issued*
 3 *under section 502, after notice and an opportunity for pub-*
 4 *lic comment, if the Secretary determines that the employ-*
 5 *ment of the vessel in the coastwise trade has substantially*
 6 *changed since the issuance of the endorsement, and—*

7 *(1) the vessel is employed other than as a small*
 8 *passenger vessel or an uninspected passenger vessel; or*

9 *(2) the employment of the vessel adversely af-*
 10 *fects—*

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

12 *(B) the coastwise trade business of any per-*
 13 *son who employs vessels built in the United*
 14 *States.*

15 **SEC. 504. DEFINITIONS.**

16 *In this title:*

17 *(1) SECRETARY.—The term “Secretary” means*
 18 *the Secretary of Transportation.*

19 *(2) ELIGIBLE VESSEL.—The term “eligible ves-*
 20 *sel” means a vessel that—*

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

23 *(B) if rebuilt, was rebuilt outside the*
 24 *United States at least 3 years before the certifi-*
 25 *cation requested under section 502, if granted,*
 26 *would take effect.*

1 (3) *SMALL PASSENGER VESSEL; UNINSPECTED*
 2 *PASSENGER VESSEL; PASSENGER FOR HIRE.—The*
 3 *terms “small passenger vessel”, “uninspected pas-*
 4 *senger vessel”, and “passenger for hire” have the*
 5 *meaning given such terms by section 2101 of title 46,*
 6 *United States Code.*

7 **SEC. 505. SUNSET.**

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

11 (b) *ENDORSEMENTS CONTINUE.—Any certificate or*
 12 *endorsement issued under section 502 before the date re-*
 13 *ferred to in subsection (a) of this section shall continue in*
 14 *effect until otherwise invalidated or revoked under chapter*
 15 *121 of title 46, United States Code.*

16 **TITLE VI—HARMFUL ALGAL**
 17 **BLOOMS AND HYPOXIA**

18 **SEC. 601. SHORT TITLE.**

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

21 **SEC. 602. FINDINGS.**

22 *The Congress finds that—*

23 (1) *the recent outbreak of the harmful microbe*
 24 *Pfiesteria piscicida in the coastal waters of the*
 25 *United States is one example of potentially harmful*

1 *algal blooms composed of naturally occurring species*
2 *that reproduce explosively and that are increasing in*
3 *frequency and intensity in the Nation's coastal wa-*
4 *ters;*

5 *(2) other recent occurrences of harmful algal*
6 *blooms include red tides in the Gulf of Mexico and the*
7 *Southeast; brown tides in New York and Texas;*
8 *ciguatera fish poisoning in Hawaii, Florida, Puerto*
9 *Rico, and the United States Virgin Islands; and shell-*
10 *fish poisonings in the Gulf of Maine, the Pacific*
11 *Northwest, and the Gulf of Alaska;*

12 *(3) in certain cases, harmful algal blooms have*
13 *resulted in fish kills, the deaths of numerous endan-*
14 *gered West Indian manatees, beach and shellfish bed*
15 *closures, threats to public health and safety, and con-*
16 *cern among the public about the safety of seafood;*

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

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

1 (6) *harmful algal blooms and blooms of non-toxic*
2 *algal species may lead to other damaging marine con-*
3 *ditions such as hypoxia (reduced oxygen concentra-*
4 *tions), which are harmful or fatal to fish, shellfish,*
5 *and benthic organisms;*

6 (7) *according to the National Oceanic and At-*
7 *mospheric Administration in the Department of Com-*
8 *merce, 53 percent of United States estuaries experi-*
9 *ence hypoxia for at least part of the year and a 7,000*
10 *square mile area in the Gulf of Mexico off Louisiana*
11 *and Texas suffers from hypoxia;*

12 (8) *according to some scientists, a factor believed*
13 *to cause hypoxia is excessive nutrient loading into*
14 *coastal waters;*

15 (9) *there is a need to identify more workable and*
16 *effective actions to reduce nutrient loadings to coastal*
17 *waters;*

18 (10) *the National Oceanic and Atmospheric Ad-*
19 *ministration, through its ongoing research, education,*
20 *grant, and coastal resource management programs,*
21 *possesses a full range of capabilities necessary to sup-*
22 *port a near and long-term comprehensive effort to*
23 *prevent, reduce, and control harmful algal blooms and*
24 *hypoxia;*

1 (11) *funding for the research and related pro-*
 2 *grams of the National Oceanic and Atmospheric Ad-*
 3 *ministration will aid in improving the Nation’s un-*
 4 *derstanding and capabilities for addressing the*
 5 *human and environmental costs associated with*
 6 *harmful algal blooms and hypoxia; and*

7 (12) *other Federal agencies such as the Environ-*
 8 *mental Protection Agency, the Department of Agri-*
 9 *culture, and the National Science Foundation, along*
 10 *with the States, Indian tribes, and local governments,*
 11 *conduct important work related to the prevention, re-*
 12 *duction, and control of harmful algal blooms and hy-*
 13 *poxia.*

14 **SEC. 603. ASSESSMENTS.**

15 (a) *ESTABLISHMENT OF INTER-AGENCY TASK*
 16 *FORCE.—The President, through the Committee on Envi-*
 17 *ronment and Natural Resources of the National Science and*
 18 *Technology Council, shall establish an Inter-Agency Task*
 19 *Force on Harmful Algal Blooms and Hypoxia (hereinafter*
 20 *referred to as the “Task Force”). The Task Force shall con-*
 21 *sist of the following representatives from—*

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

24 (2) *the Environmental Protection Agency;*

25 (3) *the Department of Agriculture;*

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

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

3 (6) *the Department of Health and Human Serv-*
4 *ices;*

5 (7) *the National Science Foundation;*

6 (8) *the National Aeronautics and Space Admin-*
7 *istration;*

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

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

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

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

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

14 (1) *Not later than 12 months after the date of*
15 *enactment of this title, the Task Force, in cooperation*
16 *with the coastal States, Indian tribes, and local gov-*
17 *ernments, industry (including agricultural organiza-*
18 *tions), academic institutions, and non-governmental*
19 *organizations with expertise in coastal zone manage-*
20 *ment, shall complete and submit to the Congress an*
21 *assessment which examines the ecological and eco-*
22 *nomie consequences of harmful algal blooms, alter-*
23 *natives for reducing, mitigating, and controlling*
24 *harmful algal blooms, and the social and economic*
25 *costs and benefits of such alternatives.*

1 (2) *The assessment shall—*

2 (A) *identify alternatives for preventing un-*
3 *necessary duplication of effort among Federal*
4 *agencies and departments with respect to harm-*
5 *ful algal blooms; and*

6 (B) *provide for Federal cooperation and co-*
7 *ordination with and assistance to the coastal*
8 *States, Indian tribes, and local governments in*
9 *the prevention, reduction, management, mitiga-*
10 *tion, and control of harmful algal blooms and*
11 *their environmental and public health impacts.*

12 (c) *ASSESSMENT OF HYPOXIA.—*

13 (1) *Not later than 12 months after the date of*
14 *enactment of this title, the Task Force, in cooperation*
15 *with the States, Indian tribes, local governments, in-*
16 *dustry, agricultural, academic institutions, and non-*
17 *governmental organizations with expertise in water-*
18 *shed and coastal zone management, shall complete*
19 *and submit to the Congress an assessment which ex-*
20 *amines the ecological and economic consequences of*
21 *hypoxia in United States coastal waters, alternatives*
22 *for reducing, mitigating, and controlling hypoxia,*
23 *and the social and economic costs and benefits of such*
24 *alternatives.*

25 (2) *The assessment shall—*

1 (A) establish needs, priorities, and guide-
 2 lines for a peer-reviewed, inter-agency research
 3 program on the causes, characteristics, and im-
 4 pacts of hypoxia;

5 (B) identify alternatives for preventing un-
 6 necessary duplication of effort among Federal
 7 agencies and departments with respect to hy-
 8 poxia; and

9 (C) provide for Federal cooperation and co-
 10 ordination with and assistance to the States, In-
 11 dian tribes, and local governments in the preven-
 12 tion, reduction, management, mitigation, and
 13 control of hypoxia and its environmental im-
 14 pacts.

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

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

19 (a) *ASSESSMENT REPORT.*—Not later than May 30,
 20 1999, the Task Force shall complete and submit to Congress
 21 and the President an integrated assessment of hypoxia in
 22 the northern Gulf of Mexico that examines: the distribution,
 23 dynamics, and causes; ecological and economic con-
 24 sequences; sources and loads of nutrients transported by the
 25 Mississippi River to the Gulf of Mexico; effects of reducing

1 *nutrient loads; methods for reducing nutrient loads; and the*
2 *social and economic costs and benefits of such methods.*

3 (b) *SUBMISSION OF A PLAN.*—No later than March 30,
4 2000, the President, in conjunction with the chief executive
5 officers of the States, shall develop and submit to Congress
6 a plan, based on the integrated assessment submitted under
7 subsection (a), for reducing, mitigating, and controlling hy-
8 poxia in the northern Gulf of Mexico. In developing such
9 plan, the President shall consult with State, Indian tribe,
10 and local governments, academic, agricultural, industry,
11 and environmental groups and representatives. Such plan
12 shall include incentive-based partnership approaches. The
13 plan shall also include the social and economic costs and
14 benefits of the measures for reducing, mitigating, and con-
15 trolling hypoxia. At least 90 days before the President sub-
16 mits such plan to the Congress, a summary of the proposed
17 plan shall be published in the Federal Register for a public
18 comment period of not less than 60 days.

19 **SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to the Sec-
21 retary of Commerce for research, education, and monitoring
22 activities related to the prevention, reduction, and control
23 of harmful algal blooms and hypoxia, \$15,000,000 for fiscal
24 year 1999, \$18,250,000 for fiscal year 2000, and
25 \$19,000,000 for fiscal year 2001, to remain available until

1 *expended. The Secretary shall consult with the States on*
2 *a regular basis regarding the development and implementa-*
3 *tion of the activities authorized under this section. Of such*
4 *amounts for each fiscal year—*

5 (1) *\$1,500,000 for fiscal year 1999, \$1,500,000*
6 *for fiscal year 2000, and \$2,000,000 for fiscal year*
7 *2001 may be used to enable the National Oceanic and*
8 *Atmospheric Administration to carry out research*
9 *and assessment activities, including procurement of*
10 *necessary research equipment, at research laboratories*
11 *of the National Ocean Service and the National Ma-*
12 *rine Fisheries Service;*

13 (2) *\$4,000,000 for fiscal year 1999, \$5,500,000*
14 *for fiscal year 2000, and \$5,500,000 for fiscal year*
15 *2001 may be used to carry out the Ecology and*
16 *Oceanography of Harmful Algal Blooms (ECOHAB)*
17 *project under the Coastal Ocean Program established*
18 *under section 201(c) of Public Law 102–567;*

19 (3) *\$1,000,000 for fiscal year 1999, \$2,000,000*
20 *for fiscal year 2000, and \$2,000,000 for fiscal year*
21 *2001 may be used by the National Ocean Service of*
22 *the National Oceanic and Atmospheric Administra-*
23 *tion to carry out a peer-reviewed research project on*
24 *management measures that can be taken to prevent,*
25 *reduce, control, and mitigate harmful algal blooms;*

1 (4) \$5,500,000 for each of the fiscal years 1999,
2 2000, and 2001 may be used to carry out Federal and
3 State annual monitoring and analysis activities for
4 harmful algal blooms administered by the National
5 Ocean Service of the National Oceanic and Atmos-
6 pheric Administration; and

7 (5) \$3,000,000 for fiscal year 1999, \$3,750,000
8 for fiscal year 2000, and \$4,000,000 for fiscal year
9 2001 may be used for activities related to research
10 and monitoring on hypoxia by the National Ocean
11 Service and the Office of Oceanic and Atmospheric
12 Research of the National Oceanic and Atmospheric
13 Administration.

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

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

19 (b) Nothing in this title shall be interpreted to expand
20 the regulatory or enforcement power of the Federal Govern-

- 1 *ment which has been delegated to any State through the*
- 2 *Clean Water Act or Coastal Zone Management Act of 1972.*

Attest:

Clerk.