

103^D CONGRESS
2^D SESSION

H. R. 4422

To authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1994

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

A BILL

To authorize appropriations for fiscal year 1995 for the 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 1994”.

6 **TITLE I—AUTHORIZATIONS**

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 1995,
10 as follows:

1 (1) For the operation and maintenance of the
2 Coast Guard, \$2,630,505,000, of which \$25,000,000
3 shall be derived from the Oil Spill Liability Trust
4 Fund.

5 (2) For the acquisition, construction, rebuild-
6 ing, and improvement of aids to navigation, shore
7 and offshore facilities, vessels, and aircraft, includ-
8 ing equipment related thereto, \$439,200,000, to re-
9 main available until expended, of which \$32,500,000
10 shall be derived from the Oil Spill Liability Trust
11 Fund to carry out the purposes of section
12 1012(a)(5) of the Oil Pollution Act of 1990.

13 (3) For research, development, test, and evalua-
14 tion of technologies, materials, and human factors
15 directly relating to improving the performance of the
16 Coast Guard's mission in support of search and res-
17 cue, aids to navigation, marine safety, marine envi-
18 ronmental protection, enforcement of laws and trea-
19 ties, ice operations, oceanographic research, and de-
20 fense readiness, \$20,310,000, to remain available
21 until expended, of which \$3,150,000 shall be derived
22 from the Oil Spill Liability Trust Fund.

23 (4) For retired pay (including the payment of
24 obligations otherwise chargeable to lapsed appropria-
25 tions for this purpose), payments under the Retired

1 (1) For recruit and special training, 2,000 stu-
2 dent years.

3 (2) For flight training, 133 student years.

4 (3) For professional training in military and ci-
5 vilian institutions, 344 student years.

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

7 **SEC. 103. DRUG INTERDICTION ACTIVITIES.**

8 In addition to amounts otherwise authorized by this
9 Act, there are authorized to be appropriated to the Sec-
10 retary of Transportation for operation and maintenance
11 expenses of Coast Guard drug interdiction activities
12 \$11,544,000 for fiscal year 1995.

13 **TITLE II—PERSONNEL**
14 **MANAGEMENT IMPROVEMENT**

15 **SEC. 201. HURRICANE ANDREW RELIEF.**

16 Section 2856 of the National Defense Authorization
17 Act for Fiscal Year 1993 (Public Law 102-484) applies
18 to the military personnel of the Coast Guard who were
19 assigned to, or employed at or in connection with, any
20 Federal facility or installation in the vicinity of Homestead
21 Air Force Base, Florida, including the areas of Broward,
22 Collier, Dade, and Monroe Counties, on or before August
23 24, 1992, except that—

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

1 (2) the Secretary of Transportation shall ad-
2 minister that section with respect to such personnel.

3 **SEC. 202. DISSEMINATION OF RESULTS OF 0-6 CONTINU-**
4 **ATION BOARDS.**

5 Section 289(f) of title 14, United States Code, is
6 amended by striking “Upon approval by the President, the
7 names of the officers selected for continuation on active
8 duty by the board shall be promptly disseminated to the
9 service at large.”.

10 **SEC. 203. EXCLUDE CERTAIN RESERVES FROM END-OF-**
11 **YEAR STRENGTH.**

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

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

18 **SEC. 204. MARINE CASUALTY INVESTIGATIONS.**

19 (a) INFORMAL MARINE CASUALTY INVESTIGA-
20 TIONS.—Title 46, United States Code, is amended by in-
21 serting after section 6301 the following new section:

22 **“§ 6301a. Informal marine casualty investigations**

23 “(a) The Secretary may conduct informal investiga-
24 tions of marine casualties.

1 “(b) Notwithstanding sections 6302 and 6303 of this
2 title, the Secretary is not required to hold an informal in-
3 vestigation open to the public.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of chapter 63 of title 46, United States
6 Code, is amended by inserting after the item related to
7 section 6301 the following:

“6301a. Informal marine casualty investigations.”.

8 **SEC. 205. PROVISION OF CHILD DEVELOPMENT SERVICES.**

9 (a) IN GENERAL.—Title 14, United States Code, is
10 amended by inserting after section 514 the following new
11 section:

12 **“§ 515. Child development services**

13 “(a) The Commandant may make child development
14 services available for members and civilian employees of
15 the Coast Guard, and thereafter as space is available for
16 members of the Armed Forces and Federal civilian em-
17 ployees. Child development services benefits provided
18 under this section shall be in addition to benefits provided
19 under other laws.

20 “(b)(1) Except as provided in paragraph (2), the
21 Commandant may require that amounts received as fees
22 for the provision of child development services under this
23 section at Coast Guard child development centers be used
24 only for compensation of Coast Guard child development

1 center employees who are directly involved in providing
2 child care.

3 “(2) If the Commandant determines that compliance
4 with the limitation in paragraph (1) would result in an
5 uneconomical and inefficient use of amounts received as
6 such fees, the Commandant may (to the extent that such
7 compliance would be uneconomical and inefficient) use
8 such amounts—

9 “(A) for the purchase of consumable or dispos-
10 able items for Coast Guard child development cen-
11 ters; and

12 “(B) if the requirements of such centers for
13 consumable or disposable items for a given fiscal
14 year have been met, for other expenses of those cen-
15 ters.

16 “(c) The Commandant may use Department of De-
17 fense or other training programs to insure that all child
18 development services providers under this section meet
19 minimum standards.

20 “(d) The Commandant may provide assistance to
21 members and civilian employees of the Coast Guard for
22 obtaining services of qualified family home child develop-
23 ment services providers. The cost per child to the Coast
24 Guard of obtaining those services may not exceed the aver-
25 age of the cost per child incurred by the Coast Guard for

1 child development services provided at all Coast Guard
2 child development centers.

3 “(e)(1) Of the amounts available to the Coast Guard
4 each fiscal year for operating expenses (and in addition
5 to amounts received as fees), the Secretary shall use for
6 child development services under this section an amount
7 equal to the total amount the Commandant estimates will
8 be received by the Coast Guard in the fiscal year as fees
9 for the provision of those services.

10 “(2) The amount of funds used under paragraph (1)
11 each fiscal year shall not exceed \$1,000,000.

12 “(f) For purposes of this section, the term ‘Coast
13 Guard child development center’ does not include a child
14 care services facility for which space is allotted under sec-
15 tion 616 of the Act of December 22, 1987 (40 U.S.C.
16 490b).

17 “(g) The Secretary shall promulgate regulations to
18 implement this section. The regulations shall establish fees
19 to be charged for child development services provided
20 under this section which are based on total family in-
21 come.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 13 of title 14, United States
24 Code, is amended by inserting after the item related to
25 section 514 the following:

“515. Child development services.”.

1 **TITLE III—NAVIGATION SAFETY**
2 **AND WATERWAY SERVICES**
3 **MANAGEMENT**

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

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

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

9 (2) by striking subsection (b).

10 **SEC. 302. DOCUMENTATION VIOLATIONS.**

11 (a) CIVIL PENALTIES.—Section 12122(a) of title 46,
12 United States Code, is amended by striking “\$500” and
13 inserting “\$25,000”.

14 (b) SEIZURE AND FORFEITURE.—

15 (1) IN GENERAL.—Section 12122(b) of title 46,
16 United States Code, is amended to read as follows:

17 “(b) A vessel and its equipment are liable to seizure
18 by and forfeiture to the United States Government, if—

19 “(1) the owner of the vessel or a representative
20 or agent of the owner knowingly falsifies or conceals
21 a material fact, or makes a false statement or rep-
22 resentation about the documentation or in applying
23 for documentation of the vessel;

24 “(2) a certificate of documentation is knowingly
25 and fraudulently used for the vessel;

1 “(3) the vessel is operated after its endorsement
2 has been denied or revoked under section 12123 of
3 this title;

4 “(4) the vessel is employed in a trade without
5 an appropriate trade endorsement; or

6 “(5) in the case of a documented vessel with
7 only a recreational endorsement, the vessel is oper-
8 ated other than for pleasure.”.

9 (2) CONFORMING AMENDMENT.—Section
10 12122(c) of title 46, United States Code, is re-
11 pealed.

12 (c) LIMITATION ON OPERATION OF VESSEL WITH
13 ONLY RECREATIONAL ENDORSEMENT.—Section 12110(c)
14 of title 46, United States Code, is repealed.

15 (d) TERMINATION OF RESTRICTION ON COMMAND OF
16 RECREATIONAL VESSELS.—

17 (1) TERMINATION OF RESTRICTION.—Sub-
18 section (d) of section 12110 of title 46, United
19 States Code, is amended—

20 (A) by inserting “, other than a vessel with
21 only a recreational endorsement,” after “A doc-
22 umented vessel”; and

23 (B) by redesignating that subsection as
24 subsection (c).

1 (2) CONFORMING AMENDMENT.—Section
2 12111(a)(2) of title 46, United States Code, is
3 amended by inserting before the period the follow-
4 ing: “in violation of section 12110(c) of this title”.

5 **SEC. 303. CLERICAL AMENDMENT.**

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

8 (1) by striking the first section 12123; and

9 (2) in the table of sections at the beginning of
10 the chapter by striking the first item relating to sec-
11 tion 12123.

12 **SEC. 304. BATON ROUGE RESCUE AND PATROL VESSEL.**

13 Beginning not later than 60 days after the date of
14 the enactment of this Act, the Commandant of the Coast
15 Guard shall operate a rescue and patrol vessel on the Mis-
16 sissippi River in the vicinity of Baton Rouge, Louisiana,
17 to support Coast Guard rescue, law enforcement, marine
18 safety, marine environmental protection, and port security
19 missions.

20 **SEC. 305. FLORIDA AVENUE BRIDGE.**

21 For purposes of the alteration of the Florida Avenue
22 Bridge (located approximately 1.63 miles east of the Mis-
23 sissippi River on the Gulf Intracoastal Waterway in Orle-
24 ans Parish, Louisiana) ordered by the Secretary of Trans-
25 portation under the Act of June 21, 1940 (33 U.S.C. 511

1 et seq.; popularly known as the Truman-Hobbs Act), the
2 Secretary shall treat the drainage siphon that is adjacent
3 to the bridge as an appurtenance of the bridge, including
4 with respect to apportionment and payment of costs for
5 the removal of the drainage siphon in accordance with that
6 Act.

7 **SEC. 306. RENEWAL OF HOUSTON-GALVESTON NAVIGATION**
8 **SAFETY ADVISORY COMMITTEE AND LOWER**
9 **MISSISSIPPI RIVER WATERWAY ADVISORY**
10 **COMMITTEE.**

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

13 (1) in section 18 by adding at the end the fol-
14 lowing:

15 “(h) The Committee shall terminate on October 1,
16 1999.”; and

17 (2) in section 19 by adding at the end the fol-
18 lowing:

19 “(g) The Committee shall terminate on October 1,
20 1999.”.

21 **SEC. 307. LIMITATION ON CONSOLIDATION OF HOUSTON**
22 **AND GALVESTON MARINE SAFETY OFFICES.**

23 The Secretary of Transportation may not consolidate
24 the Coast Guard Marine Safety Offices in Galveston,
25 Texas, and Houston, Texas.

1 **SEC. 308. RESPONSE EXERCISE PROGRAM AT MASSACHU-**
2 **SETTS MARITIME ACADEMY.**

3 (a) TRANSFER.—Within 30 days after the date of en-
4 actment of this Act, the Coast Guard shall transfer to the
5 Massachusetts Maritime Academy \$500,000 to continue
6 the oil spill simulator activities at the Academy.

7 (b) DESIGNATION OF CENTER AS REGIONAL FACIL-
8 ITY.—The Coast Guard shall designate the Center for Ma-
9 rine Environmental Protection and Safety at the Massa-
10 chusetts Maritime Academy as a regional facility for the
11 conduct and evaluation of annual response area manage-
12 ment team exercises for two response areas in the East
13 Coast in accordance with the Preparedness for Response
14 Exercise Program established by the Coast Guard.

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