health. Unfortunately, H.R. 1122 does not contain an exception to the measure's ban that will adequately protect the lives and health of the small group of women in tragic circumstances who need an abortion performed at a late stage of pregnancy to avert death or serious injury.

I have asked the Congress repeatedly, for almost 2 years, to send me legislation that includes a limited exception for the small number of compelling cases where use of this procedure is necessary to avoid serious health consequences. When Governor of Arkansas, I signed a bill into law that barred third-trimester abortions, with an appropriate exception for life or health. I would do so again, but only if the bill contains an exception for the rare cases where a woman faces death or serious injury. I believe that Congress should work in a bipartisan manner to fashion such legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 10, 1997.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

□ 1815

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that the message of the President and the bill be referred to the Committee on the Judiciary.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Florida [Mr. CANADY] to explain his request.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding to me. This unanimous-consent request would send the veto message of the President and the bill to the Committee on the Judiciary.

Mr. SCOTT. Further reserving the right to object, Mr. Speaker, considering that this bill was vetoed because it lacked a health exception, does the subcommittee chairman intend to process similar legislation which exempts from the bill's coverage cases where it is necessary to protect the health of the mother, which provision, of course, is necessary in order for the bill to meet constitutional muster so that we can actually have a bill?

Mr. CANADY of Florida. Mr. Speaker, if the gentleman will continue to yield, the legislation which the President has again vetoed seeks to ban the procedure known as partial-birth abortion. The procedure is performed several thousand times each year, primarily in the fifth and sixth months of pregnancy, on healthy babies of healthy mothers. To the victims of partial-birth abortion, this is no rhetorical campaign statement, as some have said. Instead, it is a means, partial-birth abortion is a means to a brutal death.

According to the American Medical Association, which supports H.R. 1122, partial-birth abortion is not an accepted medical practice. Hundreds of obstetricians and gynecologists and fetal maternal specialists, along with former Surgeon General C. Everett Koop have come forward to unequivocally state that partial-birth abortion is never medically necessary to protect the mother's health or her future fertility.

In fact, the procedure can significantly threaten a mother's health or ability to carry future children to term. In conclusion, the health exception sought by the President would be both unnecessary and dangerous. We want to enact a meaningful ban on partial-birth abortions that will protect innocent babies from a brutal death. That is exactly what the bill does. No changes in the bill are necessary.

Mr. SCOTT. Mr. Speaker, further reserving the right to object, since it is clear that the constitutionally required health exception will probably not be included and so that we can determine the effect of the motion to refer and because it would seem useless to have this bill just gathering dust in the Committee on the Judiciary until we engage in another futile political exercise during next year's campaign, I would ask the gentleman when we could expect a bill to be considered by the House?

Mr. CANADY of Florida. Mr. Speaker, again, if the gentleman will continue to yield, I reject certain premises contained in the gentleman's question. I believe that this bill is constitutional. It does not fall within the scope of Roe v. Wade. Roe v. Wade dealt with the status of the unborn child. I disagree with the court's decision in Roe v. Wade, but I do not believe that that decision covers the case of a partially born child. This is different in that regard.

I think it is clearly distinguishable from what the court dealt with in Roe v. Wade. On the question of timing, it would be the intention of the committee to bring this back to the floor for a vote on overriding the veto sometime next year before the conclusion of this Congress. We do not have a date established for action.

Mr. SCOTT. Further reserving the right to object, Mr. Speaker, I would just say that we disagree on the constitutionality of a bill without the health exception and several State bills very similar to this have been already thrown out just this year.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The veto message and the bill will be referred to the Committee on the Judiciary.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2595

Mr. BERRY. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2595.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

COAST GUARD AUTHORIZATION ACT OF 1997

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 265 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2204.

□ 1822

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes, with Mr. DICKEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Tennessee [Mr. CLEMENT], each will control 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2204. Before I discuss this bill, I would like to thank the distinguished chairman of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER], our ranking minority member, the gentleman from Wisconsin [Mr. OBERSTAR], and the ranking minority member of the Subcommittee on Coast Guard and Maritime Transportation, the gentleman from Tennessee [Mr. CLEMENT], and their staff for their help and cooperation on this legislation. H.R. 2204 was developed in a bipartisan manner and deserves the support of all the Members.

The primary purpose of H.R. 2204 is to authorize funds for the United States Coast Guard for fiscal years 1998, 1999. Title I of this bill authorizes $3.9 billion for Coast Guard activities in fiscal year 1998 and $4 billion in fiscal year 1999. The fiscal year 1998 authorization contains an increase over the level requested by the President for the Coast Guard of approximately $97 million. These funds primarily support additional Coast Guard efforts to interdict illegal drugs before they reach the United States.

The fiscal year 1999 authorization contains additional funds for drug interdiction and for other Coast Guard

operating and acquisition costs. Specifically, this legislation includes approximately $2.79 billion in fiscal year 1998, and $2.85 billion in fiscal year 1999 for Coast Guard operating expenses, $401 million in fiscal year 1998, and $444 million in fiscal year 1999 for acquisition of vessels, aircraft and shore facilities, and $652 million in fiscal year 1998, and $692 million in fiscal year 1999 for Coast Guard retired pay.

I strongly support the increase in funds for drug interdiction because cuts in resources devoted to drug interdiction in the early 1990s have greatly hindered Coast Guard efforts to fight the war on drugs. The evidence is clear that effective drug interdiction raises the price of drugs driving use down especially among casual users.

A study released last January by the Institute on Defense Analysis confirmed this point. Interdiction is especially significant as we focus on ways to eliminate teenage drug use. We must mount an aggressive attack on drug smugglers if we intend to win the war on drugs. The funds authorized in this bill will restore cuts to the Coast Guard drug interdiction program and provide the level of drug interdiction we need to keep drugs from reaching the shores of the United States.

There are many things we as a Nation together can do to fight the drugs and to participate in the war on drugs. There is treatment programs, there is educational programs, there is a whole range of things that we can do. Interdiction is an important part, an important piece of that puzzle.

Title II of H.R. 2204 deals with several internal Coast Guard personnel management matters. Title III of the bill addresses issues related to navigation safety. This title amends the Ports and Waterways Safety Act and subtitle II of title XLVI, United States Code, by extending the territorial sea for these laws from 3 to 12 nautical miles from shore. These amendments will enhance the Coast Guard's ability to fully implement its port State control program and protect U.S. waters and substandard foreign vessels.

Title IV of the legislation contains several miscellaneous provisions, including enhancements to the Coast Guard vessel identification system, several Coast Guard property transfers, classification of financial responsibility requirements for oil spill response vessels and several specific wavers of the U.S. coastwise trade laws.

Finally, Mr. Chairman, as we go through the authorization of the Coast Guard, we would like, the gentleman from Tennessee [Mr. CLEMENT], and I, and the staff would like Members, when they think about the Coast Guard, to think about the Arctic Ocean at midnight in February in a driving storm, the Coast Guard is there.

Think of the environmental enforcement of our shores, our coastal waters and our inland seas, the Coast Guard is there. Think of the illegal immigrants enslaved in cargo ships by criminals from all around this globe intercepted by young Coast Guard men and women on the high rough seas in all kinds of weather.

Think about the protection of the coastal waters and the fisheries which provide an abundance of food for this United States. Think about the search and rescue missions that are taken throughout the entire year, day and night, winter and summer, calm seas and rough seas, that is what the Coast Guard does.

At the appropriate time, I will offer an en bloc amendment which makes several technical corrections and includes several noncontroversial amendments to the bill. I urge Members to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. CLEMENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2204, the Coast Guard Authorization Act of 1997. Members on both sides of aisle support the Coast Guard in this very bipartisan bill. The Coast Guard is on the front lines every day saving lives and stopping drugs from entering our country. They are the lead agency in the clean up of oil spills and protect our fisheries within our 200-mile exclusive economic zone.

Mr. Chairman, these are not partisan issues. The gentleman from Maryland [Mr. GILCHREST], and I have worked closely with the gentleman from Pennsylvania [Mr. SHUSTER] and the ranking member, the gentleman from Wisconsin [Mr. OBERSTAR], to craft a bill that will meet the needs of the Coast Guard for fiscal year 1998.

H.R. 2204 authorizes approximately $3.9 billion for the Coast Guard for fiscal year 1998, including $2.8 billion for their operations, $401 million for acquisition and construction of new ships and facilities, $19.5 million for research and development and $21 million for environmental compliance and restoration at Coast Guard facilities.

□ 1830

The only difference between the amounts authorized in this bill and the budget proposed by the President is that we have added approximately $97 million for increased drug interdiction operations.

We have also worked closely with the administration to include much of its legislative program for this year, including extending the territorial sea from 3 miles to 12 miles.

We have also included a number of recommendations made by the maritime industry, such as prohibiting people from interfering with the safe operation of commercial vessels.

I urge all my colleagues to support H.R. 2204, the Coast Guard Authorization Act of 1997.

Mr. Chairman, I reserve the balance of my time.

Mr. GILCHREST. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I would like to voice my strong support for H.R. 2204, the Coast Guard Authorization Act.

In addition to funding for critical drug interdiction activities, this bill contains a significant increase in the Coast Guard operating expense account. This boost will allow the Coast Guard to do their job more effectively.

In my district, Mr. Chairman, this will benefit the Coast Guard's training center in Cape May, which is the only recruit training center in our Nation. In addition, the completion of the new air station in Atlantic City will ensure better and faster search and rescue missions along the east coast.

I want to thank the Coast Guard for the important service that they are performing in southern New Jersey and throughout our Nation. Their small boat stations have been a great help to fishermen and recreational boaters. Their rapid response saved the lives of two Air National Guard pilots forced to eject into the Atlantic in a recent accident.

In general, Mr. Chairman, the Coast Guard personnel have proven to be very welcome members of the community in southern New Jersey and, in fact, throughout our Nation where the Coast Guard has a presence.

And I would like to, Mr. Chairman, in conclusion, congratulate and to thank the Coast Guard for the great job that they are doing in so many different ways. As the gentleman from Maryland has stated, they are putting their lives on the line day in and day out, very often without recognition, and I want to say how very proud we are of the great job that they are doing.

Mr. CLEMENT. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. JOHNSON.]

Mr. JOHNSON of Wisconsin. Mr. Chairman, I too join in support of this Coast Guard Authorization Act. As a Representative who lives and works on the Great Lakes, and as a member of the Subcommittee on Coast Guard and Maritime Transportation, I am pleased to see that this great investment in the Coast Guard is being made today not only with the full support of people here but the full support of a lot of people in our districts.

Every day, as has been noted before, the Coast Guard is patrolling our lakes and shores aiding navigation, performing search and rescue missions, protecting the coastal resources, and fighting drug trafficking.

The Coast Guard performs vital services for Great Lake States and across the Nation. And as a member of the Great Lakes States, and of particular importance to all of us who live along the coastline of the Great Lakes, the bill includes nearly $5 million in the fiscal year ahead for continued operation and maintenance of what is vital to our area and to the Great Lakes, the ice-breaking cutter, the *Mackinaw*.

For as long as I have been on this Earth, for some 54 years, the *Mackinaw*

has sailed the Great Lakes breaking ice so other ships may travel safely and bring goods in and out of the ports, including the port of Green Bay.

The bill also provides funding to explore future options to the now aging icebreaker *Mackinaw*, and I am pleased to see this endeavor take shape as we plan for the Coast Guard and with the Coast Guard for the years ahead.

Mr. Chairman, I look forward to the passage of this bill as we show our support not just for the Coast Guard in general but for the hard work of the men and women of the Coast Guard, and in particular the people in my district who build the great ships that they sail. As someone who has grown up on the Great Lakes, I can appreciate the work and the effort put in by the Coast Guard.

We have Coast Guard operations in Green Bay, Sturgeon Bay, Marinette, and Washington Island in my district, a district that contains one county that has more lighthouses than any other county in America. We know full well the work of the Coast Guard on the Great Lakes, but also wherever ships and wherever people are in trouble at sea, the Coast Guard is there. I ask for my colleagues support for the Coast Guard Authorization Act.

Mr. CLEMENT. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

(Mr. VISCLOSKY asked and was given permission to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Chairman, I rise to call my colleagues' attention to a potentially dangerous situation in southern Lake Michigan. Currently, there is only one air rescue helicopter serving the entire southern Lake Michigan region. Until 1995, that helicopter was located at the Coast Guard air station in Chicago at Glenview, IL. In 1995, the village of Glenview asked the Coast Guard to vacate Glenview's site and, subsequently, the Coast Guard moved the facility to Muskegon, MI.

While the justification for a move is clear, I take issue with the Coast Guard's choice for the location of a new facility. The new site is simply too far away from where the majority of boating activities and accidents occur in Lake Michigan. I believe safety should be the primary factor guiding where the helicopter air rescue station serving southern Lake Michigan should be situated.

The decision about where to base the Coast Guard's air rescue helicopter must consider public safety. The Coast Guard's SAR standard response time is 2 hours. It takes a helicopter centrally based in Michigan at least 80 minutes to reach the Chicago area. It is clear that 1 hour could mean the difference between life and death when boaters are in an emergency situation in Lake Michigan. Simple common sense dictates a response time of 15 to 20 minutes from a base on the southern end of the lake would be safer.

Other factors for which the Coast Guard did not account for are population and accident rates. According to July 1996 Census Bureau statistics, the population of counties bordering Lake Michigan in Indiana and Illinois is 6.4 million people. Michigan's shoreline population in the region is only 715,000. It stands to reason that the more populated areas of the Lake Michigan shoreline are at greater risk for boating accidents.

In addition, northwest Indiana's casino boats, which now carry thousands of people each year, and Chicago's dinner and sightseeing boats, which carry over 1 million passengers per year, accentuate the southern Lake Michigan region's need for a Coast Guard helicopter that can respond very quickly in emergencies.

Recent events have highlighted the need for a helicopter rescue team which can respond. Twenty-six people died in Lake Michigan between October 1, 1995, and October 1, 1996, compared with just 4 deaths in the previous year. Thirteen of those deaths were the result of boating and jet skiing accidents and occurred in lake waters between Gary, IN, and Waukegan, IL.

This is a serious problem and, for the sake of the tens of thousands of people along the southern shore of Lake Michigan who use the lake for recreational and commercial purposes, I would hope that this body and the administration would act to improve their safety, safety that has been seriously jeopardized since 1995.

I would simply add my thanks to the gentleman from Maryland [Mr. GILCHREST] for his earlier colloquy with the gentleman from Illinois [Mr. DAVIS] recognizing the situation we find ourselves in and his commitment, and I am sure the commitment of the gentleman from Tennessee [Mr. CLEMENT], to seek resources to make sure that the safety of everyone along that southern shore of Lake Michigan is protected.

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume, to advise that while we have no more speakers on our side, I do want to take just a few seconds to respond to this issue of the helicopter.

There are limited resources no matter where we go in this country. Each State has limited resources. Each county has limited resources. The Federal Government has limited resources. The Coast Guard has limited resources. So we try to spread those few limited resources to the areas that we think need to be served the most because of the dangers that have been associated with those areas.

The Coast Guard has chosen to move that helicopter. Now, we also recognize that the Coast Guard does a fine job working with State and county officials in all of these rescue missions, and that is what they are going to do. And I want to assure the people in the gentleman's area, I want to assure the people in the Great Lakes region, Lake Michigan, that the Coast Guard is there and they are continuing to work there and they are going to do the best job they can and they will continue to work with local hospitals, with local States, with local rescue missions with their helicopters that cover the area.

What we are going to do next year is to find out what areas the Coast Guard is lacking, where they are underfunded because of increased responsibilities and make those corrections. So I assure the gentleman from Indiana that we are going to pursue this issue with all our effort.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I just wish to thank the gentleman very, very much.

Mr. CLEMENT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. BLAGOJEVICH].

Mr. BLAGOJEVICH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, last year, to reiterate what the gentleman from Indiana [Mr. VISCLOSKY] said moments ago, last year almost seven times more people died on the southern side of Lake Michigan, or the connecting rivers around the Chicago, IL, Gary, IN, area than in the previous year.

And while the remarks of the previous speaker are certainly correct, there are limited resources in today's environment, and there are certainly a tremendous amount of needs, oftentimes competing needs. I would simply argue that when we consider the urgency on the southern side of Lake Michigan, there are compelling arguments and compelling reasons for the Coast Guard to consider sending another search and rescue helicopter to the area that serves southern Lake Michigan.

Because presently there is only one Coast Guard search and rescue helicopter which serves the needs of southern Lake Michigan, and the needs for that particular area are compelling. The population of counties bordering Lake Michigan in Indiana and Illinois is 6.4 million people.

Northwest Indiana, every year, has four casino boats that carry thousands of people on any given day. Chicago's dinner and sightseeing boats carry over 1 million passengers every year. There are more than 5,000 boats which harbor in Chicago. Every day over 1,000 flights, every day over 1,000 flights come in and out of Chicago's three airports in their final descent over Lake Michigan. Chicago O'Hare happens to be among the busiest airports in the world.

Chicago fire and police department marine units are gravely concerned, they have expressed this publicly, about their emergency response capability if a plane were to crash into

Lake Michigan. On an average day in the summer there are roughly 2,000 boats in the water along the 70 miles of shoreline between Gary, IN, and Waukegan, IL.

There are, on average, 10 to 20 Coast Guard search and rescue boats which cover Gary, IN, north to Waukegan, IL. These are missions routinely done, yet again we only have one search and rescue helicopter serving that area.

Mr. Chairman, the gentleman from Indiana [Mr. VISCLOSKY], the gentleman from Illinois [Mr. LIPINSKI], and myself have requested the GAO to prepare an independent assessment to determine which location best protects the safety of those who live and recreate in this area of southern Lake Michigan. I would hope that this study will strongly consider factors such as population and the number of accidents which occur along the Chicago and Gary shoreline.

This is about saving lives and not about saving money, and I am hopeful and confident that the GAO and the appropriators will consider these factors.

Mr. CRANE. Mr. Chairman, I rise to speak today, not on a matter that was addressed by H.R. 2204, the Coast Guard Authorization Act, but on one that was not addressed but should have been. Specifically, I refer to the ill-advised relocation, by the U.S. Coast Guard [USCG], of its helicopter rescue unit from Glenview, IL, to Muskegon, MI.

The effect of that move, which was prompted by the decision to close the Glenview Naval Air Station, has been to increase, by about 30 minutes, the time it takes for a Coast Guard air rescue helicopter to reach the Chicago lakefront in the case of an emergency. Moreover, that rescue helicopter is now 15–20 minutes further removed from the area north of Chicago, an area featuring over 60 lakes and one of America's most popular recreational waterways, not to mention miles of Lake Michigan shoreline often frequented by boating enthusiasts. As a matter of fact, over 25,000 boating permits have been issued in the Fox River-Chain o' Lakes area of northeastern Illinois alone.

Mr. Chairman, the significance of these figures is this. Thousands of people boating near, or flying over, one of the most heavily populated areas of America are at greater risk than they were a year ago. Not only is the USCG's rescue helicopter further away, but it can operate anywhere over lake Michigan whereas the local policy boats and fire department helicopters usually stay within 4 miles of shore. Also, there are two other considerations. First, whenever the USCG helicopter does come down to the Chicago area for a search and rescue mission, it cannot remain aloft as long as it did previously before it has to refuel. Second, the USCG personnel manning that helicopter have more specialized training and equipment than do the dedicated people who operate local police boats and rescue helicopters.

Since any one of these considerations could delay or otherwise compromise efforts to rescue people from the waters of lower Lake Michigan, the Fox River, the Chain o' Lakes, and/or the other lakes that dot northeastern Illinois and southeastern Wisconsin, I think you can understand why so many people in or near that area are concerned about the basing of this USCG helicopter rescue unit. To them, that unit represents the margin between life and death in the event of a serious boating or airplane accident, the potential for which has become increasingly apparent lately.

During the past year, no less than 26 people have died in those waters compared to four the year before. Nine of those fatalities resulted from airplane crashes over Lake Michigan, a sobering indication of what could happen if a commercial jet headed to or from either O'Hare Airport or Midway were to suffer a similar fate. In such a circumstance, we would want all available rescue resources on the scene as soon as possible, just as we would in the event a sightseeing boat were to sink or an aircraft were to disappear. But, so long as the USCG's helicopter rescue unit continues to be based in a more thinly populated area across the lake 85 miles from Waukegan, one of those resources—that unit—may not be able to arrive in a timely fashion.

For that reason, I would like to see that concern dealt with before too much more time elapses and we suddenly find ourselves confronted with a tragedy. To my way of thinking, there are two sure ways in which it could be addressed. One would be to relocate the USCG helicopter unit presently based in Muskegon back to the southwestern shore of Lake Michigan, preferably at a site in Lake County, IL. The other would be to create a new unit and base it at a site on or near that same stretch of shore. By mentioning these options, I do not mean to suggest the absence of other alternatives, such as Meigs Field in downtown Chicago. Instead, my intent is to underscore the availability of viable options, to emphasize the need to bring the best of them to the fore as soon as possible, and to express the hope that, before H.R. 2204 is sent to the President for his consideration, progress will have been made to that end.

Mr. BILIRAKIS. Mr. Chairman, as we debate H.R. 2204, the Coast Guard Reauthorization Act, I want to highlight a very important program administered by the Coast Guard. I am referring to the Coast Guard's ports and waterways safety system [PAWSS], a new follow-on program for the vessel traffic service [VTS] 2000 project which was terminated in October 1996.

The primary purpose of a vessel traffic service is to ensure the safety of vessel traffic in U.S. ports and waterways. This program saves lives, protects property and protects the marine environment by giving mariners timely, accurate, and relevant information to avoid groundings and collisions. The Coast Guard currently operates several vessel traffic services in major port areas with much success and support.

The PAWSS Program is an important next step to assure the safety and efficiency of the Nation's ports and inland waterways.

My interest in the VTS began when on August 10, 1993, a collision occurred in a navigation channel outside the entrance to Tampa Bay between two tug/barges and a 357-foot freighter. This accident resulted in a thunderous explosion that shot a fireball hundreds of feet into the air.

In addition, approximately 380,000 gallons of oil spilled into the Gulf of Mexico. The cost of the clean-up of this spill was enormous, not to mention the damage to the environment.

This is not the first accident to occur at the mouth of Tampa Bay. In May 1980, a freighter, traveling through dense fog, ran into the Sunshine Skyward Bridge causing one of its spans to collapse. Some 40 people were killed. Had the VTS been in place prior to these incidences, these disasters could have been avoided. Today, the port of Tampa Bay is still without a VTS system.

The VTS represents a cost-effective answer to the prevention of these types of environmental disasters. The 1993 accident resulted in over $100 million in economic penalties and pollution cleanup costs. Nationally, the cost of cleaning up accidents such as the 1993 oil spill could easily outpace the cost of operating a VTS program.

Over 2 billion tons of cargo move in and out of all U.S. ports each year. Almost half of this total consists of petroleum products, which pose environmental hazards. Increased use of waterways by passenger and recreational vessels only increases the risk of serious accidents on our Nation's waterways.

Mr. Chairman, I urge my colleagues to support the Coast Guard's port and waterways safety systems.

Mr. LIPINSKI. Mr. Chairman, during consideration today of H.R. 2204, the Coast Guard Authorization Act, Members spoke on the floor about a need for a study to determine the best location for the seasonal Coast Guard air search and rescue facility for Southern Lake Michigan. There is some controversy surrounding the recent relocation of the facility from just north of Chicago to Muskegon, MI. I would like to take this opportunity to enter into the record a letter from my good friend, Chicago Alderman Ed Burke, on this subject. In his letter, he refers to a recent article from the Chicago Sun-Times, which I would also like to include in the record.

I encourage my colleagues to consider Alderman Burke's comments in the context of today's debate.

CITY OF CHICAGO,
COMMITTEE ON FINANCE,
Chicago, IL, September 22, 1997.

Hon. WILLIAM O. LIPINSKI,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN LIPINSKI: The Chicago Sun-Times recently published an article which reported a steep increase in the number of deaths in southern Lake Michigan or connecting rivers over the past year.

I have enclosed for your perusal a letter that I have forwarded to Rear Admiral J.F. McGowan of the United States Coast Guard, detailing my continuing and growing concerns regarding the controversial relocation of an emergency helicopter unit to Muskegon, Michigan.

Any assistance that you could provide in helping to convince the U.S. Coast Guard to restore the ''rescue'' helicopter unit to a site closer to the Chicago Metropolitan Area would be greatly appreciated.

Yours truly,

EDWARD M. BURKE,
Chairman.

CITY OF CHICAGO,
COMMITTEE ON FINANCE,
Chicago, IL, September 16, 1997.

J.F. MCGOWAN,
Rear Admiral, U.S. Coast Guard, Commander,
Ninth Coast Guard District, Cleveland, OH.

DEAR REAR ADMIRAL MCGOWAN: Enclosed please find a copy of a recent article from the Chicago Sun-Times, which reports that almost ''seven times more people have died in Lake Michigan or connecting rivers'' since October 1, 1996.

According to the U.S. Coast Guard, twenty-six people have died in southern Lake Michigan, compared with just four people during the previous fiscal year, the article states. I hope you would agree that this sharp increase in fatalities is completely unacceptable. I also cannot help but observe that these statistics skyrocketed after the U.S. Coast Guard's decision to relocate its ''rescue'' helicopter unit more than 100 nautical miles away from Chicago in Muskegon, Michigan.

Therefore, I must request that you provide an explanation as to why this ''rescue'' helicopter continues to remain in Michigan while the number of deaths continue to spiral upward in the Greater Chicago Metropolitan Area and Southern Indiana.

In light of these troubling statistics, I also wish to inquire whether the U.S. Coast Guard plans to reconsider its controversial decision made last year to relocate this ''rescue'' helicopter unit.

Your prompt attention to this matter would be appreciated.

Yours truly,

EDWARD M. BURKE,
Chairman.

[From the Chicago Sun Times, Sept. 9, 1997]

LAKE MICHIGAN DEATHS UP SHARPLY THIS YEAR

(By Phillip J. O'Connor)

Almost seven times more people have died in Lake Michigan or connecting rivers since Oct. 1 than in the previous year, the Coast Guard said Monday.

Twenty-six people have died since Oct. 1, compared with just four during the previous fiscal year, said Chief Scott Kirwen, acting commander of the Coast Guard's South Chicago station, which directs all agency rescues here. ''This was an extremely high year for some reason.''

Nine people died in plane crashes, including seven killed in the collision of two planes over the lake near 55th Street on July 26. Two others were killed Feb. 20 and when a plane crashed near Waukegan.

Four people died when they jumped off bridges into rivers. Eleven deaths involved boating, and two people died in jet skiing accidents.

The 26 deaths occurred in the area covered by the Coast Guard here, stretching from Indiana Harbor in Whiting, Ind., to the middle of the lake, to north of Waukegan.

Kirwen said he doubted that moving the Coast Guard's helicopter rescue unit from the former Glenview Naval Air Training Station to Muskegon, Mich., last year would have made any difference.

''A Chicago Fire Department helicopter responded in most of these cases,'' he said. ''By the time the Coast Guard is notified, the people have already disappeared under the surface of the water.''

Some authorities and legislators have contended that moving the unit out of the Chicago area cut the safety margin for lake boaters, sailors and swimmers. It takes twice as long for a helicopter based in Muskegon to reach boaters off Chicago's lakefront and the North Shore.

Kirwen said that only two of the people who died—fishermen found drowned in April after a fishing trip off Hammond—were wearing life jackets. Nationally, nearly nine out of 10 drowning victims were not wearing life jackets, Kirwen said.

Life jackets can protect against hypothermia because they allow a person to float without expending energy, Kirwen said.

The Coast Guard uses a 50-50-50 rule in promoting use of life jackets. ''If a person is in 50-degree water for 50 minutes, they have a 50 percent better chance to survive if they are wearing a life jacket,'' Kirwen said.

Mr. CLEMENT. Mr. Chairman, I yield back the balance of my time.

Mr. GILCHREST. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purposes of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard Authorization Act of 1997''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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

TITLE I—AUTHORIZATION

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

TITLE II—COAST GUARD MANAGEMENT

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

TITLE III—MARINE SAFETY

Sec. 301. Extension of territorial sea for certain laws.
Sec. 302. Penalties for interfering with the safe operation of a vessel.

TITLE IV—MISCELLANEOUS

Sec. 401. Vessel identification system amendments.
Sec. 402. Conveyance of Coast Guard Reserve training facility, Jacksonville, Florida.
Sec. 403. Documentation of certain vessels.
Sec. 404. Conveyance of Coast Guard facility in Nahant, Massachusetts.
Sec. 405. Unreasonable obstruction to navigation.
Sec. 406. Financial responsibility for oil spill response vessels.
Sec. 407. Conveyance of Coast Guard property to Jacksonville University in Jacksonville, Florida.
Sec. 408. Penalty for violation of international safety convention.
Sec. 409. Coast Guard City, USA.
Sec. 410. Conveyance of Communication Station, Boston Marshfield Receiver Site, Massachusetts.

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, $2,790,700,000; 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.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—

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

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

to remain available until expended, of which $20,000,000 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.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

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

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

to remain available until expended, of which $1,000,000 may be made available in fiscal year 1998 for fuel cell research, and of which $3,500,000 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.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code—

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

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

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

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

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

to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $21,000,000 for each of fiscal years 1998 and 1999, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

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

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

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

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

(1) For recruit and special training—

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

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

(2) For flight training—

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

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

(3) For professional training in military and civilian institutions—

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

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

(4) For officer acquisition—

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

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

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. REMOVAL OF CAP ON WARRANT OFFICER SEVERANCE PAY.

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

SEC. 202. AUTHORITY TO IMPLEMENT AWARDS PROGRAMS.

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

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

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

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

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

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

''(b) The Commandant may provide for the honorary recognition of individuals and organizations, including State and local governments and commercial and nonprofit organizations, that significantly contribute to Coast Guard programs, missions, or operations, by awarding plaques, medals, trophies, badges, and similar items to acknowledge that contribution.''.

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR CERTAIN LAWS.

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

''(5) 'Navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

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

(1) In section 2101—

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

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

''(17a) 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

(2) In section 2301, by inserting ''(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)'' after ''of the United States''.

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

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

(5) In section 4502(a)(7), by striking ''on vessels that operate on the high seas'' and inserting ''beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured''.

(6) In section 4506(b), 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 baseline from which the territorial sea of the United States is measured.''.

(7) In section 8502(a)(3), by striking ''not on the high seas'' and inserting: ''not beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured''.

(8) In section 8503(a), 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 baseline 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) by amending the section heading to read as follows:

''§ 2302. Penalties for negligent operations and interfering with safe operation'';

and

(2) in subsection (a) by striking ''that endangers'' and inserting ''or interfering with the safe operation of a vessel, so as to endanger''.

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

''2302. Penalties for negligent operations and interfering with safe operation.''.

TITLE IV—MISCELLANEOUS

SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.

Title 46, United States Code, is amended—

(1) in section 12102(a), by striking ''or is not titled in a State'';

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

''(c) A documented vessel shall not be titled or required to display numbers under this chapter by a State, and any certificate of title issued by a State for a documented vessel shall be surrendered in accordance with regulations prescribed by the Secretary.

''(d) The Secretary may approve the surrender under subsection (c) of a certificate of title covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents.'';

(3) in section 31322—

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

''(b) Any indebtedness secured by a preferred mortgage that is filed or recorded under this chapter, or that is subject to a mortgage or instrument that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree.''; and

(B) in subsection (d), by amending paragraph (3) to read as follows:

''(3) A preferred mortgage under this subsection continues to be a preferred mortgage even if the vessel is no longer titled in the State where the mortgage or instrument granting a security interest became a preferred mortgage under this subsection.''; and

(4) in section 31325—

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

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

(C) in subsection (c), by inserting ''a vessel titled in a State,'' after ''a vessel to be documented under chapter 121 of this title,''.

SEC. 402. CONVEYANCE OF COAST GUARD RESERVE TRAINING FACILITY, JACKSONVILLE, FLORIDA.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) the land and improvements thereto comprising the Coast Guard Reserve training facility in Jacksonville, Florida, is deemed to be surplus property; and

(2) the Commandant of the Coast Guard shall dispose of all right, title, and interest of the United States in and to that property, by sale, at fair market value.

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

SEC. 403. DOCUMENTATION OF CERTAIN VESSELS.

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

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

(2) BAREFOOT CONTESA (United States official number 285410).

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

(4) BLUE HAWAII (State of Florida registration number FL0466KC).

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

(6) KEEWAYDIN (United States official number 662066).

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

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

(9) MIGHTY JOHN III (formerly the NIAGARA QUEEN, Canadian registration number 318746).

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

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

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

(b) OWNERSHIP OF VESSEL PHILADELPHIA.—Notwithstanding section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802, 803) and section 12102(a)(4) of title 46, United States Code, the parent corporation of the corporation holding title to the vessel PHILADELPHIA (United States official number 654192) on May 3, 1995, is deemed on that date and thereafter to be a citizen of the United States for purposes of owning corporations whose vessels are eligible for documentation under chapter 121 of title 46, United States Code, with a coastwise endorsement, if—

(1) the chief executive officer of the parent corporation is a citizen of the United States;

(2) the chairman of the board of directors of the parent corporation is a citizen of the United States, and the number of its directors who are noncitizens does not exceed a minority of the number necessary to constitute a quorum;

(3) the parent corporation meets the stock ownership requirements of section 2 of the Shipping Act, 1916, for operating a vessel in the coastwise trade;

(4) the corporation holding title is otherwise eligible to own a vessel operated in the coastwise trade; and

(5) the vessel is otherwise eligible to be operated in the coastwise trade.

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

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

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising United States Coast Guard Recreation Facility Nahant, Massachusetts, to the town of Nahant, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

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

(1) without payment of consideration; and

(2) subject to the terms and conditions the Secretary considers appropriate.

SEC. 405. UNREASONABLE OBSTRUCTION TO NAVIGATION.

Notwithstanding any other provision of law, the liftbridge over the back channel of the Schuylkill River in Philadelphia, Pennsylvania, is deemed to unreasonably obstruct navigation for purposes of the Act entitled ''An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes'', approved June 21, 1940 (chapter 409; 33 U.S.C. 511–523), popularly known as the ''Hobbs Bridge Act'' and the ''Truman-Hobbs Bridge Act''.

SEC. 406. FINANCIAL RESPONSIBILITY FOR OIL SPILL RESPONSE VESSELS.

Section 1004(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(2)) is amended by inserting ''including a vessel responding to a discharge of substantial threat of a discharge of oil,'' after ''vessel,''.

SEC. 407. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY IN JACKSONVILLE, FLORIDA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey to Jacksonville University, located in Jacksonville, Florida, without consideration, all right, title, and interest of the United States in and to the property comprising the Long Branch Rear Range Light, Jacksonville, Florida.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

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

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

(2) subject to the condition that all right, title, and interest in and to property conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by Jacksonville University.

SEC. 408. PENALTY FOR VIOLATION OF INTERNATIONAL SAFETY CONVENTION.

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

''(e)(1) A vessel may not transport cargoes sponsored by the United States Government if—

''(A) the vessel has been detained by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention in an electronic form, including the name of the owner of the vessel; or

''(B) the owner of the vessel has had more than one vessel detained by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention in an electronic form, including the name of the owner of the vessel.

''(2) The prohibition in paragraph (1) expires for a vessel 1 year after the date of the publication in electronic form on which the prohibition is based.''.

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

SEC. 409. COAST GUARD CITY, USA.

The community of Grand Haven, Michigan, shall be recognized as ''Coast Guard City, USA''.

SEC. 410. CONVEYANCE OF COMMUNICATION STATION BOSTON MARSHFIELD RECEIVER SITE, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Coast Guard Communication Station Boston Marshfield Receiver Site, Massachusetts, to the Town of Marshfield, Massachusetts.

(2) LIMITATION.—The Secretary shall not convey under this section the land on which is situated the communications tower and the microwave building facility of that station.

(3) IDENTIFICATION OF PROPERTY.—(A) The Secretary may identify, describe, and determine the property to be conveyed to the Town under this section.

(B) The Secretary shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

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

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) The Secretary may reserve utility, access, and any other appropriate easements on the property conveyed for the purpose of operating, maintaining, and protecting the communications tower and the microwave building facility.

(B) The Town and its successors and assigns shall, at their own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner as necessary to ensure the operation, maintenance, and protection of the communications tower and the microwave building facility.

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

The CHAIRMAN. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a demand for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENTS OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. GILCHREST:

Page 4, beginning at line 9, strike ''of which'' and all that follows through ''research, and'' at line 11.

Page 10, before line 20, insert the following new section (and conform the table of contents in section 2 accordingly):

SEC. 303. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

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

''§ 9307. Great Lakes Pilotage Advisory Committee

''(a) The Secretary shall establish a Great Lakes Pilotage Advisory Committee. The Committee—

''(1) may review proposed Great Lakes Pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;

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

''(3) may make available to the Congress recommendations that the Committee makes to the Secretary; and

''(4) shall meet at the call of—

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

''(B) a majority of the Committee.

''(b)(1) The Committee shall consist of 7 members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

''(2) The membership of the Committee shall include—

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

''(B) 1 member representing the interests of vessel operators that contract for Great Lakes pilotage services;

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

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

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

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

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

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

''(2) The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

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

''(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS–18 of the General Schedule under section 5332 of title 5 including travel time; and

''(B) travel or transportation expenses under section 5703 of title 5.

''(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

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

''(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.''.

Page 11, line 3, insert ''by a State'' after ''titled''.

Page 11, line 4, strike ''by a State''.

Page 11, strike lines 17 through 19, and insert the following:

to a mortgage, security agreement, or instrument granting a security interest that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree.'';

Page 11, after line 19, insert the following:

(B) in subsection (d)(1), by striking ''mortgage or instrument'' each place it appears and inserting ''mortgage, security agreement, or instrument'';

(C) in subsection (d)(2), by striking ''mortgages or instruments'' and inserting ''mortgages, security agreements, or instruments''; and

Page 11, line 20, strike ''(B)'' and insert ''(D)''.

Page 11, line 24, insert '', security agreement,'' after ''mortgage''.

Page 14, after line 15, insert the following new paragraphs:

(13) ELMO (State of Florida registration number FL5337BG).

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

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

(16) M/V BAHAMA PRIDE (United States official number 588647).

(17) WINDWISP (United States official number 571621).

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

(19) FJORDING (United States official number 594363).

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

(21) PACIFIC MONARCH (United States official number 557467).

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

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

Page 15, after line 19, insert the following new subsections:

(d) DOCUMENTATION OF THE VESSEL PRINCE NOVA.—

(1) DOCUMENTATION AUTHORIZED.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA (Canadian registration number 320804).

(2) EXPIRATION OF CERTIFICATE.—A certificate of documentation issued for the vessel under paragraph (1) shall expire unless—

(A) the vessel undergoes conversion, reconstruction, repair, rebuilding, or retrofitting in a shipyard located in the United States;

(B) the cost of that conversion, reconstruction, repair, rebuilding, or retrofitting is not less than the greater of—

(i) three times the purchase value of the vessel before the conversion, reconstruction, repair, rebuilding, or retrofitting; or

(ii) $4,200,000; and

(C) not less than an average of $1,000,000 is spent annually in a shipyard located in the United States for conversion, reconstruction, repair, rebuilding, or retrofitting of the vessel until the total amount of the cost required under subparagraph (B) is spent.

(e) DOCUMENTATION OF VESSEL COLUMBUS.—

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

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

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

(B) into a fill area for the purpose of creation of land for an immediate use other than disposal of the dredged material.

Page 17, line 5, strike ''discharge of'' and insert ''discharge or''.

Page 18, beginning on line 8, strike ''cargoes sponsored by the United States Government'' and insert ''Government-impelled cargoes''.

Page 18, beginning at line 16, strike ''the owner of the vessel has had more than one vessel detained'' and insert ''the operator of the vessel has on more than one occasion had a vessel detained''.

Page 18, strike lines 22 through 24 and insert the following:

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

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

''(B) any date on which the owner or operator of the vessel prevails in an appeal of the violation on which the detention is based.''.

Page 20, after line 22, add the following new sections (and conform the table of contents in section 2 accordingly):

SEC. 411. CLARIFICATION OF LIABILITY OF PERSONS ENGAGING IN OIL SPILL PREVENTION AND RESPONSE ACTIVITIES.

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

(1) in subsection (a)(8) by striking ''to minimize or mitigate damage'' and inserting ''to prevent, minimize, or mitigate damage'';

(2) by striking ''and'' after the semicolon at the end of subsection (a)(23), by striking the period at the end of subsection (a)(24) and inserting ''; and'', and by adding at the end of subsection (a) the following:

''(25) 'removal costs' means—

''(A) the costs of removal of oil or a hazardous substance that are incurred after it is discharged; and

''(B) in any case in which there is a substantial threat of a discharge of oil or a hazardous substance, the costs to prevent, minimize, or mitigate that threat.''; and

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

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

(1) by striking ''and (C)'' and inserting '', (C)''; and

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

(c) SENSE OF THE CONGRESS REGARDING OIL SPILL RESPONSE ACTIONS.—It is the sense of the Congress that, under the Oil Pollution Act of 1990, the President should ensure that liability concerns regarding response actions to remove a discharge, or to mitigate or prevent the threat of a discharge, do not deter an expeditious or effective response, by promulgating guidelines in accordance with applicable Federal law, as soon as possible, clarifying that a person who takes any response action consistent with the National Contingency Plan, including the applicable fish and wildlife response plan, or as otherwise directed by the President, to prevent or mitigate the environmental effects of a discharge or a threat of a discharge should not be held liable for the violation of fish and wildlife laws, unless the person is grossly negligent or engages in willful misconduct.

SEC. 412. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

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

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

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

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

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

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey, without consideration, to the State of North Carolina (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, in Ocracoke, North Carolina, consisting of such portion of the Coast Guard Station Ocracoke, North Carolina, as the Secretary considers appropriate for purposes of the conveyance.

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

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

(A) utilities;

(B) access to and from the property;

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

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

(2) That the State maintain the property in a manner so as to preserve the usefulness of the easements or rights of way referred to in paragraph (1).

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

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

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

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

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a), and any easements or rights of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

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

(a) REQUIREMENT TO CONVEY.—The Secretary of Transportation (in this section referred to as the ''Secretary'') shall promptly convey, without consideration, to American Legion Post No. 3 in Sault Sainte Marie, Michigan, all right, title, and interest of the United States in and to the parcel of real

property described in section 202 of the Water Resources Development Act of 1990 (Public Law 101–640), as amended by section 323 of the Water Resources Development Act of 1992 (Public Law 102–580), comprising approximately 0.565 acres, together with any improvements thereon.

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

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

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the American Legion Post No. 3.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 415. DRY BULK CARGO RESIDUE.

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

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

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

''(B) vessels of the United States to discharge residue of dry bulk cargo into the waters of the Great Lakes System governed by the Great Lakes Water Quality Agreement of 1978 and the 1987 Protocol thereto, under the jurisdiction of the Government of Canada or other waters governed by the Boundary Waters Treaty of 1909 under the jurisdiction of the Government of Canada.

''(2) Any regulation issued under this subsection shall be consistent with the Great Lakes Water Quality Agreement of 1978 and the 1987 Protocol thereto, and the Boundary Waters Treaty of 1909, and shall be developed in consultation with the Government of Canada, under the general guidance of the Secretary of State, and with the concurrence of the Administrator of the Environmental Protection Agency, and in consultation with appropriate Federal agencies, including the Assistant Secretary of the Army for Civil Works.

''(3) Any regulations issued under this subsection shall be reviewed by the Secretary no less often than every 5 years to determine whether such regulations are consistent with the water quality goals for the Great Lakes.''.

(b) DEFINITION.—Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901) is amended

(2) by redesignating paragraphs (9), (10), (11), and (12) as (10), (11), (12), and (13), respectively and by inserting the following new paragraph after paragraph (8):

''(9) 'residue to dry bulk cargo' includes any residue or residues of dry bulk cargo generated in the customary operation of commercial vessels, including iron ore, coal, coke, salt, grain, stones, gravel, sand, clay, and slag, but does not include, even if associated with the aforementioned materials, any—

''(A) plastic, as defined in the convention,

''(B) oil or hazardous substance, as defined under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), or

''(C) hazardous substance, as defined in section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) (42 U.S.C. 9601(14)).''.

Mr. GILCHREST (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1845

Mr. GILCHREST. Mr. Chairman, this amendment was developed and agreed to on a bipartisan basis. The amendment contains miscellaneous amendments, many of which are technical or clarifying in nature. The amendment includes a requirement for the Secretary of Transportation to appoint members to the Great Lakes Pilotage Advisory Committee, amendments to implement the Coast Guard Vessel Identification System, and various Jones Act waivers and Coast Guard property transfers. I urge the Members to support this amendment.

Mr. Chairman, this amendment was developed and agreed to on a bipartisan basis. The amendment contains miscellaneous amendments, many of which are technical or clarifying in nature. The amendment includes a requirement for the Secretary of Transportation to appoint members to the Great Lakes Pilotage Advisory Committee, amendments to implement the Coast Guard Vessel Identification System, and various ''Jones Act'' waivers and Coast Guard property transfers.

I urge the members to support this amendment.

New section 411(a) of the bill, as contained in this amendment, amends provisions in section 311 of the FWPCA, regarding liability immunity for measures to respond to oil spills, to clarify that such immunity also applies to measures to prevent, minimize or mitigate the substantial threat of a discharge. The intent of this amendment is to address oil spill prevention and response. Nothing in the amendment changes the current relationship between the FWPCA and the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, regarding hazardous substances. For example, there is no intent to supersede or modify the effect of section 304 of such Act.

Section 411(b) amends the definition of discharge in section 311 of the FWPCA to exclude discharges that are incidental to mechanical removal authorized by the President under section 311. Mechanical removal activities, such as the ''decanting'' or separation of water from recovered oil, usually involve the return of excess water into the response area. However, such excess water almost necessarily includes a ''de minimis'' amount of oil. Unfortunately, current provisions and policies regarding ''harmful quantities'' in section 311 could potentially apply to such de minimis discharges, creating a disincentive to effective oil spill response. The amendment is intended to remove this potential disincentive.

Mr. CLEMENT. Mr. Chairman, I rise in strong support of the en bloc amendments offered by the gentleman from Maryland [Mr. GILCHREST]. This amendment was developed on a bipartisan basis to make technical corrections to the bill and to add provisions requested by Members since the bill was reported from committee in August. The additions to the bill include establishing a Great Lakes Pilotage Advisory Committee, allowing more vessels into our coastwise trade, provisions to promote oil spill response vessels, and a few excess property transfers. I believe this amendment will improve Coast Guard programs and I urge its adoption.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Maryland [Mr. GILCHREST].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UPTON:

Page 20, after line 22, insert the following (and conform the table of contents in section 2 accordingly):

SEC. 411. MAINTENANCE OF FOGHORNS.

The Secretary of Transportation shall take such actions as may be necessary to ensure that foghorns at the following ports are in working order:

(1) St. Joseph, Michigan.
(2) South Haven, Michigan.
(3) Grand Haven, Michigan.
(4) Muskegon, Michigan.
(5) Pentwater, Michigan.
(6) Lundington, Michigan.
(7) Frankfort, Michigan.
(8) Michigan City, Indiana.
(9) Saugatuck, Michigan.
(10) Marquette, Michigan.

Mr. UPTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Chairman, I would like to say that I very much appreciate the help of the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Tennessee [Mr. CLEMENT] in discussions for much of today. This amendment is about foghorns. As I was back in my district, as most of us were these last 10 days, my district is along the shore of Lake Michigan, the Coast Guard currently has a proposal to end the maintenance and in essence stop foghorns in a number of ports along Lake Michigan. What this amendment does is a very simple amendment, it just requires the Secretary of Transportation take action as necessary to ensure that the foghorns at 10 ports along Lake Michigan are in working order.

We have been talking to the Members of Congress on both sides of the aisle whose ports are impacted. They all, Republicans and Democrats alike, support this bill. I would urge its passage. I am not going to ask for a recorded vote. I want to thank the staff on the committee as well as again the two gentlemen that I mentioned before in supporting this amendment.

Mr. HOEKSTRA. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Michigan for yielding. I support him in his efforts to restore and to maintain the foghorns along the shores of Lake Michigan. In another effort of the Coast Guard that was discussed briefly in the debate, in general debate on this bill, I want to reinforce the decisions that the Coast Guard has made and also reiterate I think all of our concern both from Michigan, from Indiana and Illinois about ensuring that the Coast Guard and having confidence in the Coast Guard that the Coast Guard is putting in place a structure of services and capabilities and resources that is going to provide safety for the boating population and also for the commerce along Lake Michigan.

In regards specifically to the location of a helicopter station in Muskegon, Michigan, they have gone through an elaborate process of identifying where the most effective operational location should be for that capability and also a community that could provide those services at the lowest possible cost. But I think we all as Congressmen that border on Lake Michigan are committed to ensuring that every section of that coastline and all the waters of Lake Michigan are adequately protected by the Coast Guard and that we will work together to make sure that there are ample resources to ensure that that moves forward in the future.

Mr. UPTON. Mr. Chairman, reclaiming my time, I would just note as a boater myself that a foghorn one evening brought my little boat in when we could not see the beam of the lighthouse. This is an amendment that is needed. As I met with my boaters and some Coast Guard personnel even this last week in Michigan, I think that this is a very good effort to try and maintain safety along the shores of Lake Michigan. I again just want to thank my two friends for allowing this amendment to come in at such late notice.

Mr. Chairman, a few years ago, I was out sailing on Lake Michigan with a group of friends. But as the sum went down, a full and beautiful day gave wave to a sailors worst nightmare. Fog rolled in, the visibility fell, and we were lost.

After searching and searching, we finally gained our direction not because of the charts on board or the buoys in the water but thanks to the foghorn and its steady signal.

It has come to my attention that the Coast Guard is considering whether to eliminate the use of foghorns at many locations on the Great Lakes. I oppose this idea and as one who has seen first hand, know that these foghorns play a crucial role in the safety of many boaters in my district and across the region.

Many boaters have contacted my office to express concern that they will no longer be able to rely on the foghorn signal the next time they are caught on the lake in a dense cloud of fog. In order to allow people to enjoy and appreciate the water safely, we must ensure the continued operation of our navigation aids.

Foghorns are a small, but integral part of the safety net that the Coast Guard administers.

I sincerely feel that dismantling the foghorns will unnecessarily endanger the lives of my constituents who may find themselves in a similar predicament.

While many boaters have advanced navigational devices such as GPS or LORAN, the foghorn signal is still an essential device used by many. If the foghorns are dismantled, I guarantee that it will only be a matter of time before an accident occurs and lives are threatened.

Please support my amendment that will ensure that the foghorns in my district and across the Great Lakes are in working order.

Mr. CLEMENT. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Tennessee.

Mr. CLEMENT. Mr. Chairman, I support the amendment offered by the gentleman from Michigan [Mr. UPTON] to require these foghorns to be operated and maintained by the Coast Guard. However, I would like to inquire as to how long. I ask these questions because today we do have the GPS satellite navigation systems that virtually all commercial vessels are depending upon. The cost of these systems are dropping continually as more and more recreational vessel owners are buying them.

Mr. UPTON. Mr. Chairman, my amendment does not address how long these should be in effect. I would guess that if this amendment is accepted, as I think that it will be, it will be for the length of the bill, which—is this a 1-year authorization?

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, this is a 2-year authorization. I will say that I as well accept the gentleman's amendment. I think what we will do, though, between now and the conference committee and beyond is to look into the issue of navigation concerns. I know that GPS is an up-and-coming technology that more and more people are purchasing and using and is probably the best type of system that anybody could have. However, I do think for the next few years, maybe even the next decade or so, we need to consider ourselves those people who do not have that technology who may have to rely upon the foghorn system. I am not sure what the foghorn sounds like. I wonder if the gentleman from Michigan——

Mr. UPTON. The gentleman is not going to hear it this evening but if he asks me tomorrow, I might whistle a note or two.

Mr. CLEMENT. Mr. Chairman, if the gentleman will yield further, I do support his amendment. I thank the chairman of the committee for his comments.

Mr. STUPAK. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding and I thank him for his amendment as I do have two foghorns in that amendment myself. I just mention for the Record that I have 3 of the 5 Great Lakes, Lake Superior being one of them. Not all of the areas yet are in position to use the GPS technology due to some charting that still has to take place. So I would hope that this amendment would stay at least for this authorization and further, if needed, until the GPS and the wonderful things it brings to the boating community is available to all parts of the Great Lakes.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. UPTON] has expired.

Mr. STUPAK. Mr. Chairman, I move to strike the last word.

Mr. UPTON. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I would just note in terms of the cost, the cost of this amendment is very small. For the most part these foghorns, many were installed in the early 1970s, have required virtually no maintenance at all. As far as I know, all of these ports, the lighthouses themselves are not manned, they are automatically timed as they should be, require very little maintenance, but in some cases, as is the case with the port at St. Joseph, a storm literally knocked the foghorn from the lighthouse itself. It went into the lake and efforts up to this point have not occurred where they would replace it. Whether it be in St. Joe or other ports that we list along Lake Michigan, I think this is a good exercise, a safe one that the Coast Guard is entrusted to do and at least in the near term, until the GPS technology is really readily on all boats, and maybe even required by various States and we have more boaters in Michigan than any other State in the Union, that this seems to be a prudent way of spending a few Federal dollars to make sure that safety is there for not only the boaters but their families, too.

Mr. Chairman, I urge that the House adopt my amendment.

Mr. STUPAK. Mr. Chairman, I urge the House to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. UPTON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK:

At the end of title IV, add the following new section (and conform the table of contents in section 2 accordingly):

SEC. . CONVEYANCE OF EAGLE HARBOR LIGHT STATION.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Eagle Harbor Light Station, Michigan, to the Keweenaw County Historical Society.

(2) IDENTIFICATION OF PROPERTY.—The Secretary of Transportation may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

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

(A) without payment of consideration; and

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

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property.—

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

(B) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary of Transportation considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

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

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

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigations in use on the property.

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

(5) REVERSION BASED ON USE.—The conveyance of the property described in subsection (a) is subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history.

(6) MAINTENANCE OF PROPERTY.—The person to which the property is conveyed shall maintain the property in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

Mr. STUPAK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STUPAK. Mr. Chairman, let me at the beginning here thank the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Tennessee [Mr. CLEMENT] for not only allowing me the opportunity to offer my amendment but for the excellent bipartisan bill they have put forward. We have heard a lot here tonight about some of the strengths in this bill, such as keeping the operation of the Coast Guard cutter *Mackinaw* that the gentleman from Wisconsin [Mr. JOHNSON] mentioned, the authorization of continuation of shipbuilding of Coast Guard cutters and buoy tenders at Marinette Marine Corporation in Marinette, Wisconsin.

Mr. Chairman, if I may just briefly, yesterday I was actually at a Coast Guard ceremony to honor the Coast Guard in somewhat of a unique way in Charlevoix, Michigan. Yesterday we recognized the heroic action of Coast Guard members, especially Officer Henning, the crew of the buoy tender *Acacia*, the members of the Coast Guard Station Charlevoix, the Coast Guard Auxiliary. Back on July 26 as we were enjoying the Venetian Festival in Charlevoix, unfortunately fireworks exploded prematurely and a number of 12-inch fireworks exploded, sending shrapnel some 1200 feet into a crowd of 30,000 people. We had one person unfortunately died. Many were seriously, very seriously injured, limbs ripped right off their bodies. If it was not for the crew of the Coast Guard Station Acacia and Coast Guard Station Charlevoix and the Coast Guard Auxiliary which was on their waterfront and they had rendered heroic assistance and first aid in saving lives and maintaining control in a very emergency situation that many people did not realize because the rest of the fireworks continued to go and they tried to continue the evening with this tragic set of circumstances. So just yesterday we were honoring the Coast Guard in sort of a unique action and all the accolades given to the Coast Guard here tonight are well deserved.

Mr. Chairman, more specifically to the amendment I have, it is a simple amendment which would merely transfer Eagle Harbor Light Station in Eagle Harbor, Michigan to the Keweenaw County Historical Society. The society has held a lease on this property since 1982, operating it as a museum that depicts the history of the lighthouse and maritime transportation on the Great Lakes. In addition, the society has made repairs to the light station and the surrounding buildings and property. The society wishes to obtain this light station in order to continue their current preservation efforts and to further develop educational programs to teach all ages about the Keweenaw County heritage with an emphasis on the importance of maritime transportation, especially in the copper ore industry. This transfer is supported by the Coast Guard, the county of Keweenaw and Eagle Harbor Township.

Once again I would like to thank the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Tennessee [Mr. CLEMENT] for their work on this and other transfers I have worked on in the past. I urge my colleagues to pass this transfer.

I would also especially like to thank the chairman for including in his mark the transfer of land in Sault Ste. Marie, Michigan which will be used for the American Legion. The land will transfer from the Coast Guard to the American Legion. But I would especially like to take the opportunity to acknowledge the hard work and dedication of Mr. Leno Pianosi of Sault Ste. Marie, Michigan. He is a friend of mine and the chairman of the county board of commissioners. Without his efforts and his continued dedication to this project and persistence, this transfer could not have taken place. I thank both gentlemen for giving Mr. Pianosi and this transfer in the chairman's mark the opportunity to be in the bill.

□ 1900

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I do want to say it is a well-done amendment. The gentleman from Michigan [Mr. STUPAK] has done his homework, and we accept his amendment.

Mr. CLEMENT. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Tennessee.

Mr. CLEMENT. Mr. Chairman, I also support the amendment offered by the gentleman from Michigan [Mr. STUPAK]. This amendment is very clear, concise, and will decrease the Coast Guard's operations and maintenance costs of this facility. Therefore, I support the gentleman's amendment.

Mr. STUPAK. Mr. Chairman, reclaiming my time, let me thank everyone for their help and cooperation in these efforts and for a fine Coast Guard bill we have here, and ask for support of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KINGSTON) having assumed the chair, Mr. DICKEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2204), to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes, pursuant to House Resolution 265, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2204, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AN INTERESTING OCCURRENCE IN IDAHO FALLS

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH. Madam Speaker, a very interesting occurrence happened recently in Idaho Falls, ID. A 14-year-old young man by the name of Nathan Zohner engaged in a contest. The contest was entitled, ''Find Out How Gullible We Are.'' And Mr. Zohner engaged in this contest and he did a paper on dihydrogen monoxide asking students in his class if dihydrogen monoxide should not be made illegal because, after all, this chemical is so caustic that it accelerates the corrosion and rusting of many metals. It is a major component of acid rain and has been found in excised tumors of terminal cancer patients, and for those who have developed a dependency on DEHMO, complete withdrawal means certain death.

We have to understand that these young people are from families generally who work at the NEEL, the National Environmental and Engineering Lab. They are very bright. But they voted 86 percent to do away with DEHMO.

Do you know what DEHMO is, Madam Speaker? It is water, pure and simple, water.

Maybe it takes a 14-year-old to lead us back to the land of common sense and reason.

My hat goes off to Nathan Zohner to which the Washington Post defines this young man's research project as ''Zohnerism''—the use of a true fact to lead a scientifically and mathematically ignorant public to a false conclusion.

Mr. Speaker, this perceptive young man has shown how science can be literally manipulated to fit the whims of social engineering extremists.

In a time where sound scientific evidence is often overlooked, I believe it's the duty of politicians, journalists, and scientists to present facts accurately and responsibly.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DICKEY). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MIDDLE-CLASS TAXPAYERS NEED EXPANDED IRA'S

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, I take this 5-minute special order to discuss with my colleagues why I believe it is important that we expand the IRA, Individual Retirement Account Program, for the American taxpayers.

I rise today to address what I believe is an urgent need to increase incentives to save and invest for middle-class taxpayers. Earlier this year, I introduced a bill which we called the Investment Revitalization Act of 1997 that would greatly increase the deduction ceilings for IRA contributions, increase the income caps which currently prevent many middle-class taxpayers from using IRA's, and expand the reasons for penalty-free withdrawals from IRA accounts.

By increasing incentives to save, this legislation would boost long-term economic growth and help middle-class taxpayers help themselves in addressing a wide variety of economic contingencies that might otherwise lead to expanded Government activity, which is exactly what this House has been trying to avoid.

Why? Well, in part because there have been concerns expressed about the economic viability of families when they are exposed to unemployment and other setbacks, the exposure of families to medical or other emergencies, the great difficulty in coping with increased educational costs, the heavier tax burden over the last three decades, and the looming problems associated with the retirement of the baby-boomers.

These are all issues that we have traditionally set up as reasons for our families to save, and this IRA program will help and encourage Americans to do so.

Most of these problems are related to the fact that our income tax is systematically biased, however, biased against personal savings, and this makes it much harder for families to accumulate the resources successfully to address these needs as they arise and encourages families to depend more and more on government programs.

More extensive use of the IRA would go a long way toward removing the bias against saving and investment in the Tax Code. This legislation is intended to suggest a new direction and to guide tax policy into the next century.

The basic idea is to expand our IRA's enough to strip away much of the multiple taxation of personal savings and investment which is vital. My IRA bill increases, therefore, the $2,000 IRA deduction that exists today by $500 every year for the next 10 years, and, at the end of this period, the deduction cap would, therefore, be $7,000.

In addition, to make IRA's even more attractive, penalty-free IRA withdrawals would be permitted for medical care, for college education, unemployment, and for first-time home ownership.

Over some number of years, a few years, a thrifty middle-class family could accumulate sums in excess of $100,000 or more. Then, when a career setback or an unexpected medical problem occurred, they would have significant assets to fall back on, and not have to look to the Government for help.

Some would save aggressively for children's education expenses, or for some other reason, attracted by the deduction, but also knowing that earnings compound even faster without the annual tax bite. Others might focus solely on retirement.

In my view, the adoption of this legislation would largely reverse the current discrimination against personal savings and investment, thus boosting long-term economic growth as well as savings.

Government policy has undermined middle-class savings incentives for far too long. If we are concerned about inadequate personal savings and related problems, it is time for the U.S. tax policy to become less counterproductive. We cannot maintain a Tax Code that systematically discriminates against personal savings and investment, and then be surprised when people fail to save, and then be surprised when they demand more and more government services to help deal with these very difficult problems.

Let us reduce the multiple taxation on middle-class savings and get serious about expanding the individual retirement account, IRA system.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. TRAFICANT] is recognized for 5 minutes.

[Mr. TRAFICANT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]