

In the Senate of the United States,

December 22, 1995.

Resolved, That the bill from the House of Representatives (H.R. 1358) entitled “An Act to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. CONVEYANCES.***

2 (a) *NATIONAL MARINE FISHERIES SERVICE LABORA-*
3 *TORY AT GLOUCESTER, MASSACHUSETTS.—*

4 (1) *IN GENERAL.—The Secretary of Commerce*
5 *shall convey to the Commonwealth of Massachusetts,*
6 *all right, title, and interest of the United States in*
7 *and to the property comprising the National Marine*
8 *Fisheries Service laboratory located on Emerson Ave-*
9 *nue in Gloucester, Massachusetts.*

1 (2) *TERMS.*—A conveyance of property under
2 *paragraph (1) shall be made—*

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

4 (B) *subject to the terms and conditions*
5 *specified under paragraphs (3) and (4).*

6 (3) *CONDITIONS FOR TRANSFER.*—

7 (A) *IN GENERAL.*—As a condition of any
8 *conveyance of property under this subsection, the*
9 *Commonwealth of Massachusetts shall assume*
10 *full responsibility for maintenance of the prop-*
11 *erty for as long as the Commonwealth retains the*
12 *right and title to that property.*

13 (B) *CONTINUED USE OF PROPERTY BY*
14 *NMFS.*—The Secretary may enter into a memo-
15 *randum of understanding with the Common-*
16 *wealth of Massachusetts under which the Na-*
17 *tional Marine Fisheries Service is authorized to*
18 *occupy existing laboratory space on the property*
19 *conveyed under this subsection, if—*

20 (i) *the term of the memorandum of un-*
21 *derstanding is for a period of not longer*
22 *than 5 years beginning on the date of enact-*
23 *ment of this Act; and*

24 (ii) *the square footage of the space to*
25 *be occupied by the National Marine Fish-*

1 *eries Service does not conflict with the needs*
2 *of, and is agreeable to, the Commonwealth*
3 *of Massachusetts.*

4 (4) *REVERSIONARY INTEREST.*—*All right, title,*
5 *and interest in and to all property conveyed under*
6 *this subsection shall revert to the United States on the*
7 *date on which the Commonwealth of Massachusetts*
8 *uses any of the property for any purpose other than*
9 *the Commonwealth of Massachusetts Division of Ma-*
10 *rine Fisheries resource management program.*

11 (5) *RESTRICTION.*—*Amounts provided by the*
12 *South Essex Sewage District may not be used by the*
13 *Commonwealth of Massachusetts to transfer existing*
14 *activities to, or conduct activities at, property con-*
15 *veyed under this section.*

16 (b) *PIER IN CHARLESTON, SOUTH CAROLINA.*—*Sec-*
17 *tion 22(a) of the Marine Mammal Protection Act Amend-*
18 *ments of 1994 (Pub. Law 103–238; 108 Stat. 561) is*
19 *amended—*

20 (1) *by inserting “(1)” before “Not”; and*

21 (2) *by adding at the end thereof the following:*

22 “(2) *Not later than December 31, 1996, the Sec-*
23 *retary of the Navy may convey, without payment or*
24 *other consideration, to the Secretary of Commerce, all*
25 *right, title, and interest to the property comprising*

1 *that portion of the Naval Base, Charleston, South*
2 *Carolina, bounded by Hobson Avenue, the Cooper*
3 *River, the landward extension of the property line lo-*
4 *cated 70 feet northwest of and parallel to the center-*
5 *line of Pier Q, and the northwest property line of the*
6 *parking area associated with Pier R. The property*
7 *shall include Pier Q, all towers and outbuildings on*
8 *that property, and walkways and parking areas asso-*
9 *ciated with those buildings and Pier Q.”.*

10 **SEC. 2. FISHERIES RESEARCH FACILITIES.**

11 *(a) FORT JOHNSON.—The Secretary of Commerce,*
12 *through the Under Secretary of Commerce for Oceans and*
13 *Atmosphere, is authorized to construct on land to be leased*
14 *from the State of South Carolina, a facility at Fort John-*
15 *son, South Carolina, provided that the annual cost of leas-*
16 *ing the required lands does not exceed one dollar.*

17 *(b) AUKE CAPE.—The Secretary of Commerce, through*
18 *the Under Secretary of Commerce for Oceans and Atmos-*
19 *phere, is authorized to construct a facility on Auke Cape*
20 *near Juneau, Alaska, to provide consolidated office and lab-*
21 *oratory space for National Oceanic and Atmospheric Ad-*
22 *ministration personnel in Juneau, provided that the prop-*
23 *erty for such facility is transferred to the National Oceanic*
24 *and Atmospheric Administration from the United States*
25 *Coast Guard or the City of Juneau.*

1 (c) *COMPLETION DATE FOR FUNDED WORK.*—The Sec-
2 retary of Commerce shall complete the architectural and en-
3 gineering work for the facilities described in subsections (a)
4 and (b) by not later than May 1, 1996, using funds that
5 have been previously appropriated for that work.

6 (d) *AVAILABILITY OF APPROPRIATIONS.*—The author-
7 izations contained in subsections (a) and (b) are subject to
8 the availability of appropriations provided for the purpose
9 stated in this section.

10 **SEC. 3. PRIBILOF ISLANDS.**

11 (a) *IN GENERAL.*—The Secretary of Commerce shall,
12 subject to the availability of appropriations provided for
13 the purposes of this section, clean up landfills, wastes,
14 dumps, debris, storage tanks, property, hazardous or unsafe
15 conditions, and contaminants, including petroleum prod-
16 ucts and their derivatives, left by the National Oceanic and
17 Atmospheric Administration on lands which it and its
18 predecessor agencies abandoned, quitclaimed, or otherwise
19 transferred or are obligated to transfer, to local entities or
20 residents on the Pribilof Islands, Alaska, pursuant to the
21 Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), as amended,
22 or other applicable law.

23 (b) *OBLIGATIONS OF SECRETARY.*—In carrying out
24 cleanup activities under subsection (a), the Secretary of
25 Commerce shall—

1 (1) *to the maximum extent practicable, execute*
2 *agreements with the State of Alaska, and affected*
3 *local governments, entities, and residents eligible to*
4 *receive conveyance of lands under the Fur Seal Act of*
5 *1966 (16 U.S.C. 1161 et seq.) or other applicable law;*

6 (2) *manage such activities with the minimum*
7 *possible overhead, delay, and duplication of State and*
8 *local planning and design work;*

9 (3) *receive approval from the State of Alaska for*
10 *agreements described in paragraph (1) where such ac-*
11 *tivities are required by State law;*

12 (4) *receive approval from affected local entities*
13 *or residents before conducting such activities on their*
14 *property; and*

15 (5) *not seek or require financial contributions by*
16 *or from local entities or landowners.*

17 (c) *RESOLUTION OF FEDERAL RESPONSIBILITIES.—*

18 (1) *Within 9 months after the date of enactment of this sec-*
19 *tion, and after consultation with the Secretary of the Inte-*
20 *rior, the State of Alaska, and local entities and residents*
21 *of the Pribilof Islands, the Secretary of Commerce shall sub-*
22 *mit to the Committee on Commerce, Science, and Transpor-*
23 *tation of the Senate, and the Committee on Resources of*
24 *the House of Representatives, a report proposing necessary*
25 *actions by the Secretary of Commerce and Congress to re-*

1 *solve all claims with respect to, and permit the final imple-*
2 *mentation, fulfillment and completion of—*

3 *(A) title II of the Fur Seal Act Amendments of*
4 *1983 (16 U.S.C. 1161 et seq.);*

5 *(B) the land conveyance entitlements of local en-*
6 *tities and residents of the Pribilof Islands under the*
7 *Alaska Native Claims Settlement Act (43 U.S.C. 1601*
8 *et seq.);*

9 *(C) the provisions of this section; and*

10 *(D) any other matters which the Secretary deems*
11 *appropriate.*

12 *(2) The report required under paragraph (1) shall in-*
13 *clude the estimated costs of all actions, and shall contain*
14 *the statements of the Secretary of Commerce, the Secretary*
15 *of the Interior, any statement submitted by the State of*
16 *Alaska, and any statements of claims or recommendations*
17 *submitted by local entities and residents of the Pribilof Is-*
18 *lands.*

19 *(d) USE OF LOCAL ENTITIES.—Notwithstanding any*
20 *other law to the contrary, the Secretary of Commerce shall,*
21 *to the maximum extent practicable, carry out activities*
22 *under subsection (a) and fulfill other obligations under Fed-*
23 *eral and State law relating to the Pribilof Islands, through*
24 *grants or other agreements with local entities and residents*
25 *of the Pribilof Islands, unless specialized skills are needed*

1 *for an activity, and the Secretary specifies in writing that*
2 *such skills are not available through local entities and resi-*
3 *dents of the Pribilof Islands.*

4 (e) *DEFINITION.—For the purposes of this section, the*
5 *term “clean up” means the planning and execution of reme-*
6 *diation actions for lands described in subsection (a) and*
7 *the redevelopment of landfills to meet statutory require-*
8 *ments.*

9 (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
10 *authorized to be appropriated not to exceed \$10,000,000 in*
11 *each of fiscal years 1996, 1997, and 1998 for the purposes*
12 *of carrying out this section.*

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

H. R. 1358

AMENDMENT