

103^D CONGRESS
1ST SESSION

H. R. 2150

To authorize appropriations for fiscal year 1994 for the United States Coast Guard, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 1993

Mr. TAUZIN (for himself, Mr. STUDDS, Mr. COBLE, and Mr. FIELDS of Texas) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To authorize appropriations for fiscal year 1994 for the United States Coast Guard, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-
5 ization Act of 1993”.

6 **TITLE I—AUTHORIZATION**

7 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

8 Funds are authorized to be appropriated for nec-
9 essary expenses of the Coast Guard for fiscal year 1994,
10 as follows:

1 (a) For the operation and maintenance of the Coast
2 Guard, \$2,612,497,000 of which \$25,000,000 shall be de-
3 rived from the Oil Spill Liability Trust Fund, and of which
4 \$35,000,000 shall be expended from the Boat Safety
5 Account.

6 (b) For the acquisition, construction, rebuilding and
7 improvement of aids to navigation, shore and offshore fa-
8 cilities, vessels, and aircraft, including equipment related
9 thereto, \$417,030,000, to remain available until expended,
10 of which \$23,030,000 shall be derived from the Oil Spill
11 Liability Trust Fund.

12 (c) For research, development, test, and evaluation,
13 in support of search and rescue, aids to navigation, marine
14 safety, marine environmental protection, enforcement of
15 laws and treaties, ice operations, and defense readiness,
16 \$25,000,000, to remain available until expended, of which
17 \$4,457,000, shall be derived from the Oil Spill Liability
18 Trust Fund.

19 (d) For retired pay (including the payment of obliga-
20 tions otherwise chargeable to lapsed appropriations for
21 this purpose), payments under the Retired Serviceman's
22 Family Protection and Survivor Benefit Plans, and pay-
23 ments for medical care of retired personnel and their de-
24 pendants under chapter 55 of title 10, United States Code,
25 \$548,774,000.

1 (e) For alteration or removal of bridges over navi-
2 gable waters of the United States constituting obstruc-
3 tions to navigation associated with the Bridge Alteration
4 Program, \$12,940,000, to remain available until ex-
5 pended.

6 (f) For environmental compliance and restoration at
7 Coast Guard facilities, \$23,057,000, to remain available
8 until expended.

9 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
10 **AND TRAINING.**

11 (a) As of September 30, 1994, the Coast Guard is
12 authorized an end-of-year strength for active duty person-
13 nel of 39,138. The authorized strength does not include
14 members of the Ready Reserve called to active duty for
15 special or emergency augmentation of regular Coast
16 Guard forces for periods of one hundred and eighty days
17 or less.

18 (b) For fiscal year 1994, the Coast Guard is author-
19 ized average military training student loads as follows:

20 (1) For recruit and special training, 1,986 stu-
21 dent years.

22 (2) For flight training, 114 student years.

23 (3) For professional training in military and ci-
24 vilian institutions, 338 student years.

25 (4) For officer acquisition, 955 student years.

1 **SEC. 203. RESERVE RETENTION BOARDS.**

2 Section 741(a) of title 14, United States Code, is
3 amended by—

4 (1) deleting at the end of the first sentence the
5 following, “and are not on active duty and not on an
6 approved list of selectees for promotion to the next
7 higher grade” and inserting”, except those officers
8 who—

9 “(A) are on extended active duty;

10 “(B) are on a list of selectees for pro-
11 motion;

12 “(C) will complete 30 years total commis-
13 sioned service by June 30th following the date
14 that the retention board is convened; or

15 “(D) have reached age 59 by the date on
16 which the retention board is convened”.

17 (2) in the third sentence of subsection (a) in-
18 serting “(b)” before “This board shall—”.

19 (3) Redesignating subsections (b) and (c) as
20 subsections (c) and (d), respectively.

21 **SEC. 204. BOARD FOR CORRECTION OF MILITARY RECORDS**
22 **DEADLINE.**

23 (a) Ten months after a complete application for cor-
24 rection of military records is received by the Board for
25 Correction of Military Records of the Coast Guard, admin-

1 istrative remedies are deemed to have been exhausted,
2 and—

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

7 (2) if the Board has not rendered a rec-
8 ommended decision, agency action is deemed to have
9 been unreasonably delayed or withheld and the ap-
10 plicant is entitled to—

11 (A) an order directing final action be taken
12 within thirty days from the date the order is
13 entered; and

14 (B) the costs of obtaining the order, in-
15 cluding a reasonable attorney's fee.

16 (b) the ten-month deadline established in section 212
17 of the Coast Guard Authorization Act of 1989, Public Law
18 101-225, 103 Stat. 1914, is mandatory, and applies to
19 any application pending before the Board or the Secretary
20 of Transportation on June 12, 1990.

21 **SEC. 205. CONTINUITY OF GRADE OF ADMIRALS AND VICE**
22 **ADMIRALS.**

23 (a) Section 46(a) of title 14, United States Code, is
24 amended to read as follows—

1 “(a) Any Commandant who is not reappointed shall
2 be retired with the grade of admiral at the expiration of
3 the appointed term, except as provided in subsection 51(d)
4 of this title”.

5 (b) Section 47 of title 14, United States Code, is
6 amended—

7 (1) by deleting “; retirement” from the title of
8 the section;

9 (2) in subsection (a) by deleting “(a)” at the
10 beginning thereof, and by striking the last sentence
11 and substituting “The appointment and grade of a
12 Vice Commandant shall be effective on the date the
13 officer assumes that duty, and shall terminate on
14 the date the officer is detached from that duty, ex-
15 cept as provided in subsection 51(d) of this title.”;
16 and

17 (3) by striking subsections (b), (c), and (d).

18 (c) Section 50(b) of title 14, United States Code, is
19 amended by striking the last sentence and inserting “The
20 appointment and grade of an area commander shall be ef-
21 fective on the date the officer assumes that duty, and shall
22 terminate on the date the officer is detached from that
23 duty, except as provided in subsection 51(d) of this title.”

24 (d) Section 51 of title 14, United States Code, is
25 amended by adding the following new subsection:

1 “(d) An officer serving in the grade of admiral or vice
2 admiral shall continue to hold that grade—

3 “(1) while being processed for physical disabil-
4 ity retirement, beginning on the day of the process-
5 ing and ending on the day that officer is retired, but
6 not for more than one hundred and eighty days; and

7 “(2) while awaiting retirement, beginning on
8 the day that officer is relieved from the position of
9 Commandant, Area Commander, or Chief of Staff
10 and ending on the day before the officer’s retire-
11 ment, but not more than sixty days.”.

12 **SEC. 206. CHIEF OF STAFF.**

13 (a) Section 41a(b) of title 14, United States Code,
14 is amended by striking “, except that the rear admiral
15 serving as Chief of Staff shall be the senior rear admiral
16 for all purposes other than pay” at the end of the first
17 sentence;

18 (b) Section 50a of title 14 is enacted to read as fol-
19 lows—

20 **“§ 50a. Chief of Staff**

21 “(a) The President may appoint, by and with the ad-
22 vice and consent of the Senate, a Chief of Staff of the
23 Coast Guard who shall rank next after the area command-
24 ers and who shall perform such duties as the Commandant
25 may prescribe. The Chief of Staff shall be appointed from

1 the officers on the active duty promotion list serving above
2 the grade of captain. The Commandant shall make rec-
3 ommendations for such appointment.

4 “(b) The Chief of Staff, shall, while so serving, have
5 the grade of vice admiral with the pay and allowances of
6 that grade. The appointment and grade of the Chief of
7 Staff shall be effective on the date the officer assumes that
8 duty, and shall terminate on the date the officer is de-
9 tached from that duty, except as provided in subsection
10 51(d) of this title.”.

11 (c) Section 51 of title 14, United States Code, is
12 amended—

13 (1) in subsection (a) by striking “as Com-
14 mander, Atlantic Area, or Commander, Pacific
15 Area” and inserting “in the grade of vice admiral”;

16 (2) in subsection (b) by striking “as Com-
17 mander, Atlantic Area, or Commander, Pacific
18 Area” and inserting “in the grade of vice admiral”;

19 and

20 (d) Section 290 of title 14, United States Code, is
21 amended—

22 (1) in subsection (a) by striking the words “or
23 in the position of Chief of Staff” in the second sen-
24 tence;

1 Guard family housing units for adequate consider-
2 ation.

3 “(b)(1) For the purposes of this section, a multiyear
4 contract is a contract to lease Coast Guard family housing
5 units for at least one, but not more than five, fiscal years.

6 “(2) The Secretary may enter into multiyear con-
7 tracts under subsection (a) of this section whenever the
8 Coast Guard finds that—

9 “(A) the use of a contract will promote the effi-
10 ciency of the Coast Guard family housing program
11 and will result in reduced total costs under the con-
12 tract; and

13 “(B) there are realistic estimates of both the
14 cost of the contract and the anticipated cost avoid-
15 ance through the use of a multiyear contract.

16 “(3) A multiyear contract authorized under sub-
17 section (a) of this section shall contain cancellation and
18 termination provisions to the extent necessary to protect
19 the best interests of the United States, and may include
20 consideration of both recurring and nonrecurring costs.
21 The contract may provide for a cancellation payment to
22 be made. Amounts that were originally obligated for the
23 cost of the contract may be used for cancellation or termi-
24 nation costs.

1 **SEC. 303. AIR STATION CAPE CODE IMPROVEMENTS.**

2 (a) IN GENERAL.—Chapter 17 of title 14, United
3 States Code, is amended by adding at the end the follow-
4 ing new section:

5 **“SEC. 671. AIR STATION CAPE COD IMPROVEMENTS.**

6 “The Secretary may spend or obligate appropriate
7 funds for the repair, improvement, restoration, or replace-
8 ment of those federally or nonfederally owned support
9 buildings, including appurtenances, which are on leased or
10 permitted real property constituting Coast Guard Air Sta-
11 tion Cape Cod, located on Massachusetts Military Res-
12 ervation, Cape Cod Massachusetts.”.

13 **SEC. 304. LONG-TERM LEASE AUTHORITY FOR AIDS TO**
14 **NAVIGATION.**

15 (a) Chapter 17 of title 14, United States Code, is
16 amended by adding at the end the following new section:

17 **“SEC. 672. LONG-TERM LEASE AUTHORITY FOR NAVIGA-**
18 **TION AND COMMUNICATIONS SYSTEMS**
19 **SITES.**

20 “(a) The Secretary is authorized, subject to the avail-
21 ability of appropriations, to enter into lease agreements
22 to acquire real property or interests therein for a term
23 not to exceed twenty years, inclusive of any automatic re-
24 newal clauses, for aids to navigation (hereafter referred
25 to as ATON) sites, vessel traffic service (hereafter re-
26 ferred to as VTS) sensor sites, or National Distress Sys-

1 tem (hereafter referred to as NDS) high level antenna
2 sites. These lease agreements shall include cancellation
3 and termination provisions to the extent necessary to pro-
4 tect the best interests of the United States. Cancellation
5 payment provisions may include consideration of both re-
6 curring and nonrecurring costs associated with the real
7 property interests under the contract. These lease agree-
8 ments may provide for a cancellation payment to be made.
9 Amounts that were originally obligated for the cost of the
10 contract may be used for cancellation or termination costs.

11 “(b) The Secretary may enter into multiyear lease
12 agreements under subsection (a) of this section whenever
13 the Secretary finds that—

14 “(A) the use of such a lease agreement will pro-
15 mote the efficiency of the ATON, VTS, or NDS pro-
16 grams and will result in reduced total costs under
17 the agreement;

18 “(B) the minimum need for the real property or
19 interest therein to be leased is expected to remain
20 substantially unchanged during the contemplated
21 lease period; and

22 “(C) the estimates of both the cost of the lease
23 and the anticipated cost avoidance through the use
24 of a multiyear lease are realistic.

1 **SEC. 305. AUTHORITY FOR EDUCATIONAL RESEARCH**
2 **GRANTS.**

3 (a) IN GENERAL.—Chapter 9 of title 14, United
4 States Code, is amended by adding at the end the follow-
5 ing new section:

6 **“SEC. 196. PARTICIPATION IN FEDERAL, STATE, OR OTHER**
7 **EDUCATIONAL RESEARCH GRANTS.**

8 “Notwithstanding any other provision of law, the
9 United States Coast Guard Academy may compete for and
10 accept Federal, State, or other educational research
11 grants, subject to the following limitations:

12 “(1) No award may be accepted for the acquisi-
13 tion or construction of facilities; and

14 “(2) No award may be accepted for the routine
15 functions of the Academy.”.

16 **SEC. 306. PREPOSITIONED OIL SPILL CLEANUP EQUIP-**
17 **MENT.**

18 The Secretary of Transportation is authorized to ex-
19 pend out of amounts appropriated for acquisition, con-
20 struction, and improvement that are derived from the Oil
21 Spill Liability Trust Fund in fiscal year 1994;

22 (1) \$890,000 to acquire and preposition oil spill
23 response equipment at Port Arthur, Texas, and

24 (2) \$890,000 to acquire and preposition oil spill
25 response equipment at Helena, Arkansas, subject to

1 the Secretary determining that adequate storage and
2 maintenance facilities are available.

3 **SEC. 307. SHORE FACILITIES IMPROVEMENTS AT COAST**
4 **GUARD STATION, LITTLE CREEK, VIRGINIA.**

5 (a) The Secretary of Transportation, subject to the
6 availability of appropriations, may construct at Coast
7 Guard Station, Little Creek, Virginia—

8 (1) a two-story station building with oper-
9 ational, administrative, and living spaces;

10 (2) a one hundred eighty-foot long pier for
11 Coast Guard patrol boats;

12 (3) a boat ramp; and

13 (4) strengthen a waterfront bulkhead.

14 (b) Funds necessary to carry out this section are au-
15 thorized to be appropriated in fiscal years 1994, 1995, and
16 1996.

17 **SEC. 308. OIL SPILL TRAINING SIMULATOR.**

18 The Secretary of Transportation is authorized to ex-
19 pend out of the amounts appropriated for acquisition, con-
20 struction, improvement that are derived from the Oil Spill
21 Liability Trust Fund not more than \$1,250,000 to the
22 New York Maritime College of the State of New York to
23 purchase a marine oil spill management simulator in fiscal
24 year 1994.

1 **SEC. 309. GULF OF MEXICO REGIONAL FISHERIES LAW EN-**
2 **FORCEMENT TRAINING CENTER.**

3 The Coast Guard shall establish the Gulf of Mexico
4 Regional Fisheries Law Enforcement Training Center in
5 the Eighth Coast Guard District in southeastern Louisi-
6 ana. The purpose of the Gulf of Mexico Regional Fisheries
7 Law Enforcement Training Center shall be to increase the
8 skills and training of Coast Guard fisheries law enforce-
9 ment personnel and to insure that such training considers
10 and meets the unique and complex needs and demands
11 of the fisheries of the Gulf of Mexico

12 **SEC. 310. OIL SPILL PREVENTION AND RESPONSE TECH-**
13 **NOLOGY TEST AND EVALUATION PROGRAM.**

14 (a) Not later than than six months after the date of
15 enactment of this Act, the Secretary of Transportation
16 shall establish a program to evaluate the technological fea-
17 sibility and environmental benefits of having tank vessels
18 carry oil spill prevention and response technology. To im-
19 plement the program the Secretary shall:

20 (1) publish in the Federal Register an invita-
21 tion for submission of proposals including plans and
22 procedures for testing; and

23 (2) review and evaluate technology using to the
24 maximum extent possible, existing evaluation and
25 performance standards.

1 (b) the Secretary shall, to the maximum extent pos-
2 sible, incorporate in the program established in subsection
3 (a), the results of existing studies and evaluations of oil
4 spill prevention and response technology carried on tank
5 vessels.

6 (c) Not later than two years after the date of the
7 enactment of this Act, the Secretary shall evaluate the re-
8 sults of the program established in subsection (a) and sub-
9 mit a report to Congress with recommendations on the
10 feasibility and environmental benefits of requiring tank
11 vessels to carry oil spill prevention and response equip-
12 ment.

13 (d) Not later than six months after the date of the
14 enactment of this Act, the Secretary shall evaluate and
15 report to Congress on the feasibility of using segregated
16 ballast tanks for emergency storage of recovered oil.

17 **SEC. 311. UNMANNED SEAGOING BARGES**

18 Section 3302 of title 46, United States Code, is
19 amended by adding a new subsection (m) at the end to
20 read as follows:

21 “(m) A seagoing barge is not subject to inspection
22 under section 3301 of this title if the vessel is—

23 (1) unmanned; and

24 (2) does not carry oil in bulk or a reportable or
25 harmful quantity of a hazardous material.”.



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