Since its inception in 1965, the Higher Education Act has been focused on enhancing the opportunities of students to pursue postsecondary education. The grant, loan, and work study assistance made available by this Act has made the difference for countless millions in pursuing their dreams for a better life.

In the face of rising college costs, the 1998 amendments have provided students with the lowest cost loans in nearly two decades. With increasing concern about the quality of our nation's teachers, this act will take giant steps in improving teacher preparation. And with students, parents, and—frankly—Senators concerned about the delivery of student aid, this act completely overhauls the federal role by placing it in the hands of a professional and accountable agency within the Department of Education.

I believe the lasting legacy of this reauthorization bill will be its provisions dealing with teachers. At its foundation, it embraces the notion that investing in the preparation of our nation's teachers is a good one. Well prepared teachers play a key role in making it possible for our students to achieve the standards required to assure both their own well being and the ability of our country to compete internationally. In fact, the continued health and strength of our nation depends on our country's ability to improve the education of our young people. Integral to that is the strength and ability of our nation's teaching force. Without a strong, competent, well prepared teaching force, other investments in education will be of little value.

CARL D. PERKINS VOCATIONAL-TECHNICAL EDUCATION ACT

The story does not end here, as several other important education initiatives are ''in the pipeline'' on the way to the President. Last week, the House and Senate gave final approval to legislation designed to more fully develop the academic, technical, and vocational skills of secondary and postsecondary students enrolled in vocational and technical education programs in order for the United States to be more competitive in the world economy.

This legislation is an important complement to the Workforce Investment Act and benefitted from the same bipartisan teamwork which produced that Act. The Workforce Investment Act streamlined and consolidated a myriad of job training programs and also put into place tough accountability mechanisms. The 1998 Perkins reauthorization emphasizes the important balance between a strong academic background and a vocational and technical education system that reflects today's global economy.

There are presently between 200,000 and 300,000 unfilled positions in the technology field. The reason for the difficulty in filling these positions is not because of low unemployment numbers, but because of the lack of skilled workers. These positions require an excellent vocational education system and the ability to pursue further technical education following high school.

READING EXCELLENCE ACT

Also in line for signature by the President is the Reading Excellence Act. The purpose of this legislation is to improve both the reading skills of students and the instructional practices for teachers who teach reading, and to expand family literacy programs—including the Even Start program. States and local communities will work together as a partnership in providing professional development activities to teachers and other instructional staff and in carrying out family literacy efforts.

HEAD START

Under the leadership of Senator COATS, and with the assistance of Senators DODD and KENNEDY, we will also enact this Congress a reauthorization of the Head Start program. Recognizing the critical role of the pre-school years in a young child's development, this legislation expands the Early Head Start program for our youngest children in a manner which balances the desire to make this program available to more children and families and the need to ensure that every Head Start program meets the high standards of quality that we have demanded.

The new evaluation and research provisions will provide much-needed information about how the program operates, help identify the ''best practices,'' and will guide the grantees, the Department of Health and Human Services, and Congress to continue the improvements in Head Start which began four years ago.

CHARTER SCHOOLS

Finally, the President will soon be presented with the Charter School Expansion Act of 1998. Senators COATS and LIEBERMAN are to be particularly commended for their skill and persistence in forging a bipartisan alliance on behalf of this legislation. The purpose of this legislation is to provide financial assistance for the planning, design, and initial implementation of new charter schools. This assistance will enhance the efforts of states and local communities to increase the number of charter schools and will help meet the President's goal of having 3,000 charter schools by the year 2000.

In terms of education, I believe that the 105th Congress is among the most productive in my memory. The actions we have taken this Congress touch the lives of students of all ages—from youngsters in Head Start and Even Start, to special education students, to high school vocational students, to college undergraduates and graduate students, to adults in need of remedial education.

It is unfortunate that all of this work seems to have been forgotten. It is also unfortunate that no one is acknowledging that congressional Republicans stand ready to spend as much money on education as we have offsets to support.

Instead, an effort appears to be underway to convince the American public that failing to fund an untested and unauthorized program to reduce class size should be taken as a sign of total neglect of education by this Congress. The facts just don't support that conclusion. The number of teachers is not as important as the quality of teachers. On the Federal level we must focus on promoting and ensuring quality. We don't necessarily need millions of new teachers—what we really need are millions of good teachers.

To hear the President and his advisers, hiring more teachers and reducing classroom size is the silver bullet which will solve the many deficiencies now plaguing our elementary and secondary schools. What we should all know by now is that there are no silver bullets when it comes to assuring the quality of education.

Rather, the only way to achieve the goals we seek is through the constant, day-to-day plugging away on behalf of the highest possible standards in all our education endeavors. I believe that the Congress is doing its part and that we have the legislative record to back that up.

RECOGNIZING THE CONTRIBUTIONS OF THE CITIES OF BRISTOL, TENNESSEE AND BRISTOL, VIRGINIA

Mr. JEFFORDS. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 214, which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A resolution (H. Con. Res. 214) recognizing the contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their people to the origins and development of Country Music, and for other purposes.

The Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 214), with its preamble, was agreed to.

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

Mr. JEFFORDS. Mr. President, I ask unanimous consent the Senate now proceed to consideration of Calendar No. 466, S. 1259.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 1259) to authorize appropriations for fiscal years 1998 and 1999, for the United States Coast Guard, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1259

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 Years 1998 and 1999''.

SEC. 2. TABLE OF SECTIONS.

The table of sections for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of sections.
Title I—Appropriations; Authorized Levels
Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Title II—Coast Guard Management
Sec. 201. Severance pay.
Sec. 202. Authority to implement and fund certain awards programs.
Sec. **[**202.**]** *203.* Use of appropriated funds for commercial vehicles at military funerals.
Sec. **[**203.**]** *204.* Authority to reimburse Novato, California, Reuse Commission.
Sec. **[**204.**]** *205.* Eliminate supply fund reimbursement requirement.
[Sec. 205. Authority to implement and fund certain awards programs.**]**
Sec. 206. Disposal of certain material to Coast Guard Auxiliary.
Title III—Marine Safety and Environmental Protection.
Sec. 301. Alcohol testing.
Sec. 302. Penalty for violation of International Safety Convention.
Sec. 303. Protect marine casualty investigations from mandatory release.
Sec. 304. Eliminate biennial research and development report.
Sec. 305. Extension of territorial sea for certain laws.
Sec. 306. Law enforcement authority for special agents of the Coast Guard Investigative Service.
Title IV—Miscellaneous
Sec. 401. Vessel Identification System amendments.
Sec. 402. Conveyance of communication station Boston Marshfield receiver site, Massachusetts.
Sec. 403. Conveyance of Nahant parcel, Essex County, Massachusetts.
Sec. 404. Conveyance of Eagle Harbor Light Station.
Sec. 405. Conveyance of Coast Guard station, Ocracoke, North Carolina.
Sec. 406. Conveyance of Coast Guard property to Jacksonville University, Florida.
Sec. 407. Coast Guard City, USA.
Sec. 408. Vessel documentation clarification.
Sec. 409. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding and providing false information.

TITLE I—APPROPRIATIONS; AUTHORIZED LEVELS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) *FISCAL YEAR 1998.*—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1998, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,740,000,000, 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, $379,000,000, to remain available until expended, of which $20,000,000 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, $19,000,000, to remain available until expended, of which $3,500,000 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, $645,696,000.

(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, $26,000,000 to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), $21,000,000, to remain available until expended.

(b) *FISCAL YEAR 1999.*—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1999, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,740,000,000, 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, $379,000,000, to remain available until expended, of which $20,000,000 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, $19,000,000, to remain available until expended, of which $3,500,000 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, $675,568,000.

(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, $26,000,000 to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), $21,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.G2

(a) *1998 END-OF-YEAR STRENGTH.*—The Coast Guard is authorized an end-of-year strength for active duty personnel of 37,660 as of September 30, 1998.

(b) *1998 MILITARY TRAINING STUDENT LOADS.*—For fiscal year 1998, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,368 student years.

(2) For flight training, 98 student years.

(3) For professional training in military and civilian institutions, 283 student years.

(4) For officer acquisition, 797 student years.

(c) *1999 END-OF-YEAR STRENGTH.*—The Coast Guard is authorized an end-of-year strength for active duty personnel of such numbers as may be necessary as of September 30, 1999.

(d) *1999 MILITARY TRAINING STUDENT LOADS.*—For fiscal year 1999, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, such student years as may be necessary.

(2) For flight training, such student years as may be necessary.

(3) For professional training in military and civilian institutions, such student years as may be necessary.

(4) For officer acquisition, such student years as may be necessary.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. SEVERANCE PAY.

(a) **[**Warrant Officers.—**]***WARRANT OFFICERS.*—Section 286a(d) of title 14, United States Code, is amended by striking the last sentence.

(b) SEPARATED OFFICERS.—Section 286a of title 14, United States Code, is amended by striking the period at the end of subsection (b) and inserting '', unless the officer is separated with an other than **[**Honorable Discharge**]** *honorable discharge* and the Secretary of the Service in which the Coast Guard is operating determines that the conditions under which the officer is discharged or separated do not warrant payment of severance pay.''.

(c) EXCEPTION.—Section 327 of title 14, United States Code, is amended by striking the period at the end of paragraph (b)(3) and inserting '', unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of severance pay.''.

SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

(a) Section 93 of title 14, United States Code, is 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) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including but not limited to state and local governments and commercial and nonprofit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution

(including reasonable expenses of ceremony and presentation).''.

SEC. [202.] *203.* USE OF APPROPRIATED FUNDS FOR COMMERCIAL VEHICLES AT MILITARY FUNERALS.

Section 93 of title 14, United States Code, as amended by [Section 203] *section 202* of this Act, is further amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (v);

(2) by striking the period at the end of paragraph (w) and inserting ''; and''; and

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

''(x) rent or lease, under such terms and conditions as are deemed advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery.''.

SEC. [203.] *204.* AUTHORITY TO REIMBURSE NOVATO, CALIFORNIA, REUSE COMMISSION.

The Commandant *of the United States Coast Guard* may use up to $25,000 to provide economic adjustment assistance for the City of Novato, California, for the cost of revising the Hamilton Reuse Planning Authority's reuse plan as a result of the Coast Guard's request for housing at Hamilton Air Force Base. If the Department of Defense provides such economic adjustment assistance to the City of Novato on behalf of the Coast Guard, then the Coast Guard may use the amount authorized for use in the preceding sentence to reimburse the Department of Defense for the amount of economic adjustment assistance provided to the City of Novato by the Department of Defense.

SEC. [204.] *205.* ELIMINATE SUPPLY FUND REIMBURSEMENT REQUIREMENT.

Subsection 650(a) of title 14, United States Code, is amended by striking [''The fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.''] *the last sentence* and inserting ''In these regulations, whenever the fund is reduced to delete items stocked, the Secretary may reduce the existing capital of the fund by the value of the materials transferred to other Coast Guard accounts. Except for the materials so transferred, the fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.''.

[SEC. 205. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

[(a) Section 93 of title 14, United States Code, is amended —

[(1) by striking ''and'' after the semicolon at the end of paragraph (w);

[(2) by striking the period at the end of paragraph (x) and inserting ''; and''; and

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

[''(y) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including but not limited to state and local governments and commercial and nonprofit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation).''.]

SEC. 206. DISPOSAL OF CERTAIN MATERIAL TO COAST GUARD AUXILIARY.

(a) Section 641 of title 14, United States Code, is amended—

(1) by striking ''to the Coast Guard Auxiliary, including any incorporated unit thereof,'' in subsection (a) ; and

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

''(f)(1) Notwithstanding any other law, the Commandant may directly transfer ownership of personal property of the Coast Guard to the Coast Guard Auxiliary (including any incorporated unit thereof), with or without charge, if the Commandant determines—

''(A) after consultation with the Administrator of General Services, that the personal property is excess to the needs of the Coast Guard but is suitable for use by the Auxiliary in performing Coast Guard functions, powers, duties, roles, missions, or operations as authorized by law pursuant to section 822 of this title; and

''(B) that such excess property will be used solely by the Auxiliary for such purposes.

''(2) Upon transfer of personal property under paragraph (1), no appropriated funds shall be available for the operation, maintenance, repair, alteration, or replacement of such property, except as permitted by section 830 of this title.''.

TITLE III—MARINE SAFETY AND ENVIRONMENTAL PROTECTION

SEC. 301. ALCOHOL TESTING.

(a) ADMINSTRATIVE PROCEDURE.—Section 7702 of title 46, United States Code, is amended—

(1) by striking ''(1)'' in subsection (c);

(2) by redesignating paragraph (2) of subsection (c) as subsection (d)(1) and by redesignating subsection (d) as subsection (e);

(3) by striking ''may'' in the second sentence of subsection (d)(1) as redesignated, and inserting ''shall''; and

(4) by adding at the end of subsection (d), as redesignated, the following:

''(2) The Secretary shall establish procedures to ensure that after a serious marine incident occurs, alcohol testing of crew members responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such incident is conducted no later than two hours after the incident is stabilized.''.

(b) INCREASE IN CIVIL PENALTY.—Section 2115 of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''$5,000''.

(c) INCREASE IN NEGLIGENCE PENALTY.—Section 2302(c)(1) of title 46, United States Code, is amended by striking ''$1,000 for a first violation and not more than $5,000 for a subsequent violation; or'' and inserting ''$5,000; or''.

SEC. 302. PENALTY FOR VIOLATION OF INTERNATIONAL SAFETY CONVENTION.

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

''(e)(1) A vessel may not be used to transport cargoes sponsored by the United States Government if the vessel has been detained by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention.

[''(2) The prohibition in paragraph (1) expires for a vessel 1 year after the date of the detention on which the prohibition is based or upon the Secretary granting an appeal of the detention on which the prohibition is based.

[''(3) The head of a Federal Agency may grant an exemption from the prohibition in paragraph (1) on a case by case basis if the owner of the vessel to be used for transport of the cargo sponsored by the United States Government can provide compelling evidence that the vessel is currently in compliance with applicable international safety conventions to which the United States is a party.

[''(4) As used in this subsection, the term 'cargo sponsored by the United States Government' means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.''.]

''(2) The prohibition in paragraph (1) expires for a vessel 1 year after the date of the detention on which the prohibition is based or upon the Secretary granting an appeal of the detention on which the prohibition is based.

''(3) The head of a Federal Agency may grant an exemption from the prohibition in paragraph (1) on a case by case basis if the owner of the vessel to be used for transport of the cargo sponsored by the United States Government can provide compelling evidence that the vessel is currently in compliance with applicable international safety conventions to which the United States is a party.

''(4) As used in this subsection, the term 'cargo sponsored by the United States Government' means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.''.

SEC. 303. PROTECT MARINE CASUALTY INVESTIGATIONS FROM MANDATORY RELEASE.

Section 6305(b) of title 46, United States Code, is amended by striking all after ''public'' and inserting a period and ''This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.''.

SEC. 304. ELIMINATE BIENNIAL RESEARCH AND DEVELOPMENT REPORT.

[(a)] Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. [2701 et seq.] *2761)* is amended by striking subsection (e) and by redesignating subsection (f) as subsection (e).

SEC. 305. EXTENSION OF TERRITORIAL SEA FOR CERTAIN LAWS.

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

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

(b) SUBTITLE II OF TITLE 46.—

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

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

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

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

(2) Section 2301 of that title is amended by inserting ''(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)'' after ''of the United States''.

(3) Section 4102(e) of that title is amended by striking ''on the high seas'' and inserting ''beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured''.

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

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

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

''(2) is operating—

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

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

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

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

''(2) [is] operating—

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

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

SEC. 306. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE COAST GUARD INVESTIGATIVE SERVICE.

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

''§ 95. Special agents of the Coast Guard Investigative Service law enforcement authority

''(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

''(A) To carry firearms.

''(B) To execute and serve any warrant or other process issued under the authority of the United States.

''(C) To make arrests without warrant for—

''(i) any offense against the United States committed in the agent's presence; or

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

''(2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.

''(b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.

''(c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Commandant and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of transportation or the Attorney General.''.

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

''95. Special agents of the Coast Guard Investigative Service; law enforcement authority.''.

TITLE IV—MISCELLANEOUS

SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.

Title 46, United States Code, is amended—

(1) by striking ''or is not titled in a State'' in section [121O2(a);] *12102(a);*

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

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

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

(3) by striking section 31322(b) and inserting the following:

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

(4) by striking ''mortgage or instrument'' each place it appears in section 31322(d)(1) and inserting ''mortgage, security agreement, or instrument'';

(5) by striking section [31322(d)(1)(3)] *31322(d)(3)* and inserting the following:

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

(6) by striking ''mortgages or instruments'' in subsection 31322(d)(2) and inserting ''mortgages, security agreements, or instruments'';

(7) by inserting ''a vessel titled in a State,'' in section 31325(b)(1) after ''a vessel to be documented under chapter 121 of this title,'';

(8) by inserting ''a vessel titled in a State,'' in section [31325(b)(8)] 31325(b)(3) after ''a vessel for which an application for documentation is filed under chapter 121 of this title,''; and

(9) by inserting ''a vessel titled in a State,'' in section 31325(c) after ''a vessel to be documented under chapter 121 of this title,''.

SEC. 402. CONVEYANCE OF COMMUNICATION STATION BOSTON MARSHFIELD RECEIVER SITE, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

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

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

(3) IDENTIFICATION OF PROPERTY.—

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

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

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

(1) without payment of consideration; and

(2) subject to the following terms and [conditions;] *conditions:*

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

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

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

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

SEC. 403. CONVEYANCE OF NAHANT PARCEL, ESSEX COUNTY, MASSACHUSETTS.

(a) IN GENERAL.—The Commandant, United States Coast Guard, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the United States Coast Guard Recreation Facility Nahant, Massachusetts, to the Town of Nahant.

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

(c) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to such terms and conditions as the Commandant may consider appropriate.

SEC. 404. CONVEYANCE OF EAGLE HARBOR LIGHT STATION.

(a) AUTHORITY TO CONVEY.—

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

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

(b) TERMS OF CONVEYANCE.—

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

(A) without payment of consideration; and

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 405. CONVEYANCE OF COAST GUARD STATION OCRACOKE, NORTH CAROLINA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant, United States Coast Guard, or his designee (the ''Commandant'') may convey, by an appropriate means of conveyance, all right, title, and interest of the United States of America (the ''United States'') in and, to the Coast Guard station Ocracoke, North Carolina, to the ferry division of the North Carolina Department of Transportation.

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

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

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) EASEMENTS.—The Commandant may reserve utility, access, and any other appropriate easements upon the property to be conveyed for the purpose of—

(i) use of the access road to the boat launching ramp;

(ii) use of the boat launching ramp; and

(iii) use of pier space for necessary search and rescue assets (including water and electrical power).

(B) MAINTENANCE.—The ferry division of North Carolina Department of Transportation, and its successors and assigns shall, at its own cost and expense, maintain the property conveyed under this section in a proper, substantial and workmanlike manner necessary for the use of any easements created under subparagraph (A).

(C) REVERSIONARY INTEREST.—All right, title, and interest in and to administered by the general services administration if the property, or any part thereof, ceases to be used by the Ferry Division of North Carolina Department of Transportation.

(D) OTHER.—Any other terms and conditions the Commandant may consider appropriate to protect the interests of the United States.

SEC. 406. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY, FLORIDA.

(a) AUTHORITY TO CONVEY.—

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

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

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

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

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

SEC. 407. COAST GUARD CITY, USA.

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

SEC. 408. VESSEL DOCUMENTATION CLARIFICATION.

Section 12102(a)(4) of title **49,** *46,* United States Code, and section 2(a) of the Shipping Act, 1916 (46 U.S.C. App. 802(a)) are each amended by—

(1) striking ''president or other''; and

(2) inserting a comma and ''by whatever title,'' after ''chief executive officer''.

SEC. 409. SANCTIONS FOR FAILURE TO LAND OR TO BRING TO; SANCTIONS FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end new section 2237 to read as follows:

''§ 2237. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding and providing false information

''(a)(1) It shall be unlawful for the pilot, operator, or person in charge of an aircraft which has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, to knowingly fail to obey an order to land by an authorized Federal law enforcement officer who is enforcing the laws of the United States relating to controlled substances, as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), or relating to money laundering (sections 1956–57 of this title).

''(2) The Administrator of the Federal Aviation Administration, in consultation with the Commissioner of Customs and the Attorney General, shall prescribe regulations governing the means by, and circumstances under which, a Federal law enforcement officer may communicate an order to land to a pilot, operator, or person in charge of an aircraft. 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).

''(b)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to bring to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

''(2) It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

''(A) fail to comply with an order of an authorized Federal law enforcement officer in connection with the boarding of the vessel;

''(B) impede or obstruct a boarding or arrest or other law enforcement action authorized by any Federal law; or

''(C) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew, which that person knows is false.

''(c) This section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to bring to.

''(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

''(e) For purposes of this section—

''(1) A 'vessel of the United States' and a 'vessel subject to the jurisdiction of the United States' have the meaning set forth for these terms in the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903);

''(2) an aircraft 'subject to the jurisdiction of the United States' includes—

''(A) an aircraft located over the United States or the customs waters of the United States;

''(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

''(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the enforcement of United States law by the United States;

''(3) an aircraft 'without nationality' includes—

''(A) an aircraft aboard which the pilot, operator, or person in charge makes a claim of registry, which claim is denied by the nation whose registry is claimed; and

''(B) an aircraft aboard which the pilot, operator, or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of registry for that aircraft;

''(4) the term 'bring to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state; and

''(5) the term 'Federal law enforcement officer' has the meaning set forth in section 115 of this title.

''(f) Any person who intentionally violates the provisions of this section shall be subject to—

''(1) imprisonment for not more than 3 years; and

''(2) a fine as provided in this title.

''(g) 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. The laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any of the provisions of this section; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. A vessel or aircraft that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 109 of title 18, United States

Code, is amended by inserting the following new item after the item for section 2236:

''2237. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding or providing false information.''.

Mr. JEFFORDS. I ask unanimous consent the committee amendments be withdrawn.

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

The Committee amendments were withdrawn.

AMENDMENT NO. 3813

Mr. JEFFORDS. Senator SNOWE has a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Ms. SNOWE, proposes an amendment numbered 3813.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Ms. SNOWE. Mr. President, today the Senate is considering S. 1259, the Coast Guard Authorization Act for Fiscal Years 1998, 1999, and 2000. Members of the Subcommittee on Oceans and Fisheries have been working on this legislation for much of the past year. My substitute amendment incorporates changes made to the bill since the Commerce Committee reported it, and which enjoys strong bipartisan support. These changes are based on comments that we received from a number of senators.

The Coast Guard is one of our nation's most important agencies. It aids people in distress, prevents injury and the loss of life, defends our oceans borders from the scourge of illegal drugs and other national security threats, maintains the safety of our waterways, and performs many other essential missions with a high degree of professionalism. My State of Maine has a 3,500 mile coastline, and the Coast Guard plays an indispensable role in the safety and economy of the many people who live along the coast. The same is true for every other coastal state in the nation.

In 1996, we enacted the Coast Guard Authorization Act of 1996, which authorized the Coast Guard through fiscal year 1997. The substitute amendment before us today reauthorizes appropriations and personnel levels for the Coast Guard through fiscal year 2000. In each of fiscal years 1999 and 2000, it authorizes $100 million over the administration's fiscal year 1999 for drug interdiction activities. These increases will restore Coast Guard drug interdiction to the fiscal year 1997 level. The amendment also includes various provisions that, among other things, are designed to provide greater flexibility to the Coast Guard on personnel administration, streamline the inventory management process, eliminate an unnecessary reporting requirement, enhance the safety of marine transportation, and strengthen Coast Guard law enforcement activities.

Several provisions of the amendment that are particularly important to people in Maine and other states deserve special mention. Section 301 requires the Coast Guard to ensure that alcohol testing of vessel crew members is conducted within 2 hours of marine accidents, unless safety considerations prevent it. This section also increases the maximum civil penalties for failure to adhere to alcohol/drug testing procedures and for operating a vessel while intoxicated.

Section 310 requires the Coast Guard to issue a report identifying U.S. waters out to 50 miles that cannot currently be reached within 2 hours by a Coast Guard search and rescue helicopter. The report must identify options to ensure that these areas can be covered by a helicopter within 2 hours.

Section 313 authorizes the Secretary of Transportation to establish, in consultation with the International Maritime Organization, two mandatory ship reporting systems in Cape Cod Bay and the Great South Channel (east of Cape Cod). Ships entering these areas will have to report to the Coast Guard so that the Coast Guard may track their movements and provide them with information on whale sightings. The provision is intended to protect against ship strikes of the highly endangered Northern right whale.

Title V of the bill contains S. 1480, the Harmful Algal Bloom and Hypoxia Research and Control Act, a bill that I have sponsored with a number of senators on both sides of the aisle. The Commerce Committee recently reported the bill with unanimous bipartisan support. It directs the administration to develop plans for dealing more effectively with harmful algal blooms like pfiesteria and hypoxia, or the dead zone, in the Gulf of Mexico. It also authorizes additional funding for NOAA's research and monitoring activities on harmful algal blooms and hypoxia.

Mr. President, I wish to emphasize one very important point with respect to these plans in title V, particularly the plan on Northern Gulf of Mexico hypoxia. The language in its provision requires the plan to be developed in conjunction with the States. The intent of this language is to ensure that the States play a substantial and constructive role in each stage of the development of the plan, and that their concerns and recommendations will be address by the administration before a plan is completed. Finding creative and sensible solutions to the Gulf of Mexico hypoxia problem will not be possible without the advice and cooperation of the affected States.

This bipartisan bill reflects many months of painstaking effort and compromise. It will help to ensure that the Coast Guard will be able to perform its critical missions over the next 2 years. I urge my colleagues to support the bill.

Mr. KERRY. Mr. President, I am pleased to support the bill before us today which would authorize the programs and activities of the U.S. Coast Guard for fiscal years 1998, 1999 and 2000.

Mr. President, Massachusetts with its hundreds of miles of coastline, unforgiving storms, active maritime and fishing industries, and thriving recreational boating population, needs the Coast Guard at full strength. So does the rest of the nation.

That is why I am pleased to support the bill before us today. I would like to describe some of the ways in which this bill addresses the challenges facing the Coast Guard. Our nation's maritime navigational infrastructure is of critical importance to a healthy economy. Over 95 percent of our nation's imports and exports are transported through our coastal waters by commercial shipping. This bill authorizes funds for the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft. In addition, I am extremely pleased that the bill authorizes necessary funding which will extend the useful life of the LORAN-C System. While the Differential Global Positioning System (DGPS) has revolutionized precise navigation by ships and aircraft, we must recognize that there are still millions who rely on LORAN-C.

One of the most important functions of the Coast Guard is to promote marine safety and environmental protection. This bill calls on the Secretary to establish procedures to ensure that after a serious marine incident occurs, alcohol testing of crew members or other persons responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such an incident is conducted no later than 2 hours after the incident occurs.

I am pleased to see included here a provision designed to protect right whales. I worked closely with the Coast Guard and others to ensure that this bill included language that calls on the Secretary to implement and enforce two mandatory ship reporting systems, consistent with international law. One of these areas is located offshore of the Cape Cod Bay and Great South Channel. Upon entry into one of these areas, ships will be made aware of right whale sightings in order to lower the possibility of collision with these marine mammals.

I am very pleased that this bill includes three land conveyances which transfer properties from the Coast Guard to Massachusetts communities: conveyance of communication station Boston Marshfield receiver site; conveyance of Nahant Parcel, Essex County; and conveyance of the Coast Guard Loran Station Nantucket.

Mr. President, I am especially supportive of this bill's inclusion of language which will relieve the hiring freeze on the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), first imposed following the 1995 National Performance Review. This provision, which I

am pleased to have sponsored, will guarantee consistent stewardship of the NOAA Corps and the very important role the Corps plays in NOAA and to our Nation. This legislation will restore stability and renew the good faith contract made with the men and women of the NOAA Corps by establishing a minimum and maximum authorized strength for our nation's seventh uniformed service.

The NOAA Corps is an indispensable part of NOAA: a pool of professionals trained in engineering, earth sciences, oceanography, meteorology, fisheries science, and other related disciplines. Corps officers serve in assignments within the five major line offices of NOAA. They operate ships, fly aircraft into hurricanes, lead mobile field parties, manage research projects, conduct diving operations, and serve in staff positions throughout NOAA. They operate the ships that set buoys used to gather oceanographic and meteorological data on unusual weather phenomena such as El Nino. They fly research aircraft into hurricanes that record valuable atmospheric observations. They conduct hydrographic surveys along our nation's coast in order to make our waters safe for maritime commerce.

This legislation will establish staffing levels for the NOAA Corps that will provide some assurance of long term viability. It is time that we reaffirm our commitment to studying the earth's oceans and atmosphere by insuring that the NOAA Corps is staffed at the appropriate level.

Finally, Mr. President, let me again turn to the Coast Guard provisions in this bill. The Coast Guard is essential to the safety and well-being of citizens in every coastal state and in every state with navigable waters. Today, over 50 percent of the U.S. population lives within coastal areas and directly benefits from the services the Coast Guard provides. But, indirectly, the Coast Guard, in the performance of its mission, is there to protect every American and every visitor to our coastal waters. In fact, more than two-thirds of the total budget for the Coast Guard goes to operating expenses to protect public safety and the marine environment; to enforce fishery and other laws and treaties; maintain aids to navigation; prevent illegal drug trafficking and illegal immigration; and preserve defense readiness. S. 1259 will make management improvements and enhance law enforcement authority for the Coast Guard, enhancing its ability to accomplish these missions. I urge my colleagues to support this bill.

Mr. BREAUX. Mr. President, I rise today to support S. 1259, the United States Coast Guard Authorization Act. As many of my distinguished colleagues know, I have a great deal of admiration for the Coast Guard, as well as for Coast Guard men and women that carry out critical missions for our country. Before going into greater detail on the importance of the Coast Guard, I wish to discuss an amendment that Senator FORD and I intended to offer to this bill, but have withdrawn in order to address certain concerns raised by my colleague from Rhode Island, Senator CHAFEE. Our amendment would have eliminated the unjustified use of strict criminal liability statutes that do not require a showing of criminal intent or even the slight negligence in oil spill incidents.

Through comprehensive congressional action that led to the enactment and implementation of the Oil Pollution Act of 1990, commonly referred to as ''OPA90,'' the United States has successfully reduced the number of oil spills in the maritime environment and has established a cooperative public/private partnership to respond effectively in the diminishing number of situations when an oil spill occurs. Nonetheless, over the course of the last eight years, the use of the unrelated strict criminal liability statutes that I referred to above has undermined the spill prevention and response objectives of OPA90, the very objectives that were established by the Congress to preserve the environment, safeguard the public welfare, and promote the safe transportation of oil. Reasonable, measured refinements in federal law are urgently required to preserve the objectives of OPA90 by preventing the unjustified use of strict criminal liability in oil spill incidents. Accordingly, I have been working with my distinguished colleague from Kentucky, Senator FORD, and other members of the Senate to include legislation in this bill to enact such refinements.

As stated in the coast Guard's own environmental enforcement directive, a company, its officers, employees, and mariners, in the event of an oil spill ''could be convicted and sentenced to a criminal fine even where [they] took all reasonable precautions to avoid the discharge''. With increasing frequency, responsible operators in my home state of Louisiana and elsewhere in the United States who transport oil are unavoidably exposed to potentially immeasurable criminal fines and, in the worst case scenario, jail time. Not only is this situation unfairly targeting an industry that plays an extremely important role in our national economy, but it also works contrary to the public welfare.

Mr. FORD. As my colleague from Louisiana well knows, most liquid cargo transportation companies on the coastal and inland waterway system of the United States have embraced safe operation and risk management as two of their most important and fundamental values. For example, members of the American Waterways Operators (AWO) from Kentucky, Louisiana, and other states have implemented stronger safety programs that have significantly reduced personal injuries to mariners. Tank barge fleets have been upgraded through construction of new state-of-the-art double hulled tank barges while obsolete single skin barges are being retired far in advance of the OPA90 timetable. Additionally, AWO members have dedicated significant time and financial resources to provide continuous and comprehensive education and training for vessel captains, crews and shore side staff, not only in the operation of vessels but also in preparation for all contingencies that could occur in the transportation of oil products. As of today, more than 90 percent of the tugboats, towboats and barges owned and operated by AWO member companies are in compliance with the AWO Responsible Carrier Program (RCP), a program developed by the towing industry, on its own initiative, to improve the overall safety, efficiency, and quality of its marine operations. The RCP, complemented by advanced training programs such as the ground breaking wheelhouse resource management and simulator training program for towboat operators, is greatly enhancing the professionalism of mariners engaged in the transportation of oil products.

Mr. President, I know that the commitment to marine safety and environmental protection by responsible members of the oil transportation industry from Kentucky and elsewhere is real. They continue to work closely with the Coast Guard to upgrade regulatory standards in such key areas as towing vessel operator qualifications and navigation equipment on towing vessels. That commitment is demonstrated by industry-driven safety initiatives like the Responsible Carrier Program mentioned above and the Coast Guard-AWO Partnership, which brings the leadership of the industry together with government to solve marine safety and environmental protection problems.

Mr. BREAUX. through the efforts of AWO and other organizations, the maritime transportation industry has achieved an outstanding compliance record with the numerous laws and regulations enforced by the Coast Guard. Let me be clear: responsible carriers, and frankly their customers, have a ''zero tolerance'' policy for oil spills. For example, I am aware of a major marine transportation company headquartered in Louisiana that has a record of having performed over 5,300 liquid cargo transfer operations without spilling or contaminating any of the almost 2.8 billion gallons it transferred over a recent three year period. Additionally, the industry is taking spill response preparedness seriously. Industry representatives and operators routinely participate in Coast Guard oil spill crisis management courses, PREP Drills, and regional spill response drills. Yet despite all of the modernization, safety, and training efforts of the marine transportation industry, their mariners and shoreside employees cannot escape the threat of criminal liability in the event of an oil spill, even where it is shown that they ''took all reasonable precautions to avoid [a] discharge''.

Mr. President, as you know, in response to the tragic *Exxon Valdez* spill, Congress enacted OPA90. OPA90 mandated new, comprehensive, and complex regulatory and enforcement requirements for the transportation of oil products and for oil spill response. Both the federal government and maritime industry have worked hard to accomplish the legislation's primary objective—to provide greater environmental safeguards in oil transportation by creating a comprehensive prevention, response, liability, and compensation regime to deal with vessel and facility oil pollution.

Mr. FORD. As my colleague from Louisiana has most ably demonstrated, OPA90 is working in a truly meaningful sense. To prevent oil spill incidents from occurring in the first place, OPA90 provides an enormously powerful deterrent through both its criminal and civil liability provisions. Moreover, OPA90 mandates prompt reporting of spills, contingency planning, and both cooperation and coordination with federal, state, and local authorities in connection with managing the spill response. Failure to report and cooperate as required by OPA90 may impose automatic civil penalties, criminal liability and unlimited civil liability. As a result, the number of domestic oil spills has been dramatically reduced over the past eight years since OPA90 was enacted. Coast Guard statistics reflect that in 1990 there were a total of 35 major and medium oil spills, seven of which were major spills. In 1997, as a direct result of OPA90, there were no major oil spills and the number of medium spills had been reduced to eight. In those limited situations in which oil spills unfortunately occurred, intensive efforts commenced immediately with federal, state and local officials working in a joint, unified manner with the industry, as contemplated by OPA90, to clean up and report spills as quickly as possible and to mitigate to the greatest extent any impact on the environment. OPA90 has provided a comprehensive and cohesive ''blueprint'' for proper planning, training, and resource identification to respond to an oil spill incident, and to ensure that such a response is properly and cooperatively managed.

OPA90 also provides a complete statutory framework for proceeding against individuals for civil and/or criminal penalties arising out of oil spills in the marine environment. When Congress crafted this Act, it carefully balanced the imposition of stronger criminal and civil penalties with the need to promote enhanced cooperation among all of the parties involved in the spill prevention and response effort. In so doing, the Congress clearly enumerated the circumstances in which criminal penalties could be imposed for actions related to maritime oil spills. In particular, OPA90 properly imposes criminal liability for negligent violations and provides for punishment of up to one year imprisonment and/or fines between $2500 and $25,000 per day. The punishment for each knowing violation was increased by OPA90 to up to three years imprisonment and/or fines between $5000 and $50,000 per day. Furthermore, OPA90 added and/or substantially increased criminal penalties under other pre-existing laws which comprehensively govern the maritime transportation of oil and other petroleum products.

Mr. BREAUX. My colleague from Kentucky and I do not advocate nor do we support any effort to change the tough criminal sanctions that were imposed in OPA90. The criminal sanctions under OPA90 properly follow the traditional notion of what constitutes a criminal act in this country, namely, that a crime occurs when a knowing, intentional act is committed or when a party's conduct is so egregious that ''negligence'' has occurred. These tough, comprehensive OPA90 provisions collectively operate as a major deterrent for oil spills and should not be changed.

However, responsible, law-abiding members of the maritime industry in Louisiana and elsewhere are concerned by both the justice Department's willingness in the post-OPA90 environment to use strict criminal liability statues and the Coast Guard's increasing attention to criminal enforcement in oil spill incidents. As you know, strict liability imposes criminal sanctions without requiring a showing of criminal knowledge, intent or even negligence. These federal actions imposing strict liability have created an atmosphere of extreme uncertainty for the maritime transportation industry and Oil Spill Response Organizations (OSROs) about how to respond to and cooperate with the Coast Guard and other federal agencies in cleaning up an oil spill. Criminal culpability in this country, both historically and as reflected in the comprehensive OPA90 legislation itself, typically requires wrongful actions or omissions by individuals through some degree of criminal intent or through the failure to use the required standard of care. However, Federal prosecutors have been employing other antiquated, seemingly unrelated ''strict liability'' statutes that do not require a showing of ''knowledge'' or ''intent'' as a basis for criminal prosecution for oil spill incidents. Such strict criminal liability statutes as the Migratory Bird Treaty Act and the Refuse Act, statutes that were enacted at the turn of the century to serve other purposes, have been used to harass and intimidate the maritime industry, and, in effect, have turned every oil spill into a potential crime scene without regard to the fault or intent of companies, corporate officers and employees, and mariners.

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et seq.*) provides that ''it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, . . . any migratory bird . . .'', a violation of which is punishable by imprisonment and/or fines. Prior to the *Exxon Valdez* oil spill in 1989, the MBTA was primarily used to prosecute the illegal activities of hunters and capturers of migratory birds, as the Congress originally intended when it enacted the MBTA in 1918. In the *Exxon Valdez* case itself, and prior to the enactment of OPA90, the MBTA was first used to support a criminal prosecution against a vessel owner in relation to a maritime oil spill, and this ''hunting statute'' has been used ever since against the maritime industry. The ''Refuse Act'' (33 U.S.C. 407, 411) was enacted 100 years ago at a time well before subsequent federal legislation essentially replaced it with comprehensive requirements and regulations specifically directed to the maritime transportation of oil and other petroleum products. Such strict liability statutes are unrelated to the regulation and enforcement of oil transportation activities, and in fact were not included within the comprehensive OPA90 legislation as statutes in which criminal liability could be found. With the prosecutorial use of strict liability statutes, owners and mariners engaged in the transportation of oil cannot avoid exposure to criminal liability, regardless of how diligently they adhere to prudent practice and safe environmental standards. Although conscientious safety and training programs, state-of-the-art equipment, proper operational procedures, preventative maintenance programs, and the employment of qualified and experienced personnel will collectively prevent most oil spills from occurring, unfortunately spills will still occur on occasion.

Mr. FORD. Mr. President, to illustrate Senator Beaux's point, please permit me to present a scenario that highlights the dilemma faced by the maritime oil transportation industry in Kentucky. Imagine, if you will, that a company is operating a towing vessel in compliance with Coast Guard regulations on the Mississippi River on a calm, clear day with several fully laden tank barges in tow. Suddenly, in what was charted and previously identified to be a clear portion of the waterway, one of the tank barges strikes an unknown submerged object which shears through its hull and causes a significant oil spill in the river. Unfortunately, in addition to any other environmental damage that may occur, the oil spill kills one or more migratory birds. As you know, under OPA90 the operator must immediately undertake coordinated spill response actions with the Coast Guard and other federal, state, and local agencies to safeguard the vessel and its crew, clean up the oil spill, and otherwise mitigate any damage to the surrounding environment. The overriding objectives at this critical moment are to assure personnel and public safety and to clean up the oil spill as quickly as possible without constraint. However, in the current atmosphere the operator must take into

consideration the threat of strict criminal liability under the Migratory Bird Treaty Act and the Refuse Act, together with their attendant imprisonment and fines, despite the reasonable care and precautions taken in the operation and navigation of the two and in the spill response effort. Indeed, in the Coast Guard's recently issued environmental enforcement directive, the statement is made that ''[t]he decision to commit the necessary Coast Guard resources to obtain the evidence that will support a criminal prosecution must often be made in the very early stages of a pollution incident.'' Any prudent operator will quickly recognize the dilemma in complying with the mandate to act cooperatively with all appropriate public agencies in cleaning up the oil spill, while at the same time those very agencies may be conducting a criminal investigation of that operator. Vessel owners and their employees who have complied with federal laws and regulations and have exercised all reasonable care should not continue to face a substantial risk of imprisonment and criminal fines under such strict liability statutes. Criminal liability, when appropriately imposed under OPA90, should be employed only where a discharge is caused by conduct which is truly ''criminal'' in nature, i.e., where a discharge is caused by reckless, intentional or other conduct deemed criminal by OPA90.

Mr. BREAUX. As the scenario presented by my colleague from Kentucky demonstrates, the unjustified use of strict liability statutes is plainly undermining the very objectives which OPA90 sought to achieve, namely to enhance the prevention of and response to oil spills in Louisiana and elsewhere in the United States. As we are well aware, tremendous time, effort, and resources have been expended by both the federal government and the maritime industry to eliminate oil spills to the maximum extent possible, an to plan for and undertake an immediate and effective response to mitigate any environmental damage from spills that do occur. Clearly unwarranted and improper prosecutorial use of strict liability statutes will have a ''chilling'' effect on these cooperative spill prevention and response efforts. Indeed, even if we were to believe that criminal prosecution only follows intentional criminal conduct, the mere fact that strict criminal liability statutes are available at the prosecutor's discretion will intimidate even the most innocent and careful operator. With strict liability criminal enforcement, responsible members of the maritime transportation industry and faced with an extreme dilemma in the event of an oil spill—provide less than full cooperation and response as criminal defense attorneys will certainly direct, or cooperate fully despite the risk of criminal prosecution that could result from any additional actions or statements made during the course of the spill response. Consequently, increased criminalization of oil spill incidents introduces uncertainty into the response effort by discouraging full and open communication and cooperation and leaves vessel owners and operators criminally vulnerable for response actions taken in an effort to ''do the right thing''.

Mr. FORD. In the maritime industry's continuing effort to improve its risk management process, it seeks to identify and address all foreseeable risks associated with the operation of its business. Through fleet modernization, personnel training, and all other reasonable steps to address identified risks in its business, the industry still cannot manage or avoid the increased risks of strict criminal liability (again, a liability that has no regard to fault or intent). The only method available to companies and their officers to avoid the risk of criminal liability completely is to divest themselves from the maritime business of transporting oil and other petroleum products, in effect to get out of the business altogether. Furthermore, strict liability criminal laws provide a strong disincentive for trained, highly experienced mariners to continue the operation of tank vessels, and for talented and capable individuals from even entering into that maritime trade. A recent editorial highlighted the fact that tugboat captains ''are reporting feelings of intense relief and lightening of their spirits when they are ordered to push a cargo of grain or other dry cargo, as compared to the apprehension they feel when they are staring out of their wheelhouses at tank barges'', and ''that the reason for this is very obvious in the way that they find themselves instantly facing criminal charges * * * in the event of a collision or grounding and oil or chemicals end up in the water''. These views were eloquently expressed as well by two tank vessel masters in a recent House hearing on strict criminal liability for oil pollution. Certainly, the federal government does not want to create a situation where the least experienced mariners are the only available crew to handle the most hazardous cargoes, or the least responsible operators are the only available carriers. Thus, the unavoidable risk of such criminal liability directly and adversely affects the safe transportation of oil products, an activity essential for the public, the economy, and the nation.

Mr. BREAUX. Therefore, Mr. President, despite the commitment and effort to provide trained and experienced vessel operators and employees, to comply with all Coast Guard laws and regulations, to abide by the safety and other operational mandates of the AWO Responsible Carrier Program and other similar industry initiatives, and to provide for the safe transportation of oil as required by OPA90, maritime transportation companies in Louisiana, Kentucky, and elsewhere still cannot avoid criminal liability in the event of an oil spill. Responsible, law-abiding companies have unfortunately been forced to undertake the only prudent action that they could under the circumstances, namely the development of criminal liability action plans and retention of criminal counsel in an attempt to prepare for the unavoidable risks of such liability.

These are only preliminary steps and do not begin to address the many implications of the increasing criminalization of oil spills. The industry is now asking what responsibility does it have to educate its mariners and shoreside staff about the potential personal exposure they may face and wonder how to do this without creating many undesirable consequences? How should the industry organize spill management teams and educate them on how to cooperate openly and avoid unwitting exposure to criminal liability? Mr. President, my colleague from Kentucky and I have thought about these issues a great deal and simply do not know how to resolve these dilemmas under current, strict liability law.

Mr. FORD. In the event of an oil spill, a responsible party not only must manage the cleanup of the oil and the civil liability resulting from the spill itself, but also must protect itself from the criminal liability that now exists due to the available and willing use of strict liability criminal laws by the Federal Government. Managing the pervasive threat of strict criminal liability, by its very nature, prevents a responsible party from cooperating fully and completely in response to an oil spill situation. The OPA90 ''blueprint'' is no longer clear. Is this serving the objectives of OPA90? Does this really serve the public welfare of our nation? Is this what congress had in mind when it mandated its spill response regime? Is this in the interest of the most immediate, most effective oil spill cleanup in the unfortunate event of a spill? We think not.

Mr. BREAUX. To restore the delicate balance of interests reached in the enactment of OPA90 almost eight years ago, I strongly believe that the Congress should reaffirm the OPA90 framework for criminal prosecutions in oil spill incidents, and work to enact legislation that reasserts the role of OPA90 as the statute providing the exclusive criminal penalties for oil spills. My colleague from Kentucky and I have proposed such legislation that will ensure increased cooperation and responsiveness desired by all those interested in oil spill response issues, while not diluting the deterrent effect and stringent criminal penalties imposed by OPA90 itself. My colleague from Kentucky and I are hopeful that we can work with Senator CHAFEE and other Members of the Congress to ensure the passage of such reform measures to preserve the oil spill prevention and response objectives of OPA90.

Mr. President, another issue of great importance which is addressed in this legislation is the double hull alternative design study. Section 417 directs

the Secretary of Transportation to coordinate with the Marine Board of the National Research Council to conduct necessary research and development for alternative tanker designs to the double hull. If this effort utilizes technical performance standards it will undoubtedly enhance development designs such as the central ballast tanker system. These, American designs, some of which have already passed rigorous scientific tests and meet or exceed international shipbuilding standards, have not in my mind received appropriate attention. In my opinion, this may be due to inaccurate interpretation of Congress' intent which the Coast guard believes restricts any consideration of alternative designs to the double hull.

Let me be clear, I am not opposed to the double hull design. In fact, I believe there is a place for the double hull. However, to consider only the double hull, while ignoring new, innovative technology which has been developed since the passage of the Clean Water Act and OPA90 exhibits bad judgment and simply put is bad policy. It is estimated that 8,000 tankers will have to be constructed or redesigned by 2015 to meet the requirements of the petroleum industry. This equates to a ship building program which the industry conservatively estimates to be worth $400 billion, all of which will be built by foreign shipyards if we do not pursue alternative designs. For those who do not believe that U.S. shipyards can't compete—just look at what's happening right now. Currently, there are two hundred double hull tankers under construction or contract around the world of which only two have been built in the United States, both of which lost money for the U.S. shipyard. In fact, I am told that the U.S. shipyard which built these two double hull ships has refused to construct anymore. Without incorporating innovative design and technology, our shipyards and U.S. workers will lose out to Japanese, Korean, Norwegian and other foreign yards and workers.

Mr. President, this issue is about more than jobs. Being from Louisiana, I am intimately familiar with the importance of this issue from an environmental standpoint. I grew up on Louisiana's Gulf coast and know first hand how environmentally sensitive our wetlands and coastlines are and also appreciate how important their health is to the livelihood of the many people who live along the richest fishery in the world. Therefore, it should come as no surprise that all of us in Louisiana, and I suspect just about all those who live along the Gulf Coast, are extremely concerned with the safety and reliability of oil transport vessels in our waters. Innovative designs like the central ballast tanker system will add a greater degree of safety in our waters an will further protect our sensitive and vitally important coastal ecosystem.

I am confident that the Secretary, in conjunction with the Marine Board, the Coast Guard and industry leaders will pull together to consider and eventually approve alternative designs to the double hull so our waters can be cleaner and safer and our shipyards and American workers will successfully participate in tanker construction in the years to come.

Mr. President, as I initially indicated, I have a great deal of admiration for the U.S. Coast Guard. I therefore, stand here today in support of S. 1259 the United States Coast Guard Authorization Act.

The Coast Guard is essential to the safety and well being of the citizens of my home state of Louisiana, as well as every other coastal State, every State with navigable waters and even several landlocked States.

Using Louisiana as an example, with its hundreds of miles of coastline, active maritime and fishing industries, and thriving recreational boating population the Coast Guard must be at full strength. The payback to our nation is unparalleled. For instance, every year the Coast Guard:

Saves about 5,000 lives;

Conducts 65,700 search and rescue missions;

Responds to 11,680 hazardous waste spills;

Protects vital marine habitats from encroachment and pollution;

Maintains 50,000 aids to ensure maritime safety; and

Keeps $2.6 billion worth of drugs off U.S. streets.

In the Greater New Orleans area alone, the Coast Guard:

Conducted over 300 search and rescue missions;

Responded to 2500 pollution incidents;

Investigated nearly 700 marine casualties;

Conducted over 2700 vessel inspections; and

Seized hundreds of pounds of drugs (Marijuana and Cocaine).

In the event my distinguished colleagues aren't already amazed let me continue. More than two-thirds of the total budget for the Coast Guard goes to operating expenses to protect public safety and the marine environment, to enforce fishery and other laws and treaties, maintain aids to navigation, prevent illegal drug trafficking and illegal immigrants, and preserve defense readiness. I believe it's our responsibility to ensure that the Coast Guard has adequate resources for its missions as it prepares for the next century. As I've outlined, the resources we provide to the Coast Guard have a direct impact on our communities. The Coast Guard's Search and Rescue Program alone provides a four-to-one return on their Operating Expenses Appropriation and only scratched the surface of what the Coast Guard does for America, everyday, around the clock. This pay-pack is unrivaled and can only be claimed by a few agencies, including the Coast Guard.

Always serving as an example, over the past 4 years, the Coast Guard on its own initiative to reduce overhead eliminated close to 4,000 positions and streamlined to save approximately $400 million per year. This has resulted in the smallest Coast Guard since 1967, yet their workload has grown substantially over the past 3 decades. Over the years, we the Congress has continued to expand the Coast Guard's mission. The ''can-do'' attitude they continually display should serve as an example to us all. However, we can no longer force this proud maritime service to do more with less.

I now call my colleagues to action. The Coast Guard's fiscal year 1999 budget request contains the minimum funding necessary to sustain Coast Guard operations. As a co-sponsor of the Western Hemisphere Drug Elimination Act, I strongly support increased counter-drug operations, but I believe earmarks to increase them at the expense of several other Coast Guard missions inside a net reduction in operating expenses is not possible.

It goes without saying how important the Coast Guard is to our Nation. I urge my colleagues to assure all necessary funding be secured in the 1999 Transportation Appropriations Bill, expected on the floor any day now. Restoration of earmarks are paramount to avoid necessary loss of life and negatively impacting public safety. I urge my colleagues to ensure the Coast Guard is provided a fiscal year budget very close to the President's request.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. HOLLINGS. Mr. President, I am pleased to join with my Commerce Committee colleagues in supporting legislation to authorize the U.S. Coast Guard. This agency enjoys widespread, bipartisan support—and for good reason. The Coast Guard has an important job and does it well. Last year alone, the Coast Guard conducted 12,449 fisheries enforcement boardings; prevented 103 thousand pounds of cocaine and 102 pounds of marijuana from reaching the streets; gave safety instruction to 570 thousand recreational boaters; responded to 13,654 reports of water pollution or hazardous spills; prevented property loss of $2.5 billion; and saved almost 5,000 lives.

The legislation before us today recognizes the vital contribution that the Coast Guard makes to the war on drugs. It authorizes $100 million over the President's request in fiscal year (FY) 1999 and FY 2000 for drug interdiction. This will allow the Coast Guard to conduct more operations like the one carried out by the Coast Guard Cutter *Dallas* in November of 1997. The *Dallas,* which is homeported in my hometown of Charleston, was participating in a joint surveillance operation with the U.S. Navy, the U.S. Drug Enforcement Agency, and the Colombian Navy. During the operation, the *Dallas* fired 25 warning shots in pursuit of a 40-foot boat spotted off the coast of Columbia and recovered 1 of the 2 tons of cocaine netted in the operation.

This bill authorizes a Coast Guard budget of $3.8 billion for FY 1998, $4.07 billion for FY 1999, and $4.35 billion for FY 2000 covering six appropriations accounts: (1) operating expenses; (2) acquisition, construction, and improvement of equipment and facilities; (3) research and development; (4) retired pay; (5) alteration and removal of bridges; and (6) environmental compliance and restoration. In addition, it authorizes $10 million in FY 1999 and $35 million in FY 2000 for capital expenses related to LORAN-C navigation infrastructure.

S. 1259 also provides for end-of-year military strength and training loads and addresses a number of Coast Guard-related administrative and policy issues. Among such issues, the bill provides for: authority to waive severance pay for officers separated with an other than honorable discharge; removal of the cap on warrant officer severance pay; use of funds for awards programs and car rental for funerals; transfer of equipment to Coast Guard Auxiliary; arrest authority for Special Agents of the Coast Guard Investigative Service; and a prohibition on new navigational assistance user fees through FY 2000.

In addition, the bill enhances the Coast Guard's safety and law enforcement missions. It includes provisions to: require alcohol testing within two hours of a serious marine incident; assess national marine transportation system needs; evaluate the use of emergency position indicating beacons (EPIRBs) by operators of recreational vessels; and establish criminal penalties for the failure of a person to land an aircraft or heave to a vessel when ordered by a Federal law enforcement officer. At this point, I would like to highlight a few key provisions of S. 1259.

GEORGETOWN LIGHT

S. 1259 would convey the only working lighthouse in South Carolina, the Georgetown Light on North Island in Winyah Bay, to the South Carolina Department of Natural Resources (SCDNR). SCDNR owns the property surrounding Georgetown Light and uses it as a wildlife preserve. It has been brought to my attention that the Coast Guard would like to deactivate the light inside of the lighthouse and replace it with a light on an existing tower. SCDNR and members of the community would like to see the light inside of the lighthouse maintained. But the Coast Guard is concerned that the only cost-effective way to maintain this light is through structural modifications to the old lighthouse that could mar its historic character. However, I am confident that the Coast Guard, SCDNR, historic preservation officials, and the local community will sit down and come to a mutually-agreeable solution for operating this aid to navigation.

PANAMA CANAL TONNAGE CALCULATION

At my request, the bill includes a provision to require the Panama Canal Commission to report on the methodology used to calculate tolls charged to deck container vessels. The tolls currently charged to container ships with on-deck containers are inconsistent with the 1969 International Convention on Tonnage Measurement of Ships (ITC 69). I am concerned that the current tonnage calculation system might adversely impact the traffic of containerized cargo through the Panama Canal. I will continue to monitor the fee structure to ensure that it is fair and does not adversely impact East Coast ports such as Charleston.

NAVIGATIONAL ASSISTANCE USER FEES

S. 1259 would prohibit the Secretary of Transportation from implementing any new navigational assistance user fee until September 30, 2000. Such a fee might discriminate inequitably among users of Coast Guard aids to navigation. While I am not sure that the Coast Guard would have the authority to impose such a fee, I am glad that we could make the law clear on this point.

USE OF EPIRBS FOR RECREATIONAL VESSELS

In the past year, we have heard several tragic stories of lives lost when recreational vessels sink off of our nation's coast. Some of these vessels were close to shore and within range of Coast Guard rescuers but could not be located. They might have been found and tragedy been averted had the vessels been equipped with EPIRBs—devices which broadcast a vessel's position. While non-profit organizations like BOAT/US have encouraged EPIRB use through education and rental programs, more can be done. That is why I have included a provision to require the Coast Guard to evaluate and provide recommendations to stimulate the use and availability of EPIRBs by recreational vessels.

LAW ENFORCEMENT ENHANCEMENT

In 1790, Secretary of the Treasury Alexander Hamilton ordered the construction of Revenue Cutters to stop smuggling and enforce tariffs. Today, the Coast Guard continues that mission, facing an increasingly sophisticated threat from illegal drug smugglers. Providing new authority to deal with an old problem, S. 1259 contains Administration-requested measures to enhance law enforcement. These measures establish sanctions (including seizure and forfeiture) for failure to land an aircraft at the order of a federal officer enforcing drug or money-laundering laws, and for obstructing boarding of a vessel by a Federal Aviation Administration (FAA) revocation of aircraft or airman certificates for such a violation, establish Coast Guard and Customs Service air interdiction authority, and set civil penalties of $15,000 for violations of that authority. In addition, this provision requires that FAA establish conditions, based on observed conduct or prior information, for ordering a plane to land. These provisions are not intended to restrict or affect in any way the Federal Government's current broad authority to conduct border searches. Rather, they should safeguard innocent owners from concerns over unwarranted interference with their operations. I am optimistic that the bill strikes an appropriate balance with the need to assure innocent citizens that they will not be forced to land.

VESSEL IDENTIFICATION SYSTEM AMENDMENTS

The bill would make corrections to the Coast Guard's vessel identification system to make a vessel titled in a state eligible for Federal documentation and to ensure that a preferred mortgage remains preferred if a state title is surrendered for another state title or for federal documentation.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) CORPS OFFICERS

Finally, S. 1259 would set a floor on Corps officers of 264 and a ceiling of 299 through FY 2003, designate a flag officer at the Director of the Corps, and lift the hiring freeze on NOAA Corps officers. The Corps has not been permitted to recruit new officers since October 1994, and this methodical, de facto elimination of positions has continued without the oversight or approval of the Congress. While we have been discussing the status of this service, the natural retirements and attrition of time have been slowly bleeding the strength out of the NOAA Corps. The Corps stands below 245 members, down 44 percent from its highest level of 439 in 1995. This provision is intended to settle the issue so that Corps officers and their families are no longer in limbo and NOAA can focus on completing its core missions.

Mr. President, over the past two centuries, the U.S. Coast Guard has built an enduring reputation throughout the world for its maritime safety, environmental protection, humanitarian, and lifesaving efforts. We have all watched the valiant and often heroic work of Coast Guard seamen and officer as they rescue desperate refugees who have taken to the seas in crowded and makeshift boats. Even in the remote regions of the world, the Coast Guard is present, actively engaged in the enforcement of United Nations' embargoes against countries like the former Republic of Yugoslavia and Iraq. The men and women of the Coast Guard respond with equal dedication during times of war and peace. I ask my colleagues to recognize this service by joining me in supporting S. 1259.●

JONES ACT WAIVER/CAMDEN IRON AND METAL

Mr. TORRICELLI. Mr. President I thank Senator SNOWE, Senator MCCAIN, and Majority Leader LOTT for working with us to craft a compromise regarding the coastwise eligibility of Barge APL–60. This limited certification will allow the barge to be used by Camden Iron and Metal in an important new Navy ship disposal initiative. Thanks to the diligent efforts of Senators LAUTENBERG and SPECTER, initial funding of $7.5 million for this ship disposal initiative has been included in the FY99 defense appropriations bill. I

would just like to clarify with the Senator from Maine that it is her understanding that this provision will apply to all work done by the barge in connection with the initiative for as many years as the initiative continues.

Ms. SNOWE. Yes, that it is my understanding.

Mr. LAUTENBERG. I, too thank Senator SNOWE, Senator MCCAIN, Majority Leader LOTT, and Senators HOLLINGS and BREAUX for their assistance on this important economic development initiative. The program will involve the development of an environmentally sound method for dismantling the Navy's many decommissioned vessels. Camden Iron and Metal, a critical partner in this initiative, intends to transport pieces of the Navy's ships on the barge from the shipyard to its facility in Camden for further processing. It is a very important project in the city of Camden and I am grateful for their help. I recognize that discussions are under way with the House regarding the Coast Guard authorization and want to ask the chairman for a commitment to giving this provision priority consideration in those discussions.

Ms. SNOWE. I will do every thing I can to ensure that this provision is in any final Coast Guard legislation.

Mr. LAUTENBERG. I thank the Senator from Maine.

Mr. TORRICELLI. Again, I thank the Senator from Maine, Senator MCCAIN, the Majority Leader, as well Senators HOLLINGS and BREAUX.

Mr. MCCAIN. Mr. President, I rise in support of the Coast Guard Reauthorization Act of 1998, 1999, and 2000. The Coast Guard is a branch of the armed forces and a multi-mission agency. The Coast Guard is responsible for our national defense, search and rescue services on our nation's waterways, maritime law enforcement, including drug interdiction and environmental protection, marine inspection, licensing, port safety and security, aids to navigation, waterways management, and boating safety. This bill will provide the Coast Guard with funding and authority to continue to provide the United States with high quality performance of its diverse duties through fiscal year 2000. I commend the men and women of the Coast Guard who serve their country with honor and distinction.

This bill authorizes $100 million over the Administration's budget request in fiscal years 1999 and 2000 for drug interdiction activities. This additional money will restore drug interdiction funding to approximately the same level which the Coast Guard spent on the war on drugs in 1997. As the primary maritime law enforcement agency, the Coast Guard has played an essential role in our nation's war on drugs. The Commandant of the Coast Guard serves as the Administration's drug interdiction coordinator. With the leadership provided by the Coast Guard, several successful drug interdiction operations performed with other federal agencies have proven to be quite effective. In Operation Frontier Shield, 36,262 pounds of cocaine were seized off the coast of Puerto Rico, and in three months during Operation Frontier Lance, 2,990 pounds of cocaine were seized off the coast of Haiti. Despite these successful operations, the Administration has not provided for an actual increase in drug interdiction funding levels in its fiscal year 1999 budget request. The funding included in this bill signifies the Commerce Committee's endorsement of the Coast Guard's continued role in the war on drugs.

In addition to funding the important multi-missions of the Coast Guard, this bill makes a series of programmatic changes which will help the Coast Guard operate in a more efficient and effective manner. I will briefly highlight and explain several provisions contained in the bill. The bill gives the Coast Guard parity with the Department of Defense for severance pay. It gives the Coast Guard discretion in making decisions related to severance pay for officers being separated with a less than Honorable Discharge and removes the existing cap on warrant officer severance pay. In both instances, the Committee expects the Coast Guard to implement this provision in a fair and uniform manner.

The bill also prohibits a foreign-flag vessel which has been detained for a violation of an international safety convention to which the United States is a party from carrying cargo sponsored by the United States Government for one year after the violation. The Committee intends this penalty to be triggered in the case of serious violations of such conventions.

The bill authorizes the Coast Guard to establish seasonal helicopter search and rescue capability based in Westhampton, NY, from April 15 through October 15. Due to the discretionary nature of this provision, the Committee fully expects the Coast Guard to continue to maintain its complete search and rescue mission based on need. By including this provision, the Committee does not intend to extend any inference of priority for the establishment of such search and rescue capability in a manner that contravenes meeting higher priorities.

The bill authorizes the Coast Guard to administratively convey excess lighthouses. In granting such authority, the Committee is focused on the historic preservation of the lighthouses. However, the Committee expects the Coast Guard to take factors, such as the protection of the taxpayer, into consideration when making such an administrative conveyance. For example, if a conveyance is the source of a local controversy or would result in a waste of taxpayer dollars, the Committee would anticipate that the Coast Guard would exercise its discretion and not make the conveyance.

The bill also provides an administrative process for obtaining a waiver of the coastwise trade laws to allow vessels to commercially operate in the coastwise trade under certain conditions. The waiver authority allows the Administration to process noncontroversial waiver requests in a more expeditious manner than the Congress and improve the responsiveness of the federal government in meeting the needs of many vessel-operating small businesses. I introduced this provision separately as S. 661 and it was adopted by the Committee.

The bill includes S. 1480, the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998. This bill was adopted by the Committee and provides funding for Federal research, monitoring, and management activities to address harmful algal blooms and hypoxia on a national scale.

The bill includes a provision which authorized the Commandant of the Coast Guard to recognize the community of Grand Haven, Michigan as ''Coast Guard City USA''. The community has a long and lofty tradition of making the Coast Guard at home in Grand Haven. Senator ABRAHAM, Senator LEVIN, and Representative HOEKSTRA worked tirelessly to secure this recognition for Grand Haven. The bill contains discretionary language because the Committee was concerned about possibly precluding any other community in the United States from attaining such recognition under any circumstances.

This bill represents a comprehensive set of improvements which should enhance the efficiency and effectiveness of the day-to-day operation of the Coast Guard. Finally, I would like to express my gratitude and that of the full Commerce Committee to staff who worked on this bill, including Clark LeBlanc, Sloan Rappoport, Jim Sartucci, Penny Dalton, Jean Toal, Carl Bentzel, as well as Tim Cook, a Coast Guard fellow, who provided valuable insight into life in the Coast Guard and how certain provisions in the Coast Guard bill would benefit the men and women in uniform, and Stephanie Bailenson, a Sea Grant fellow, who helped develop the harmful algal bloom legislation and provided an essential scientific perspective on the bill.

Mr. INHOFE. I would like to enter into a colloquy with my friend Senator MCCAIN, who is the chairman of the Senate Commerce Committee, in order to clarify an amendment to the Coast Guard authorization bill. This provision, which was adopted in committee as part of S. 1259, has the unintended effect of raising serious safety concerns for general aviation pilots. It would make it a criminal offense if a pilot knowingly disobeys an order to land, but there is no explicit requirement for reasonable suspicion of criminal activity. It also could make an aircraft owner responsible for paying thousands of dollars to reclaim their aircraft, even if they are totally innocent of any wrongdoing.

As the Senator knows, I have been a pilot for over 40 years, and I understand that an ''order to land'' could be a dangerous and traumatic experience for a pilot. In fact, the International Standards, Rules of the Air, published by the International Civil Aviation Organization says ''interceptions of civil aircraft are, in all cases, potentially hazardous.''

The provision was intended to provide additional authority to U.S. law enforcement officers to curtail maritime and aviation drug smuggling near the border, which I'm sure all of us agree is a laudable goal. However, because of the potential danger and immense burden to pilots, I believe some relatively minor changes should be made to the amendment.

With that in mind, I have drafted some changes to the language that I would appreciate the House and Senate considering during their deliberations. These changes will directly address the concerns of the general aviation community without undermining the ability of law enforcement to track and stop pilots involved in illegal activity.

Mr. MCCAIN. I thank my friend, Senator INHOFE, for raising these issues. As he said, the goal of this amendment is to help U.S. law enforcement officers fight the war on drugs. The provision would make it unlawful for a pilot subject to U.S. jurisdiction to knowingly disobey an order to land issued by an authorized Federal law enforcement officer. The provision does try to address the issues you raise by requiring that the FAA write the regulations to define the means by and circumstances under which it would be appropriate to order an aircraft to land. The regulations would include guidelines for determining when an officer may issue an order to land based on observed conduct, prior information, or other circumstances.

Clearly, safety must be a primary consideration in the formulation and administration of these guidelines. Let me also assure the Senator from Oklahoma that the intent of this provision is not to allow for seizure of aircraft owned by people whose planes have been stolen, borrowed or rented and used illegally without the owner's knowledge. If the general aviation community still has concerns, we will work with you to make sure the issues involving safety and fair treatment of innocent pilots are thoroughly considered. As we discuss the Coast Guard bill with the House, we will work with you and review the language in this provision. I want to assure my friend that I will discuss all of your concerns and recommendations, and recommendations from other Senators with our colleagues in the House.

Mr. INHOFE. I thank the Senator. I appreciate his willingness to work with me on this issue which is of great important to the general aviation community.

Mr. JEFFORDS. I ask consent the Snowe amendment be agreed to, and the bill be considered read a third time.

The amendment (No. 3813) was agreed to.

The bill (S. 1259), as amended, was considered read the third time.

Mr. JEFFORDS. I ask consent the Senate proceed to Calendar No. 221, H.R. 2204.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

The Senate proceeded to consider the bill.

Mr. JEFFORDS. I further ask consent that all after the enacting clause be stricken and the text of S. 1259, as amended, be inserted in lieu thereof. I further ask consent that the bill then be read a third time and passed, and the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD, and finally S. 1259 be placed back on the calendar.

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

So the bill (H.R. 2204), as amended, was considered read the third time and passed.

ECONOMIC DEVELOPMENT ADMINISTRATION REFORM ACT OF 1998

Mr. JEFFORDS. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 575, S. 2364.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 2364) to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3814

(Purpose: To provide a complete substitute)

Mr. JEFFORDS. Mr. President, Senator CHAFEE has a substitute amendment at the desk.

I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. CHAFEE, proposes an amendment numbered 3814.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. JEFFORDS. I ask unanimous consent the substitute be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The substitute amendment was agreed to.

So the bill (S. 2364), as amended, was considered read the third time and passed.

The title was amended so as to read:

A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

REMOVAL OF RESTRICTION ON DISTRIBUTION OF CERTAIN REVENUES TO CERTAIN MEMBERS OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 658, H.R. 700.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 700) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 700) was considered read the third time and passed.

EXPRESSING SENSE OF CONGRESS REGARDING FOREST SERVICE POLICY FOR RECREATIONAL SHOOTING AND ARCHERY RANGES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. Con. Res. 123 and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 123) to express the sense of Congress regarding the policy of the Forest Service toward recreational shooting and archery ranges on Federal land.

The Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed at the appropriate place in the RECORD.

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

The concurrent resolution (S. Con. Res. 123) was agreed to.

The preamble was agreed to.