

the workplace. The enforcement authority available to OSHA would still remain, however OSHA would be able to utilize other tools to improve workplace safety.

The second thrust of the bill is to make OSHA's operations more efficient. Studies have shown that many sites of serious workplace accidents have not been inspected by federal OSHA inspectors for several years prior to the accident. The studies showed that this problem is due in part to a shortage of inspectors and a mandate that OSHA follow up all complaints, no matter how minor. This proposed legislation would allow OSHA greater flexibility in allocating its resources so it can give the most serious workplace problems its highest priority.

Mr. President, this bill, like all other legislative proposals, needs careful examination and can be approved. I am confident, however, that this proposal represents a good start to addressing the problems that affect this agency. I look forward to working with my colleague from Kansas, Senator KASSEBAUM, my colleague from New Hampshire, Senator GREGG, and my colleague from Washington, Senator GORTON at perfecting the measure, and I encourage our other Senate Colleagues to join with us in this process.●

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 704

At the request of Mr. SIMON, the names of the Senator from Indiana [Mr. COATS] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 949

At the request of Mr. GRAHAM, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Mississippi [Mr. COCHRAN], the Senator from Washington [Mr. GORTON], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 978

At the request of Mrs. HUTCHISON, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Virginia [Mr. WARNER], and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 978, a bill to facilitate contributions to charitable organizations by codifying cer-

tain exemptions from the Federal securities laws, to clarify the inapplicability of antitrust laws to charitable gift annuities, and for other purposes.

S. 1043

At the request of Mr. PRESSLER, his name was added as a cosponsor of S. 1043, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1353

At the request of Mr. DORGAN, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1353, a bill to amend title 23, United States Code, to require the transfer of certain Federal highway funds to a State highway safety program if a State fails to prohibit open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles, and for other purposes.

S. 1401

At the request of Mr. BENNETT, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1401, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to minimize duplication in regulatory programs and to give States exclusive responsibility under approved States program for permitting and enforcement of the provisions of that Act with respect to surface coal mining and reclamation operations, and for other purposes.

AMENDMENTS SUBMITTED

THE COAST GUARD AUTHORIZATION ACT OF 1995

STEVENS AMENDMENT NO. 3058

Mr. LOTT (for Mr. STEVENS, for himself, Mr. PRESSLER, Mr. HOLLINGS, Mr. KERRY, Ms. SNOWE, Mrs. HUTCHISON, and Mr. BREAU) proposed an amendment to bill (S. 1004) to authorize appropriations for the U.S. Coast Guard, and for other purposes; as follows:

On page 77, beginning with line 3, strike through line 16 on page 79.

On page 79, line 17, strike "(b)" and insert "(a)".

On page 81, strike lines 3 through 6 and insert the following:

ation Program—

(A) \$16,200,000, to remain available until expended, of which up to \$14,200,000 may be made available under section 104(e) of title 49, United States Code; and

(B) for fiscal year 1995, \$12,880,000, which may be made available under that section.

On page 81, line 12, strike "(c)" and insert "(b)".

On page 82, beginning with line 3, strike through line 5 on page 83 and insert the following:

(a) AUTHORIZED MILITARY STRENGTH LEVEL.—The Coast Guard is authorized an

end-of-year strength for active duty personnel of 38,400 as of September 30, 1996. The authorized strength does not include members of the Ready Reserve called to active duty for special emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

(b) AUTHORIZED LEVEL OF MILITARY TRAINING.—The Coast Guard is authorized average military training study loads for fiscal year 1996 as follows:

(1) For recruit and special training, 1,604 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.

On page 91, between lines 13 and 14, insert the following:

SEC. 208. 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 of 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. 209. COAST GUARD HOUSING AUTHORITIES.

(a) IN GENERAL.—Part I of title 14, United States Code, is amended by inserting after chapter 17 the following new chapter:

"CHAPTER 18—COAST GUARD HOUSING AUTHORITIES

"SUBCHAPTER A

"Section

"671. Definitions.

"672. General Authority.

"673. Direct loans and loan guarantees.

"674. Leasing of housing to be constructed.

"675. Investments in nongovernmental entities.

"676. Rental guarantees.

"677. Differential lease payments.

"678. Conveyance or lease of existing property and facilities.

"679. Interim leases.

"680. Unit size and type.

"681. Support facilities.

"682. Assignment of members of the armed forces to housing units.

"683. Coast Guard Housing Improvement Fund.

"684. Reports.

"685. Expiration of authority.

"SUBCHAPTER B

"691. Conveyance of damaged or deteriorated military family housing; use of proceeds.

"692. Limited partnerships with private developers of housing.

"SUBCHAPTER A

"§ 671. Definitions

"In this subchapter the term 'support facilities' means facilities relating to military housing units, including child care centers, day care centers, community centers, housing offices, maintenance complexes, dining facilities, unit offices, fitness centers, parks, and other similar facilities for the support of military housing.

"§ 672. General authority

"In addition to any other authority provided for the acquisition, construction, or improvement of military family housing or military unaccompanied housing, the Secretary may exercise any authority or any combination of authorities provided under this subchapter in order to provide for the acquisition, construction, improvement or rehabilitation by private persons of the following:

"(1) Family housing units on or near Coast Guard installations within the United States and its territories and possessions.

"(2) Unaccompanied housing units on or near such Coast Guard installations.

"§ 673. Direct loans and loans guarantees

"(a) DIRECT LOANS.—(1) Subject to subsection (c), the Secretary may make direct loans to persons in the private sector in order to provide funds to such persons for the acquisition, construction, improvement, or rehabilitation of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.

"(b) LOAN GUARANTEES.—(1) Subject to subsection (c), the Secretary may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, construct, improve, or rehabilitate housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

"(A) the amount equal to 80 percent of the value of the project; or

"(B) the amount of the outstanding principal of the loan.

"(3) The Secretary shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of obligors of such loans and the rights and obligations of the

United States with respect to such guarantees.

"(c) LIMITATION ON DIRECT LOAN AND GUARANTEE AUTHORITY.—Direct loans and loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appropriations Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7))) which shall be available for the disbursement of direct loans or payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of direct loans and guarantees made under this section.

"§ 674. Leasing of housing to be constructed

"(a) BUILD AND LEASE AUTHORIZED.—The Secretary may enter into contracts for the lease of family housing units or unaccompanied housing units to be constructed, improved, or rehabilitated under this subchapter.

"(b) LEASE TERMS.—A contract under this section may be for any period that the Secretary determines appropriate.

"§ 675. Investments in nongovernmental entities

"(a) INVESTMENTS AUTHORIZED.—The Secretary may make investments in nongovernmental entities carrying out projects for the acquisition, construction, improvement, or rehabilitation of housing units suitable for use as military family housing or as military unaccompanied housing.

"(b) FORMS OF INVESTMENT.—An investment under this section may take the form of a direct investment by the United States, an acquisition of a limited partnership interest by the United States, a purchase of stock or other equity instruments by the United States, a purchase of bonds or other debt instruments by the United States, or any combination of such forms of investment.

"(c) LIMITATION ON VALUE OF INVESTMENT.—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 35 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(2) If the Secretary conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(3) In this subsection, the term 'capital cost', with respect to a project for the acquisition, construction, improvement, or rehabilitation of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

"(d) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary may enter into collateral incentive agreements with nongovernmental entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

"§ 676. Rental guarantees

"The Secretary may enter into agreements with private persons that acquire, construct,

improve, or rehabilitate family housing units or unaccompanied housing units under this subchapter in order to assure—

"(1) the occupancy of such units at levels specified in the agreements; or

"(2) rental income derived from rental of such units at levels specified in the agreements.

"§ 677. Differential lease payments

"The Secretary, pursuant to an agreement entered into by the Secretary and a private lessor of family housing or unaccompanied housing to members of the armed forces, may pay the lessor an amount in addition to the rental payments for the housing made by the members as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as family housing or as unaccompanied housing.

"§ 678. Conveyance or lease of existing property and facilities

"(a) CONVEYANCE OR LEASE AUTHORIZED.—The Secretary may convey or lease property or facilities (including support facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this subchapter.

"(b) TERMS AND CONDITIONS.—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary considers appropriate for the purposes of this subchapter and to protect the interests of the United States.

"(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) may enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

"(c) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

"(1) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(2) Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (47 Stat. 412, chapter 314; 40 U.S.C. 303b).

"(3) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

"§ 679. Interim leases

"Pending completion of a project to acquire, construct, improve, or rehabilitate family housing units or unaccompanied housing units under this subchapter, the Secretary may provide for the interim lease of such units of the project as are complete. The term of a lease under this section may not extend beyond the date of the completion of the project concerned.

"§ 680. Unit size and type

"The Secretary shall ensure that the room patterns and floor areas of family housing units and unaccompanied housing units acquired, constructed, improved, or rehabilitated under this subchapter are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.

"§ 681. Support facilities

"Any project for the acquisition, construction, improvement, or rehabilitation of family housing units or unaccompanied housing units under this subchapter may include the acquisition, construction, or improvement of

support facilities for the housing units concerned.

"§ 682. Assignment of members of the Armed Forces to housing units

"(a) IN GENERAL.—The Secretary may assign members of the armed forces to housing units acquired, constructed, improved, or rehabilitated under this subchapter.

"(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLEMENT TO HOUSING ALLOWANCES.—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(b) of title 37.

"(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for quarters under section 403 of title 37 and, if in a high housing cost area, a variable housing allowance under section 403a of that title.

"(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary may require members of the armed forces who lease housing in housing units acquired, constructed, improved, or rehabilitated under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

"§ 683. Coast Guard Housing Improvement Fund

"(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Coast Guard Housing Improvement Fund (in this section referred to as the 'Fund').

"(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

"(1) Funds appropriated to the Fund.

"(2) Any funds that the Secretary may, to the extent provided in appropriation Acts, transfer to the Fund from funds appropriated to the Department of Transportation or Coast Guard for family housing, except that such funds may be transferred only after the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress.

"(3) Any funds that the Secretary may, to the extent provided in appropriations Acts, transfer to the Fund from funds appropriated to the Department of Transportation or Coast Guard for military unaccompanied housing or for the operation and maintenance of military unaccompanied housing, except that such funds may be transferred only after the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress.

"(4) Proceeds from the conveyance or lease of property or facilities under section 678 of this title.

"(5) Income from any activities under this subchapter, including interest on loans made under section 673 of this title, income and gains realized from investments under section 675 of this title, and any return of capital invested as part of such investments.

"(c) USE OF FUNDS.—(1) To the extent provided in appropriations Acts and except as provided in paragraphs (2) and (3), the Secretary may use amounts in the Fund to carry out activities under this subchapter (including activities required in connection with the planning, execution, and administration of contracts or agreements entered into under the authority of this subchapter).

"(2)(A) Funds in the Fund that are derived from appropriations or transfers of funds for military family housing, or from income from activities under this subchapter with respect to such housing, may be used in accordance with paragraph (1) only to carry out activities under this subchapter with respect to military family housing.

"(B) Funds in the Fund that are derived from appropriations or transfers of funds for military unaccompanied housing, or from income from activities under this subchapter with respect to such housing, may be used in accordance with paragraph (1) only to carry out activities under this subchapter with respect to military unaccompanied housing.

"(3) The Secretary may not enter into a contract or agreement to carry out activities under this subchapter unless the Fund contains sufficient amounts, as of the time the contract or agreement is entered into, to satisfy the total obligations to be incurred by the United States under the contract or agreement.

"(d) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts, agreements, and investments undertaken using the authorities provided in this subchapter shall not exceed \$60,000,000.

"§ 684. Reports

The Secretary shall include each year in the materials the Secretary submits to the Congress in support of the budget submitted by the President pursuant to section 1105 of title 31, United States Code, the following:

"(1) A report on the amount and nature of the deposits into, and the expenditures from, the Coast Guard Housing Improvement Fund established under section 683 of this title during the preceding fiscal year.

"(2) A report on each contract or agreement for a project for the acquisition, construction, improvement, or rehabilitation of family housing units or unaccompanied housing units that the Secretary proposes to solicit under this subchapter, describing the project and the method of participation of the United States in the project and providing justification of such method of participation.

"(3) A methodology for evaluating the extent and effectiveness of the use of the authorities under this subchapter during such preceding fiscal year.

"(4) A description of the objectives of the Department of Transportation for providing military family housing and military unaccompanied housing for members of the Coast Guard.

"§ 685. Expiration of authority

"The authority to enter into a transaction under this subchapter shall expire 5 years after the date of the enactment of the Coast Guard Authorization Act of 1995.

"SUBCHAPTER B

"§ 691. Conveyance of damaged or deteriorated military family housing; use of proceeds

"(a) AUTHORITY TO CONVEY.—

"(1) Subject to paragraph (2), the Secretary may convey any family housing facility that, due to damage or deterioration, is in a condition that is uneconomical to repair. Any conveyance of a family housing facility under this section may include a conveyance of the real property associated with the facility conveyed.

"(2) The aggregate total value of the family housing facilities conveyed by the Secretary under the authority in this subsection in any fiscal year may not exceed \$5,000,000.

"(3) For purposes of this subsection, a family housing facility is in a condition that is uneconomical to repair if the cost of the necessary repairs for the facility would exceed the amount equal to 70 percent of the cost of constructing a family housing facility to replace such a facility.

"(b) CONSIDERATION.—

"(1) As consideration for the conveyance of a family housing facility under subsection (a), the person to whom the facility is conveyed shall pay the United States an amount

equal to the fair market value of the facility conveyed, including any real property conveyed along with the facility.

"(2) The Secretary shall determine the fair market value of any family housing facility and associated real property that is conveyed under subsection (a). Such determinations shall be final.

"(c) NOTICE AND WAIT REQUIREMENTS.—The Secretary may not enter into an agreement to convey a family housing facility under this section until—

"(1) the Secretary submits to the appropriate committees of Congress, in writing, a justification for the conveyance under the agreement, including—

"(A) an estimate of the consideration to be provided the United States under the agreement;

"(B) an estimate of the cost of repairing the family housing facility to be conveyed; and

"(C) an estimate of the cost of replacing the family housing facility to be conveyed; and

"(2) a period of 21 calendar days has elapsed after the date on which the justification is received by the committees.

"(d) INAPPLICABILITY OF CERTAIN PROPERTY DISPOSAL LAWS.—The following provisions of law do not apply to the conveyance of a family housing facility under this section:

"(1) The provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(2) The provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

"(e) USE OF PROCEEDS.—(1) The proceeds of any conveyance of a family housing facility under this section shall be credited to the Coast Guard Housing Improvement Fund (Fund) established under section 683 of this title and available for the purposes described in paragraph (2).

"(2) The proceeds of a conveyance of a family housing facility under this section may be used for the following purposes.

"(A) To construct family housing units to replace the family housing facility conveyed under this section, but only to the extent that the number of units constructed with such proceeds does not exceed the number of units of military family housing of the facility conveyed.

"(B) To repair or restore existing military family housing.

"(C) To reimburse the Secretary for the costs incurred by the Secretary in conveying the family housing facility.

"(3) Notwithstanding section 683(c) of this title, proceeds in the account under this subsection shall be available under paragraph (1) for purposes described in paragraph (2) without any further appropriation.

"(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any family housing facility conveyed under this section, including any real property associated with such facility, shall be determined by such means as the Secretary considers satisfactory, including by survey in the case of real property.

"(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of family housing facilities under this section as the Secretary considers appropriate to protect the interests of the United States.

"§ 692. Limited partnerships with private developers of housing

"(a) LIMITED PARTNERSHIPS.—(1) In order to meet the housing requirements of members of the Coast Guard, and the dependents of such members, at a military installation described in paragraph (2), the Secretary of

Transportation may enter into a limited partnership with one or more private developers to encourage the construction of housing and accessory structures within commuting distance of the installation. The Secretary may contribute not more than 35 percent of the development costs under a limited partnership.

"(2) Paragraph (1) applies to a military installation under the jurisdiction of the Secretary at which there is a shortage of suitable housing to meet the requirements of members and dependents referred to in such paragraph.

"(b) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary may also enter into collateral incentive agreements with private developers who enter into a limited partnership under subsection (a) to ensure that, where appropriate—

"(1) a suitable preference will be afforded members of the Coast Guard in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the limited partnership; or

"(2) the rental rates or sale prices, as the case may be, for some or all of such units will be affordable for such members.

"(c) SELECTION OF INVESTMENT OPPORTUNITIES.—

"(1) The Secretary shall use publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of title 10, United States Code, to enter into limited partnerships under subsection (a).

(2) When a decision is made to enter into a limited partnership under subsection (a), the Secretary shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include the justification for the limited partnership, the terms and conditions of the limited partnership, a description of the development costs for projects under the limited partnership, and a description of the share of such costs to be incurred by the Secretary. The Secretary may then enter into the limited partnership only after the end of the 21-day period beginning on the date the report is received by such committees.

"(d) FUNDS.—(1) Any proceeds received by the Secretary from the repayment of investments or profits on investments of the Secretary under subsection (a) shall be deposited into the Coast Guard Housing Improvement Fund established under section 683 of this title.

"(2) From such amounts as is provided in advance in appropriation Acts, funds in the Coast Guard Housing Improvement Fund shall be available to the Secretary for contracts, investments, and expenses necessary for the implementation of this section.

"(3) The Secretary may not enter into a contract in connection with a limited partnership under subsection (a) or a collateral incentive agreement under subsection (b) unless a sufficient amount of the unobligated balance of the funds in the Coast Guard Housing Improvement Fund is available to the Secretary, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.

"(e) TRANSFER OF LANDS PROHIBITED.—Nothing in this section shall be construed to permit the Secretary, as part of a limited partnership entered into under this section, to transfer the right, title, or interest of the United States in any real property under the jurisdiction of the Secretary.

"(f) EXPIRATION AND TERMINATION OF AUTHORITIES.—The authority to enter into a transaction under this section shall expire 5 years after the date of the enactment of the Coast Guard Authorization Act of 1995."

(b) FINAL REPORT.—Not later than March 1, 2000, the Secretary shall submit to Congress

a report on the use by the Secretary of the authorities provided by subchapter A of chapter 18 of title 14, United States Code, as added by subsection (a) of this section. The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing.

(c) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 14, is amended by inserting after the item relating to chapter 17 the following:

"18. Coast Guard Housing Authorities 671."

SEC. 210. 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) SPECIAL RIGHT OF APPLICATIONS UNDER THIS SECTION.—This section applies to any applicant who had an application filed with or pending before the Board or the Secretary of Transportation on or after June 12, 1990, who files with the board an application for relief under this section. If a recommended decision was modified or reversed on review with final agency action occurring after expiration of the 10-month deadline, an applicant who so requests shall have the order in the final decision vacated and receive the relief granted in the recommended decision if the Coast Guard has the legal authority to grant such relief. The recommended decision shall otherwise have no effect as precedent.

On page 93, strike lines 18 through 24 and insert the following:

SEC. 302. 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."

On page 98, beginning with line 1, strike through line 24 on page 99 and insert the following:

SEC. 309. RESTRICTIONS ON CLOSURE OF SMALL BOAT STATIONS.

(a) PROHIBITION.—The Secretary of Transportation (hereinafter in this section referred to as the "Secretary") shall not close any Coast Guard multimission small boat station or subunit before October 1, 1996.

(b) CLOSURE REQUIREMENTS.—After October 1, 1996, the Secretary shall not close any Coast Guard multi-mission small boat station or subunit unless the following requirements have been met:

(1) The Secretary shall determine that—

(A) adequate search-and-rescue capabilities will maintain the safety of the maritime public in the area of the station or subunit; and

(B) the closure will not result in degradation of services (including but not limited to search and rescue, enforcement of fisheries and other laws and treaties, recreational boating safety, port safety and security, aids to navigation, and military readiness) that would cause significant increased threat to life, property, environment, public safety or national security.

(2) In making the decision to close a station or subunit, the Secretary shall assess—

(A) the benefit of the station or subunit in deterring or preventing violations of applicable laws and regulations;

(B) unique regional or local prevailing weather and marine conditions including water temperature and unusual tide and current conditions; and

(C) other Federal, State, and local government capabilities which could fully or partially substitute for services provided by such station or subunit.

(4) The Secretary shall develop a transition plan for the area affected by the closure to ensure the Coast Guard service needs of the area continue to be met.

(5) The Secretary shall implement a process to—

(A) notify the public of the intended closure;

(B) make available to the public information used in making the determination and assessment under this section; and

(C) provide an opportunity for public participation, including public meetings and the submission of and summary response to written comments, with regard to the decision to close the station or subunit and the development of a transition plan.

(c) NOTIFICATION.—If, after the requirements of subsection (b) are met and after consideration of public comment, the Secretary decides to close a small-boat station or subunit, the Secretary shall provide notification of that decision, at least 60 days before the closure is effected, to the public, the committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) OPERATIONAL FLEXIBILITY.—Notwithstanding the requirements of this section, the Secretary may implement any management efficiencies within the small boat system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide, provided that no stations or subunits are closed.

On page 101, after the item relating to section 96 between lines 3 and 4, insert the following:

SEC. 312. 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 5132 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 U.S.C. App. 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 OF 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 civil penalty under this section, or if reasonable cause exists to believe that such owner, operator, or person in charge may be subject 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 U.S.C. App. 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 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."

(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."

On page 113, line 12, strike "(b)" and insert "(d)".

On page 126, line 15, strike "and" the second place it appears.

On page 126, between lines 15 and 16, insert the following:

(3) by striking "Bureau" in subsection (a), as redesignated, and inserting "American Bureau of Shipping"; and

On page 126, line 16, strike "(3)" and insert "(4)".

On page 130, line 18, after the period insert the following: "Any such regulation shall be considered to be an interpretive regulation for purposes of section 553 of title 5."

On page 147, line 11, strike "and".

On page 147, line 16, strike the period and insert a semicolon and "and".

On page 147, between lines 16 and 17, insert the following:

(6) by inserting "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as

prescribed by the Secretary under section 14104 of this title" after "200 gross tons" in subsection (e)(3).

On page 161, line 17, insert "knowingly" before "fail".

On page 162, line 1, insert ", and circumstances under" after "means by".

On page 162, line 3, insert after the period the following new sentences: "Such regulations shall ensure that any such order is clearly communicated in accordance with applicable international standards. Further, such regulations shall establish guidelines based on observed conduct, prior information, or other circumstances for determining when an officer may use the authority granted under paragraph (1)."

On page 162, line 6, insert "knowingly" before "fail".

On page 162, strike lines 12 through 17 and insert the following:

"(A) forcibly assault, resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law, or to resist a lawful arrest; or"

On page 162, line 18, strike "(C)" and insert "(B)".

On page 162, line 22, strike "or has reason to know".

On page 165, line 1, strike "5" and insert "1".

On page 165, strike the sentence that begins on line 4 and insert the following: "An aircraft that is used in violation of this section may be seized and forfeited. A vessel that is used in violation of subsection (b)(1) or subsection (b)(2)(A) may be seized and forfeited."

On page 166, line 6, insert "knowing" before "failure".

On page 167, line 8, insert "knowingly" before "failed".

On page 167, line 12, strike "or had reason to know".

On page 168, lines 9 and 10, strike "as defined in" and insert "in accordance with".

On page 169, line 1, insert "knowingly" before "fails".

On page 169, lines 2 through 4, strike "relating to the boarding of a vessel or landing of an aircraft issued".

On page 169, line 7, insert ", in the case of a vessel," after "or".

On page 169, line 8, strike "in any".

On page 169, strike the sentence beginning on line 11.

On page 169, line 13, insert "knowingly" before "violate".

On page 170, line 26, insert "knowingly" before "fails".

On page 171, lines 5 through 8, strike "or according to any applicable, internationally recognized standards, or in any other manner reasonably calculated to be received and understood."

On page 171, strike the sentence beginning on line 9.

On page 171, line 12, insert "knowingly" before "violate".

On page 177, between lines 14 and 15, insert the following:

(DD) Nash Island Light.

(EE) Manana Island Fog Signal Station.

On page 177, beginning in line 16, strike "place, if at all," and insert "place".

On page 188, beginning in line 22, strike "exact acreage and".

On page 191, line 17, after "Incorporated," insert "or any successor or assign."

On page 192, line 10, after "Incorporated," insert "or any successor or assign."

On page 192, line 14, after "Incorporated," insert "or any successor or assign."

On page 193, line 1, after "Incorporated," insert "or any successor or assign."

On page 193, line 10, insert "(in this section referred to as the 'Secretary')" after "Transportation".

On page 195, line 3, after "signal," insert "electronic navigation equipment."

On page 195, line 9, after "Association" insert ", or any successor or assign."

On page 196, line 5, after "Association" insert ", or any successor or assign."

On page 196, line 10, after "Association" insert ", or any successor or assign."

On page 196, line 16, after "Association" insert ", or any successor or assign."

On page 197, line 5, insert "of Transportation (referred to in this section as the 'Secretary')" after "Secretary".

On page 197, beginning on line 7, strike "of Transportation".

On page 199, line 23, after "Inc." insert "or any successor or assign."

On page 200, line 4, after "Inc." insert "or any successor or assign."

On page 200, strike lines 17 through 25 and insert the following:

(c) POINT ARENA LIGHT STATION DEFINED.—For purposes of this section, the term "Point Arena Light Station" means the Coast Guard property and improvements located at Point Arena, California, including the light tower building, fog signal building, 2 small shelters, 4 residential quarters, and a restroom facility.

On page 201, line 4, insert "(referred to in this section as the 'Secretary')" after "Transportation".

On page 201, beginning with line 14, strike through line 4 on page 202 and insert the following:

(b) IDENTIFICATION OF PROPERTY.—The Secretary shall identify, describe, and determine the property to be conveyed pursuant to this section.

On page 202, strike lines 5 through 11 and insert the following:

(c) REVERSIONARY INTEREST.—The conveyance of property described in subsection (b) shall be subject to the condition that such property, and all right, title and interest in such property, shall transfer to the City of Ketchikan if, within 18 months of the date of enactment of this Act, the Ketchikan Indian Corporation has not completed design and construction plans for a health and social services facility and received approval from the City of Ketchikan for such plans or the written consent of the City to exceed this period.

(d) In the event that the property described in subsection (b) is transferred to the City of Ketchikan under subsection (c), the transfer shall be subject to the condition that all right, title, and interest in and to the property shall immediately revert to the United States if the property ceases to be used by the City of Ketchikan.

On page 202, beginning with line 22, strike through line 19 on page 203 and insert the following:

(b) IDENTIFICATION OF PROPERTY.—The Secretary shall identify, describe, and determine the property to be conveyed pursuant to this section.

On page 204, line 19, strike "shall expeditiously" and insert "may".

On page 205, line 19, insert "of Transportation (referred to in this section as the 'Secretary')" after "Secretary".

On page 206, line 25, strike "States:" and insert "States—".

On page 207, line 1, strike "If" and insert "if".

On page 207, line 4, insert "or" after the semicolon.

On page 207, line 24, insert "(referred to in this section as the 'Secretary')" after "Transportation".

On page 209, between lines 15 and 16, insert the following:

SEC. 1011. CONVEYANCE OF EQUIPMENT.

The Secretary of Transportation may convey any unneeded equipment from other vessels in the National Defense Reserve Fleet to

the JOHN W. BROWN and other qualified United States memorial ships in order to maintain their operating condition.

SEC. 1012. PROPERTY EXCHANGE.

(a) **PROPERTY ACQUISITION.**—The Secretary may, by means of an exchange of property, acceptance as a gift, or other means that does not require the use of appropriated funds, acquire all right, title, and interest in and to a parcel or parcels of real property and any improvements thereto located within the limits of the City and Borough of Juneau, Alaska.

(b) **ACQUISITION THROUGH EXCHANGE.**—For the purposes of acquiring property under subsection (a) by means of an exchange, the Secretary may convey all rights, title, and interest of the United States in and to a parcel or parcels of real property and any improvements thereto located within the limits of the City and Borough of Juneau, Alaska and in the control of the Coast Guard if the Secretary determines that the exchange is in the best interest of the Coast Guard.

(c) **TERMS AND CONDITIONS.**—The Secretary may require such terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

On page 210, beginning on line 4, strike "(a) ADVISORY BOARD AND EXECUTIVE COMMITTEE.—Section" and insert "Section".

On page 210, line 15, strike "14" and insert "16".

On page 210, strike lines 16 through 19 and insert the following:

(5) by striking ", Natural Resources, and Commerce and Economic Development" in subsection (c)(2)(A) and inserting a comma and "and Natural Resources";

On page 211, line 4, insert ", Interior," after "Commerce".

On page 212, line 5, strike "communities" and insert "communities".

On page 212, line 16, strike "EVALUATION" and insert "SCIENTIFIC REVIEW".

On page 212, line 16, strike "will" and insert "may".

On page 212, line 19, strike "will perform the review" and insert "shall perform the review, if requested,".

On page 213, strike lines 1 and 2 and insert the following:

(12) by striking ", Advisory Board," in the second sentence of subsection (e);

On page 215, line 5, insert "documented under chapter 121 of title 46, United States Code, that was" after "vessel".

On page 215, line 6, strike "or".

On page 215, line 7, strike "1,200" and insert "1,500".

On page 215, line 12, strike the period and insert a semicolon and "or".

On page 215, between lines 12 and 13, insert the following:

(3) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).

On page 220, line 1, strike "CONSOLIDATION OR".

On page 220, beginning on line 4, strike "consolidate or".

On page 220, line 6, after the period insert the following: "Nothing in this section prevents the consolidation of management functions of these Coast Guard authorities,".

On page 220, line 14, strike "Except as".

On page 222, line 13, insert "a semicolon and" after "inserting".

On page 222, line 21, insert "a semicolon and" after "inserting".

On page 223, beginning with line 1, strike through line 4 on page 224 and insert the following:

(c) **LEASING.**—Section 12106 of title 46, United States Code, is amended by adding at the end of the following:

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

"(A) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is primarily engaged in leasing or other financing transactions;

"(B) 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 it is certified that there are no other agreements, arrangements, or understandings between the vessel owner and the demise charterer with respect to the operation or management of the vessel;

"(C) the demise charter—

"(i) is for a period of at least 3 years or a shorter period as may be prescribed by the Secretary; and

"(ii) charter hire is not significantly greater than that prevailing in the commercial market; and under section 12102.

"(D) the vessel is otherwise eligible for documentation

"(2) The demise charter and any amendments to that charter shall be filed with the certificate required by this subsection, or within 10 days following the filing of an amendment to the charter, and such charter and amendments shall be made available to the public.

"(3) Upon default by a demise charterer required under paragraph (1)(C), 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 such terms and conditions as the Secretary may prescribe.

"(4) 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.

"(5) A vessel eligible for documentation or to be endorsed with a coastwise endorsement under this subsection is not eligible for a fishery endorsement under section 12108."

On page 226, line 18, insert "transferred to or placed under a foreign registry or" after "be".

On page 227, after line 10, add the following:

(7) LAKE CHARLES (United States official number 619531).

(8) LOUISIANA (United States official number 619532).

(9) GAMMA (United States official number 598730).

SEC. 1117. USE OF CANADIAN OIL SPILL RESPONSE AND RECOVERY VESSELS.

Notwithstanding any other provision of law, oil spill response and recovery vessels of Canadian registry may operate in waters of the United States adjacent to the border between Canada and the State of Maine, on an emergency and temporary basis, for the purpose of recovering, transporting, and unloading in a United States port oil discharged as a result of an oil spill in or near such waters, if an adequate number and type of oil spill response and recovery vessels documented under the laws of the United States cannot be engaged to recover oil from an oil spill in or near those waters in a timely manner, as determined by the Federal On-Scene Coordinator for a discharge or threat of a discharge of oil.

SEC. 1118. 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 for pleasure."

SEC. 1119. 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. 1120. DOCUMENTATION OF CERTAIN VESSELS.

(a) **GENERAL CERTIFICATES.**—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) ALPHA TANGO (United States official number 945782).

(2) AURA (United States official number 1027807).

(3) BABS (United States official number 1030028).

(4) BAGGER (State of Hawaii number HA1809E).

(5) BILLY BUCK (United States official number 939064).

(6) CAPTAIN DARYL (United States official number 580125).

(7) CRISSY (State of Maine registration number 4778B).

(8) CONSORTIUM (United States official number 303328).

(9) DRAGONESSA (United States official number 646512).

(10) EMERALD AYES (United States official number 986099).

(11) ENDEAVOUR (United States official number 947869).

(12) EVENING STAR (Hull identification number HA2833700774 and State of Hawaii registration number HA8337D).

(13) EXPLORER (United States official number 918080).

(14) FOCUS (United States official number 909293).

(15) FREJA VIKING (Danish registration number A395).

(16) GLEAM (United States official number 921594).

(17) GOD'S GRACE II (State of Alaska registration number AK5916B).

(18) HALCYON (United States official number 690219).

(19) IDUN VIKING (Danish registration number A433).

(20) INTREPID (United States official number 508185).

(21) ISABELLE (United States official number 600655).

(22) JAJO (Hull identification number R1Z200207H280 and State of Rhode Island registration number 388133).

(23) LADY HAWK (United States official number 961095).

(24) LIV VIKING (Danish registration number A394).

(25) MAGIC CARPET (United States official number 278971).

(26) MARANTHA (United States official number 638787).

(27) OLD HAT (United States official number 508299).

(28) ONRUST (United States official number 515058).

(29) PERSEVERANCE (Serial number 77NS8901).

(30) PRIME TIME (United States official number 660944).

(31) QUIETLY (United States official number 658315).

(32) RESOLUTION (Serial number 77NS8701).

(33) ROYAL AFFAIRE (United States official number 649292).

(34) SARAH-CHRISTEN (United States official number 542195).

(35) SEA MISTRESS (United States official number 696806).

(36) SERENITY (United States official number 1021393).

(37) SHAMROCK V (United States official number 900936).

(38) SHOOTER (United States official number 623333).

(39) SISU (United States official number 293648).

(40) SUNRISE (United States official number 950381).

(41) TOO MUCH FUN (United States official number 936565).

(42) TRIAD (United States official number 988602).

(43) WEST FJORD (Hull identification number X-53-109).

(44) WHY NOT (United States official number 688570).

(45) WOLF GANG II (United States official number 984934).

(46) YES DEAR (United States official number 578550).

(47) 14 former United States Army hovercraft with serial numbers (LACV-30-04, LACV-30-05, LACV-30-07, LACV-30-09, LACV-30-10, LACV-30-13, LACV-30-14, LACV-30-15, LACV-30-16, LACV-30-22, LACV-30-23, LACV-30-24, LACV-30-25, and LACV-30-26).

(b) M/V TWIN DRILL.—Section 601(d) of the Coast Guard Authorization Act of 1993 (Public Law 103-206, 107 Stat. 2445) is amended—

(1) by striking “June 30, 1995” in paragraph (3) and inserting “June 30, 1996”; and

(2) by striking “12 months” in paragraph (4) and inserting “24 months”.

(c) CERTIFICATES OF DOCUMENTATION FOR GALLANT LADY.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883, section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 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 an appropriate endorsement for employment in coastwise trade for each of the following vessels:

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

(B) GALLANT LADY (Feanship 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 the 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 a certificate of documentation for a vessel under paragraph (1) unless, not later than 90 days after the date of enactment of this Act, the owner of the vessel referred to in paragraph (1)(B) submits to the Secretary a letter expressing the intent of the owner to, before April 1, 1997, enter into a contract for the 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) shall take effect—

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

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

(5) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation

issued for a vessel under paragraph (1) shall expire—

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

(B) on April 1, 1997, if the owner of the vessel referred to in paragraph (1)(B) has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under paragraph (3); or

(C) on such date as a contract referred to in paragraph (2) is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner of the vessel referred to in paragraph (1)(B).

(d) CERTIFICATES OF DOCUMENTATION FOR ENCHANTED ISLE AND ENCHANTED SEAS.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Act of June 19, 1886 (46 U.S.C. App. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue certificates of documentation with a coastwise endorsement for the vessels ENCHANTED ISLES (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. 1121. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October, 1993, and which has been assigned the builder's number 13583 (to be named the LIMITLESS), is deemed for all purposes, including title 46, United States Code, and all regulations thereunder, to be a recreational vessel of less than 300 gross tons if it does not—

(1) carry cargo or passengers for hire; or

(2) engage in commercial fisheries or oceanographic research.

SEC. 1122. SMALL PASSENGER VESSEL PILOT INSPECTION PROGRAM WITH THE STATE OF MINNESOTA.

(a) IN GENERAL.—The Secretary may enter into an agreement with the State under which the State may inspect small passenger vessels operating in waters of that State designated by the Secretary, if—

(1) the State plan for the inspection of small passenger vessels meets such requirements as the Secretary may require to ensure the safety and operation of such vessels in accordance with the standards that would apply if the Coast Guard were inspecting such vessels; and

(2) the State will provide such information obtained through the inspection program to the Secretary annually in such form and in such detail as the Secretary may require.

(b) FEES.—The Secretary may adjust or waive the user fee imposed under section 3317 or title 46, United States Code, for the inspection of small passenger vessels inspected under the State program.

(c) TERMINATION.—The authority provided by subsection (a) terminates on December 31, 1998.

(d) DEFINITIONS.—For purposes of this section—

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

(2) STATE.—The term “State” means the State of Minnesota.

(3) SMALL PASSENGER VESSEL.—The term “small passenger vessel” means a small passenger vessel (as defined in section 2101(35) of title 46, United States Code) of not more than 40 feet overall in length.

SEC. 1123. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FISHING.

Section 8103(i)(1) of title 46, United States Code, is amended—

(1) by striking “or” in subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon and “or”; and

(3) by adding at the end thereof the following:

“(D) an alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands if the vessel is permanently stationed at a port within the Commonwealth and the vessel engaged in the fisheries within the exclusive economic zone surrounding the Commonwealth or another United States territory or possession.”.

SEC. 1124. 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 U.S.C. App. 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 a 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.

Amend the table of sections as follows:

After the item relating to section 207, insert the following:

Sec. 208. Access to National Driver Register information on certain Coast Guard personnel.

Sec. 209. Coast Guard housing authorities.

Sec. 210. Board for correction of military records deadline.

Strike the item relating to section 302 and insert the following:

Sec. 302. Nondisclosure of port security plans.

After the item relating to section 311, insert the following:

Sec. 312. Withholding vessel clearance for violation of certain acts.

After the item relating to section 1010, insert the following:

Sec. 1011. Conveyance of equipment.

Sec. 1012. Property exchange.

Strike "consolidation or" in the time relating to section 1109.

After the item relating to section 1116, insert the following:

Sec. 1117. Use of Canadian oil spill response and recovery vessels.

Sec. 1118. Judicial sale of certain documented vessels to aliens.

Sec. 1119. Improved authority to sell recyclable material.

Sec. 1120. Documentation of certain vessels.

Sec. 1121. Vessel deemed to be a recreational vessel.

Sec. 1122. Small passenger vessel pilot inspection program with the State of Minnesota.

Sec. 1123. Commonwealth of the Northern Mariana Islands fishing.

Sec. 1124. Availability of extrajudicial remedies for default on preferred mortgage liens on vessels.

STEVENS (AND OTHERS) AMENDMENT NO. 3059

Mr. LOTT (for Mr. STEVENS, for himself, Mr. CHAFEE, Mr. BREAU, and Ms. SNOWE) proposed an amendment to the bill, S. 1004, *supra*; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) 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), a responsible party with respect to an offshore facility that—

"(i) is located seaward of 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; or

"(ii) is located in inland waters, such as coastal bays or estuaries, seaward of the line of ordinary low water along that portion of the coast that is not in direct contact with the open sea;

"(iii) is used for exploring for, drilling for, or producing oil, or for transporting oil from facilities engaged in oil exploration, drilling, or production; and

"(iv) has a worst-case oil spill discharge potential of more than 1,000 barrels of oil (or a lesser amount if the President determines that the risks posed by such facility justify it),

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), as applicable.

"(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), the

amount of financial responsibility for offshore facilities that meet the criteria in subparagraph (A) is—

"(i) \$35,000,000 for offshore facilities located seaward of the seaward boundary of a State; or

"(ii) \$10,000,000 for offshore facilities located landward of the seaward boundary of a State.

"(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility for a responsible party greater than the amount required by subparagraphs (B) and (D) is justified by the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is explored for, drilled for, produced, stored, handled, transferred, processed or transported by the responsible party, the evidence of financial responsibility required shall be for an amount determined by the President not exceeding \$150,000,000.

"(D) MULTIPLE FACILITIES.—In the case in which a person is a responsible party 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) STATE JURISDICTION.—The requirements of this paragraph shall not apply if an offshore facility located landward of the seaward boundary of a State is required by such State to establish and maintain evidence of financial responsibility in a manner comparable to, and in an amount equal to or greater than, the requirements of this paragraph.

"(F) DEFINITION.—For the purpose of this paragraph, the phrase "seaward boundary of a state" shall mean the boundaries described in section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b))."

KERRY AMENDMENT NO. 3060

Mr. LOTT (for Mr. KERRY) proposed an amendment to the bill, S. 1004, *supra*; as follows:

At the appropriate place insert the following:

SEC. . DEAUTHORIZATION OF NAVIGATION PROJECT, COHASSET HARBOR, MASSACHUSETTS.

the following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), are deauthorized: A 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, starting at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, starting at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to point of origin; and site 3, starting at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 99.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

Amend the table of sections by inserting at the appropriate place the following:

Sec.—.Deauthorization of navigation project, Cohasset Harbor, Massachusetts.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, November 17, 1995, at 9 a.m. to hold a hearing on H.R. 1833, the Partial-Birth Abortion Ban Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1996.

This report shows the effects of congressional action on the budget through November 15, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget (H. Con. Res. 67), show that current level spending is below the budget resolution by \$389.4 billion in budget authority and above the budget resolution by \$224.8 billion in outlays. Current level is \$5.7 billion above the revenue floor in 1996 and \$147 billion above the revenue floor over the 5 years 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$20.8 billion, \$230.5 billion below the maximum deficit amount for 1996 of \$251.3 billion.

Since my last report, dated November 8, 1995, Congress cleared and the President signed the Perishable Agricultural Commodities Act Amendments of 1995 (H.R. 1103). The President has also signed the Energy and Water