

through the city in support of the Special Olympics. As we all know, this program gives handicapped children and adults the opportunity to participate in athletic events.

Because of laws prohibiting open flames on Capitol Grounds, and because of safety concerns about activities taking place thereon, this resolution is necessary to permit the relay to occur. The resolution authorizes the Capitol Police Board to take necessary action to insure the safety of the Capitol, and the Architect of the Capitol may set forth conditions on participation in this event.

Activities will begin on Capitol Hill where the U.S. Capitol Police will host opening ceremonies and thereafter over 1,000 law enforcement officials will relay the torch through the city to Gallaudet University where the D.C. Special Olympics Summer Games will be held.

Mr. Speaker, this is a very worthwhile endeavor and I strongly encourage my colleagues to support the resolution which authorizes the event.

Mr. WISE. Mr. Speaker, I join my colleague in supporting use of the Capitol Grounds for the Special Olympics Torch Relay Run. As has been the custom, law enforcement officials from over 65 Federal and local agencies will relay the special olympics torch through the District to Gallaudet University to signal the beginning of the Special Olympics.

The event is scheduled this year for May 19. Since this date is a week from this Friday, we need to act on this legislation expeditiously.

This is a very worthwhile event which benefits not only the families and participants but also the volunteers and sponsors who contribute their time and efforts for handicapped children and adults.

I ask my colleagues to join in supporting this resolution.

Mr. MINETA. Mr. Speaker, the Special Olympics is a program which gives handicapped children and adults the opportunity to compete in sporting events and thereby enhance their self-esteem and self-image.

The Torch Relay Run through the Capitol Grounds is an annual event which this committee has traditionally supported and I am very pleased once again to support the resolution authorizing use of the grounds for this very worthwhile endeavor.

I commend both the gentleman from Maryland [Mr. GILCHREST], chairman of the Subcommittee on Public Buildings and Economic Development, and the gentleman from West Virginia [Mr. WISE], the subcommittee's ranking Democrat for moving this resolution in a timely fashion. The event is scheduled for May 19.

I join my colleagues in urging passage of this resolution.

Mr. WISE. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 64

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.**

On May 19, 1995, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, the 1995 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

**SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.**

The Capitol Police Board shall take such action as may be necessary to carry out section 1.

**SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.**

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The concurrent resolution was agreed to.

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, and include therein extraneous material, on House Concurrent Resolution 64.

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

There was no objection.

**REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 743**

Mr. FATTAH. Mr. Speaker, I rise to ask unanimous consent to remove my name as cosponsor of H.R. 743, the Teamwork for Employees and Management Act.

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

There was no objection.

**PERSONAL EXPLANATION**

Mr. FATTAH. Mr. Speaker, I was unavoidably absent from the vote when rollcall No. 304 and rollcall No. 306 were taken last week. I would have voted in the affirmative in both matters if I had been present.

**GENERAL LEAVE**

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous matter on H.R. 1361.

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

There was no objection.

**COAST GUARD AUTHORIZATION ACT FOR FISCAL YEAR 1996**

The SPEAKER pro tempore. Pursuant to House Resolution 139 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. 1361.

□ 1507

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. 1361) to authorize appropriations for fiscal year 1996 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 North Carolina [Mr. COBLE] and the gentleman from Ohio [Mr. TRAFICANT] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

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

Mr. Chairman, many Americans, and for that matter many Members of this body, do not really know the Coast Guard. I want to introduce the Coast Guard that I know to those uninformed about America's oldest continuous sea-going service.

The Coast Guard is the butt of many jokes, some submitted good-naturedly, some submitted maliciously. Many refer to the Coast Guard as the shallow water Navy, hooligan Navy, as shallow-water sailors or hooligan sailors.

Even Hollywood gets into the act. A recently released movie depicted a military force about to depart on a combat mission. The commander of the force said to his group, "Be careful, men." One of his troops replied, "If I wanted to be careful, I would have joined the Coast Guard."

This comment, of course, drew wild laughter from the moviegoers and was yet another example of a joke at the expense of the Coast Guard. Permit me to identify those who do not consider the Coast Guard a joke.

The wife whose husband was adrift in a treacherous sea was rescued by the Coast Guard. The husband whose wife was stranded at sea in a disabled vessel rescued by the Coast Guard. Property owners whose property could have been destroyed by oil spills, property protected and saved by the Coast Guard. Seamen who rely upon accurately marked aids to navigation maintained by the Coast Guard. The mama and daddy whose child is hauled from the grasp of an angry sea by a Coast Guard helicopter crew.

In the poem, Mr. Chairman, entitled "The Coast Guard Cutter," the poet vividly and emotionally portrays these lifesavers as legitimate heroes:

But the men that sail the ocean  
 In a wormy, rotten craft,  
 When the sea ahead is mountains  
 With a hell-blown gale abaft;  
 When the mainmast cracks and topples  
 And she's lurchin' in the trough—  
 Them's the guys that greets the Cutter  
 With the smiles that won't come off.  
 When the old storm signal's flyin'  
 Every vessel seeks a lee,  
 'Cept the Cutter, which ups anchor  
 And goes ploughin' out to sea.  
 When the hurricane's a-blowin'  
 From the Banks to old Cape Cod,  
 Oh, the Cutter, with her searchlight,  
 Seems the messenger of God.

\* \* \* \* \*  
 She goes thumpin' and a bumpin'  
 When the waters are a hell,  
 Savin' ships. Here's to you, Cutter,  
 For we like you mighty well!

This is the Coast Guard, Mr. Chairman, I want to introduce to my colleagues today who may not know her, as we debate and discuss the 1996 authorization bill for the Coast Guard.

Mr. Chairman, I rise in strong support of H.R. 1361. Before I discuss this bill, I would like to thank the distinguished chairman of the full committee, Mr. SHUSTER, our ranking minority member, Mr. MINETA, and the ranking minority member of the Coast Guard and Maritime Transportation Subcommittee, Mr. TRAFICANT, and their staff for their help and cooperation on this legislation. H.R. 1361 was developed in a bipartisan manner, and deserves the support of all the Members.

The primary purpose of H.R. 1361 is to authorize funds for the U.S. Coast Guard for fiscal year 1996. H.R. 1361 authorizes the portion of the Coast Guard budget that requires an annual authorization at the level requested by the President, approximately \$3.7 billion. This is compared to the fiscal year 1995 appropriated level for these programs of \$3.6 billion.

Specifically, this legislation includes approximately \$2.6 billion for operating expenses, \$428 million for acquisition of vessels, aircraft, and shore facilities, and \$582 million for retired pay. The bill also authorizes reductions in Coast Guard operations, including personnel reductions and the closure of 23 search and rescue stations.

Also included in the bill is a provision to allow us to more closely monitor the Coast Guard drug interdiction mission. In 1989, the Coast Guard spent 24 percent of its operating budget on drug interdiction. Since fiscal year 1994, Coast Guard drug interdiction funding has been reduced by \$21 million. Last year, less than 9 percent of the Coast Guard's operating funds were devoted to drug interdiction because the Coast Guard was forced to divert a large amount of its resources to respond to the crises in Haiti and Cuba. I fear that a continuation of this low level of funding will increase the amount of illegal narcotics being smuggled into our country. Admiral Kramek testified before our Coast Guard and Maritime Transportation Subcommittee that the Coast Guard plans to spend about 12 percent of its

operating budget on drug interdiction during the next fiscal year. Because this is such an important Coast Guard mission, section 103 of H.R. 1361 requires the Secretary of Transportation to submit to our committee quarterly reports on Coast Guard drug interdiction expenditures. This will give us timely information on this important topic, and allow us to act to prevent a diversion of resources to any other Coast Guard activity.

Title II of H.R. 1361 deals with several internal Coast Guard personnel management matters.

Title III of the bill addresses issues related to navigation safety and waterway services management. This title renews several important navigation safety advisory committees which advise the Coast Guard on matters relating to marine safety issues.

Title IV of this legislation includes several miscellaneous provisions. One of these sections exempts dedicated oil-spill response vessels from certain requirements that apply to oil tank vessels. It is not appropriate to regulate oilspill cleanup vessels in the same manner as commercial oil tank vessels. This section in the bill gives the Coast Guard the authority to prescribe appropriate manning requirements for oilspill response vessels by regulation.

Title IV also contains several commonsense amendments to the Oil Pollution Act of 1990, including a provision which requires the Coast Guard to regulate edible vegetable oils differently than toxic petroleum oils. I strongly support this change which will end an unnecessary and damaging burden on our Nation's farmers.

Title V of H.R. 1361, Coast Guard Regulatory Reform, is important in establishing U.S. ship construction and operational standards that are comparable to international standards. These provisions will allow the U.S. maritime industry to be more competitive with foreign ocean carriers.

Title VI of the bill contains several provisions related to U.S. vessel documentation, including several limited Jones Act waivers.

Title VII of the bill contains many technical and conforming amendments suggested by the Coast Guard, including provisions to implement the new International Tonnage Convention for the measurement of vessels.

Finally, title VIII of H.R. 1361 contains amendments to allow the U.S. Coast Guard Auxiliary, a 36,000 member voluntary organization, to provide assistance to the Coast Guard and the boating public that the Commandant finds appropriate.

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 the Members to support this legislation.

□ 1515

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

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

Mr. Chairman, as an original cosponsor of this bill, I rise in strong support. It represents a commonsense approach to a wide range of issues that face our Coast Guard.

The bill was drafted in a bipartisan fashion, and I commend the distinguished Chair of the subcommittee, the gentleman from North Carolina [Mr. COBLE], for his efforts. Nobody in the Congress is better prepared to lead this subcommittee than the gentleman from North Carolina [Mr. COBLE] who is in fact a veteran of Coast Guard affairs. I am sure the other person in here, the gentleman from Massachusetts [Mr. STUDDS], who is not present, after the wealth of knowledge he gained on that committee for years, also I think is a valuable resource. I commend the chairman. I am proud to work with him.

I want to also commend the chairman of the new Transportation Infrastructure Committee, the gentleman from Pennsylvania [Mr. SHUSTER]. He has done a tremendous job. I am proud to support him, and our ranking member, the gentleman from California [Mr. MINETA]. I want to commend the Coast Guard and also the administration for their assistance.

Many of the provisions before us were proposed by the Coast Guard. They had merit and were, in fact, thus incorporated into this bill.

I want to specifically commend the Commandant of the Coast Guard, Admiral Kramek, for the strong commitment he has to fighting drugs and the extraordinary efforts the Coast Guard has made in the area of drug interdiction.

I am confident that under the leadership of the good admiral, the Coast Guard will continue to play a vital role in the war on drugs as well as the other missions.

This bill includes a provision that requires the Coast Guard to report quarterly to Congress on the amount of money that the Coast Guard is devoting, in fact, to drug interdiction. This provision will allow the committee to monitor and get an accurate account, a snapshot, if you will, of how well the Coast Guard is perhaps performing its duties in the areas of drug interdiction.

I look forward to working with the chairman, the gentleman from North Carolina [Mr. COBLE], and Admiral Kramek to ensure that the Coast Guard has the resources necessary to get that job done.

I would like to note the bill includes a Buy American provision I inserted in the bill. It is a modest provision. It puts the Coast Guard on notice that Congress expects the Coast Guard, whenever practicable, to purchase American-made equipment and products.

But for the time being, I would like to talk about an amendment I intend to offer that I believe makes the bill a great bill. As well as other Members of this Congress, I have concerns of the closing of 23 multimission small boat stations that are on track here to be in fact closed.

Now, I know there are a number of amendments that speak to some criteria and procedures about this safety concern and this closing apparatus, but the truth of the matter is, any and all of these amendments, if passed, will amount to one official action here today: These 23 stations will be closed. They will have some nice language. There will be some little exercises people will go through, but they will be closed.

And here is my concern: Passage of the Traficant amendment, or failure to pass it, will have no bearing on my final vote. I support this bill. But let me get right to the point. We have had testimony before the Congress that is clear and explicit.

The last time Congress allowed for the closing of small boat stations, lives were lost. The Coast Guard has a major mission: safety.

The Traficant amendment deals with \$3 million in finances. Now my staff tells me maybe \$2 million; \$2 million in savings from the closing of the stations to jeopardize possible lives could be garnered by making some administrative adjustments in travel or expense. So let us not talk about money.

When the Coast Guard starts to be driven by financial concerns, then the major issue of the Coast Guard, safety, has been in fact, compromised.

The Traficant amendment would bar the Coast Guard from closing any of these stations, but it would still give the Coast Guard the flexibility in transferring resources as long as some active-duty personnel remain. For example, here is what the Traficant amendment will do: They could transfer out nearly every part of that station, but the Traficant amendment says one full-time Coast Guard personnel officer shall remain to coordinate and stabilize programs that are in fact operated with cooperation of the auxiliary.

I use the words "weekend warriors"; that is not a fair explanation of our auxiliary. The auxiliary is a great force we have for the Coast Guard. I do not want my words to seem demeaning.

As a former sheriff, let me tell you something, ladies and gentlemen, when you take away full-time personnel, you do not have the same focus that you once had.

Now, if we are going to have a voluntary Coast Guard in 23 stations, that will be the decision that you will make and you will vote for, JIM TRAFICANT cannot accept that, and I am saying for this \$3 million, Congress, do not close these stations.

Now, I have heard all of that business about the Congress cannot micromanage. My God, let us forget

micromanaging. We set policy. The policy the Congress would be setting through the Traficant amendment is, "Coast Guard, save lives. The Congress of the United States charges you with saving lives." If there is a problem on money, we will talk about it. But the Congress of the United States saying our policy is find that \$3 million somewhere else.

Now, I do not know how else we can save that. The Coast Guard's own analysis indicated that for each small boat station closure, there would be at least one additional life lost every 12 years. I find any Government prospectus that, in fact, delineates the future loss of life from an action taken by this Congress is totally unacceptable, without merit, and should not be tolerated by the Congress itself.

But in any regard, there has been a substitute passed in the committee. That substitute gives flexibility to the Coast Guard to deal with safety issues, but I do not believe the Congress of the United States should delegate lives when there is documented evidence of the loss of life on record.

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

Mr. TRAFICANT. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I had a question to the gentleman and the chairman, if he might.

Is it your understanding that the amendment offered by the chairman, and adopted in committee, which amends section 1016(c) of the Oil Pollution Act of 1990 provides an exemption for marinas from the requirement to demonstrate \$150 million in financial responsibility under that section?

Mr. TRAFICANT. The answer I would have would be yes. I would defer to the gentleman from North Carolina.

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

Mr. TRAFICANT. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, I concur with the gentleman from Ohio. I say to the gentleman from Connecticut that is, indeed, correct.

Mr. GEJDENSON. I thank both gentlemen, for this is an issue critically important. It would have devastated most of the small boatyards along the shore. I commend them for their action.

Mr. GEJDENSON. Mr. Chairman, I rise in support of H.R. 1361, the Coast Guard Authorization Act for Fiscal Year 1996. I want to thank Chairman SHUSTER and Ranking Member MINETA for bringing this bill to the floor today.

This bill authorizes the important activities of the U.S. Coast Guard for fiscal year 1996. My district is home to the Coast Guard Academy and the Coast Guard Research and Development Center. I am pleased that the bill authorizes \$22.5 million for R&D. The R&D Center serves the entire Coast Guard and is involved in wideranging research to improve maritime safety, aids to navigation, and oil spill detection. As everyone knows, the Academy is re-

sponsible for training the next generation of Coast Guard officers.

I also support this bill because it includes language similar to legislation I have introduced, H.R. 1002, to provide relief to marinas from onerous financial responsibility requirements of the Oil Pollution Act of 1990 [OPA 90]. Under section 1016 of OPA, offshore facilities handling petroleum products are required to demonstrate \$150 million in financial responsibility to cover the costs of cleaning up oil spills. While I believe this is entirely appropriate for entities handling large volumes of heavy oil, the Minerals Management Service [MMS], which is writing the regulations governing this section, has interpreted it to apply to marinas. This interpretation would be devastating to marinas and detrimental to millions of boaters coast to coast.

As my colleagues know, marinas are overwhelmingly small businesses which handle relatively small amounts of gasoline and diesel fuel. They do not pose a major threat to the environment. In fact, according to the Coast Guard, in fiscal year 1993 fuel spills from marinas totaled a little more than 9,000 gallons nationwide. Under the MMS proposal, marinas would be required to have insurance policies providing \$150 million in liability coverage. According to the Marina Operators Association of America [MOAA], such policies would carry premiums between \$150,000 and \$450,000 per year. The vast majority of marinas could not afford this expense and would be forced to close their fuel docks. This would have adverse effects on their businesses as well as millions of Americans who fuel their boats safely and conveniently at marinas. I am also concerned that if fuel docks are closed, many boaters would begin carrying fuel in their cars and transferring it to boats with funnels. This practice would substantially increase the likelihood of spills and accidents.

Under an amendment offered by Mr. COBLE and adopted by the Transportation Committee, marinas would be exempt from the financial responsibility requirements. While this amendment goes beyond the scope of my bill, I am pleased that marinas will be protected. I want to take this opportunity to thank Mr. COBLE and Mr. TRAFICANT and their staffs for working with me on this issue. This amendment will protect small businesses as well as ensure that boaters continue to have access to fuel in a safe, convenient, and environmentally sound manner.

Mr. Chairman, I urge my colleagues to support H.R. 1361.

Mr. TRAFICANT. Let me say to the gentleman from Connecticut I believe the language that goes beyond Congress' stopping these closures will ultimately bring us into concerns that you ultimately have. I would recommend, if your concern lies in those areas, to give us consideration.

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

Mr. COBLE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full committee.

Mr. SHUSTER. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I rise in strong support of this legislation.

Sometimes here in Washington we confuse what is controversial with what is important, and even though this legislation is not controversial, it is extremely important.

Let me share with you what the Coast Guard does for America on the average day, 365 days out of the year. Every day, on average, our Coast Guard boards 90 large vessels for port security checks, processes 120 seamen's documents, seizes 209 pounds of marijuana and 170 pounds of cocaine, worth \$9.2 million, conducts, and get this, conducts 191 search and rescue missions, responds to 34 oil or hazardous chemical spills, conducts 120 law enforcement boardings, identifies 65 violations, investigates 17 marine accidents, inspects 64 commercial vessels, saves 14 lives, assists 328 people, saves \$2.5 million in property, services 150 aids to navigation, and interdicts 176 illegal immigrants.

So, while this legislation is not controversial, has strong bipartisan support, it is extremely important legislation. In fact, it provides \$3.7 billion a year to perform these missions.

Our Coast Guard today is represented by 37,000 active duty personnel, 8,000 reservists, 6,000 civilians, and over 35,000 volunteers. I know of few agencies in Government where the number of volunteers, over 35,000, virtually equals the number on active duty as in the Coast Guard.

So we have a Coast Guard that is deeply involved every day in making life better for the American people.

Our Defense Department and the people in the military certainly do a fine job, but they spend most of their time training. In fact, we hope that they never have to go into actual action.

□ 1530

The Coast Guard, however, quite to the contrary, every day is involved in performing vital services for the American people 365 days a year. So I urge strong support for this legislation. Our Coast Guard deserves nothing less.

Mr. COBLE. Mr. Chairman I yield back the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO], a fine member of the Committee on Transportation and Infrastructure.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding this time to me.

Mr. Chairman, I am going to speak particularly to the Traficant amendment which will be before this body soon. The question that must be decided by this Congress:

Is one-tenth of 1 percent of the Coast Guard budget too much to prevent loss of life?

We heard already the actuarial statistics from the Coast Guard, cold numbers; that is, once in 12 years each of these 23 stations will experience a loss of life because of the closures. That means two lives per year. We are saving \$2.6 million for two lives per year if we believe the Coast Guard esti-

mate. The last time the Coast Guard closed these 2 life saving stations in my district five people drowned within a 2-month period, so maybe they are off by factor of two, or three, or five.

I say to my colleagues, however you look at it, if you use the most conservative estimates, we're going to say that there is not one-tenth of 1 percent of waste in the entire \$2.7 billion operating budget of the U.S. Coast Guard? If that agency is run so well that there is not a penny of waste, then we should put them in charge of the Pentagon, we should put them in charge of HUD, we should put them in charge of all of the Federal Government of the United States of America. Is there anybody on this side of the aisle who believes there is any Federal operation, any Federal agency, that doesn't have one-tenth of 1 percent of savings they can't find if they look hard? That's what we are debating here, lives. We're going to lose lives; people are going to die. I can put names to the people who died in my district the last time we did this. Five people in 2 months, but they tell us, "No, it will only be two people a year." Well, even if it's one person a year, I believe that this body will be making a mistake if it doesn't tell the Coast Guard to go back to the drawing boards, find that one-tenth of 1 percent of savings and fully fund these life saving stations.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, again, as part of the general debate, I wanted to indicate very strongly that this is a good bill other than the fact that the Coast Guard has proposed closing these 23 stations around the country. The problem that I see, and again the gentleman from Oregon [Mr. DEFAZIO] already pointed it out, is that, when these closures occurred back in 1988, for a period of time there were deaths, and there were serious incidents that occurred without the Coast Guard presence, and we do not want that to occur again. We have had documentation of the problems that occurred when many of these stations that are now proposed for closure were, in fact, closed going back 6 or 7 years ago.

I always try to look at these things from what I would call a cost-benefit analysis, if my colleagues will. Think about what we are talking about here. The Coast Guard has estimated that closing these stations will save about \$6 million. Various estimates that have been composed today go lower than that, to 3 million, or perhaps \$2 million, but all of those things assume that a certain number of lives will be lost because of these stations being closed. Again I find that unacceptable.

One of the biggest problems that I have also with the proposed streamlining and closure of the stations is the fact that it assumes that State, or local or nonprofit agencies will take up the slack, that somehow, if we close these stations, that the State; for ex-

ample, in New Jersey the State Marine Police, or the local municipal fire department, or the Coast Guard Auxiliary, are going to step in and pursue those search-and-rescue functions. It is not the case. That assumption is a false one.

I say to my colleagues, if you look at my own State of New Jersey, our own State Marine Police has been downsized considerably during the last few years. The local fire departments in some cases may have a boat or some person who has some knowledge of boat safety, but not enough to step in, and even when we talk about the Coast Guard Auxiliary and suggest somehow they're going to take over this responsibility, let me assure you that, if the station closes and there is no regular Coast Guard personnel at that station, the Coast Guard Auxiliary won't be able to perform these function either. One of the beauties of the Auxiliary is that they work with the Coast Guard, so what we're saying over and over again is this is not an acceptable solution.

We need support for the Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding me the time.

Mr. Chairman, I rise in support of the Coast Guard bill and, in particular, the Traficant amendment to H.R. 1361.

In my district in northern Michigan, it has more coast line than any other congressional district except Alaska, but yet the Coast Guard is proposing to close Station Marquette located in the middle of the Upper Peninsula of Michigan, and they plan there to operate a search and rescue on this vast Northern Michigan Peninsula from the extreme ends of the peninsula in Portage and Ste. St. Marie. Now the shore line of Lake Superior up there is about 500 miles long, and our search-and-rescue missions will be on the extreme ends instead of in the middle where Marquette is, and at Marquette they have a 44-foot lie boat capable of operating in the hazardous waters of Lake Superior. Now, if we are going to have to rely upon Ste. St. Marie and Portage to come over with a 44-foot boat for search and rescue from Ste. St. Marie, it takes 14 hours in a 44-foot boat, and, from Portage, 6½ hours.

I know that the distinguished chairman may argue, and has argued in a Dear Colleague letter, that the Coast Guard has a nationwide system of air stations with helicopters for search and rescue which is much faster than these 40-foot boats. I would agree that the problem is in northern Michigan there are no helicopters in the Upper Peninsula. They must come from the Lower Peninsula, and then, when they finally get from the Lower Peninsula to the Upper Peninsula of Michigan, they have to stop and refuel. So it

costs not only precious lives, but also many valuable seconds in search and rescues and having to wait for helicopters coming from another part of the State to try to patrol the areas of northern Michigan. In Marquette county alone there are over 8,000 recreational boaters, and we should not put these people at risk by closing down their station. Marquette is a major shipping destination.

Marquette is also a major shipping destination in the Great Lakes, and more than 7½ million tons of iron ore flows from Marquette, but the Coast Guard, besides search and rescue, must also enforce our environmental laws, our law enforcement laws, fishing regulations, so it does not seem practical, at least from this point of view, that we close down Marquette, not just for search and rescue, but also for enforcement of environmental laws, pollution laws and fishing laws.

So we, in the past few years, we have asked the Coast Guard to continue to expand their services. They have. It has put great strain on their budget. We understand that, but I do not think at this time we can stand here and in a straight face say we can jeopardize lives, environmental laws, law enforcement of our Nation's waters, to save a mere \$3 million in a multibillion dollar budget. So I strongly urge my colleagues to support this bill and, more importantly, to support the Traficant amendment.

Mr. TRAFICANT. Before yielding back my time, let me say this:

With 60-miles-per-hour winds and no visibility these real high-tech helicopters are about as useful—I better not say it. My colleagues know what I am talking about from razorback country.

This is an excellent bill. None of the debate that has come from this side of the aisle is to any way take away from this bill and the first effort of this fine chairman.

I was hoping that maybe we would come to some understanding on the limited amount of money and the Congress of the United States would say: "Fine, we're willing to negotiate and give you a free reign. You've done a good job, Coast Guard, but one thing we can be sure of. When we have information that says lives can be placed at risk, the decision is easy. The Congress will not allow the dice to be rolled."

I am hoping the Congress will be able to look at that, pass that one amendment. It could make this a great bill. But in any regard I am going to vote for this bill. I support the efforts of this fine chairman. I commend him for his efforts here today.

Mr. Chairman, having talked so long, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I would like to engage in a colloquy between myself and the gentleman from North Carolina [Mr. COBLE].

I rise today to engage in a colloquy to confirm my understanding of the

impact of the Coast Guard reauthorization bill on Santa Cruz, CA.

Am I correct in my understanding of the bill that the substation will not be closed if public safety is endangered by departure of the Coast Guard presence?

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

Mr. FARR. I yield to the gentleman from North Carolina.

Mr. COBLE. That is correct, sir.

Mr. FARR. Mr. Chairman, am I correct in assuming that a substation could remain open according to this bill if a community could come together to create a reasonable solution to maintaining limited Coast Guard presence without incurring costs associated with maintaining a Coast Guard substation facility?

Mr. COBLE. Is there a situation such as that in the Santa Cruz Port District?

Mr. FARR. Yes, Mr. Chairman. The Santa Cruz Port District has offered to retain crew quarters in the current building. It has also offered to provide patrol boat berthing adjacent to the current Coast Guard building, and provide a communications network. The Port District would also maintain the premises and provide administrative support to meet any needs that the Coast Guard has in deploying resources to the Santa Cruz Harbor District. Personnel cost would be minimal as Coast Guard reservist would man the facility and a Coast Guard presence would be required only on weekends during summer months. Essentially, the community would provide for all costs associated with maintaining the substation. Does this sound like a reasonable solution?

Mr. COBLE. If the gentleman would yield, it does indeed sound reasonable, and it is my belief that this bill would not prohibit such an approach from occurring.

Mr. FARR. I thank the gentleman very much for that understanding, Mr. Chairman, and I say to the gentleman, I look forward to working with you.

Mr. TRAFICANT. Mr. Chairman, I urge the Congress to support the Traficant amendment and the bill, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of H.R. 1361, the Coast Guard Authorization Act. When the House considered similar legislation in the previous Congress, I offered an amendment directing the Secretary of Transportation to submit an annual report to the relevant House Committee and the Senate Committee on Commerce, Science and Transportation no later than April 1.

This report was to have described in detail the status of implementation of the vessel traffic service [VTS] in all ports ranked in the port needs study issued by the Coast Guard in 1991. However, the Coast Guard authorization was not enacted in the 103d Congress.

While the VTS system has yet to be implemented in Tampa, after a number of meetings with Coast Guard officials, I am satisfied that the Coast Guard is committed to implementation of this important service as soon as is

practicable. For this reason, I am not offering my amendment today.

My interest in the VTS began when on August 10, 1993, a collision occurred in a navigation channel outside the entrance to Tampa Bay in Florida, 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—several million dollars at least.

Mr. Chairman, this was not the first accident to occur at the mouth of Tampa Bay. Many of us remember the disaster that occurred in May 1980, when a freighter ran into the Sunshine Skyway Bridge causing one of its spans to collapse. Some 40 people were killed.

In fact, the Tampa Bay area has been prominently listed by the Coast Guard as a danger area for cargo ships carrying hazardous materials. As I mentioned earlier, in 1991, the Coast Guard conducted a port needs study on 23 ports across the United States. The goal of this study was to recognize the ports that are most prone to accidents. The study ranked Tampa Bay as one of the top 10 most dangerous ports.

The Coast Guard VTS is designed to prevent these types of accidents, and the VTS has been successfully implemented by the Coast Guard in several major port areas.

The VTS functions like an air traffic control system. It tracks vessels by radar and assists them in navigating through hazardous areas.

Unfortunately, however, under the fiscal year 1995 transportation appropriation bill, further implementation of the VTS was pushed back yet another year because, and I quote from that bill's report language: "Subsequent to the transmittal of the budget, the committee was advised by the Coast Guard that the schedule for the VTS 2000 program had slipped."

The report goes on further to say: "Review of the program's operational requirements and associated cost estimates took the Coast Guard much longer than anticipated."

Mr. Chairman, the VTS is a vital program that can potentially save lives and save money. Therefore, we cannot afford vague promises and further delays due to undetermined slippage—and I believe we have moved beyond this state of affairs. However, I will be working closely with the Coast Guard and the Department of Transportation to ensure that the VTS is implemented as soon as possible.

This was the purpose of my amendment in the last Congress and I was pleased that it was adopted by this Chamber without dissent. VTS is a cost-effective answer to environmental disasters, such as the one that took place in Tampa Bay in 1993. Nationally, the cost to clean up these types of accidents far exceeds the funding requested by the Department of Transportation to operate the VTS program.

Mr. Chairman, I want to be clear that I believe the Coast Guard must speed up its implementation of the VTS in all the ports listed in the port needs study. Likewise, I believe it is imperative that this Congress work with the Coast Guard in making sure that this fiscally responsible program is put into place.

I express this desire, not only in memory of the lives that have been lost in accidents such as those that I have described, but for the

sake of the lives we will save through the VTS program.

Mr. REED. Mr. Chairman, I rise in support of H.R. 1361, the fiscal year 1996 Coast Guard Authorization bill.

In particular, I want to thank the chairman and ranking Democrat of the Coast Guard and Maritime Transportation Subcommittee for including a number of Rhode Island specific amendments in the bipartisan en bloc amendment.

Mr. Chairman, the Coast Guard is vital to the safety of our Nation's commercial fisherman, pleasure boaters, and merchant mariners. Each year, Coast Guardsmen and women save thousands of Americans from death at sea. In addition, these brave men and women help prevent many more tragedies through education and prevention programs, including efforts to curb boating under the influence. H.R. 1361 aims to continue this tradition of vigilance, and it has my full support.

This legislation will also provide specific relief to several vessel owners in Rhode Island, who currently cannot engage in the coast-wise trade because of the Jones Act. By providing Jones Act waivers for the *Isabelle* and three Harbor Marine barges and a fisheries waiver for the *Aboriginal*, the House will ensure that the owners of these vessels will be able use their boats as intended. The *Isabelle*, an historic ketch built in Scotland in 1924, will be used as a charter boat. Harbor Marine Corporation's barges will have clear titles. Last, the *Aboriginal's* owner, a disabled firefighter and Vietnam veteran, will finally be able to start his charter fishing business.

In addition, the chairman's en bloc amendment will permit the transfer of un-used Coast Guard property on Block Island, RI to the town of New Shoreham. The people of Block Island have leased this property for a number of years for education, police activities, harbor safety efforts, and environmental protection. In addition, the town has made over \$60,000 in repairs and alterations to the buildings on the property, including new wiring, heating, windows, and a roof. It is my understanding that the Coast Guard supports this transfer, and I thank the chairman and Mr. TRAFICANT for including this provision in the en bloc amendment.

While I believe this legislation contains many important initiatives, I am concerned that H.R. 1361 would allow the Coast Guard to close a number of important small boat stations. These stations, many of which have been in existence for decades, are usually located in areas where a high visibility Coast Guard presence sends a signal of reassurance and deterrence. Such is the case with the Point Judith Station in Narragansett, RI. Point Judith is the home to my State's fishing fleet. It is also a focal point for the State's pleasure boaters and fishing charter boats. The same can be said of the summer station on Block Island. Although I have met with the Coast Guard to discuss their proposals, I must agree with the Town of Narragansett and others in Rhode Island that these stations should not be closed. Therefore, I will support the Traficant amendment which prohibits the closure of small boat stations and ensures rapid, local response to emergency calls, unless the Secretary of Transportation finds that maritime safety will not be diminished.

Mr. Chairman, I urge my colleagues to support H.R. 1361, and I thank the subcommittee

for the concern it has shown for Rhode Island's needs.

Mr. VISCLOSKEY. Mr. Chairman. I rise today in support of the Transportation and Infrastructure Committee's en bloc amendment to H.R. 1361. This amendment contains an important provision to ensure that the so-called Johnson Act does not interfere with riverboat gambling in Indiana. This noncontroversial measure, which has the bipartisan support of Transportation Committee members, is based upon legislation I introduced in April, H.R. 1419.

I would like to clarify for my colleagues that this provision would not affect any other State, or State laws regarding gambling, since the Johnson Act exemption would apply only to Indiana riverboats operating within the territorial jurisdiction of the State of Indiana. Indeed, my goal is to ensure that an outdated Federal statute does not prevent the State of Indiana from implementing its riverboat gambling legislation.

In 1993, the Indiana General Assembly approved riverboat gambling legislation to allow gambling on Lake Michigan. However, as cities in northwest Indiana prepare to implement the Indiana Riverboat Gambling Act, concerns have been raised that the Johnson Act, passed in 1951 to prohibit the transportation of gambling devices on U.S.-flag ships in special maritime and territorial waters of the United States, may prohibit the use of casino gambling boats on Lake Michigan.

The U.S. Department of Justice has not yet decided if the Johnson Act would actually prohibit the operation of riverboat casinos. This legislation would ensure smooth sailing regardless of the Justice Department's decision.

It's better to be safe than sorry. The people of Indiana have spoken and I want to ensure that a section of an archaic law doesn't stand in the way of the people's will and continued efforts to create jobs and improve the economy in northwest Indiana.

I would like to thank Transportation and Infrastructure Committee Chairman SHUSTER, ranking member MINETA, Coast Guard and Maritime Transportation Subcommittee Chairman COBLE, ranking member TRAFICANT, and the Republican and Democratic committee and subcommittee staff for their cooperation and assistance.

Mr. GILCHREST. Mr. Chairman, I rise to voice opposition to the Coast Guard's current fee schedule that took effect on May 1, 1995. This user fee schedule is overly burdensome to small operators.

The final rule states that as of May 1, 1995, all inspected commercial vessels, including vessels carrying as few as seven passengers, will be required to pay the Coast Guard a user fee for the inspection of their vessels. The fees for inspected operators with vessels less than 54 feet would be \$670 per year, escalating up to \$1,200 for larger vessels. For small seasonal marine businesses, this fee represents a large percentage of their net revenue.

I believe these fees would have a disproportionate impact on small business. In my district, thousands of small operators would be hurt by this rule.

The Coast Guard should adjust its proposed fees for small operators to ensure that they are not regressive. This can be done by basing user fees on the actual time it takes to inspect a small vessel, usually 2 to 4 hours,

which would translate into a fee much lower than announced.

The Coast Guard states that its fee is \$87 per hour for inspections. The one topside inspection done each year and the one drydock inspection done every 18 months, takes approximately 3 hours per year per vessel. Therefore, the inspection fee should be no higher than \$261 per year. In addition, a number of vessels could be inspected at one time, thus increasing the efficiency of the travel time spent by the Coast Guard, and possibly lowering the fees further.

I support the efforts of the gentleman from Louisiana [Mr. TAUZIN] to eliminate the regressive nature of these fees. I urge my colleague from North Carolina, Mr. COBLE to work with us toward this end.

Ms. FURSE. Mr. Chairman, I rise to express my strong support for the Coast Guard and the critical work that it performs.

The First District of Oregon, which I represent, is extremely grateful for the prominent presence of the Coast Guard in several locations along our shoreline. This agency saves lives, helps prevent accidents from occurring, and responds quickly to clean up oil spills. This agency is also responsible for drug interdiction and the enforcement of numerous laws and treaties governing the high seas. The Coast Guard in northern Oregon is also closely involve with our local communities in improving response to oil spills and training civilian oil spill cleanup volunteers.

In particular, I can't overemphasize how heavily dependent we in coastal States are upon the marine safety assistance services the Coast Guard provides. During the last year and a half, the Coast Guard in Astoria participated in more than 1,200 search and rescue operations, saving more than 70 lives and protecting more than \$150 million worth of property.

I am concerned that we do not take for granted the role of this extremely valuable agency. Plans to close or consolidate Coast Guard stations must be carefully scrutinized to ensure that they will result in no decrease in public safety. Yes, we need to do all we can to downsize and streamline our Government—but not at the expense of human life. In the past, Coast Guard station closures have led to the loss of lives because the agency was stretched too thin to respond adequately to marine emergencies.

I am pleased to add my voice to the support expressed by my colleagues for the fiscal year 1996 authorization for the Coast Guard. The amount authorized under H.R. 1361 provides an increase from 1995 levels and I am pleased to see this rise in funding. In past years, this agency has consistently been underfunded. It's time to give the Coast Guard the resources they need to do their job. The work they do is essential to our coastal communities and our entire Nation. I urge my colleagues to support H.R. 1361.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 1361, which authorize appropriations for fiscal year 1996 for the U.S. Coast Guard. The bill funds vital areas for the U.S. Coast Guard so that it can perform its mission. Those areas include operations and maintenance; acquisition, construction and improvements; research and development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard; retired

pay; alternations or removal of bridges over navigable waters; and environmental compliance and restoration functions.

I also strongly support provisions in the bill to extend advisory committees until the year 2000. These statutory committees were established to advise, consult with and make recommendations to the secretary of the department in which the Coast Guard is operating on matters relating to the transit of vessels and products to and from ports. These committees are very effective. The Port of Houston, which is in my district has 2 members on the 18 member committee.

I do, however, have some concerns over a provision in the bill to consolidate the Coast Guard marine safety office in Houston and Galveston into a single site. I believe it is imperative that the Coast Guard remains on the industrialized portion of the channel, and I wholeheartedly support Congressman GREEN's amendment to prohibit this move. The proposed consolidation of the Galveston and Houston facilities from Galena Park to Clear Lake would seriously threaten the response time in cases of accidents or spills in the upper reaches of the Houston ship channel.

Additionally, I have some concerns as to why the provisions of the wreck removal bill were not incorporated in this bill. I understand that an attempt was made by Congressman LAUGHLIN to have a wreck removal amendment added, he was informed that it was not germane to this bill. This is an important issue for the Port of Houston, and I suspect that it is equally important for other ports across the country. Our Nation's port and waterways are vital to the economy, trade, and national security. The closure of ports and waterways for any length of time due to obstruction by sunken or grounded vessels blocks the flow of commerce and results in significant financial loss. I believe this should be addressed, and I commend Congressman LAUGHLIN for his effort in trying to get such an amendment added to this bill.

Ms. HARMAN. Mr. Chairman, I am pleased to join my colleagues in supporting H.R. 1361 the Coast Guard Authorization bill for fiscal year 1996.

Among the bill's provisions is one which I and other members of our delegation reintroduced as a bill earlier this session to help California's tourism industry. That provision closes an existing loophole through which California loses an estimated \$82 million annually.

Currently, under the Johnson Act, a cruise ship which makes an intrastate stop is subject to State law even if that ship travels in international waters and is destined for another State or foreign country. Using this loophole and its authority to regulate gambling, States like California prohibit gambling aboard these ships.

Section 408 of H.R. 1361, like our original bill, would allow gambling on internationally-bound cruises. The provision would not cause mainland gambling to expand beyond current State controls. Instead, the provision simply amends the Johnson Act to allow Federal control over voyages that begin and end in the same State so long as any stopovers are part of a voyage to another State or foreign country which is reached within 3 days of the start of the voyage. Cruises within the boundaries of the State of Hawaii are expressly excluded from the effect of this provision.

This issue is one of great interest to the citizens of San Pedro and Catalina Island whom I represent. According to Catalina's Chamber of Commerce, the city of Avalon itself loses \$1.5 million annually in canceled port visits because of existing law.

Similarly, the city of San Diego, from which many cruises originate, is affected. In the last Congress, San Diego's representative, Lynn Schenk, introduced the original legislation on behalf of her constituents and the cruise industry. That measure passed the House, only to die in the Senate. Today's action is a tribute to her dedicated efforts.

I urge support for this provision, and for the bill.

Mr. HILLEARY. Mr. Chairman, I want to thank the chairman of the Coast Guard and Maritime Transportation Subcommittee for including the language of my bill, H.R. 1550, in his en bloc amendment to H.R. 1361, the Coast Guard Authorization Act.

My language is noncontroversial. It concerns the vessel *Carolyn* which has been operating safely in Hardin County in my district for several decades. This vessel has passed numerous inspections but does not have documentation as to where it was built.

This is a violation of the Jones Act which requires documented proof that a vessel was built in the United States in order to be certified.

The vessel *Carolyn* is owned and operated by the Hardin County Highway Department. It is used to push a barge holding automobiles across the Tennessee River in Saltillo, TN.

There is no bridge in Saltillo. Many families and incomes depend on the Saltillo Ferry to give access to both shores of the Tennessee River. Ending this ferry service would severely impact the entire community.

The language of my bill provides for a waiver of the Jones Act for the *Carolyn* so that Coast Guard can certify the ferry for operation. This would simply allow the *Carolyn* to continue its important service to my constituents in Hardin County as it has dependably served for many years.

Again, I appreciate the chairman for including my bill in this en bloc amendment to H.R. 1361 and encourage all of my colleagues to support this amendment.

Mr. BARCIA. Mr. Chairman, the Coast Guard's mission in helping to provide for public boating safety is most important. As a Member whose district contains more shoreline than most other States, I sincerely appreciate the need for the Coast Guard.

It is also why I am upset about proposals to close small Coast Guard facilities. We face a situation in my district where the facility at Harbor Beach may be closed, and the nearest coverage will come from 60 miles away. No realistic individual believes that adequate assistance can be provided to boaters facing emergencies from such a distance. Certainly Mike Gage, the sheriff of Huron County, disagrees with the Coast Guard's assessment that his department can provide adequate coverage for the area.

Public safety is also broader than the presence of a Coast Guard station. It is also affected by the provision of other Coast Guard services. Now we are hearing of several cases in which the Coast Guard will not place marker buoys in waterways this year because these waterways have not been dredged. The Coast Guard doesn't want the liability for plac-

ing the buoys, because the Corps of Engineers will not dredge these riverways as they have done in the past.

Mr. Chairman, when people wonder what is wrong with Washington and agency bureaucrats, they need look no further than their own personal needs for day-to-day routine services.

The Coast Guard is about public safety. Small stations should stay open, and I will support the Traficant amendment for this reason. Marker buoys need to be placed for the safety of the boating public, and if the Corps of Engineers has to reestablish its ability to provide the dredging that recreational boaters need before the Coast Guard can replace the buoys, then I will do all that I can to help restore that ability.

Our citizens want their Government to recognize their needs. They deserve better treatment than they have been getting. Not every ship wreck will be as dramatic as that of the *Edmund Fitzgerald*, but every life lost and every injury sustained is just as important. We must find ways to make room for recreational boating activities.

Mr. MINETA. Mr. Chairman, I am in strong support of H.R. 1361, the Coast Guard authorization for fiscal year 1996 and urge our colleagues to support it as well.

This is the first time the Transportation and Infrastructure Committee has brought a Coast Guard authorization bill to the House floor as it is new to our jurisdiction. When the House reorganized the committee structure at the beginning of this session, our committee was assigned the transportation jurisdiction of the old Merchant Marine and Fisheries Committee. I believe that that was an excellent step in the interest of good public policymaking, since there are many areas in which our transportation policies need to be considered together. I had long supported this area being placed under the Transportation Committee's jurisdiction. It is clear that this new arrangement is working very well.

This bill authorized the Coast Guard at the level requested by the administration, approximately \$3.8 billion. While this is a slight increase over the current year level, this amount assumes a major streamlining in Coast Guard personnel and budget already underway that will reduce the Coast Guard's size by 12 percent by 1999. The Coast Guard is an agency in the lead of finding ways to do more with less.

The Coast Guard's responsibilities are enormous. They must conduct drug interdiction for the entire coastline of the United States; perform search and rescue along the entire coastline; ensure maritime safety in all navigable waters; be the frontline agency in all oil spills; protect our fisheries within the U.S. economic zone; respond to human migration crises; and enforce all U.S. laws on the high seas. Beyond these broad responsibilities, Congress has enacted a score of specific laws over the past 20 years which have given them specific new duties, particularly in the environmental and safety areas. The Coast Guard is doing all of this with a staff that is smaller than the size of the New York City Police Department.

Beyond authorizing the necessary funds to carry out its responsibilities, this bill makes a number of important policy changes which are being described in detail by the distinguished subcommittee leaders, Chairman COBLE and



the ranking Democrat, Mr. TRAFICANT. But I would like to call attention to some of them.

The bill takes very significant steps to reform Coast Guard safety laws so that the Coast Guard and vessel operators can ensure safety in a better, but also more cost-effective way. The bill brings a number of our navigation codes into conformance with international standards. It makes a number of narrow, but commonsense changes, in the Oil Pollution Act of 1990, as that law pertains to the carriage of vegetable oil, marinas and certain other offshore facilities. The bill also provides some direct safety benefits such as requiring emergency locator beacons on vessels in the Great Lakes and raising the penalties for not reporting accidents or operating a vessel without a licensed operator. The bill also makes important clarifications in the legal status of the Coast Guard auxiliary.

Finally, I want to commend Chairman COBLE and Congressman TRAFICANT for their good work on this bill. It has been a cooperative, bipartisan effort, and the fine bill before us today reflects the manner in which they have approached their responsibilities.

Mr. Chairman, this is a bill that deserves all of our support. I urge that it be passed.

The Chairman. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill shall be considered by titles as an original bill for purposes of amendment. The first two sections and each title are considered as read.

The Clerk will designate section 1.

The Clerk read as follows:

*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 For Fiscal Year 1996".*

Mr. COBLE. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute made in order as original text by the rule be printed in the RECORD and open to amendment at any point.

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

There was no objection.

#### **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—AUTHORIZATIONS**

*Sec. 101. Authorization of appropriations.*

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

*Sec. 103. Quarterly reports on drug interdiction.*

*Sec. 104. Safety determination for small boat closures.*

#### **TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT**

*Sec. 201. Hurricane Andrew relief.*

*Sec. 202. Exclude certain reserves from end-of-year strength.*

*Sec. 203. Provision of child development services.*

*Sec. 204. Access to national driver register information on certain Coast Guard personnel.*

*Sec. 205. Officer retention until retirement eligible.*

#### **TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT**

*Sec. 301. Foreign passenger vessel user fees.*

*Sec. 302. Florida Avenue Bridge.*

*Sec. 303. Renewal of Houston-Galveston Navigation Safety Advisory Committee and Lower Mississippi River Waterway Advisory Committee.*

*Sec. 304. Renewal of the Navigation Safety Advisory Council.*

*Sec. 305. Renewal of Commercial Fishing Industry Vessel Advisory Committee.*

*Sec. 306. Nondisclosure of port security plans.*

*Sec. 307. Maritime drug and alcohol testing program civil penalty.*

*Sec. 308. Withholding vessel clearance for violation of certain Acts.*

*Sec. 309. Increased civil penalties.*

*Sec. 310. Amendment to require emergency position indicating radio beacons on the Great Lakes.*

#### **TITLE IV—MISCELLANEOUS**

*Sec. 401. Transfer of Coast Guard property in Traverse City, Michigan.*

*Sec. 402. Transfer of Coast Guard property in Ketchikan, Alaska.*

*Sec. 403. Electronic filing of commercial instruments.*

*Sec. 404. Board for correction of military records deadline.*

*Sec. 405. Judicial sale of certain documented vessels to aliens.*

*Sec. 406. Improved authority to sell recyclable material.*

*Sec. 407. Recruitment of women and minorities.*

*Sec. 408. Limitation of certain State authority over vessels.*

*Sec. 409. Vessel financing.*

*Sec. 410. Sense of Congress; requirement regarding notice.*

*Sec. 411. Special selection boards.*

*Sec. 412. Availability of extrajudicial remedies for default on preferred mortgage liens on vessels.*

*Sec. 413. Implementation of water pollution laws with respect to vegetable oil.*

*Sec. 414. Certain information from marine casualty investigations barred in legal proceedings.*

*Sec. 415. Report on LORAN-C requirements.*

*Sec. 416. Limited double hull exemptions.*

*Sec. 417. Oil spill response vessels.*

*Sec. 418. Offshore facility financial responsibility requirements.*

*Sec. 419. Manning and watch requirements on towing vessels on the Great Lakes.*

*Sec. 420. Limitation on application of certain laws to Lake Texoma.*

#### **TITLE V—COAST GUARD REGULATORY REFORM**

*Sec. 501. Short title.*

*Sec. 502. Safety management.*

*Sec. 503. Use of reports, documents, records, and examinations of other persons.*

*Sec. 504. Equipment approval.*

*Sec. 505. Frequency of inspection.*

*Sec. 506. Certificate of inspection.*

*Sec. 507. Delegation of authority of Secretary to classification societies.*

#### **TITLE VI—DOCUMENTATION OF VESSELS**

*Sec. 601. Authority to issue coastwise endorsements.*

*Sec. 602. Vessel documentation for charity cruises.*

*Sec. 603. Extension of deadline for conversion of vessel M/V TWIN DRILL.*

*Sec. 604. Documentation of vessel RAINBOW'S END.*

*Sec. 605. Documentation of vessel GLEAM.*

*Sec. 606. Documentation of various vessels.*

*Sec. 607. Documentation of 4 barges.*

#### **TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS**

*Sec. 701. Amendment of inland navigation rules.*

*Sec. 702. Measurement of vessels.*

*Sec. 703. Longshore and harbor workers compensation.*

*Sec. 704. Radiotelephone requirements.*

*Sec. 705. Vessel operating requirements.*

*Sec. 706. Merchant Marine Act, 1920.*

*Sec. 707. Merchant Marine Act, 1956.*

*Sec. 708. Maritime education and training.*

*Sec. 709. General definitions.*

*Sec. 710. Authority to exempt certain vessels.*

*Sec. 711. Inspection of vessels.*

*Sec. 712. Regulations.*

*Sec. 713. Penalties—inspection of vessels.*

*Sec. 714. Application—tank vessels.*

*Sec. 715. Tank vessel construction standards.*

*Sec. 716. Tanker minimum standards.*

*Sec. 717. Self-propelled tank vessel minimum standards.*

*Sec. 718. Definition—abandonment of barges.*

*Sec. 719. Application—load lines.*

*Sec. 720. Licensing of individuals.*

*Sec. 721. Able seamen—limited.*

*Sec. 722. Able seamen—offshore supply vessels.*

*Sec. 723. Scale of employment—able seamen.*

*Sec. 724. General requirements—engine department.*

*Sec. 725. Complement of inspected vessels.*

*Sec. 726. Watchmen.*

*Sec. 727. Citizenship and naval reserve requirements.*

*Sec. 728. Watches.*

*Sec. 729. Minimum number of licensed individuals.*

*Sec. 730. Officers' competency certificates convention.*

*Sec. 731. Merchant mariners' documents required.*

*Sec. 732. Certain crew requirements.*

*Sec. 733. Freight vessels.*

*Sec. 734. Exemptions.*

*Sec. 735. United States registered pilot service.*

*Sec. 736. Definitions—merchant seamen protection.*

*Sec. 737. Application—foreign and intercoastal voyages.*

*Sec. 738. Application—coastwise voyages.*

*Sec. 739. Fishing agreements.*

*Sec. 740. Accommodations for seamen.*

*Sec. 741. Medicine chests.*

*Sec. 742. Logbook and entry requirements.*

*Sec. 743. Coastwise endorsements.*

*Sec. 744. Fishery endorsements.*

*Sec. 745. Clerical amendment.*

*Sec. 746. Repeal of Great Lakes endorsements.*

*Sec. 747. Convention tonnage for licenses, certificates, and documents.*

#### **TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS**

*Sec. 801. Administration of the Coast Guard Auxiliary.*

*Sec. 802. Purpose of the Coast Guard Auxiliary.*

*Sec. 803. Members of the Auxiliary; status.*

*Sec. 804. Assignment and performance of duties.*

*Sec. 805. Cooperation with other agencies, States, territories, and political subdivisions.*

*Sec. 806. Vessel deemed public vessel.*

*Sec. 807. Aircraft deemed public aircraft.*

*Sec. 808. Disposal of certain material.*

#### **TITLE I—AUTHORIZATIONS**

##### **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1996, as follows:

(1) For the operation and maintenance of the Coast Guard, \$2,618,316,000, of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$428,200,000, to remain available until expended, of which \$32,500,000 shall be derived 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, \$22,500,000, to remain available until expended, of which \$3,150,000 shall be derived from the Oil Spill Liability Trust Fund.

(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, \$582,022,000.

(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, \$16,200,000, to remain available until expended.

(6) For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions, other than parts and equipment associated with operations and maintenance, under chapter 19 of title 14, United States Code, at Coast Guard facilities, \$25,000,000, 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 38,400 as of September 30, 1996.

(b) **MILITARY TRAINING STUDENT LOADS.**—For fiscal year 1996, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1604 student years.

(2) For flight training, 85 student years.

(3) For professional training in military and civilian institutions, 330 student years.

(4) For officer acquisition, 874 student years.

#### **SEC. 103. QUARTERLY REPORTS ON DRUG INTERDICTION.**

Not later than 30 days after the end of each fiscal year quarter, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on all expenditures related to drug interdiction activities of the Coast Guard during that quarter.

#### **SEC. 104. SAFETY DETERMINATION FOR SMALL BOAT CLOSURES.**

None of the funds authorized to be appropriated under this Act may be used to close Coast Guard multimission small boat stations unless the Secretary of Transportation determines that maritime safety will not be diminished by the closures.

### **TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT**

#### **SEC. 201. HURRICANE ANDREW RELIEF.**

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that—

(1) funds available to the Coast Guard, not to exceed a total of \$25,000, shall be used; and

(2) the Secretary of Transportation shall administer that section with respect to Coast Guard personnel.

#### **SEC. 202. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.**

Section 712 of title 14, United States Code, is amended by adding at the end the following:

“(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.”.

#### **SEC. 203. PROVISION OF CHILD DEVELOPMENT SERVICES.**

Section 93 of title 14, United States Code, is amended by striking “and” after the semicolon at the end of paragraph (t)(2), by striking the period at the end of paragraph (u) and inserting “; and”, and by adding at the end the following new paragraph:

“(v) make child development services available to members of the armed forces and Federal civilian employees under terms and conditions comparable to those under the Military Child Care Act of 1989 (10 U.S.C. 113 note).”.

#### **SEC. 204. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.**

(a) **AMENDMENT TO TITLE 14.**—Section 93 of title 14, United States Code, as amended by section 203, is further amended—

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

(2) by striking the period at the end of paragraph (v) and inserting “; and”; and

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

“(w) require that any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual.”.

(b) **AMENDMENT TO TITLE 49.**—Section 30305(b) of title 49, United States Code, is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

“(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.”.

#### **SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.**

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting “(1)” after “(b)”;

(2) by striking the last sentence; and

(3) by adding at the end the following:

“(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

“(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

“(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

“(C) if, on the date specified for the officer's discharge in this section, the officer has completed at least 20 years of active service or is eli-

gible for retirement under any law, be retired on that date.”.

### **TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT**

#### **SEC. 301. FOREIGN PASSENGER VESSEL USER FEES.**

Section 3303 of title 46, United States Code, is amended—

(1) in subsection (a) by striking “(a) Except as” and inserting “Except as”; and

(2) by striking subsection (b).

#### **SEC. 302. FLORIDA AVENUE BRIDGE.**

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary of Transportation shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

#### **SEC. 303. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.**

The Coast Guard Authorization Act of 1991 (Public Law 102-241, 105 Stat. 2208-2235) is amended—

(1) in section 18 by adding at the end the following:

“(h) The Committee shall terminate on October 1, 2000.”; and

(2) in section 19 by adding at the end the following:

“(g) The Committee shall terminate on October 1, 2000.”.

#### **SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.**

(a) **RENEWAL.**—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking “September 30, 1995” and inserting “September 30, 2000”.

(b) **CLERICAL AMENDMENT.**—The section heading for section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking “Rules of the Road Advisory Council” and inserting “Navigation Safety Advisory Council”.

#### **SEC. 305. RENEWAL OF COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.**

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking “September 30, 1994” and inserting “October 1, 2000”.

#### **SEC. 306. NONDISCLOSURE OF PORT SECURITY PLANS.**

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), is amended by adding at the end the following new subsection (c):

“(c) **NONDISCLOSURE OF PORT SECURITY PLANS.**—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act is not required to be disclosed to the public.”.

#### **SEC. 307. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.**

(a) **PENALTY IMPOSED.**—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

“§2115. **Civil penalty to enforce alcohol and dangerous drug testing**

“Any person who fails to comply with or otherwise violates the requirements prescribed by the Secretary under this subtitle for chemical testing for dangerous drugs or for evidence of alcohol use is liable to the United States Government for a civil penalty of not more than \$1,000 for each violation. Each day of a continuing violation shall constitute a separate violation.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 46, United States Code, is amended by inserting after the item relating to section 2114 the following new item:

“2115. Civil penalty to enforce alcohol and dangerous drug testing.”.

**SEC. 308. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.**

(a) TITLE 49, UNITED STATES CODE.—Section 5122 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(c) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or person in charge may be subject to such a civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

“(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary.”.

(b) PORT AND WATERWAYS SAFETY ACT.—Section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) is amended to read as follows:

“(f) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

“(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.”.

(c) INLAND NAVIGATION RULES ACT OF 1980.—Section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) is amended to read as follows:

“(d) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

“(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.”.

(d) TITLE 46, UNITED STATES CODE.—Section 3718(e) of title 46, United States Code, is amended to read as follows:

“(e)(1) If any owner, operator, or person in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

“(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.”.

**SEC. 309. INCREASED CIVIL PENALTIES.**

(a) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States

Code, is amended by striking “\$1,000” and inserting “not more than \$25,000”.

(b) OPERATION OF UNINSPECTED VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking “\$1,000” and inserting “not more than \$25,000”.

**SEC. 310. AMENDMENT TO REQUIRE EMERGENCY POSITION INDICATING RADIO BEACONS ON THE GREAT LAKES.**

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting “or beyond three nautical miles from the coastline of the Great Lakes” after “high seas”.

**TITLE IV—MISCELLANEOUS**

**SEC. 401. TRANSFER OF COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.**

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast  $\frac{1}{4}$  of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast  $\frac{1}{4}$  corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

**SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN KETCHIKAN, ALASKA.**

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the “Former Marine Safety Detachment” as identified in Report of Excess Number CG-689 (GSA Control Number 9-U-AK-0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a health or social services facility.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States Survey numbered 1079, the true point of begin-

ning for this description: Thence north 24 degrees 04 minutes east, along the 10-11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a health or social services facility.

**SEC. 403. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.**

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

“(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.”.

**SEC. 404. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.**

(a) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) EXISTING DEADLINE MANDATORY.—The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101-225, 103 Stat. 1914) is mandatory.

(c) APPLICATION.—This section applies to all applications filed with or pending before the Board or the Secretary of Transportation on or after June 12, 1990. For applications that were pending on June 12, 1990, the 10-month deadline referred to in subsection (b) shall be calculated from June 12, 1990.

**SEC. 405. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.**

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(f) This section does not apply to a documented vessel that has been operated only—

“(1) as a fishing vessel, fish processing vessel, or fish tender vessel; or

“(2) for pleasure.”.

**SEC. 406. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.**

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period the following: “, except that the Commandant

may conduct sales of materials for which the proceeds of sale will not exceed \$5,000 under regulations prescribed by the Commandant".

**SEC. 407. RECRUITMENT OF WOMEN AND MINORITIES.**

Not later than January 31, 1996, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the status of and the problems in recruitment of women and minorities into the Coast Guard. The report shall contain specific plans to increase the recruitment of women and minorities and legislative recommendations needed to increase the recruitment of women and minorities.

**SEC. 408. LIMITATION OF CERTAIN STATE AUTHORITY OVER VESSELS.**

(a) **SHORT TITLE.**—This section may be cited as the "California Cruise Industry Revitalization Act".

(b) **LIMITATION.**—Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the "Johnson Act", is amended by adding at the end the following:

"(C) **EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.**—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country; and

"(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.".

**SEC. 409. VESSEL FINANCING.**

(a) **ELIMINATION OF MORTGAGEE RESTRICTIONS.**—Section 31322(a) of title 46, United States Code, is amended to read as follows:

"(a) A preferred mortgage is a mortgage, whenever made, that—

"(1) includes the whole of the vessel;

"(2) is filed in substantial compliance with section 31321 of this title; and

"(3)(A) covers a documented vessel; or

"(B) covers a vessel for which an application for documentation is filed that is in substantial compliance with the requirements of chapter 121 of this title and the regulations prescribed under that chapter.".

(b) **ELIMINATION OF TRUSTEE RESTRICTIONS.**—

(1) **REPEAL.**—Section 31328 of title 46, United States Code, is repealed.

(2) **CONFORMING AMENDMENTS.**—Section 31330(b) of title 46, United States Code, is amended in paragraphs (1), (2), and (3) by striking "31328 or" each place it appears.

(3) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 313 of title 46, United States Code, is amended by striking the item relating to section 31328.

(c) **REMOVAL OF MORTGAGE RESTRICTIONS.**—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) is amended—

(1) in subsection (c)—

(A) by striking "31328" and inserting "12106(e)"; and

(B) in paragraph (1) by striking "mortgage," each place it appears; and

(2) in subsection (d)—

(A) in paragraph (1) by striking "transfer, or mortgage" and inserting "or transfer";

(B) in paragraph (2) by striking "transfers, or mortgages" and inserting "or transfers";

(C) in paragraph (3)(B) by striking "transfers, or mortgages" and inserting "or transfers";

(D) in paragraph (4) by striking "transfers, or mortgages" and inserting "or transfers".

(d) **LEASE FINANCING.**—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

"(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

"(A) the vessel is eligible for documentation under section 12102;

"(B) the vessel is otherwise qualified under this section to be employed in the coastwise trade;

"(C) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is engaged in leasing;

"(D) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916; and

"(E) the demise charter is for—

"(i) a period of at least 3 years; or

"(ii) such shorter period as may be prescribed by the Secretary.

"(2) On termination of a demise charter required under paragraph (1)(D), the coastwise endorsement may be continued for a period not to exceed 6 months on any terms and conditions that the Secretary of Transportation may prescribe.

"(f) For purposes of the first proviso of section 27 of the Merchant Marine Act, 1920, section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of subsection (d) or (e) is deemed to be owned exclusively by citizens of the United States.".

**SEC. 410. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.**

(a) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance under this Act, the official responsible for providing the assistance, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

**SEC. 411. SPECIAL SELECTION BOARDS.**

(a) **REQUIREMENT.**—Chapter 21 of title 14, United States Code, is amended by adding at the end the following new section:

**"§747. Special selection boards**

"(a) The Secretary shall provide for special selection boards to consider the case of any officer who is eligible for promotion who—

"(1) was not considered for selection for promotion by a selection board because of administrative error; or

"(2) was considered for selection for promotion by a selection board but not selected because—

"(A) the action of the board that considered the officer was contrary to law or involved a material error of fact or material administrative error; or

"(B) the board that considered the officer did not have before it for its consideration material information.

"(b) Not later than 6 months after the date of the enactment of the Coast Guard Authorization Act For Fiscal Year 1996, the Secretary shall issue regulations to implement this section. The regulations shall conform, as appropriate, to the regulations and procedures issued by the Secretary of Defense for special selection boards under section 628 of title 10, United States Code.".

(c) **CLERICAL AMENDMENT.**—The table of sections for chapter 21 of title 14, United States Code, is amended by adding after the item for section 746 the following:

"747. Special selection boards.".

**SEC. 412. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.**

(a) **AVAILABILITY OF EXTRAJUDICIAL REMEDIES.**—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking "mortgage may" and inserting "mortgagee may";

(2) in paragraph (1) by—

(A) striking "perferred" and inserting "preferred"; and

(B) striking "; and" and inserting a semicolon; and

(3) by adding at the end the following:

"(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgaged vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

"(A) the remedy is allowed under applicable law; and

"(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 App. U.S.C. 808, 835).".

(b) **NOTICE.**—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

"(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343(a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

"(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

"(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection.".

(c) **RULE OF CONSTRUCTION.**—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

**SEC. 413. IMPLEMENTATION OF WATER POLLUTION LAWS WITH RESPECT TO VEGETABLE OIL.**

(a) **DIFFERENTIATION AMONG FATS, OILS, AND GREASES.**—

(1) **IN GENERAL.**—In issuing or enforcing a regulation, an interpretation, or a guideline relating to a fat, oil, or grease under a Federal law related to water pollution control, the head of a Federal agency shall—

(A) differentiate between and establish separate classes for—

(i) animal fats; and

(ii) vegetable oils; and

(B) apply different standards to different classes of fat and oil as provided in paragraph (2).

(2) **CONSIDERATIONS.**—In differentiating between the classes of animal fats and vegetable oils referred to in paragraph (1)(A)(i) and the classes of oils described in paragraph (1)(A)(ii), the head of a Federal agency shall consider differences in physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

(b) **FINANCIAL RESPONSIBILITY.**—

(1) **LIMITS ON LIABILITY.**—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking "for a tank vessel," and inserting "for a tank vessel carrying oil in bulk as cargo (unless the only oil carried is an animal fat or vegetable oil, as those

terms are defined in section 413(c) of the Coast Guard Authorization Act For Fiscal Year 1996)."

(2) **FINANCIAL RESPONSIBILITY.**—The first sentence of section 1016(a) of the Act (33 U.S.C. 2716(a)) is amended by striking "in the case of a tank vessel," and inserting "in the case of a tank vessel carrying oil in bulk as cargo (unless the only oil carried is an animal fat or vegetable oil, as those terms are defined in section 413(c) of the Coast Guard Authorization Act for Fiscal Year 1996)."

(c) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **ANIMAL FAT.**—The term "animal fat" means each type of animal fat, oil, or grease, including fat, oil, or grease from fish or a marine mammal and any fat, oil, or grease referred to in section 61(a)(2) of title 13, United States Code.

(2) **VEGETABLE OIL.**—The term "vegetable oil" means each type of vegetable oil, including vegetable oil from a seed, nut, or kernel and any vegetable oil referred to in section 61(a)(1) of title 13, United States Code.

**SEC. 414. CERTAIN INFORMATION FROM MARINE CASUALTY INVESTIGATIONS BARRED IN LEGAL PROCEEDINGS.**

(a) **IN GENERAL.**—Title 46, United States Code, is amended by inserting after section 6307 the following new section:

**"§6308. Information barred in legal proceedings**

"(a) Notwithstanding any other provision of law, any opinion, recommendation, deliberation, or conclusion contained in a report of a marine casualty investigation conducted under section 6301 of this title with respect to the cause of, or factors contributing to, the casualty set forth in the report of the investigation is not admissible as evidence or subject to discovery in any civil, administrative, or State criminal proceeding arising from a marine casualty, other than with the permission and consent of the Secretary of Transportation, in his or her sole discretion. Any employee of the United States or military member of the Coast Guard investigating a marine casualty or assisting in any such investigation conducted pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify or give information in such proceedings relevant to a marine casualty investigation, without the permission and consent of the Secretary of Transportation in his or her sole discretion. In exercising this discretion in cases where the United States is a party, the Secretary shall not withhold permission for an employee to testify solely on factual matters where the information is not available elsewhere or is not obtainable by other means. Nothing in this section prohibits the United States from calling an employee as an expert witness to testify on its behalf.

"(b) The information referred to in subsection (a) of this section shall not be considered an admission of liability by the United States or by any person referred to in those conclusions or statements."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 63 of title 46, United States Code, is amended by adding after the item related to section 6307 the following:

"6308. Information barred in legal proceedings."

**SEC. 415. REPORT ON LORAN-C REQUIREMENTS.**

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, prepared in consultation with users of the LORAN-C radionavigation system, defining the future use of and funding for operations, maintenance, and upgrades of the LORAN-C radionavigation system. The report shall address the following:

(1) An appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based tech-

nology is available as a sole means of safe and efficient navigation.

(2) The need to ensure that LORAN-C technology purchased by the public before the year 2000 has a useful economic life.

(3) The benefits of fully utilizing the compatibilities of LORAN-C technology and satellite-based technology by all modes of transportation.

(4) The need for all agencies in the Department of Transportation and other relevant Federal agencies to share the Federal Government's costs related to LORAN-C technology.

**SEC. 416. LIMITED DOUBLE HULL EXEMPTIONS.**

Section 3703a(b) of title 46, United States Code, is amended by—

(1) striking "or" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) adding at the end the following new paragraphs:

"(4) a vessel equipped with a double hull before August 12, 1992; or

"(5) a barge of less than 2,000 gross tons that is primarily used to carry deck cargo and bulk fuel to Native villages (as that term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1601)) located on or adjacent to bays or rivers above 58 degrees north latitude."

**SEC. 417. OIL SPILL RESPONSE VESSELS.**

(a) **DEFINITION.**—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as paragraph (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

"(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material."

(b) **EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.**—Section 3702 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(f) This chapter does not apply to an oil spill response vessel if—

"(1) the vessel is used only in response-related activities; or

"(2) the vessel is—

"(A) not more than 500 gross tons;

"(B) designated in its certificate of inspection as an oil spill response vessel; and

"(C) engaged in response-related activities."

(c) **MANNING.**—Section 8104(p) of title 46, United States Code, is amended to read as follows:

"(p) The Secretary may prescribe the watchstanding requirements for an oil spill response vessel."

(d) **MINIMUM NUMBER OF LICENSED INDIVIDUALS.**—Section 8301(e) of title 46, United States Code, is amended to read as follows:

"(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel."

(e) **MERCHANT MARINER DOCUMENT REQUIREMENTS.**—Section 8701(a) of title 46, United States Code, is amended by striking "and" after the semicolon at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting "; and", and by adding at the end the following new paragraph:

"(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel."

(f) **EXEMPTION FROM TOWING VESSEL REQUIREMENT.**—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities."

(g) **INSPECTION REQUIREMENT.**—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(14) oil spill response vessels."

**SEC. 418. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.**

(a) **DEFINITION OF RESPONSIBLE PARTY.**—Section 1001(32)(C) of the Oil Pollution Act of 1990

(33 U.S.C. 2701(32)(C)) is amended by striking "applicable State law or" and inserting "applicable State law relating to exploring for, producing, or transporting oil on submerged lands on the Outer Continental Shelf in accordance with a license or permit issued for such purpose, or under".

(b) **AMOUNT OF FINANCIAL RESPONSIBILITY.**—Section 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(c)(1)) is amended to read as follows:

"(1) **IN GENERAL.**—

"(A) **EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.**—Except as provided in paragraph (2), each responsible party with respect to an offshore facility described in section 1001(32)(C) located seaward of the line of mean high tide that is—

"(i) used for drilling for, producing, or processing oil; and

"(ii) has the capacity to transport, store, transfer, or otherwise handle more than 1,000 barrels of oil at any one time, shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), applicable.

"(B) **AMOUNT REQUIRED GENERALLY.**—Except as provided in subparagraph (C), for purposes of subparagraph (A) the amount of financial responsibility required is \$35,000,000.

"(C) **GREATER AMOUNT.**—If the President determines that an amount of financial responsibility greater than the amount required by subparagraph (B) is necessary for an offshore facility, based on an assessment of the risk posed by the facility that includes consideration of the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is transported, stored, transferred, or otherwise handled by the facility, the amount of financial responsibility required shall not exceed \$150,000,000 determined by the President on the basis of clear and convincing evidence that the risks posed justify the greater amount.

"(D) **MULTIPLE FACILITIES.**—In a case in which a person is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

"(E) **GUARANTEE METHOD.**—Except with respect of financial responsibility established by the guarantee method, subsection (f) shall not apply with respect to this subsection."

**SEC. 419. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.**

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking "or permitted"; and

(2) by inserting after "day" the following: "or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period".

(b) Section 8104(e) of title 46, United States Code, is amended by striking "subsections (c) and (d)" and inserting "subsection (d)".

(c) Section 8104(g) of title 46, United States Code, is amended by striking "(except a vessel to which subsection (c) of this section applies)".

**SEC. 420. LIMITATION ON APPLICATION OF CERTAIN LAWS TO LAKE TEXOMA.**

(a) **LIMITATION.**—The laws administered by the Coast Guard relating to documentation or inspection of vessels or licensing or documentation of vessel operators do not apply to any small passenger vessel operating on Lake Texoma.

(b) **DEFINITIONS.**—In this section:

(1) The term "Lake Texoma" means the impoundment by that name on the Red River, located on the border between Oklahoma and Texas.

(2) The term "small passenger vessel" has the meaning given that term in section 2101 of title 46, United States Code.

## TITLE V—COAST GUARD REGULATORY REFORM

### SEC. 501. SHORT TITLE.

This title may be cited as the "Coast Guard Regulatory Reform Act of 1995".

### SEC. 502. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

#### "CHAPTER 32—MANAGEMENT OF VESSELS

"Sec.

"3201. Definitions.

"3202. Application.

"3203. Safety management system.

"3204. Implementation of safety management system.

"3205. Certification.

#### "§ 3201. Definitions

"In this chapter—

"(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

"(2) 'responsible person' means—

"(A) the owner of a vessel to which this chapter applies; or

"(B) any other person that has—

"(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

"(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter;

"(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

"(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

"(B) making a voyage between places outside the United States; or

"(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

#### "§ 3202. Application

"(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

"(1) Beginning July 1, 1998—

"(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

"(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

"(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

"(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

"(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

"(1) a barge;

"(2) a recreational vessel not engaged in commercial service;

"(3) a fishing vessel;

"(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

"(5) a public vessel.

#### "§ 3203. Safety management system

"(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

"(1) a safety and environmental protection policy;

"(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

"(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

"(4) procedures for reporting accidents and nonconformities with this chapter;

"(5) procedures for preparing for and responding to emergency situations; and

"(6) procedures for internal audits and management reviews of the system.

"(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

#### "§ 3204. Implementation of safety management system

"(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

"(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

"(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

#### "§ 3205. Certification

"(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

"(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

"(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

"(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

"(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

"(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary."

"(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

"32. Management of vessels ..... 3201".

"(c) STUDY.—

"(1) STUDY.—The Secretary of Transportation shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to imple-

ment and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

"(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

"(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)); or

"(B) the date that is 1 year after the date of enactment of this Act.

### SEC. 503. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

#### "§ 3103. Use of reports, documents, and records

"The Secretary may rely, as evidence of compliance with this subtitle, on—

"(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

"(2) other methods the Secretary has determined to be reliable."

"(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

"3103. Use of reports, documents, and records."

"(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting "or have examined" after "examine".

### SEC. 504. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

"(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

"(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

"(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

"(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

"(C) for lifesaving equipment, the foreign government—

"(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

"(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country."

"(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

"(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking "clauses (1)-(3)" and inserting "paragraphs (1), (2), and (3)".

### SEC. 505. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

"(1) in paragraph (1)—

"(A) by striking "nautical school vessel" and inserting "nautical school vessel, and small

passenger vessel allowed to carry more than 12 passengers on a foreign voyage"; and

(B) by adding "and" after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking "2 years" and inserting "5 years".

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking "24 months" and inserting "5 years".

#### SEC. 506. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking "(but not more than 60 days)".

#### SEC. 507. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

"(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

"(A) review and approve plans required for issuing a certificate of inspection required by this part;

"(B) conduct inspections and examinations; and

"(C) issue a certificate of inspection required by this part and other related documents.

"(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

"(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

"(B) if the foreign classification society has offices and maintains records in the United States."

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

**"§ 3316. Classification societies".**

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

"3316. Classification societies."

#### TITLE VI—DOCUMENTATION OF VESSELS

##### SEC. 601. AUTHORITY TO ISSUE COASTWISE ENDORSEMENTS.

Section 12106 of title 46, United States Code, is further amended by adding at the end the following new subsection:

"(g) A coastwise endorsement may be issued for a vessel that—

"(1) is less than 200 gross tons;

"(2) is eligible for documentation;

"(3) was built in the United States; and

"(4) was—

"(A) sold foreign in whole or in part; or

"(B) placed under foreign registry."

##### SEC. 602. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the

Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) GALLANT LADY (Feardship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feardship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the "owner"), within 90 days after the date of the enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under section (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

##### SEC. 603. EXTENSION OF DEADLINE FOR CONVERSION OF VESSEL M/V TWIN DRILL.

Section 601(d) of Public Law 103–206 (107 Stat. 2445) is amended—

(1) in paragraph (3), by striking "1995" and inserting "1996"; and

(2) in paragraph (4), by striking "12" and inserting "24".

##### SEC. 604. DOCUMENTATION OF VESSEL RAINBOW'S END.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade, Great Lakes trade, and the fisheries for the vessel RAINBOW'S END (official number 1026899; hull identification number MY13708C787).

##### SEC. 605. DOCUMENTATION OF VESSEL GLEAM.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), 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 GLEAM (United States official number 921594).

##### SEC. 606. DOCUMENTATION OF VARIOUS VESSELS.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation

with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ANNAPOLIS (United States official number 999008).

(2) CHESAPEAKE (United States official number 999010).

(3) CONSORT (United States official number 999005).

(4) CURTIS BAY (United States official number 999007).

(5) HAMPTON ROADS (United States official number 999009).

(6) JAMESTOWN (United States official number 999006).

##### SEC. 607. DOCUMENTATION OF 4 BARGES.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are 4 barges owned by McLean Contracting Company (a corporation organized under the laws of the State of Maryland) and numbered by that company as follows:

(1) Barge 76 (official number 1030612).

(2) Barge 77 (official number 1030613).

(3) Barge 78 (official number 1030614).

(4) Barge 100 (official number 1030615).

#### TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

##### SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.

Section 2 of the Inland Navigational Rules Act of 1980 is amended—

(1) by amending Rule 9(e)(i) (33 U.S.C. 2009(e)(i)) to read as follows:

"(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).";

(2) in Rule 15(b) (33 U.S.C. 2015(b)) by inserting "power-driven" after "Secretary, a";

(3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i)) after "masthead light forward"; by striking "except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable";

(4) by amending Rule 24(f) (33 U.S.C. 2024(f)) to read as follows:

"(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, except as provided in paragraph (iii)—

"(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights and a special flashing light;

"(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights and a special flashing light; and

"(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.";

(5) in Rule 26 (33 U.S.C. 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking "a vessel of less than 20 meters in



length may instead of this shape exhibit a basket;"; and

(B) by amending subsection (d) to read as follows:

"(d) The additional signals described in Annex II to these Rules apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing."; and

(6) by amending Rule 34(h) (33 U.S.C. 2034) to read as follows:

"(h) A vessel that reaches agreement with another vessel in a head-on, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail."

#### SEC. 702. MEASUREMENT OF VESSELS.

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

"(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. The alternate tonnage shall, to the maximum extent possible, be equivalent to the statutorily established tonnage. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title."

#### SEC. 703. LONGSHORE AND HARBOR WORKERS' COMPENSATION.

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after "1,600 tons gross" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

#### SEC. 704. RADIOTELEPHONE REQUIREMENTS.

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after "one hundred gross tons" the following "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

#### SEC. 705. VESSEL OPERATING REQUIREMENTS.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)) is amended by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

#### SEC. 706. MERCHANT MARINE ACT, 1920.

Section 27A of the Merchant Marine Act, 1920 (46 U.S.C. App. 883-1), is amended by inserting after "five hundred gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

#### SEC. 707. MERCHANT MARINE ACT, 1956.

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after "five hundred gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

#### SEC. 708. MARITIME EDUCATION AND TRAINING.

Section 1302(4)(A) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by inserting after "1,000 gross tons or more" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

#### SEC. 709. GENERAL DEFINITIONS.

Section 2101 of title 46, United States Code, is amended—

(1) in paragraph (13), by inserting after "15 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in paragraph (13a), by inserting after "3,500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in paragraph (19), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in paragraph (22), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(5) in paragraph (30)(A), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(6) in paragraph (32), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(7) in paragraph (33), by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(8) in paragraph (35), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(9) in paragraph (42), by inserting after "100 gross tons" each place it appears, the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

#### SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.

Section 2113 of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after "at least 100 gross tons but less than 300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in paragraph (5), by inserting after "at least 100 gross tons but less than 500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

#### SEC. 711. INSPECTION OF VESSELS.

Section 3302 of title 46, United States Code, is amended—

(1) in subsection (c)(1), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (c)(2), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or

an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(3) in subsection (c)(3), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(4) in subsection (c)(4)(A), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(5) in subsection (d)(1), by inserting after "150 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(6) in subsection (i)(1)(A), by inserting after "300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(7) in subsection (j), by inserting after "15 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

#### SEC. 712. REGULATIONS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (h), by inserting after "at least 100 gross tons but less than 300 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (i), by inserting after "at least 100 gross tons but less than 500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

#### SEC. 713. PENALTIES—INSPECTION OF VESSELS.

Section 3318 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (j)(1), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

#### SEC. 714. APPLICATION—TANK VESSELS.

Section 3702 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title";

(2) in subsection (c), by inserting after "500 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(3) in subsection (d), by inserting after "5,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section



(5) in subsection (b), by inserting after “200 gross tons” the following: “as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title”;

**SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVENTION.**

Section 8304(b)(4) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.**

Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 732. CERTAIN CREW REQUIREMENTS.**

Section 8702 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title"; and

(2) in subsection (a)(6), by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 733. FREIGHT VESSELS.**

Section 8901 of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 734. EXEMPTIONS.**

Section 8905(b) of title 46, United States Code, is amended by inserting after "200 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.**

Section 9303(a)(2) of title 46, United States Code, is amended by inserting after "4,000 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.**

Section 10101(4)(B) of title 46, United States Code, is amended by inserting after "1,600 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL VOYAGES.**

Section 10301(a)(2) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 738. APPLICATION—COASTWISE VOYAGES.**

Section 10501(a) of title 46, United States Code, is amended by inserting after "50 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alter-

nate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 739. FISHING AGREEMENTS.**

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after "20 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 740. ACCOMMODATIONS FOR SEAMEN.**

Section 11101(a) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 741. MEDICINE CHESTS.**

Section 11102(a) of title 46, United States Code, is amended by inserting after "75 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.**

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after "100 gross tons" the following: "as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 743. COASTWISE ENDORSEMENTS.**

Section 12106(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 744. FISHERY ENDORSEMENTS.**

Section 12108(c)(1) of title 46, United States Code, is amended by striking "two hundred gross tons" and inserting "200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title".

**SEC. 745. CLERICAL AMENDMENT.**

Chapter 121 of title 46, United States Code, is amended—

(1) by striking the first section 12123; and

(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

**SEC. 746. REPEAL OF GREAT LAKES ENDORSEMENTS.**

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking "or 12107".

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking "coastwise, Great Lakes endorsement" and all that follows through "foreign ports," and inserting "registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,"; and

(B) by striking "as if from or to foreign ports".

**SEC. 747. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.**

(a) AUTHORITY TO USE CONVENTION TONNAGE.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

**"§ 7506. Convention tonnage for licenses, certificates, and documents**

"Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

"(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner's document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

"(2) issue the license, certificate, or document based on that service."

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

"7506. Convention tonnage for licenses, certificates, and documents."

**TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS****SEC. 801. ADMINISTRATION OF THE COAST GUARD AUXILIARY.**

(a) IN GENERAL.—Section 821 of title 14, United States Code, is amended to read as follows:

**"§ 821. Administration of the Coast Guard Auxiliary**

"(a) The Coast Guard Auxiliary is a non-military organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (to be known as the 'Auxiliary headquarters unit'), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

"(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of—

"(1) chapter 26 of title 28 (popularly known as the Federal Tort Claims Act);

"(2) section 2733 of title 10 (popularly known as the Military Claims Act);

"(3) the Act of March 3, 1925 (46 App. U.S.C. 781-790; popularly known as the Public Vessels Act);

"(4) the Act of March 9, 1920 (46 App. U.S.C. 741-752; popularly known as the Suits in Admiralty Act);

"(5) the Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act); and

"(6) other matters related to noncontractual civil liability.

"(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 821, and inserting the following:

"821. Administration of the Coast Guard Auxiliary."

**SEC. 802. PURPOSE OF THE COAST GUARD AUXILIARY.**

(a) IN GENERAL.—Section 822 of title 14, United States Code, is amended to read as follows:

**"§822. Purpose of the Coast Guard Auxiliary**

"The purpose of the Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 822 and inserting the following:

"822. Purpose of the Coast Guard Auxiliary."

**SEC. 803. MEMBERS OF THE AUXILIARY; STATUS.**

(a) IN GENERAL.—Section 823 of title 14, United States Code, is amended—

(1) in the heading by adding ", and status" after "enrollments";

(2) by inserting "(a)" before "The Auxiliary"; and

(3) by adding at the end the following new subsections:

"(b) A member of the Coast Guard Auxiliary is not a Federal employee except for the following purposes:

"(1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).

"(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

"(3) The Act of March 3, 1925 (46 App. U.S.C. 781-790; popularly known as the Public Vessel Act).

"(4) The Act of March 9, 1920 (46 App. U.S.C. 741-752; popularly known as the Suits in Admiralty Act).

"(5) The Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act).

"(6) Other matters related to noncontractual civil liability.

"(7) Compensation for work injuries under chapter 81 of title 5.

"(8) The resolution of claims relating to damage to or loss of personal property of the member incident to service under section 3721 of title 31 (popularly known as the Military Personnel and Civilian Employees' Claims Act of 1964).

"(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 823 and inserting the following:

"823. Eligibility, enrollments, and status."

**SEC. 804. ASSIGNMENT AND PERFORMANCE OF DUTIES.**

(a) TRAVEL AND SUBSISTENCE EXPENSE.—Section 830(a) of title 14, United States Code, is amended by striking "specific".

(b) ASSIGNMENT OF GENERAL DUTIES.—Section 831 of title 14, United States Code, is amended by striking "specific" each place it appears.

(c) BENEFITS FOR INJURY OR DEATH.—Section 832 of title 14, United States Code, is amended by striking "specific" each place it appears.

**SEC. 805. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.**

(a) IN GENERAL.—Section 141 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§141. Cooperation with other agencies, States, territories, and political subdivisions";

(2) in the first sentence of subsection (a), by inserting after "personnel and facilities" the following: "(including members of the Auxiliary and facilities governed under chapter 23)"; and

(3) by adding at the end of subsection (a) the following new sentence: "The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by striking the item relating to section 141 and inserting the following:

"141. Cooperation with other agencies, States, territories, and political subdivisions."

**SEC. 806. VESSEL DEEMED PUBLIC VESSEL.**

Section 827 of title 14, United States Code, is amended to read as follows:

**"§827. Vessel deemed public vessel**

"While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law."

**SEC. 807. AIRCRAFT DEEMED PUBLIC AIRCRAFT.**

Section 828 of title 14, United States Code, is amended to read as follows:

**"§828. Aircraft deemed public aircraft**

"While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots."

**SEC. 808. DISPOSAL OF CERTAIN MATERIAL.**

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

(1) by inserting after "with or without charge," the following: "to the Coast Guard Auxiliary, including any incorporated unit thereof,"; and

(2) by striking "to any incorporated unit of the Coast Guard Auxiliary,".

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

AMENDMENT OFFERED BY MR. COBLE

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

The Clerk read as follows:

Amendment offered by Mr. COBLE: On page 5, line 20, strike the period and add "to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990."

At the end of title III (page 18, after line 12) add the following new section:

**SEC. . EXTENSION OF TOWING SAFETY ADVISORY COMMITTEE.**

Subsection (e) of the Act to establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)), is amended by striking "September 30, 1995" and inserting "October 1, 2000".

On page 25, strike line 9 through page 28, line 7, and insert the following:

**SEC. 409. VESSEL FINANCING.**

(a) DOCUMENTATION CITIZEN ELIGIBLE MORTGAGEE.—Section 31322(a)(1)(D) of title 46, United States Code, is amended—

(1) by striking "or" at the end of 31322(a)(1)(D)(v) and inserting "or" at the end of 31322(a)(1)(D)(vi); and

(2) by adding at the end a new subparagraph as follows:

"(vii) a person eligible to own a documented vessel under chapter 121 of this title."

(b) AMENDMENT TO TRUSTEE RESTRICTIONS.—Section 31328(a) of title 46, United States Code, is amended—

(1) by striking "or" at the end of 31328(a)(3) and inserting "or" at the end of 31328(a)(4); and

(2) by adding at the end a new subparagraph as follows:

"(5) is a person eligible to own a documented vessel under chapter 121 of this title."

(c) LEASE FINANCING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

"(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

"(A) the vessel is eligible for documentation under section 12102;

"(B) the person that owns the vessel, a parent entity of that person or a subsidiary of a parent entity of that person, is engaged in lease financing;

"(C) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916;

"(D) the demise charter is for—

"(i) a period of at least 3 years; or

"(ii) a shorter period as may be prescribed by the Secretary; and

"(E) the vessel is otherwise qualified under this section to be employed in the coastwise trade.

"(2) Upon default by a bareboat charterer of a demise charter required under paragraph (1)(D), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on terms and conditions as the Secretary may prescribe.

"(3) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of this subsection is deemed to be owned exclusively by citizens of the United States."

(d) CONFORMING AMENDMENT.—Section 9(c) of the Shipping Act, 1916, as amended (46 App. U.S.C. 808(c)) is amended by inserting "12106(e)," after the word "sections" and before 31322(a)(1)(D).

On page 33, strike lines 11 through page 34, line 2 and insert the following:

"(b) FINANCING RESPONSIBILITY.—

"(1) LIMITS ON LIABILITY.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking "for a tank vessel," and inserting "for a tank vessel carrying oil in bulk as cargo or cargo residue (except a tank vessel on which the only oil carried is an animal fat or vegetable oil, as those terms are defined in section 413(c) of the Coast Guard Authorization Act for Fiscal Year 1996)".

"(2) FINANCIAL RESPONSIBILITY.—The first sentence of section 1016(a) of the Act (33 U.S.C. 2716(a)) is amended by striking ", in the case of a tank vessel, the responsible party could be subject under section 1004 (a)(1) or (d) of this Act, or to which, in the case of any other vessel, the responsible party could be subjected under section 1004 (a)(2) or (d)" and inserting "the responsible party could be subjected under section 1004 (a) or (d) of this Act".

On page 37, line 14, strike "or".

On page 37, line 20, strike "latitude." and insert "latitude";

On page 37, after line 20, insert the following new paragraph:

"(6) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744)."

On page 40, line 18, strike "the line of mean" through line 19, and insert "the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters that is—"

On page 40, line 20, strike "drilling for, producing, or" through line 21, and insert "exploring for, producing, or transporting oil" and".

At the end of title IV (page 43, after line 13) add the following new sections:

**SEC. . LIMITATIONS ON CONSOLIDATION OR RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.**

The Secretary of Transportation may not consolidate or relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

**SEC. . SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.**

It is the sense of the Congress that in appropriating amounts for the Coast Guard the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

**SEC. . CONVEYANCE OF LIGHT STATION, MONTAUK POINT, NEW YORK.**

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

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

(b) TERMS OF CONVEYANCE.—

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

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Montauk Light Station shall immediately revert to the United States if the Montauk Light Station ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history.

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigational purposes;

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

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written

notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "Montauk Light Station" means the Coast Guard light station known as Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights of way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term "Montauk Lighthouse" means the Coast Guard lighthouse located at the Montauk Light Station.

**SEC. . CONVEYANCE OF CAPE ANN LIGHTHOUSE, THACHERS ISLAND, MASSACHUSETTS.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary 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) and (4) and other terms and conditions the Secretary 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 Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

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

(C) 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 AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary 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 town of Rockport may not interfere or allow interference with 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 Cape Ann Lighthouse 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 navigation in use on the property.

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

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term "Cape Ann Lighthouse" means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

**SEC. . AMENDMENTS TO JOHNSON ACT.**

For purposes of section 5(b)(1)(A) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1)(A)), commonly known as the Johnson Act, a vessel on a voyage that begins in the territorial jurisdiction of the State of Indiana and that does not leave the territorial jurisdiction of the State of Indiana shall be considered to be a vessel that is not within the boundaries of any State or possession of the United States.

**SEC. . TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.**

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the "United States Coast Guard Cuttyhunk Boathouse and Wharf", as described in subsection (c).

(b) CONDITIONS.—Any conveyance of property under subsection (a) shall be subject to the condition that the Coast Guard shall retain in perpetuity and at no cost—

(1) the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels, including vessels belonging to members of the Coast Guard Auxiliary; and

(2) the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard functions.

(c) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation.

**SEC. . TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHARM, RHODE ISLAND.**

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and

other interest in the property held by any other person.

(b) **PROPERTY DESCRIBED.**—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) **REVOLUTIONARY INTEREST.**—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

(d) **INDEMNIFICATION FOR PREEXISTING ENVIRONMENTAL LIABILITIES.**—Notwithstanding any conveyance of property under this section, after such conveyance the Secretary of Transportation shall indemnify the town of New Shoreham, Rhode Island, for any environmental liability arising from the property, that existed before the date of the conveyance.

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

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October 1993, (to be named the *LIMITLESS*) is deemed to be a recreational vessel under chapter 43 of title 46, United States Code.

**SEC. . REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN.**

(a) **REQUIREMENT.**—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

**§ 96. Procurement of buoy chain**

“(a) The Coast Guard may not procure buoy chain—

“(1) that is not manufactured in the United States; or

“(2) substantially all of the components of which are not produced or manufactured in the United States.

“(b) For purposes of subsection (a)(2), substantially all of the components of a buoy chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components thereof which are produced or manufactured in the United States is greater than the aggregate cost of the components thereof which are produced or manufactured outside the United States.

“(c) In this section—

“(1) the term ‘buoy chain’ means any chain, cable, or other device that is—

“(A) used to hold in place, by attachment to the bottom of a body of water, a floating aid to navigation; and

“(B) not more than 4 inches in diameter; and

“(2) the term ‘manufacture’ includes cutting, heat treating, quality control, welding (including the forging and shot blasting process), and testing.”

(b) **CLERICAL AMENDMENT.**—

The table of sections for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

“96. Procurement of buoy chain”.

**SEC. . CRUISE VESSEL TORT REFORM.**

(a) Section 4283 of the Revised Statutes of the United States (46 App. 183), is amended by adding a new subsection (g) to read as follows:

“(g) In a suit by any person in which a shipowner, operator, or employer of a crew member is claimed to have direct or vicarious liability for medical malpractice or

other tortious conduct occurring at a shore-side facility, or in which the damages sought are alleged to result from the referral to or treatment by any shoreside doctor, hospital, medical facility or other facility or other health care provider, the shipowner, operator or employer shall be entitled to rely upon any and all statutory limitations of liability applicable to the doctor, hospital, medical facility or other health care provider in the state in which the shoreside medical care was provided”.

(b) Section 4283b of the Revised Statutes of the United States (46 App. 183c) is amended by adding a new subsection to read as follows:

“(b) Subsection (a) shall not prohibit provisions or limitations in contracts, agreements, or ticket conditions of carriage with passengers which relieve a manager, agent, master, owner or operator of a vessel from liability for infliction of emotional distress, mental suffering or psychological injury so long as such provisions or limitations do not limit liability if the emotional distress, mental suffering or psychological injury was—

“(1) the result of substantial physical injury to the claimant caused by the negligence or fault of the manager, agent, master, owner or operator; or

“(2) the result of the claimant having been at actual risk of substantial physical injury, which risk was caused by the negligence or fault of the manager, agent, master, owner or operator; or

“(3) intentionally inflicted by the manager, agent, master, owner or operator”.

(c) Section 20 of chapter 153 of the Act of March 4, 1915 (46 App. 688) is amended by adding a new subsection to read as follows:

“(c) Limitation for certain aliens in case of contractual alternative forum.

“(1) No action may be maintained under subsection (a) or under any other maritime law of the United States for maintenance and cure or for damages for the injury or death of a person who was not a citizen or permanent legal resident alien of the United States at the time of the incident giving rise to the action, if the incident giving rise to the action occurred while the person was employed on board a vessel documented other than under the laws of the United States, which vessel was owned by an entity organized other than under the laws of the United States or by a person who is not a citizen or permanent legal resident alien.

“(2) The provisions of paragraph (1) shall only apply if—

“(A) the incident giving rise to the action occurred while the person bringing the action was a party to a contract of employment or was subject to a collective bargaining agreement which, by its terms, provided for an exclusive forum for resolution of all such disputes or actions in a nation other than the United States, a remedy is available to the person under the laws of that nation, and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident; or

“(B) a remedy is available to the person bringing the action under the laws of the nation in which the person maintained citizenship or permanent residency at the time of the incident giving rise to the action and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident.

“(3) The provisions of paragraph (1) of this subsection shall not be interpreted to require a court in the United States to accept jurisdiction of any actions”.

On page 59, after line 18k add the following new paragraphs:

(7) 2 barges owned by Roen Salvage (a corporation organized under the laws of the

State of Wisconsin) and numbered by that company as barge 103 and barge 203.

(8) *RATTLESNAKE* (Canadian registry official number 802702).

(9) *CAROLYN* (Tennessee State registration number TN1765C).

(10) *SMALLEY* (6808 Amphibious Dredge, Florida State registration number FL1855FF).

(11) *BEULA LEE* (United States official number 928211).

(12) *FINESSE* (Florida State official number 7148HA).

(13) *WESTEJORD* (Hull Identification Number X-53-109).

(14) *MAGIC CARPET* (United States official number 278971).

(15) *AURA* (United States official number 1027807).

(16) *ABORIGINAL* (United States official number 942118).

(17) *ISABELLE* (United States official number 600655).

(18) 3 barges owned by the Harbor Marine Corporation (a corporation organized under the laws of the State of Rhode Island) and referred to by that company as Harbor 221, Harbor 223, and Gene Elizabeth.

(19) *SHAMROCK V* (United States official number 900936).

(20) *ENDEAVOUR* (United States official number 947869).

(21) *CHRISSEY* (State of Maine registration number 4778B).

(22) *EAGLE MAR* (United States official number 575349).

At the end of title VI (page 60, after line 11) add the following new sections:

**SEC. . LIMITED WAIVER FOR ENCHANTED ISLE AND ENCHANTED SEAS.**

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessels *ENCHANTED ISLE* (Panamanian official number 14087-84B), and *ENCHANTED SEAS* (Panamanian official number 14064-84D), except that the vessels may not operate between or among islands in the State of Hawaii.

**SEC. . LIMITED WAIVER FOR MV PLATTE.**

Notwithstanding any other law or any agreement with the United States Government, the vessel *MV PLATTE* (ex-*SPIRIT OF TEXAS*) (United States official number 653210) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

Mr. COBLE (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 North Carolina?

There was no objection.

Mr. COBLE. Mr. Chairman, this amendment contains many non-controversial, technical and clarifying changes to H.R. 1361. The amendment also extends the termination date of the Towing Safety Advisory Committee until October 1, the year 2000. Expressing the sense of Congress on Coast Guard funding conveys several Coast Guard lighthouses and other Coast Guard property to local communities and provides many waivers of vessel

documentation restrictions. This amendment was developed and agreed to on a bipartisan basis, and I urge the Members to support it.

□ 1545

Mr. TRAFICANT. Mr. Chairman, if the gentleman will yield, we have examined this amendment, and we support it. We urge it be passed without controversy.

Mr. COBLE. Mr. Chairman, I include for the RECORD a series of letters between the chairman of the Committee on Transportation and Infrastructure and the chairman of the Committee on Ways and Means:

COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE, HOUSE OF REP-  
RESENTATIVES,

*Washington, DC, May 9, 1995.*

Hon. BILL ARCHER,  
*Chairman, Committee on Ways and Means,  
Washington, DC.*

DEAR BILL: I am writing in response to your letter of May 9, 1995 regarding consideration of H.R. 1361, the Coast Guard Authorization Act for FY 1996.

As indicated in your letter, we are agreeing to offer a technical amendment on the floor to clarify that the Coast Guard expenditures authorized in Section 101 of H.R. 1361 that are derived from the Oil Spill Liability Trust Fund are specifically limited to carry out the purposes of Section 1012(a)(5) of the Pollution Act of 1990.

I understand that this addresses the jurisdictional concerns of the Committee on Ways and Means. Thank you for your assistance and cooperation in this matter.

With warm regards, I remain.

Sincerely,

BUD SHUSTER,  
*Chairman.*

COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 9, 1995.*

Hon. BUD SHUSTER,  
*Chairman, Committee on Transportation and  
Infrastructure, Washington, DC.*

DEAR CHAIRMAN SHUSTER: I am writing you regarding your Committee's consideration of H.R. 1361, the Coast Guard Authorization Act for Fiscal Year 1996. I want to thank you for your assistance in clarifying certain jurisdictional issues involving this legislation.

Specifically, section 101 of H.R. 1361 would authorize expenditures for the Coast Guard for fiscal year 1996, including funds derived from the Oil Spill Liability Trust Fund for (1) operation and maintenance of the Coast Guard; (2) acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto; and (3) 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, and enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness.

As you know, the Committee on Ways and Means has jurisdiction over the expenditure purposes of the Oil Spill Liability Trust Fund, as set forth in section 9509 of the Internal Revenue Code of 1986, as amended. Section 9509(c) provides that amounts in the Oil Spill Liability Trust Fund shall be available, as provided in appropriation Acts or section 6002(b) of the Oil Pollution Act of 1990, only for purposes of making certain enumerated expenditures related to oil spills

or discharges, including "the payment of removal costs and other cost, expenses, claims, and damages referred to in section 1012 of such Act".

I want to thank you for agreeing to offer a technical amendment on the Floor with language clarifying that the Coast Guard expenditures authorized in section 101 of H.R. 1361 derived from the Oil Spill Liability Trust Fund are specifically limited "to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990", as referred to in Code section 9509. This amendment, if passed, should address the jurisdictional concerns of the Committee on Ways and Means.

I understand that you would inform me if any further legislative changes concerning the Oil Spill Liability Trust Fund are contemplated during subsequent consideration of H.R. 1361. I also understand that you will insert copies of our exchange of correspondence in the Record during Floor consideration of H.R. 1361. Based on this understanding, I do not believe any action by the Committee on Ways and Means is required at this time.

Thank you again for your assistance and cooperation in this matter. With best personal regards,

Sincerely,

BILL ARCHER,  
*Chairman.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. COBLE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Strike Sec. 104 and insert in lieu thereof:

**SEC. 104. PROHIBITION ON SMALL BOAT STATION CLOSURES.**

(a) The Secretary may not use amounts appropriated under the authority of this Act to close any multimission small boat station.

(b) The Secretary may implement management efficiencies within the small boat unit system, such as modifying the operational posture of the units or reallocating resources as necessary to ensure the safety of the maritime public, provided that there are adequate active duty and reserve Coast Guard personnel to perform search and rescue missions at existing small boat units.

Mr. TRAFICANT. Mr. Chairman, the bill has a provision in it which in effect terminates and closes 23 multi-mission small boat stations. No one has greater respect for the chairman of this committee, the gentleman from Pennsylvania [Mr. SHUSTER], than myself and the gentleman from North Carolina [Mr. COBLE]. I think this is the one element of the bill that we should change on the floor.

You have a number of amendments that are going to follow this and try and put some gingerbread and criteria on this closing. But in essence the Coast Guard has already determined they shall be closed, and all we are doing here is political window dressing.

The decision today is do we close 23 stations and save \$3 million, roll the dice, or do we in fact say as a policy our mission is safety, not dollars, and the last time the Congress of the United States allowed bases to be closed, five people lost their lives off the shore of Oregon.

Now, you hear all about these big high class helicopters and all these radar evading planes. Quite frankly, I do not buy it. When there are winds of 65 miles per hour and someone is out at sea, they are not going to be seeing no big chopper come in for them. You know it and I know it.

The bill says, and this is what would become the law, none of the funds authorized to be appropriated under this act may be used to close Coast Guard multi-mission small boat stations, unless the Secretary of Transportation determines, the Secretary determines, that maritime safety will not be diminished by these closures.

Mr. Speaker, this is an after the fact bit of language. The Coast Guard has already determined to close them. The Secretary of Transportation is in agreement to close them. These bases are going to be closed.

The Coast Guard admits there will be a loss of life, at least one every 12 years, in these respective stations. They admit to it. The Trafficant amendment is very simple and to the point: The Coast Guard is prohibited from closing. The Congress has set a policy; lives at stake are the policies of the Congress. That is the mandate we give to the Coast Guard.

Now, we could cover it with a lot of different words, but, yes, the Trafficant amendment does say the Congress tells the Coast Guard you cannot close them, because we are not satisfied that we can adequately stop loss of life. If that is not our mission, what is?

But the Trafficant amendment would allow the Coast Guard to implement management efficiencies within that system. There can be the transfer of resources. There can be the development of other strategies. But those small boat stations would be incorporated with active personnel into that strategy to ensure that along with these fancy helicopters, there is going to be good old Coast Guard personnel, trained to interact with local volunteers.

If these stations are closed, no matter who speaks to the contrary, even by the Coast Guard's own admission, lives will be lost. What is a life worth, Congress? I do not know anymore.

For each small boat station the Coast Guard's own analysis states there will be an additional life lost every 12 years at each small boat station. Whose constituent is it going to be this year? What if we have a real bad weather year? How many do we lose, folks?

Hey, I am willing to cut the budget, but this is not cutting the budget. This is a commonsense approach that I cannot believe that we are here debating.

The gentleman from Oregon [Mr. DEFazio] has noted here to the Congress, and I want to commend him on his leadership, and I can understand his passion, in 1988 the Coast Guard closed some small boat stations off of Oregon,



and they lost five lives in 3 months. I am asking that we review this carefully before we in fact close these stations. I ask for your support.

Mr. COBLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I appreciate the comments from my good friend, the distinguished gentleman from Ohio, and I wish we could go through life and never have to close a Coast Guard station.

Mr. Chairman, I told this story, you all bear with me, in the committee, but I think it is pertinent. Coast Guard stations, where we used to call them lifeboat stations in the old days, the old salts, small boat stations now, but they have a way of becoming very personally involved in the communities where they are located, particularly sparsely settled communities. Coast Guard stations become not unlike churches, schools, the country store, the volunteer fire department, and the communities involved warmly embrace them.

I was having an evening meal in the home of a retired Coast Guardsman and his wife on the Outer Banks of North Carolina, Mr. Chairman, about two decades ago. At that time there was a proposal to decommission or to shut down one of the lifeboat stations along the Outer Banks. This Coast Guard wife said to me, with tears in her eyes, if they shut down that Coast Guard station, things will never be the same along the Carolina coast.

What she was saying, without using the words, she was saying the Coast Guard is not going to be able to respond. If we shut down that station, the Coast Guard is ineffective. That had not been the case at all. In fact, the Coast Guard probably has been more effective through modernization.

Now, if any entity in this country and in our society places a high value upon life, it is the U.S. Coast Guard, and I am confident that no loss of life is going to result from this. But I think, like my friend, the gentleman from Ohio [Mr. TRAFICANT], said \$2 million; the Coast Guard indicates \$6 million. Let us indicate for the sake of argument \$6 million are involved. By Washington standards, \$6 million is not a lot of money, the way we blow money on this Hill. To me it is a lot, but by Washington standards, it is not. Let us use the late Everett Dirksen's line, well-known to all of us. I think he was reported to have said a million here and a million there, boys, and then we are talking about real money.

So we must make a start. The Coast Guard is streamlining, and in order to do that effectively, they are going to have to be able to perform some sort of self-assessment. And it is they, better than any, who know what bases and what stations can best be closed.

I am confident, Mr. Chairman, and I say to my friend from Ohio, I am confident that safety is not going to be compromised. We have been told earlier today that at some of these small boat stations, some Coast Guard men

and women are working 90 hours a week. I think that may well be another reason to downsize. We are in an era now, Mr. Chairman, of downsizing, not just with Government but in the commercial arena. And oftentimes downsizing does not mean less effectiveness or less efficiency. Conversely, many times it means an enhanced quality of efficiency and response time.

As much respect as I have for my good friend from Ohio, I must oppose him on this amendment and urge it be defeated.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened to what the gentleman from North Carolina [Mr. COBLE] said, and again I know of his distinguished career, both here in Congress as well as having been a member of the Coast Guard, but I, listening to him, believe in some ways he was making the case for the Traficant amendment, even though I know that was not his intention.

He said that the small boat stations tend to get involved with the local community. They are almost like the church. I have to agree. But that is the very reason why the Coast Guard presence is necessary to small boat stations.

Again, I would reiterate that one of the propositions that the Coast Guard is putting forward is that somehow when these stations close, that other State or local or nonprofit organizations are going to take up the slack.

The bottom line is, and I will use my own station at Shark River in New Jersey as an example, the only reason why those other organizations are involved, like the auxiliary, is because of the presence of the Coast Guard. If the station closes and there is no permanent Coast Guard presence there with full-time personnel, then it would be impossible in most situations for the auxiliary, and particularly in these times with downsizing of State government and local government, for the State government to step in. In my own State of New Jersey, that would not happen. The marine police has downsized and has less money today than it did a few years before.

The gentleman also mentioned modernization. It is true of course there have been a lot of changes in their technologies now. But those technologies are not that helpful for those in the immediate scene. Back in 1988, when they closed the Shark River station, sure, between 1988 and now there are more helicopters and new technology, but everyone on the scene will tell you the presence of people, of full-time Coast Guard personnel, at the location, in the inlet, in this case Shark River, and you could use it throughout the country, their immediate response is what is necessary, the fact that you have the people there, the hands on situation.

The chairman mentioned the \$6 million in savings that is cited by the

Coast Guard. Once again, I know our ranking Member, Mr. TRAFICANT, has noted that the actual cost is closer to \$2.5 or \$2.6 million. That \$6 million is for consolidation and a lot of other things that are part of this plan. It is not specifically for closing the stations. We are talking about probably \$2 to \$3 million being saved. I know that seems like a lot, but in the overall scheme of things, when you are talking about 23 stations and you are talking about risk of life, it is not a lot of money.

Some stations, it was mentioned by the chairman, have men working 90 hours a week. We are not saying in this Traficant amendment that resources cannot be shifted around. The billets, as they say, or men, can be shifted, so some stations have less personnel and others more. What we are saying is we do not want the stations closed. Some of them maybe can get by with less personnel or can rely through a combination on auxiliary or other volunteer efforts, but they cannot be closed and cannot not have a full-time Coast Guard presence.

I have to stress, you know, one of the issues that is being raised here is that the Coast Guard maintains that at some of the stations the amount of search and rescue has not increased significantly in the last few years. I will point out, in making their analysis for this streamlining plan, they did not take into consideration, and they will tell you they did not, all the other functions that have been added by this body and by the Federal Government to the Coast Guard. They did not include the increase in dealing with environmental laws, fishing laws, in drug trafficking prevention. All of these extra things we have put on the Coast Guard for the last few years are being carried out at a lot of these small boat stations.

□ 1600

They are on the increase. The amount of traffic in a lot of these locations is also on the increase. It is ridiculous for us to assume that with all the extra burdens for us to assume that with all the additional pleasure craft that exist at these various locations around the country that somehow the amount of work has been reduced or somehow we are going to be able to get by without the presence of these stations.

If we talk, and I know many of us have during the break, we went back to our districts. I had a town meeting, and I talked to the people in the vicinity of my station. They were horrified to think that the station would close. The experience in 1988 showed that it does not work. Let us not put our population, our constituents through this again. Support the Traficant amendment as the only way to go to assure that lives are saved and let the Coast Guard presence continue in these various communities.



Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must reluctantly rise in strong opposition to the amendment offered by my good friend from Ohio. Certainly it is well-intentioned, but I must point out that this amendment, if adopted, represents the ultimate in micromanagement. This amendment says to the U.S. Coast Guard, which is charged with safety, says to them: Congress is telling you you are not allowed to manage your own operations. Congress knows better than you about safety. Congress is telling you you cannot close a single Coast Guard station.

Indeed, many of these stations are over 100 years old, when row boats, yes, row boats were used as the means of getting out to perform search and rescue operations.

But it is not 1896. We are approaching 1996. And, therefore, we should recognize the advances in technology and modern capability and give the Coast Guard the freedom to make these kinds of decisions, particularly when GAO has looked carefully at their proposals and GAO has concluded that not only is the process used by the Coast Guard reasonable but that they reviewed them and they endorse what the Coast Guard is attempting to accomplish.

It is extremely important that we give this flexibility to the Coast Guard. And I would emphasize that in committee, in order to be certain that we were not going to give safety a second place position in these considerations, we included in the bill language that requires the Secretary of Transportation to determine that safety will not be diminished before any search and rescue station can be closed.

So I say, let us recognize the Coast Guard as modernized. The Coast Guard, indeed, cares about safety. That is their mission. And we should not tie the hands of the Coast Guard by telling them that what they were doing in 1896 they still must continue to do in 1996.

For all of those reasons, I urge the defeat of this well-intentioned amendment.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Traficant amendment.

Mr. Chairman, I fail to understand why the Republicans feel absolutely compelled to support the administration's every initiative. Now, I understand, I will remind Members, this is not some evil Republican budget cutting proposal. This is a proposal by the Democratic Administration to cut some \$2 or \$3 million, in the case of these small stations, out of Coast Guard. While I appreciate the intense loyalty of the new majority around here, I think you should feel free to oppose the administration when you think they are wrong. I certainly do. This is one of those cases.

I am aware that downsizing, God help us all, is in. It is in, in corporations. It

is in, in government. Democrats are busy reinventing government, and you folks are busy eliminating government. But everybody is downsizing in one way or another. If there is anything that is not too big today, it is the U.S. Coast Guard. I defy any Member of this Congress to suggest that the Coast Guard has too many resources. I know that the gentleman may speak for himself, but I do not think anybody really believes that.

Year after year, decade after decade we have piled more responsibilities on the Coast Guard, not less: law enforcement, marine environmental protection, boating safety, drug law enforcement and, of course, the most important mission of all, search and rescue. They are one of most grossly underfunded and understaffed agencies in the Government.

To stand up here and suggest that we need to downsize them I think is a bit much.

We are going to have more debates this year, I suspect, of a calculus kind of how much is a human life worth. I do not choose to participate in that debate, because I do not think it can be done. I do not think any of us is able to put a dollar value on a human life. We are talking about \$2 or \$3 or, if you say \$5 or \$6, no more than \$6 million. God knows how many human lives we are talking about. But if it were only one, is a human life worth \$3 million? I guess it depends whose life it is. If it is yours or your spouse's or your child's, I doubt you would hesitate very long in answering the question.

We all have parochial concerns here. In my district, the original idea of Coast Guard was to close two stations and make one of them seasonal, summer only.

The first thing they ought to do is make Provincetown on the tip of Cape Cod summer only. I am pleased to report that we talked them out of that inane idea. I have lost five fishing vessels with all hands since I have been in this office out of that port, every one of them in the winter. Talk about closing such a station in the winter. You can fill in your own adjective.

Now they want to close the station in Scituate just south of Boston and the station in Menemsha on Martha's Vineyard. If we look at the criteria, they are looking at response times. They are saying, well, we need  $x$  numbers to respond. Would you believe they use the same response time in Florida as they do in Massachusetts and Maine? I doubt there is any Member of this House who, if told you have to spend 10 minutes in the water in January, would choose Cape Cod rather than southern Florida. The odds, to put it mildly, are very, very different.

But the calculus, as we understand it, used by the Coast Guard to say how many minutes response time there needs to be were uniform across the Nation. That is crazy. That does not make any sense.

In New England, furthermore, as you may have heard we have a fishing crisis. We are about to put into effect dramatic, new, stringent reductions in fishing efforts. This is going to mean dramatically increased law enforcement responsibilities for the Coast Guard. Sadly, it is probably going to mean greater search and rescue demands because people are going to stretch a little bit further and go out in weather they probably should not go out in, fish longer than they should with smaller crews than they should have to try to eke a living out of what they are still allowed to do. That means more search and rescue responsibilities for the Coast Guard.

Let me finally say, if I may, having conceded that this is not an evil Republican budget cutting amendment and sadly conceding that it is coming from my own administration, I hear that there is going to be released to the public a Republican budget this week sometime. I do not know, and I am certainly not privy to the consultations going on, but I would not be surprised if we were to see an order of magnitude cut across the board in the Department of Transportation far exceeding what we are talking about here.

This heat, this emotion that is being engendered in this debate is about a cut in the Coast Guard budget of a fraction of 1 percent. What would happen if the new Republican budget, in the spirit of downsizing of our times, asked for a 10- or a 20- or 30-percent cut in all functions of the Department of Transportation? I do not know whether that is going to happen, but I would not be surprised if that happens in all so-called discretionary programs. And if it does, the debate we have just had on this floor will be as nothing compared to the human lives that will be at stake if we are presented with that.

So let us take this opportunity, Republicans and Democrats together, to rally against one of the few instances where this Democratic administration has been wrong.

I urge the support of this amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio. I have grave reservations with regard to the Coast Guard's small boat unit streamlining initiative. In particular, I am concerned with the impact of this proposal on the maritime safety in New England. The Coast Guard has proposed closing three stations in Massachusetts, including two in my district—Station Scituate and Station Menemsha on Martha's Vineyard.

I fully understand the Coast Guard's need to periodically reallocate its personnel and equipment resources and, generally, to do more with less. However, there are several issues which, in my view, require the Coast Guard to maintain a high level of search-and-rescue [SAR] capacity in the region. For the past several months, I have been working closely with area fishermen, lobstermen, and municipal officials to study the merits of the streamlining plan. We have compiled what I believe are compelling reasons why these stations should

remain open. However, while we are most familiar with the circumstances in the Northeast, these issues raise fundamental questions with the national impact of the Coast Guard's plan.

In my view, the Coast Guard's recommendations have not adequately taken into account the severe weather conditions, particularly water temperature, prevalent in the region. The difference between life and death can be a matter of minutes in the freezing waters off Northeast shores. Yet in recommending stations for closure the Coast Guard applied the same response time to Massachusetts as it did to Florida.

Additionally, there are serious questions about closing Stations Scituate and Menemsha in the larger context of personnel and asset relocations throughout New England. When taken together they appear to spread SAR resources too thinly. The Coast Guard plans to move three HU-25A Aircraft from Air Station Cape Cod to Texas and transfer the cutter *Point Jackson* from Woods Hole to Florida. Under the streamlining initiative, the Coast Guard has also recommended the closure of several other stations in Massachusetts, Maine, and Rhode Island. I have seen little evidence that the Coast Guard fully considered the broader ramifications of these recommendations.

In fact, a recent event has demonstrated that the Coast Guard's SAR assets in the region may already be overextended. This past weekend a helicopter from the New York National Guard responded to two separate SAR situations off Rhode Island because Coast Guard units based at Air Station Cape Cod were occupied with SAR operations elsewhere. It should be noted that this incident took place before the busy summer boating season and with all the Massachusetts SAR stations in operation.

Finally, the Coast Guard's closure study did not adequately take into consideration the other missions that these stations perform, including marine environmental protection, boating safety, and maritime law enforcement.

In particular, the collapse of groundfish stocks in New England—which has had severe ramifications on the fishing industry in the region—will require an increase in Coast Guard activities both in terms of a potential rise in SAR operations and administration of fisheries regulations.

While I am working with the Commerce Department to secure Federal assistance for fishermen, the only feasible solution to this crisis is to close the fishing grounds on Georges Bank to allow depleted stocks to recover. Experience suggests, however, that many fishermen will fish longer hours and in more inclement weather, forgo maintenance, and operate with smaller crews to make ends meet.

At the same time, new groundfish regulations currently being promulgated by the National Marine Fisheries Service to help rebuild stocks will require vigorous enforcement by the Coast Guard. Both Stations Scituate and Menemsha are also responsible for enforcement of laws and treaties, which includes the inspection of catches and equipment. Furthermore, Station Menemsha is responsible for New Bedford, one of the busiest fishing ports on the east coast.

In my view, the potential public safety consequences make a review of the Coast Guard's plans imperative and I would urge my

colleagues to support the Traficant amendment.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment and, speaking as a member of the House Subcommittee on Transportation of the Committee on Appropriations, which has jurisdiction over the Coast Guard, I would like to bring a couple of points to the body's attention.

First, the Commandant of the Coast Guard knows his budget is being reduced as it is for every other part of the Federal Government. In a response, not necessarily anybody other than the Commandant has analyzed in depth the need for maintaining all of the service's small boat stations.

What the Commandant found is that the service does not need all of the stations they have today. That is because of demographic changes and better operating procedures and the procurement of faster boats and helicopters. New technology enables us today to search a wider territory and get on scene in the required time without having a boat station right around the corner.

I understand that no Member wants to lose a Coast Guard station in their district or in their State. I also understand that some States are harder hit by the Coast Guard plan than others. However, Members should know before voting on this amendment, this is not a budget-driven measure. It is done because it is sufficient.

The General Accounting Office has reviewed the Coast Guard's processes for reviewing its needs for boat stations. They said it provides, and I quote, "a reasonable basis for determining the appropriate number of stations and the appropriate resources of the stations."

In fact, when GAO came up before the committee, we asked them about this, as we also did when we asked the Coast Guard. This was the same GAO, I would remind the Members, who 5 years ago refused to endorse the closure of any stations because the Coast Guard had not done its homework. This time they have.

According to the Coast Guard they can perform the safe level of life saving with fewer stations and with the budget being reduced and then being more efficient.

I also should let Members know that funds are not included in the fiscal year 1996 budget for these stations. They are low-activity stations, and that is why they are on the Coast Guard list. If we prevent these stations from being closed, Mr. Chairman, we will have to cut \$6 million from other parts of the Coast Guard's operating budget to pay for them, parts of the Coast Guard's operating budget that they do not want to see cut. This will have a much greater impact on safety, in my opinion.

And in closing, Mr. Chairman, let me say, as the gentleman from Massachusetts said, this amendment is opposed by the Department of Transportation and by the Coast Guard. There are no funds in the fiscal year 1996 budget to implement it without harming other programs.

I urge the body to vote the amendment down.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we just heard that people with the green eyeshades downtown here in Washington, DC, reviewed the Coast Guard process and they found that it was meritorious. People with the green eyeshades in downtown Washington, DC, have never tried to cross a bar entrance in Oregon with an outgoing tide and a strong wind. It is pretty tough. In fact, the Commandant of the Coast Guard, in this bulletin of January of this year said, and I quote, this is the Commandant of the Coast Guard, the same gentleman recommending these cuts referring to the Pacific Northwest:

This area has always challenged mariners with its isolated, storm-battered coastline, strenuous harbor entrance. From seasoned fishermen to unwary vacationers, thousands of people annually learn hard lessons due to suddenly changing tides and weather.

This is the same Commandant who wants to close two lifesaving stations in my district. The last Commandant closed those two lifesaving stations in my district, and within 2 months five people drowned, five people who could have been saved.

The GAO and the people with the green eyeshades think you can tread water for 40 minutes. Well, you cannot tread water for 40 minutes, as the gentleman from Massachusetts pointed out, when it is cold in the Atlantic, not in the summertime but in other months of the year. You cannot tread water for 40 minutes while you are waiting for the helicopter in the bar entrances in my district either, not at the Coquille River, not at the Rogue River, not at the other areas scheduled for cuts.

We are talking about one-tenth of 1 percent of the operating budget of the U.S. Coast Guard. If this is an agency that does not have one-tenth of 1 percent of cuts that it can make somewhere else except in lifesaving, then this agency should be running the entire Government of the United States of America, because I cannot say that about any other agency of the U.S. Government. And I do not believe that anybody in this House, particularly Members from that side of the aisle, would make that assertion about any other agency of the Federal Government, one-tenth of 1 percent. Is that too much to save lives?

By the Coast Guard's own estimates, two people will drown this year to save one-tenth of 1 percent of their operating budget.

□ 1615

You might say that is a reasonable cost, about \$1 million per person. What if it is your father, your mother, your kid, just a friend, a neighbor? Do you think it was worth that cut?

Do you think it was worth abandoning the principal historic mission of the U.S. Coast Guard on 120 miles of the Oregon coast in the Northern Michigan Peninsula, in New Jersey, in Massachusetts, in other areas? Is it worth abandoning to save one-tenth of 1 percent, or so the admiral will not have to find one-tenth of 1 percent somewhere else in his budget to cut?

I do not believe so, and I do not believe it should be the judgment of this body, because if that is the judgment of this body, then the blood of the people who will drown, and they will drown, the Coast Guard says two will drown, I think maybe 10 or 20 will drown, given the experience in my district 7 years ago, people will die because of this vote.

This is a little more serious than a lot of the other votes cast here. The green eyeshades downtown do not know anything when it comes to this. The Commandant of the Coast Guard does. He says these are treacherous entrances, but he is going to abandon them and serve them from 120 miles away with a helicopter.

As the distinguished ranking member of the committee worked out, that is a pretty tough thing to do in high winds and low visibility, let alone talking about the water temperatures and survival times, none of which was factored into this great equation that the GAO said was okay. What the GAO said is they did their math right. They did not say that this makes sense for people on the ground or in the water around the United States of America.

This is an ill-intentioned cut, and this body should not let this cut be made, and we should vote for the Traficant amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the members of the House Committee on Transportation, especially the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the subcommittee chairman, the gentleman from North Carolina [Mr. COBLE], for including my legislation in this year's Coast Guard reauthorization bill.

Because the Coast Guard is not bound by the same procurement policies as is the Department of Defense, U.S. manufacturers of buoy chain are unable to compete with foreign manufacturers. Historically, the Coast Guard has purchased the majority of buoy chain from the People's Republic of China.

My legislation, as included in the en bloc amendment, would subject the Coast Guard to the same procurement policies as the Department of Defense, therefore restricting the purchase of chain not manufactured in the United States. In addition, all of the compo-

nents of the buoy chain must be produced or manufactured in the United States.

This legislation will help us maintain an even economic playing field in international trade. American laborers are hardworking and our goods are among the best in the world, but we must ensure American businesses are not undercut by cheap foreign labor costs.

It would be unwise to enact protectionist trade measures which ultimately hurt consumers and producers by reducing competition. However, we must be on equal terms with foreign producers. Countries such as China are able to undercut United States production and underbid United States firms for large contracts.

"Buy American" is sound policy for American jobs, a strong economy and national defense. If we put out chain manufacturers out of business, we may find ourselves without a supply should a conflict arise. I urge my colleagues to support this legislation.

Mr. TORRICELLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to join the gentleman from Massachusetts [Mr. STUDDS] in congratulating the majority for rising to the support of the Clinton administration, though expressing my regrets that they have chosen this unfortunate moment on such an ill-conceived issue.

To make clear, Mr. Chairman, that I represent no Coast Guard stations, indeed, no beach areas, I seek no stations, and indeed, do not think they should be built in my own district of New Jersey, but I rise to the defense of the capabilities of the Coast Guard, because this issue is more than whether or not there is a Coast Guard station in New Jersey or Massachusetts or Oregon. This goes to the central mission of the Federal Government and its responsibility to our people.

Because there are things that our Government has done, agencies it maintains, expenditures that it makes which are inappropriate, expenditures which should be eliminated and activities which should be curtailed, there are many who would now come to this floor, and indeed, today they have the Clinton administration with them, to end those activities which are central, things which only the Federal Government can do, things upon which the people of our country depend upon the Federal Government to do.

For 200 years people, from mariners to the boating public to fishermen across America, have come to rely for their safety and for rescue at moments of peril upon the Coast Guard. We are now presented with a plan to close 23 of those stations, some of them that have operated for generations, saved hundreds of people at moments of peril, to save one-tenth of 1 percent of the Coast Guard budget.

In an incredible calculation, the Coast Guard can even demonstrate the

cities, the oceans, the rivers, the places, and the numbers of lives that will be lost. And for what? Six million dollars, \$6 million that we justifiably seek to reduce in areas where the Federal Government's activities are inappropriate and should be curtailed, or should be ended. But instead, we return to a central function of the Federal Government, maintaining safety on the seas and in our waterways, and in doing so, risk enormous danger for our citizens.

Most ironic is that while we reduce these Coast Guard activities in these 23 stations, we ask for greater surveillance to ensure that our fishing stocks are not depleted, we increase responsibility for drug interdiction, to ensure that narcotics are not reaching our coasts, we ask for higher environmental standards to make sure that international shipping does not dump their cargoes or their waste or their oil into our waters. We mount their responsibilities, we increase the standards, we want the American people to believe that they are safe in moments of leisure or work, but we take away their very resources.

Mr. Chairman, I have not been bashful when it came to moments to vote to cut Government spending or end its missions, but there is a time in which Members of this institution must understand those items of safety and security which are central to the functions of the Federal Government, missions that if we do not do, no one else will do, missions if they are not completed will take the lives of our people.

The people of our country do not generally ask a lot of this Federal Government. Usually they ask simply that it do less. This is one instance where for 200 years, as certainly as people have come to expect if their car or their truck breaks down along a highway, a patrolman will come to their rescue, so, too, through these generations people have come to expect that if they are lost at sea, if their boat is in peril, they will see a Coast Guard ship come to their rescue. That expectation need not change, not for \$6 million, not for such a small saving, not when there are so many other opportunities.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, rise in support of the amendment of the gentleman from Ohio [Mr. TRAFICANT]. Let me first acknowledge that for the several Congresses we have just come through I have had the extraordinary privilege of chairing the Coast Guard Subcommittee of the former Committee on Merchant Marine and Fisheries, and so I know the awesome task and the difficult job that my good friend, the gentleman from North Carolina, Mr. HOWARD COBLE, has now in shepherding this bill and dealing with these very complex and controversial issues, particularly at a time of deep budget strain and stress.

I take my hat off to no one in voting to make budget cuts around here. I do a lot more of that than many of the Members do, and we have a lot more of that coming, but part of the process by which we make budget cuts, and we reach toward that incredibly difficult goal of a balanced budget by the year 2002, is a process called prioritizing.

It is a process by which in the various budgets and the various moneys that we collect from the American public and spend back for their benefit, we hope, that we list and indeed fund first those things which are most critical to the function of a given agency, to the function of a given department of our Government.

If there is one function that is most central to the operation of the U.S. Coast Guard, it is the function of search and rescue. If there is one function above all else that I would rank as the No. 1 priority of the U.S. Coast Guard, it is to be the guardians of the sea.

We, as previous speakers have pointed out, lump enormous responsibilities upon the Coast Guard. Every year we seem to find something new for them to do. Every year, as we peel back some responsibility on some other agency, we give it to the U.S. Coast Guard. They have become, as someone pointed out, environmental agents for the Nation now. They are now part of the fisheries enforcement apparatus of America. They are in many cases called upon, as I said, to do things we had not envisioned the Coast Guard doing when we first appointed and placed in service the men and women of this incredible branch of the U.S. Government.

With fewer men and women serving than those who serve in the New York Metropolitan Police Department, we carry out these enormous functions for our country.

However, what are we doing today? What are we doing today in debating seriously a Coast Guard attempt to shut down its most important function first, instead of maybe dealing with all the other things it does that perhaps we ought to be talking about curtaining or somehow cutting down? What are we doing discussing closing the small boat stations of America that provide the ready access to relief and search and rescue in cases where American boaters are put at risk, and sometimes their lives are at stake?

There is no greater honor bestowed upon a Coast Guard man or woman than the honor of being a lifesaver. There is nothing that Coast Guard men and women speak more proudly of than the number of lives they save each year, and they save a ton of lives each year. They do a tremendous job for us. Why would we even be considering, in whatever budget cuts or whatever curtailments of expenditures we want to make here, stopping the most important function of the U.S. Coast Guard; in fact, imperiling lives on some kind of an arbitrary formula that does not

take into account very dangerous entrancess and exits and storm conditions, temperatures of water; getting a formula that closes Coast Guard stations based upon some arithmetic calculation made here in Washington, DC?

I challenge Members, please, let us support this amendment. Let us make sure that in this and every budget we do what we are supposed to do, prioritize. The function, indeed, of saving lives ought to be No. 1 within the Coast Guard. We ought to make it No. 1 in this Chamber.

We ought to tell the American public we are prepared to make tough cuts, but we are also prepared to do the most important thing Government is supposed to do, and that is protect lives, protect liberty, and protect property in America.

Mr. MINETA. Mr. Chairman, I support the amendment offered by the distinguished ranking Democrat on the Coast Guard and Maritime Transportation Subcommittee, Mr. TRAFICANT. Closing 23 small search and rescue stations, as the Coast Guard has proposed, would save only a relatively small amount of money. However, it would remove a vital marine safety presence from the affected coastal communities.

I believe the Coast Guard has done a good job in how it has gone about reorganizing and rationalizing its small boat station staffing. Most of that will be realized under the Trafficant amendment. And the Coast Guard may well be able to respond to emergencies adequately with other resources. My concern is that if these stations are closed, there would be a diminution of safety, simply because the safety professionals from the Coast Guard would no longer be in the community.

The Coast Guard would no longer be there to offer safety advice or take an enforcement action against a boater doing something stupid. People admire and look up the Coast Guard. That role model for good safety practices would be removed, and I believe that would hurt safety in the long run.

I urge adoption of the Trafficant amendment.

Mr. HOEKSTRA. Mr. Chairman, I support Mr. TRAFICANT's amendment because I feel that it is necessary that before the Coast Guard closes a station, they should develop and implement a transition plan in consultation with the affected communities. I have expressed this desire to the Coast Guard and while they are supported of the idea, they have yet to take the necessary steps to ensure the transition will be a smooth one for the communities. This amendment sets a 1-year moratorium on closings. During this time, I would hope that the Coast Guard would work with the affected communities to develop a plan that will ensure the safety of the boaters and residents of the area.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. SHUSTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The vote will be for 17 minutes.

The vote was taken by electronic device, and there were—ayes 146, noes 272, not voting 16, as follows:

[Roll No. 308]

#### AYES—146

Abercrombie	Hall (OH)	Pallone
Ackerman	Hamilton	Pastor
Andrews	Hastings (FL)	Payne (NJ)
Baker (LA)	Hayes	Pelosi
Baldacci	Hefner	Petri
Barcia	Hilliard	Rahall
Beilenson	Hinchey	Rangel
Bevill	Hoekstra	Reed
Bishop	Holden	Reynolds
Bonior	Hoyer	Rivers
Borski	Jackson-Lee	Rose
Boucher	Johnson (SD)	Roth
Browder	Johnson, E. B.	Roybal-Allard
Brown (FL)	Kanjorski	Rush
Brown (OH)	Kaptur	Sabo
Bryant (TX)	Kennedy (MA)	Sanders
Bunn	Kennelly	Sawyer
Camp	Kildee	Schumer
Cardin	Klecza	Scott
Clayton	Klink	Sensenbrenner
Clement	Lantos	Serrano
Clyburn	Laughlin	Skaggs
Collins (IL)	Levin	Slaughter
Conyers	Lewis (GA)	Smith (NJ)
Coyne	Lipinski	Stark
de la Garza	LoBiondo	Stockman
DeFazio	Lofgren	Stokes
DeLauro	Lowey	Studds
Dixon	Manton	Stupak
Doyle	Markey	Tauzin
Ehlers	Martinez	Thompson
Engel	Mascara	Thornton
Eshoo	Matsui	Torricelli
Evans	McDermott	Towns
Farr	McHale	Trafficant
Fazio	McKinney	Tucker
Fields (LA)	Meek	Velazquez
Filner	Menendez	Vento
Flake	Mfume	Visclosky
Foglietta	Miller (CA)	Walsh
Forbes	Mineta	Ward
Frank (MA)	Mink	Waters
Frost	Murtha	Wise
Furse	Nadler	Woolsey
Gejdenson	Ney	Wyden
Gephardt	Oberstar	Wynn
Gibbons	Obey	Yates
Gillmor	Olver	Young (AK)
Gutierrez	Owens	

#### NOES—272

Allard	Clay	Fawell
Archer	Clinger	Fields (TX)
Armey	Coble	Flanagan
Bachus	Coburn	Foley
Baessler	Coleman	Fowler
Baker (CA)	Collins (GA)	Fox
Ballenger	Combust	Franks (CT)
Barr	Condit	Franks (NJ)
Barrett (NE)	Cooley	Frelinghuysen
Barrett (WI)	Costello	Frisa
Bartlett	Cox	Funderburk
Barton	Cramer	Gallegly
Bass	Crane	Ganske
Bateman	Crapo	Gekas
Becerra	Creameans	Geren
Bentsen	Cubin	Gilchrest
Bereuter	Cunningham	Gilman
Bilbray	Danner	Goodlatte
Bilirakis	Davis	Goodling
Bliley	Deal	Gordon
Blute	DeLay	Goss
Boehner	Dellums	Graham
Bonilla	Deusch	Green
Bono	Diaz-Balart	Greenwood
Brewster	Dickey	Gunderson
Brownback	Dicks	Gutknecht
Bryant (TN)	Doggett	Hall (TX)
Bunning	Dooley	Hancock
Burr	Doolittle	Hansen
Burton	Dornan	Harman
Buyer	Dreier	Hastert
Callahan	Duncan	Hastings (WA)
Calvert	Dunn	Hayworth
Canady	Durbin	Hefley
Castle	Edwards	Heineman
Chabot	Ehrlich	Herger
Chambliss	Emerson	Hilleary
Chapman	English	Hobson
Chenoweth	Ensign	Hoke
Christensen	Everett	Horn
Chrysler	Ewing	Hostettler

Houghton	Mica	Schroeder
Hunter	Miller (FL)	Seastrand
Hutchinson	Minge	Shadegg
Hyde	Molinari	Shaw
Inglis	Mollohan	Shays
Istook	Montgomery	Shuster
Jacobs	Moorhead	Sisisky
Johnson (CT)	Moran	Skeen
Johnson, Sam	Morella	Skelton
Johnston	Myers	Smith (MI)
Jones	Myrick	Smith (TX)
Kasich	Neal	Smith (WA)
Kelly	Nethercutt	Solomon
Kennedy (RI)	Neumann	Souder
Kim	Norwood	Spence
King	Nussle	Spratt
Kingston	Ortiz	Stearns
Klug	Orton	Stenholm
Knollenberg	Oxley	Stump
Kolbe	Packard	Talent
LaFalce	Parker	Tanner
LaHood	Paxon	Tate
Largent	Payne (VA)	Taylor (NC)
Latham	Peterson (MN)	Tejeda
LaTourette	Pickett	Thomas
Lazio	Pombo	Thornberry
Leach	Pomeroy	Thurman
Lewis (CA)	Porter	Tiahrt
Lewis (KY)	Portman	Torkildsen
Lightfoot	Poshard	Torres
Lincoln	Pryce	Upton
Linder	Quillen	Volkmer
Livingston	Quinn	Vucanovich
Longley	Radanovich	Waldholtz
Lucas	Ramstad	Walker
Luther	Regula	Wamp
Manzullo	Richardson	Watt (NC)
Martini	Riggs	Watts (OK)
McCarthy	Roberts	Waxman
McCollum	Roemer	Weldon (FL)
McCrery	Rohrabacher	Weldon (PA)
McDade	Ros-Lehtinen	Weller
McHugh	Roukema	White
McInnis	Royce	Whitfield
McIntosh	Salmon	Wicker
McKeon	Sanford	Williams
McNulty	Saxton	Wolf
Meehan	Scarborough	Young (FL)
Metcalfe	Schaefer	Zeliff
Meyers	Schiff	

## NOT VOTING—16

Berman	Ford	Rogers
Boehlert	Gonzalez	Taylor (MS)
Brown (CA)	Jefferson	Wilson
Collins (MI)	Maloney	Zimmer
Dingell	Moakley	
Fattah	Peterson (FL)	

□ 1651

Mr. DEUTSCH, Mrs. THURMAN, and Messrs. MEEHAN, NEAL of Massachusetts, and BARRETT of Wisconsin changed their vote from "aye" to "no."

Messrs. PETRI, WALSH, and SANDERS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, as we are taking up the Coast Guard authorization bill we are also taking it up on a day that is truly a dark day in the Coast Guard's history and in America's history. This is a day that the U.S. Coast Guard has joined forces with one of the evil regimes in the world and in world history, the Castro government. The U.S. Coast Guard, who has had such a glorious history over hundreds of years, today escorted people for the first time in American history back to a Communist dictatorship. It truly is a dark day not just in the Coast Guard's history but in America's history.

It is a policy which has never been done before and hopefully will never be done again. There are many of us in

this Chamber and throughout this country who are urging the President to stop this policy. Coast Guard vessels which have been used to save lives for hundreds and hundreds of years, in fact within the last year have saved hundreds of lives, thousands of lives, were used today to bring 13 people back to what we do not know, what might be death, what might be torture. It is totally naive by this administration to believe that those people will not be suffering for their consequences. It defies the logic of history, it defies what we do know. It defies recent history where this Government has continually pointed to the Castro regime as one of the worst human rights abusers in the world, in fact in the history of the world, and yet that is what our Government's resources and our Coast Guard was involved in today.

Now is not the time to particularly reduce Coast Guard authorization for that action. But our hope and I believe again the majority of the Members in this Chamber and a majority of people throughout this country is that this policy will change and will change in short order.

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

Mr. Chairman, I want to respond very briefly to the gentleman from Florida. I am not going to take my 5 minutes, but I feel obliged to at least respond to what he said. I cannot disagree with most of what he said, but since we are now debating the authorization bill for the Coast Guard, I think I need to make it clear to my colleagues that we should not kill the messenger in this case.

The Coast Guard after all is the appropriate agency for implementing the President's policy. Whether or not we agree with the President's policy, that may well be another ball game, but I do not think we can be justified in pointing accusatory fingers to the Coast Guard for taking its part in repatriating those Cubans back to Cuba.

I am advised that those Cubans who were picked up by the Coast Guard from a cruise ship have been aboard a Coast Guard cutter since that day, which I think was last Thursday, and the repatriation process is going on now.

I just want to insert my oars in the water, Mr. Chairman, on behalf of the Coast Guard. I do not disagree with what the gentleman from Florida said, but I think it needs to be made clear that the Coast Guard is merely implementing the President's policy.

AMENDMENT OFFERED BY MR. ROTH

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

Mr. DEFAZIO. Mr. chairman, I had risen previously and I am a member of the committee. What is the procedure here. I have an amendment at the desk.

The CHAIRMAN. The Chair has recognized the gentleman from Wisconsin already, and as a committee member, the gentleman from Oregon will be recognized next.

Mr. COBLE. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from North Carolina reserves a point of order on the amendment.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROTH: At the end of title IV (page 43, after line 13), add the following new section (and amend the table of contents accordingly):

**SEC. . LIMITATION ON FEES AND CHARGES WITH RESPECT WITH RESPECT TO FERRIES.**

The Secretary of the department in which the Coast Guard is operating may not assess or collect any fee or charge with respect to a ferry. Notwithstanding any other provision of this Act, the Secretary is authorized to reduce expenditures in an amount equal to the fees or charges which are not collected or assessed as a result of this section.

Mr. ROTH. Mr. Chairman, we have too many laws in our country, too many taxes that do not make sense, and that is the purpose of this amendment. Ferry boats provide not only essential transportation but for many purposes they are the only form of public transportation to many places.

□ 1700

Mr. Chairman, we are debating an issue here today that is affecting the lives of many people in our country, and that is why I think it is important for us to give due deliberation to these amendments.

Ferry boats are really the lifeline to many communities. Now, under U.S. law, the Coast Guard is allowed to exempt a ferry boat from paying taxes if it is determined to be of a public interest.

In my home State of Wisconsin, ferries are considered public, so public that the public service commission regulates them.

The only way to get to Washington Island, for example, in my district, which is off of the coast of the beautiful Door County area in Wisconsin, you have to go by ferry. This island is inhabited by some 650 residents year around, many more in the summer. The only way to get to the island is by ferry boat.

These boats are the lifeline to the community. They take care of the ambulance service, mail service, groceries, fuel and heat.

Now, citizens rely on ferries all over the United States. So this is not only affecting Wisconsin, this is affecting many, many areas in your States also.

During one of the many destructive floods on the Mississippi, for example, many families and towns relied on the ferries to get them to the hospital and to safe shelter. When San Francisco, for example, the Golden Gate Bridge, for example, was damaged by an earthquake, the bay area relied on ferry boats.

If these new destructive taxes go into effect, as scheduled on May 1, one ferry

boat operator, for example, on the Washington Island line will be penalized by some \$5,175, that is over \$5,000.

When this amendment goes into effect, what it will do is return some fairness, and that is all I am asking. I am asking that the Congress consider this as a public service.

Let us not tax these people to death. Let us not choke off this vital lifeline from Door County to Washington Island.

As I say, this is not the only area in the country, but there are many areas like this, and I ask the Members to approve this amendment.

#### POINT OF ORDER

The CHAIRMAN. Does the gentleman from North Carolina [Mr. COBLE] insist on his point of order?

Mr. COBLE. Mr. Chairman, I do.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBLE. First of all, Mr. Chairman, I want to say to the distinguished gentleman from Wisconsin, that much of what he said I am not in disagreement with, but I do not think this is the proper forum, for this reason: I think the amendment offered by the gentleman from Wisconsin [Mr. ROTH] violates section 302(f) of the Budget Act by providing negative budget authority for the fiscal year 1995.

Mr. ROTH. Mr. Chairman, may I be heard on that?

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I realize the gentleman from North Carolina [Mr. COBLE] is probably one of the most gifted lawyers in the House.

I wanted to point out that whenever we cut taxes, it is never in order.

Let me say something: When you read this amendment, and the appropriate statute, you find that the ferry is defined as a public service. Then the tax does not apply.

Also, I want to point out that the second argument is that the amendment gives the Secretary the authority to reduce expenditures in the amount equal to the tax not collected.

Therefore, this amendment is in order.

The CHAIRMAN (Mr. DICKEY). The Chair is prepared to rule. Based on the last argument from the gentleman from Wisconsin, that the record new budget authority would be offset, the Chair holds that the amendment is in order.

Mr. ROTH. Well, I thank the Chair very much, and I ask for an affirmative vote.

The CHAIRMAN. That ruling is based on the last sentence of the amendment.

Are there other Members who wish to be heard on the amendment?

If not, the question is on the amendment offered by the gentleman from Wisconsin [Mr. ROTH].

The amendment was agreed to.

#### AMENDMENT OFFERED BY MR. DEFAZIO

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

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO: At the end of title I, add the following new section:

#### SEC. . LIMITATION OF USE OF AMOUNTS TO CLOSE MULTIMISSIION SMALL BOAT STATIONS.

Amounts appropriated under the authority of this Act may not be used to close any multimission small boat station unless the Secretary of Transportation determines that the closing will have less negative impact on maritime safety than the elimination of Coast Guard administrative aircraft.

Mr. DEFAZIO (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 Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, during the Traficant amendment, the issue was raised that we should not ask the Coast Guard to go back to the well; they could not find the few million dollars necessary to keep those 23 small boat lifesaving stations open. As I pointed out, it is one-tenth of 1 percent of the budget.

But since we did not want to mandate that the Coast Guard return to their budget and apply a magnifying glass, I decided, if the Traficant amendment failed, to offer one of my own and help them out.

I referred to a report of the Government, of the Department of Transportation and the Office of the Inspector General, and in regard to the transportation activities of the U.S. Coast Guard, in particular, my amendment goes to one part of those transportation activities; that is, the private jet of the Commandant of the Coast Guard of the United States.

For the last year for which they have figures, the private jet utilized by the Commandant of the Coast Guard of the United States and others cost the Coast Guard \$3,363,263, more money than is necessary to keep those 23 small boat life-saving stations open.

So the decision before this Congress is: Should we maintain a private jet which has been utilized by the Secretary of the Department of Transportation? He also has private jets in other parts of his budget and can also utilize the private jets at Andrews Air Force Base, and the Commandant of the Coast Guard, who used it about half the time, vice commandant, area commanders, other Coast Guard personnel, and surprise, surprise, Members of the U.S. Congress utilized the private jet of the Commandant, of the Coast Guard for an estimated \$323,385 last year.

So is it better that we spend \$323,385 ferrying Members of Congress around in the Commandant's private jet, or we save people who are drowning off the coast of Michigan and the Great Lakes and off the coast of Massachusetts and New Jersey?

I think that in these days where we are asking people to cut to the bone, and in these days when Congress is cut-

ting back on its privileges, how can it justify a private jet which is used for Members of Congress, other people, and about half the time for the Commandant of the Coast Guard?

I, as one Member of Congress, would be quite willing to pony up a bunch of my frequent flier miles so the commandant would never have to fly in coach. He could always fly first class. Now, I am sure it is not going to be the same as a private jet. If there was an emergency and he needed a private jet, he could go to Andrews Air Force Base, where they maintain about 40 private jets for bigwigs in the military, and I am certain they would let him use one.

So why do we have private jets in the Coast Guard, private jets in the Highway Department, private jets in other agencies of the Federal Government, and then a whole bunch of private jets in the military? If we are going to keep private jets to ferry around Members of Congress and other bigwigs, let us get more efficient, put them all in one place. Let us operate them all out of Andrews Air Force Base.

This amendment is very simple. It would say the Secretary of Transportation would have to decide what is more important to the lifesaving mission of the Coast Guard: a private jet for the Commandant of the Coast Guard of the United States, others, including Members of Congress, or the 23 small boat lifesaving stations?

I think that many Members would join me in determining that in times where we have to cut back, we should make the cuts in the areas where it hurts least, and I think cutting private jets for Members of Congress and the Commandant of the Coast Guard would be, in this case, by most Americans considered to be a better cut than cutting 23 small boat lifesaving stations.

I do not believe that a person treading cold water off Nantucket Island or in the northern part of the Great Lakes or off the Oregon coast should have to wait 40 minutes to an hour for a Coast Guard rescue. I would rather the brass in the Coast Guard and Members of Congress waited 40 minutes for a commercial jet at National Airport.

Again I would be happy to contribute some of my mileage upgrades so none of those people will have to fly in coach.

Mr. COBLE. Mr. Chairman, I rise in opposition to the amendment.

I am not sure I follow the amendment offered by the gentleman from Oregon. Maybe it is very cleverly drafted, or, in any event, I am not with it.

But I am going to have to oppose this. Much of this is what we discussed on the last amendment regarding the fact, folks, that I think the Coast Guard needs to have some flexibility as it conducts its self-assessment, streamlining program.

Now, some of my Democrat friends earlier were, tongue-in-cheek, and I did not object to this, were admonishing me for signing off on the administration's proposal.

Well, the Secretary of Transportation, whom I do not know well, and perhaps my friends on the other side may well know him better than I, but he had no problem at all with extending to the Commandant of the Coast Guard the flexibility to determine what stations are to be downsized, and as far as the jet, that obviously is a part of the Coast Guard air fleet.

I urge the defeat of the amendment submitted by the gentleman from Oregon.

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

Mr. COBLE. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, the amendment does not mandate that the Secretary of Transportation delete the private jet for the Commandant of the Coast Guard and Members of Congress. It merely says that the Secretary of Transportation must determine what is more important to the maritime safety of this Nation, private jet for the Commandant of the Coast Guard, Members of Congress and others, or 23 small boat lifesaving stations.

I think that we are just sending the issue back to Secretary Pena for another look, because I think perhaps, hopefully, his mind was not clouded by his two private jet trips the Commandant provided last year for \$55,000, and hopefully he would look at this objectively and determine we do not need that private jet. It is a luxury jet. It is a personal aircraft. It is not a member of the fleet. It is not used for strategic or military purposes.

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

Mr. Chairman, I just want to commend my colleague from Oregon for proposing this amendment.

As the gentleman from North Carolina [Mr. COBLE] said, in terms of the background of it, it is very similar to the previous amendment, but I do want to commend the gentleman from Oregon [Mr. DEFAZIO], because he has, in effect, identified a source of funding in the Coast Guard to pay for us keeping open these small boat stations.

As was mentioned by some of the speakers in the debate on the Traficant amendment, this is really a question of priority. We all know we have a limited amount of funds and that we have to prioritize where we spend those funds. But the gentleman from Oregon [Mr. DEFAZIO] is saying the priority should be on saving lives and keeping open those Coast Guard stations which over the years have generated support not only with Coast Guard and Federal money but other auxiliary moneys and volunteer efforts to continue the search and rescue operations and the other things that the Coast Guard is involved with.

It certainly makes sense, in my opinion, to eliminate a private jet, clearly something that is frivolous and not needed. There have to be other ways the Commandant can go about traveling from one place to another and save

the money by striking that item from the budget.

Now, I know the amendment does not go so far as to actually mandate that be done. I personally would not have a problem with that, but what he is saying is he is setting forth the Coast Guard has to make a decision and decide which is the higher priority.

I think there are very few of us that think that eliminating the jet and keeping these stations open is not a higher priority. I support the amendment, and I commend the gentleman from Oregon for bringing this option to the floor of the House.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my colleague from Oregon knows full well what kind of service the Coast Guard provides to our fishermen on the coast of Oregon. We are in a very dangerous water.

The small boat stations are extraordinarily important to not just fishermen but also to the people who are on their own boats on the coast.

It shocks me, Mr. Chairman, to find out that there is this private jet available, and the cost saving of the amendment offered by the gentleman from Oregon [Mr. DEFAZIO] is extraordinarily sensible.

We have to, in this Congress, be honest when we say we believe in cost cutting. We have to say what we are going to cut and what we are not going to cut. It is no good saying we are going to be fiscally responsible and cut budgets if, in fact, we are cutting things that are so vital to our own citizens.

Mr. Chairman, I cannot tell you how important those Coast Guard stations are to the people of Oregon and the people of Washington, and it is a great favor for me to serve with the gentleman from Oregon [Mr. DEFAZIO], who understands that, too.

Let us cut this jet. Let us make sure the Secretary of Transportation knows what transportation is important to the country and to the people of this great Nation.

I really support and encourage my colleagues to support this amendment.

□ 1715

Mr. TRAFICANT. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I do not have a Coast Guard mini boat station in my district, and I did not really have a dog in the fight as far as losing any jobs, if that is the argument being taken, and I supported the efforts the gentleman from Oregon [Mr. DEFAZIO] and the gentleman from New Jersey [Mr. PALLONE] and others because, quite frankly, I thought they were right. I support this amendment, and I want to commend the gentleman from Oregon [Mr. DEFAZIO].

The last time the Congress of the United States allowed for closings of small boat stations, the gentleman from Oregon [Mr. DEFAZIO] lost five lives of his constituency. Now I do not think the amendment is going to pass.

I say to the gentleman, "I am going to support your amendment, but I believe the Congress of the United States today has done something in concert with actions that have been much too often taken in this hall. Congress continues to pass the authority of governance to the White House, and the Congress of the United States in many cases is not being conferred with. Mr. DEFAZIO, I think you have made a valiant effort. You have certainly brought forward the issue, and nobody has done it better than you have, and you and Mr. PALLONE deserve a tremendous amount of credit for it. I'm going to support your amendment; I hope it passes."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

The amendment was rejected.

AMENDMENT OFFERED BY MR. HOEKSTRA

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

The Clerk read as follows:

Amendment offered by Mr. HOEKSTRA: Page 7, strike lines 12 and 13 and insert the following:

**SEC. 104. ENSURING MARITIME SAFETY AFTER CLOSURE OF SMALL BOAT STATION OR REDUCTION TO SEASONAL STATUS.**

Page 7, line 14, before "None of the funds" insert the following: "(a) MARITIME SAFETY DETERMINATION.—"

Page 7, after line 18, insert the following:

(b) TRANSITION PLAN REQUIRED.—None of the funds appropriated under the authority of this Act may be used to close or reduce to seasonal status a small boat station, unless the Secretary of Transportation, in cooperation with the community affected by the closure or reduction, has developed and implemented a transition plan to ensure that the maritime safety needs of the community will continue to be met.

Mr. HOEKSTRA (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. HOEKSTRA. Mr. Chairman, representing a district that you are well aware of; I understand you have a summer residence in west Michigan; you appreciate the beauty of the west Michigan shoreline. We are also very aware of the critical role that the Coast Guard plays in ensuring the safety of boaters and residents in my district. I do believe that it is necessary for the Coast Guard to streamline their operations, to be both efficient and cost effective, and also to represent the changing nature of their mission.

However, I do not believe this should come at the cost of safety.

As a Representative of a district that lines the coast of west Michigan, I am well aware of the essential role the Coast Guard plays in ensuring the safety of boaters and residents in my district. While I believe that it is necessary for the Coast Guard to streamline their operations to be both efficient and cost effective, I do not believe that this should come at the



cost of safety. H.R. 1361 already states that the Coast Guard cannot close a station until the Secretary of Transportation can certify that the action will not have a detrimental impact on public safety.

My amendment would add to this provision, stating that before the Coast Guard can close a small boat unit, they will have to work in cooperation and consultation with the affected communities in developing a transition plan that ensures that the safety needs of that community are being met.

By pulling in the community, the Coast Guard will hear the inputs and proposals from the people that are affected by their decisions and a healthy dialog can take place about possible alternative solutions. The Coast Guard has already informally agreed to this procedure but has failed to take action on it. My amendment will make communication with the communities a requirement before a closing can occur. Through this dialog, communities can work with the Coast Guard so that both parties will be comfortable with the end result.

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

Mr. HOEKSTRA. I yield to the gentleman from North Carolina.

Mr. COBLE. I apologize to the gentleman for interrupting, but I think I am correct that the gentleman from Ohio [Mr. TRAFICANT], his staff and my staff have signed off on this amendment of the gentleman from Michigan [Mr. HOEKSTRA], and we will accept the amendment.

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

Mr. HOEKSTRA. I yield to the gentleman from Ohio.

Mr. TRAFICANT. We have no opposition to the amendment, however, the amendment is going to make everybody feel good. However, we have no opposition.

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

Mr. CASTLE. Mr. Chairman, I rise in support of the Hoekstra-Castle amendment.

The Coast Guard has proposed closing 23 bases and reducing 13 bases to seasonal subunit status.

Many bases are outdated or inefficient. The intent of the amendment is not to oppose base restructuring—but to elevate community participation in the planning process.

In Delaware, the Coast Guard has proposed closing the station at Roosevelt inlet and reducing the station at Indian River to seasonal duty.

As you may know, the Commandant of the Coast Guard recently indicated they intend to prepare transition plans for communities affected by base closure. This amendment supports and expands on this promise.

The Hoekstra-Castle amendment requires the Coast Guard to:

First, work in cooperation with communities affected by base closures or base reduction to seasonal duties.

Local communities should be active participants in the policy making process.

Currently, Coast Guard plans do not necessarily include any further consultation with local communities.

Second, develop a transition plan to ensure safety needs are met.

Currently, transition plans will not be prepared for bases reduced to seasonal duties. The amendment requires transition plans for both base closures and reductions to seasonal subunit status.

A written plan will better identify the roles, responsibilities, and requirements necessary for a safe and smooth transition.

It is important to note that this amendment does not increase costs.

The Congressional Budget Office has indicated that the amendment will not change the scoring of the bill.

The base restructuring initiative will still save \$6 million.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NADLER

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

The Clerk read as follows:

Amendment offered by Mr. NADLER: At the end of title IV (page 43, after line 13), add the following new section (and amend the table of contents accordingly):

**SEC. . TRANSITION FOR CIVILIAN PERSONNEL UNEMPLOYED DUE TO CLOSURE OR REALIGNMENT OF COAST GUARD INSTALLATIONS.**

(a) ELIGIBILITY FOR RETIREMENT.—A civilian employee of the Coast Guard assigned to the Coast Guard installation located at Governor's Island, New York, who becomes unemployed as a result of a closure or realignment of that installation and who would have been eligible for retirement within 5 years after becoming unemployed shall be eligible for full retirement benefits.

(b) ELIGIBILITY FOR REEMPLOYMENT.—For purposes of seeking new employment, the authorized geographic area of a civilian employee of the Coast Guard assigned to the Coast Guard installation located at Governor's Island, New York, who becomes unemployed is deemed to be all United States Coast Guard installations located in the United States.

Mr. NADLER (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 New York?

There was no objection.

Mr. COBLE. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. COBLE] reserves a point of order on the amendment.

The gentleman from New York [Mr. NADLER] is recognized for 5 minutes in support of his amendment.

Mr. NADLER. Mr. Chairman, this amendment does two things with respect to the Coast Guard base on Governors Island. The Coast Guard base on Governors Island has been there since the Revolutionary War and is the largest Coast Guard base anywhere in the United States.

The amendment, as I said, does two things. It permits civilian employees who work at the Governors Island base in my district to compete for available jobs at bases anywhere in the country

should their jobs be eliminated because of closure or relocation of the Governors Island base, which closure would eliminate approximately 600 Federal civilian positions. These hardworking people under current law would not be allowed to follow their work if it were relocated elsewhere in the country because their authorized geographical area within which they are entitled to follow the work is limited to New York, and there are no Federal Coast Guard jobs left in New York, and if the Governors Island base is relocated to, for example, Virginia or Florida, under current regulations these civilian employees would not be allowed to pursue those new positions. So the first thing the amendment does is permit them to do so.

The second thing the amendment would do would be to permit civilian employees currently working at the Governors Island base who are within 5 years of retirement to become eligible for full retirement benefits if they are displaced as a result of the base closure. This amendment would affect, this provision, affects, approximately 43 people who are within 5 years of retirement and would not otherwise be eligible for retirement benefits, and I would be pleased to support colleagues in offering the same protections with civil employees who work at other Coast Guard bases that may be closed or realigned. These people have loyally served the Coast Guard and have loyally served our country for over a decade and should not be cast aside when the Government goes on doing its business. If the base closes, they will not have the opportunity to work at all to earn full time retirement benefits because there are no Federal jobs in the area. The civilian men and women at the Governors Island installation have worked hard, they have played by the rules, they should be treated fairly, and that is what this amendment in both its provisions does, and, therefore, I ask for the enactment of this amendment.

**POINT OF ORDER**

The CHAIRMAN. Does the gentleman from North Carolina [Mr. COBLE] persist in his point of order?

Mr. COBLE. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBLE. It is my belief, Mr. Chairman, that the amendment from the distinguished gentleman from New York [Mr. NADLER] violates section 401(b)(1) of the Budget Act of 1974. It provides new entitlement authority for the current fiscal year.

The CHAIRMAN. Does the gentleman from New York [Mr. NADLER] wish to be heard?

Mr. NADLER. I await the ruling of the Chair.

The CHAIRMAN. Mr. DICKEY. The Chair is ready to rule.

The gentleman from North Carolina makes a point of order under section 401-B of the Congressional Budget Act

that the amendment offered by the gentleman from New York provides new entitlement authority effective during fiscal year 1995 on a bill reported to the House in calendar year 1995.

The Chair finds that amendment offered by the gentleman from New York provides new entitlement authority in the form of public retirement benefits. The Chair also finds that the new entitlement authority would be effective on the date of enactment of the bill. Finally, the Chair is constrained to contemplate immediate enactment of the bill.

Accordingly, the Chair holds that the amendment of the gentleman from New York fails to comply with section 401-B of the Budget Act. Accordingly, the point of order is sustained.

Are there any other amendments?

AMENDMENT OFFERED BY MR. NADLER

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

The clerk read as follows:

Amendment Offered by Mr. NADLER: At the end of title IV (page 43, after line 13), add the following new section (and amend the table of contents accordingly):

**SEC. . PROCEDURES AND REQUIREMENTS FOR CLOSURE OR REALIGNMENT OF COAST GUARD INSTALLATIONS.**

The Secretary of the department in which the Coast Guard is operating may not close or realign any Coast Guard installation except in accordance with procedures set forth in Public Law 101-510.

Mr. NADLER (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 New York?

There was no objection.

Mr. NADLER. Mr. Chairman, this amendment provides that the Secretary may not close or realign any Coast Guard installation except in accordance with the procedures set forth in Public Law 101-510, which is to say except in accordance with the procedures utilized by the Base Closure Commission. This amendment would ensure that decisions regarding which installation of the Coast Guard may be closed in the future would be fair and impartial by requiring they be made according to the procedures that we have established for the Defense base closure and realignment by the Defense Base Closure and Realignment Act. We have established an independent commission to determine military base closures. This has achieved its purpose of providing a fair process that preserves the national interests and safety while affording fairness to affected regions. The same procedure is equally relevant and necessary if we are going to embark upon a course of closing Coast Guard installations to ensure a good Federal policy and fairness to different regions.

Mr. Chairman, as we streamline Government, we must maintain maritime safety, and we should use fair and impartial procedures to determine which

Coast Guard bases are appropriate to close or realign, and I believe that the existing Base Closure and Realignment Commission could undertake this additional duty without a greater additional cost. So I submit this amendment, and I ask its enactment.

Mr. COBLE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. NADLER].

Mr. Chairman, this amendment offered by the gentleman from New York [Mr. NADLER] would not allow the Coast Guard to close or realign any Coast Guard installation except in accordance with the procedure of the Base Closing Act, and I say to the gentleman, "Mr. Nadler, I may be mistaken, but I don't believe the Base Closing Act extends its jurisdiction to Coast Guard facilities, No. 1, and, No. 2, I want to reiterate again, I favor giving the Coast Guard the flexibility to deal with search and rescue station closures, to reallocate resources appropriately, and I think that what the gentleman from New York is doing now is to, perhaps, attempt to do indirectly what has been failed earlier today."

I therefore, Mr. Chairman, oppose the amendment.

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

Mr. Chairman, I commend the gentleman for his efforts, but I reluctantly, too, have to oppose this amendment.

Let me say this amendment would, in fact, place jurisdiction subject to this committee into a whole other legislative jurisdictional authority and would complicate severely the business at hand by our committee to provide such jurisdiction over the Coast Guard.

I am willing to work with the gentleman on the problems that he has, but I believe with this, and I have to agree with the chairman, it would not be in the best interests of the Congress and this committee, and, with that I reluctantly—

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

Mr. TRAFICANT. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I appreciate the sentiment expressed by the gentleman from Ohio [Mr. TRAFICANT] in his willingness to work with me in seeking to attain the aim of fairness and adequate consideration of closure of major facilities, and I must say that I did not intend this amendment, Mr. COBLE, to apply to small boat stations. I had in mind major facilities such as the Coast Guard station on Governors Island and other such major facilities which are really analogous to major military bases and, I think, should get analogous treatment, and I certainly would not want to tamper with the committee's jurisdiction, the jurisdiction of the committee on which I sit.

So I would look forward to working with the gentleman from North Carolina [Mr. COBLE] and the gentleman from Ohio [Mr. TRAFICANT] to work out this question to afford a fairer way of

determining which major installations should be closed, if any, in a fair and impartial manner and with the assurances that they would be willing to work on this.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from New York [Mr. NADLER] is withdrawn.

There was no objection.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. TAUZIN

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

The Clerk read as follows:

Amendment offered by Mr. TAUZIN: At the end of title IV (page 43, after line 13), add the following new section (and amend the table of contents accordingly):

**SEC. . AMOUNT OF FEE FOR INSPECTION OR EXAMINATION OF SMALL PASSENGER VESSELS.**

(a) AMOUNT OF FEE.—Section 2110 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(k) The amount of any fee under this title for inspection or examination of a small passenger vessel may not exceed—

"(1) in the case of a vessel under 65 feet in length, \$300; or

"(2) in the case of a vessel 65 or more feet in length, \$600."

(b) INCREASE IN FEE.—The Secretary of the Department in which the Coast Guard is operating shall increase the amount of the fee charged by the Coast Guard for inspection or examination of large, luxury foreign-flag cruise ships under title 46, United States Code, in an amount adequate to offset any reduction in the total amount received by the United States in the form of such fee as a result of the amendment made by subsection (a).

Mr. TAUZIN (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 Louisiana?

There was no objection.

□ 1730

POINT OF ORDER

Mr. COBLE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBLE. Mr. Chairman, I believe the gentleman from Louisiana has offered an amendment that violates rule XXI, clause 5(b), because the increase of fees to foreign cruise vessels is not related to the cost of providing the service of the Coast Guard. It is not related to the cost of providing the service of Coast Guard inspections, and this, therefore, Mr. Chairman, is no longer a fee but a tax.

The CHAIRMAN. Does the gentleman from Louisiana wish to be heard on the point of order?

Mr. TAUZIN. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, the amendment provides for capping the fees that are assessed for inspecting small vessels at

\$300 and \$600, more closely related to the actual cost of inspecting these small vessels, and requiring the Coast Guard instead to assess, whenever the money is required to cap, these fees on the larger foreign cruise ships.

The problem is, of course, a budget one. We cannot put a cap on the fees on the low end unless we provide for collection of those same amounts on the high end of the scale.

The problem is that there is a tax in this bill. The tax is on the small boat owners. Mr. Chairman, I want to point out two things to you: The first is that under the current fee schedule small boat owners are being ripped apart. In many cases the cost of inspection bears no relationship whatsoever to the time spent by the Coast Guard in inspecting those vessels.

Let me illustrate for you. In Louisiana, Mr. and Mrs. Torres operate a small swamp tour boat, 25 feet in length. It is a small boat. They take passengers out to look at alligators. Twenty-five in length.

The Coast Guard says that they are charging \$87 an hour to inspect the vessels. But the Torreses, who went through an inspection that took less than an hour, it should not have taken more than that, were billed for \$545 of expenses for that inspection under this fee schedule.

In Galliano, LA, Mr. Jimmy Martin has three boats 85 feet in length. One of those boats was inspected for a total of one hour. He was not charged \$87; he was charged \$1,135. A similar case with Mr. Earl Griffin of Larose, LA, one of three boats inspected, each one 110 feet in length; the inspection took a little over 2 hours, \$1,135.

If there is a tax in this bill, it is a horrible confiscatory tax on small boat owners. But that is not the only problem. The other problem is that recently the Coast Guard initiated a program called streamlined inspections. Now, under that program, if you have a great safety record, if your record in the boat business is so spotless, you are allowed to self-inspect and to self-certify to the Coast Guard that you meet all these criteria. That is a new program initiated to save people money, to save the Coast Guard the trouble and time of inspection, to just inspect the boats that need inspection, in effect.

Guess what? The Coast Guard is charging those boat owners the same price they charge other boat owners who they have to go out and inspect. They are calling it a cost of overseeing the self-inspection program.

This is a mess, Mr. Chairman. The Coast Guard user fee is using people all right. It is using them to death. And I suggest this amendment is vital and needs to get passed.

The gentleman says we are raising a tax by reallocating these user fees. We are not raising a tax. All we are doing is stopping this awful confiscatory tax on the smaller boat owners. What this amendment says is that the inspection

fees ought to be capped at something reasonably related to the real cost and the time of inspection: \$300 for a boat under 65 feet, \$600 for a boat over 65 feet. That makes sense. For the Coast Guard to assess a \$1,135 fee for less than an hour's worth of inspection, to assess a fee on those who self-inspected under a good-faith streamlined policy provision we adopted last year, is ridiculous.

Mr. Chairman, we ought to pass this amendment. You ought to rule against this point of order if for no other reason than the amendment makes such good sense.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. TRAFICANT. Mr. Chairman, I understand the position taken by the chairman of the subcommittee, and because of the tax implications I believe there probably exists technical points that speak to sustaining this point of order.

But I would like to make this statement in lieu of that, and I believe that the gentleman from Louisiana [Mr. TAUZIN] is a very valuable Member of this Congress. I believe he struck on a point here that deserves the concerns of our committee. I would like to ask the chairman if in fact this is stricken by a point of order because of those technicalities, the Budget Reconciliation Act of 1990 did allow for an opportunity to exist that does fit into this strategy that is offered by this legislation, perhaps we could visit that issue and see if we can mitigate some of those problems, because I think Mr. TAUZIN makes an awful lot of sense.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. COBLE. Mr. Chairman, I will be very brief. I think the gentleman from Ohio [Mr. TRAFICANT] raises a good point. I think the gentleman and the gentleman from Louisiana [Mr. TAUZIN] and I can visit this and perhaps bring the appropriate Coast Guard officials to the table. If what the gentleman from Louisiana [Mr. TAUZIN] says is accurate, and I have no reason to doubt it, some redress is in order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. DEFAZIO. Mr. Chairman, I am a bit puzzled as to how we can rule that the Coast Guard, in levying a confiscatory tax—that is, a boat operator in the southern part of my district last year was assessed one fee for five boats, and this year was assessed, because the Coast Guard person had to travel there, he did not think that was unreasonable, this year he was assessed five fees for the five boats as though five separate trips had been made and those were done in one trip. I am a bit puzzled how it can be that we are confronted with a confiscatory tax, which has been unilaterally imposed by the Coast Guard, and yet in this case when we are attempting—but it is being justified as a user fee—when we are at-

tempting to adjust the user fee under the gentleman's amendment, we are determining it is a tax and we are out of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

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

Mr. HOYER. Mr. Chairman, I rise in strong support of the amendment offered by the distinguished gentleman from Louisiana [Mr. TAUZIN]. I would hope that my friend from North Carolina would reflect upon his raising of this point of order.

I have for a long time been expressing my own concerns about the proposed user fees for inspection and examination of commercial vessels. The final rule was issued by the Department of Transportation on March 18. Despite the fact that the department spent 3.5 years on this rulemaking, I do not believe that it has adequately addressed the concerns of the small businesses. In February 1992 as the department began the rulemaking process, I, and others, expressed concerns to the Subcommittee on Coast Guard and Navigation about user fee proposals that were disproportionately high for small vessel operators.

The gentleman from Louisiana [Mr. TAUZIN], from his own constituency in Louisiana, has mentioned fees that went over \$1,000 for the inspection of small vessels. Small business cannot tolerate, that.

Over the past few years this has continued to be a priority for me and I know for the committee. It certainly has been a priority, Mr. Chairman, for many of the charter boat operators in my own State of Maryland and my district. My district, as the gentleman knows, is bordered by the Chesapeake Bay and the Potomac River, two of the great waterways of our country, and there are many small vessels in southern Maryland that are owned and operated by small businesses. Some are family operations, as the gentleman from North Carolina [Mr. COBLE] knows, that have passed down through the generations.

Mr. Chairman, it makes sense to limit the amount that these small businesses and family-operated operations would pay for their inspections. We are not against inspections, but we want to have a reasonable fee to effect them.

On May 2, I joined with the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Maryland [Mr. GILCHREST], and the gentleman from New Jersey [Mr. LOBIONDO] in reiterating our concern about this issue. In a letter to the gentleman from North Carolina [Mr. COBLE], we noted the Coast Guard has indicated its fee for inspection is about \$87 an hour. Mr. TAUZIN has referenced how quickly that \$87 becomes \$587 and then \$1,087. Yet small vessel operators are being

asked to pay hundreds of dollars for inspections that take less than 1 hour.

I regret the committee did not address this issue. The chairman happens to be a very close friend of mine, and I have great respect for him. I know he cares about this issue. I know that he feels constrained under the rules to raise this point of order, but, Mr. Chairman, if you have to press the point of order, and I would hope you might reconsider, but if you cannot reconsider, I certainly would hope very seriously that you would take the recommendation of my friend from Ohio [Mr. TRAFICANT], and that we pursue this vigorously, so that in the very near future, on one bill or another, we can fix this.

We talk about small businesses, we talk about decreasing regulation, we talk about cutting taxes. Here is a specific example of where we are driving small businesses out of business, family-owned sole proprietorships out of business, because they cannot pay it. This is almost confiscatory.

Mr. Chairman, I want to join with Representative TAUZIN in expressing my concern about the proposed user fees for inspection and examination of commercial vessels.

The final rule was issued by the Department of Transportation on March 18. Despite the fact that the department spent 3½ years on this rule-making, I do not believe that it has adequately addressed the concerns of small businesses.

In February 1992, as the department began the rulemaking process, I expressed concern to the Subcommittee on Coast Guard and Navigation about user fee proposals that were disproportionately high for small vessel operators.

Over the past few years, this has continued to be a priority for me and many of the charter boat operators in my district. Maryland's Fifth Congressional District is bordered by two of our Nation's great waterways—the Chesapeake Bay and the Potomac River.

I regret that the committee did not address this issue in the reauthorization bill. I support the concept of asking those who rely on the Coast Guard to help pay for its services and I remain strongly committed to the Coast Guard's safety inspection program. However, Mr. Chairman, I do not believe that we can ask small vessel operators to pay more than their share.

Mr. TAUZIN's amendment places a cap on fees to ensure that they are not excessive. I commend him for bringing this issue to the floor and I hope that all Members will recognize the importance of protecting charter boat and other small vessel operators.

On May 2, I joined with Representatives TAUZIN, GILCHREST, and LOBIONDO in reiterating our concern about this issue. In a letter to Chairman COBLE, we noted that the Coast Guard has indicated that its fee for inspections is about \$87 per hour. Yet small vessel op-

erators are being asked to pay hundreds of dollars for inspections that take less than an hour.

There are many small vessels in southern Maryland that are owned and operated by small businesses. Some are family operations that have passed down through the generations.

Mr. Chairman, it makes sense to limit the amount that these small businesses would pay for their inspections.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. COBLE] wish to be heard further on the point of order?

Mr. COBLE. Mr. Chairman, I may be twisting it procedurally, but let me plow along.

Mr. Chairman, what I would say to my friend, the distinguished gentleman from Maryland [Mr. HOYER] is this: I feel obliged to insist upon my point of order. But I commend my friend, the gentleman from Youngstown, OH [Mr. TRAFICANT], and my friend from the Bayou, the gentleman from Louisiana [Mr. TAUZIN], did not hear me when I said this earlier, but I said in response to what the gentleman from Ohio [Mr. TRAFICANT] said, if what you indicate is true, and I have no reason to doubt it, redress is needed. This needs to be corralled.

I would say to the gentleman from Maryland [Mr. HOYER], assuming I got a favorable ruling from the Chair, we will make that happen as far as getting with the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Ohio [Mr. TRAFICANT], and I, and hopefully pursue a course that will be beneficial.

Mr. HOYER. If the gentleman will yield, I thank him for his consideration. I know all of us would. I thank the chairman for his consideration. I would hope that we did not have the point of order. Again, if we feel we have to do that, I am pleased we will pursue it in another forum.

The CHAIRMAN (Mr. DICKEY). The Chair is prepared to rule.

The gentleman from North Carolina makes a point of order against the amendment offered by the gentleman from Louisiana on the ground that it carries a tax measure in a bill reported by a committee—the Committee on Transportation and Infrastructure—not having jurisdiction to report tax measures, in violation of clause 5(b) of rule XXI.

Current law authorizes the collection of certain user fees to cover the costs to the Coast Guard of various vessel inspections. The amendment offered by the gentleman from Louisiana proposes to limit some of those fees and, as an offset, to increase another such fee. In doing so, the amendment destroys the character of the increased levy as a user fee.

By increasing the fee charged by the Coast Guard for inspecting large, luxury, foreign-flag cruise ships by whatever amount is necessary to offset specified reductions in the fees charged for inspecting other vessels, the

amendment attenuates the relationship between the amount of the increased fee and the cost of the particular government activity for which it is assessed.

Under the precedents recorded in section 846b of the House Rules and Manual, a fee that is calculated in an amount that is not merely commensurate with the cost of the governmental activities that the class of assessed parties make necessary, but instead is collected as a proxy for general revenue financing of general governmental activity of broader benefit, may constitute a tax or tariff within the meaning of clause 5(b) of rule XXI.

The Chair finds that the proposed increase in the fee charged for inspecting cruise ships overcollects for the costs of the governmental activities occasioned by the parties on whom it is assessed to such a degree that it is properly characterized as a tax or tariff under the rule.

Accordingly, the point of order is sustained.

□ 1745

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

Mr. Chairman, I particularly want to address these comments to my good friend, the gentleman from North Carolina [Mr. COBLE], with whom I have worked many, many years on Coast Guard matters and for whom I have the deepest personal high regards.

I wanted to first of all commend him for recognizing the serious problem and for his commitment to work with me and others to see if we cannot address it in this or some other forum. This bill is not finished. It goes to the Senate. It goes through a conference, and there may be an opportunity somewhere along the way for us to fix this mess. It may be that we have to do it in some other bill.

I want to commend the gentleman for working with me. I would encourage him to hold a hearing so we can hear from people around the country about the real effects of this fee schedule.

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

Mr. TAUZIN. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, I say to the gentleman from Louisiana, I thank him for that. I can pretty well assure the gentleman that the gentleman from Ohio [Mr. TRAFICANT] and I and perhaps others on the subcommittee and full committee will meet with the gentleman. And thinking aloud, I say to the gentleman from Louisiana, a hearing might not be a bad course to pursue. In fact, I think it would probably be a good course to pursue.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman. While I brought up the case of my friend in Kraemer, LA who does the swamp tours, I want to remind Members that not all the alligators in America live in the swamps of Louisiana. This is a bad piece of regulation,

and I think we have got some alligators to deal with until we wrestle it to the ground.

With the gentleman's help, I think we can do it. I thank him for his commitment today on the floor of the House.

Mr. COBLE. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. Are there further amendments to the bill?

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. LATOURETTE) 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. 1361) to authorize appropriations for fiscal year 1996 for the Coast Guard, and for other purposes, pursuant to House Resolution 139, 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 SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COBLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 406, nays 12, not voting 16, as follows:

[Roll No. 309]

YEAS—406

Abercrombie	Barr	Bilirakis
Ackerman	Barrett (NE)	Bishop
Allard	Barrett (WI)	Bliley
Andrews	Bartlett	Blute
Archer	Barton	Boehlert
Armey	Bass	Boehner
Bachus	Bateman	Bonilla
Baesler	Becerra	Bonior
Baker (CA)	Beilenson	Bono
Baker (LA)	Bentsen	Borski
Baldacci	Bereuter	Boucher
Ballenger	Berman	Brewster
Barcia	Bevill	Browder

Brown (FL)	Gephardt	Matsui
Brown (OH)	Geren	McCarthy
Brownback	Gibbons	McCollum
Bryant (TN)	Gilchrest	McCrery
Bryant (TX)	Gillmor	McDade
Bunn	Gilman	McDermott
Bunning	Gonzalez	McHale
Burr	Goodlatte	McHugh
Burton	Goodling	McInnis
Buyer	Gordon	McIntosh
Callahan	Goss	McKeon
Calvert	Graham	McKinney
Camp	Green	McNulty
Canady	Greenwood	Meehan
Cardin	Gutierrez	Meek
Castle	Gutknecht	Menendez
Chabot	Hall (OH)	Metcalf
Chambliss	Hall (TX)	Meyers
Chenoweth	Hamilton	Mfume
Chrysler	Hansen	Mica
Clay	Harman	Miller (FL)
Clayton	Hastert	Mineta
Clement	Hastings (FL)	Minge
Clinger	Hastings (WA)	Mink
Clyburn	Hayes	Molinari
Coble	Hayworth	Mollohan
Coburn	Hefley	Montgomery
Coleman	Hefner	Moorhead
Collins (GA)	Heineman	Moran
Collins (IL)	Herger	Morella
Combest	Hill	Murtha
Condit	Hilliard	Myers
Conyers	Hinche	Myrick
Cooley	Hobson	Nadler
Costello	Hoekstra	Neal
Cox	Hoke	Nethercutt
Coyne	Holden	Neumann
Cramer	Horn	Ney
Crane	Hostettler	Norwood
Crapo	Houghton	Nussle
Cremins	Hoyer	Oberstar
Cubin	Obey	Oberstar
Cunningham	Olver	Obe
Danner	Ortiz	Ortiz
Davis	Orton	Orton
de la Garza	Inglis	Owens
Deal	Istook	Oxley
DeFazio	Jackson-Lee	Packard
DeLay	Jacobs	Parker
Dellums	Johnson (CT)	Pastor
Deutsch	Johnson (SD)	Paxon
Diaz-Balart	Johnson, E. B.	Payne (NJ)
Dickey	Johnston	Payne (VA)
Dicks	Jones	Pelosi
Dingell	Kanjorski	Peterson (MN)
Dixon	Kaptur	Petri
Doggett	Kasich	Pombo
Dooley	Kelly	Pomeroy
Doolittle	Kennedy (MA)	Porter
Dornan	Kennedy (RI)	Portman
Doyle	Kennelly	Poshard
Dreier	Kildee	Pryce
Dunn	Kim	Quillen
Edwards	King	Quinn
Ehlers	Kingston	Radanovich
Ehrlich	Kleckza	Rahall
Emerson	Klink	Rangel
Engel	Knollenberg	Reed
English	Kolbe	Regula
Eshoo	LaFalce	Reynolds
Evans	LaHood	Richardson
Everett	Lantos	Riggs
Ewing	Largent	Rivers
Farr	Latham	Roberts
Fattah	LaTourette	Roemer
Fawell	Laughlin	Rohrabacher
Fazio	Lazio	Ros-Lehtinen
Fields (LA)	Leach	Rose
Fields (TX)	Levin	Roth
Filner	Lewis (CA)	Roukema
Flake	Lewis (GA)	Roybal-Allard
Flanagan	Lewis (KY)	Rush
Foglietta	Lightfoot	Sabo
Forbes	Lincoln	Salmon
Ford	Linder	Sanders
Fowler	Lipinski	Sawyer
Fox	Livingston	Saxton
Frank (MA)	LoBiondo	Schaefer
Frank (CT)	Lofgren	Schiff
Frank (NJ)	Longley	Schroeder
Frelinghuysen	Lowe	Schumer
Frisa	Lucas	Scott
Frost	Luther	Seastrand
Funderburk	Maloney	Serrano
Furse	Manton	Shadegg
Gallegly	Manzullo	Shaw
Ganske	Markey	Shays
Gejdenson	Martinez	Shuster
Gekas	Martinez	Sisisky
	Mascara	

Skaggs	Taylor (NC)	Ward
Skeen	Tejeda	Waters
Skelton	Thomas	Watt (NC)
Slaughter	Thompson	Watts (OK)
Smith (MI)	Thornberry	Waxman
Smith (NJ)	Thornton	Weldon (FL)
Smith (TX)	Thurman	Weldon (PA)
Smith (WA)	Tiahrt	Weller
Solomon	Torkildsen	White
Souder	Torres	Whitfield
Spence	Torricelli	Wicker
Spratt	Towns	Williams
Stark	Trafficant	Wilson
Stearns	Tucker	Wise
Stenholm	Upton	Wolf
Stockman	Velazquez	Woolsey
Stokes	Vento	Wyden
Stump	Visclosky	Wynn
Stupak	Volkmer	Yates
Talent	Vucanovich	Young (AK)
Tanner	Waldholtz	Young (FL)
Tate	Walker	Zeliff
Tauzin	Walsh	
Taylor (MS)	Wamp	

NAYS—12

Christensen	Hancock	Ramstad
Duncan	Johnson, Sam	Royce
Ensign	Klug	Sanford
Foley	Pallone	Sensenbrenner

NOT VOTING—16

Bilbray	Gunderson	Rogers
Brown (CA)	Jefferson	Scarborough
Chapman	Miller (CA)	Studds
Collins (MI)	Moakley	Zimmer
DeLauro	Peterson (FL)	
Durbin	Pickett	

□ 1809

Mr. HANCOCK changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. DURBIN. Mr. Speaker, in relation to the rollcall vote no. 309 on the Coast Guard Reauthorization Act, I was in a meeting in the Capitol here where the lights and bells that notify Members of the vote malfunctioned and we were unaware that the vote was taking place. Had I been here, I would have voted in the affirmative on rollcall vote 309.

#### PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, on rollcall 309 I was recorded as not voting. I was in a room in the Capitol where the voting notification system malfunctioned and there was no indication that a vote was taking place. Had I been present, I would have voted "aye."

#### PERSONAL EXPLANATION

Mr. MILLER of California. Mr. Speaker, I make the same request as my two colleagues. I was in the same meeting with them, and I missed the vote on rollcall 309.

#### PERSONAL EXPLANATION

Mr. BILBRAY. Mr. Speaker, I was unavoidably detained for rollcall 309, which was the final passage of H.R. 1361, the fiscal year 1996 Coast Guard