

**Union Calendar No. 388**

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4422**

**[Report No. 103-706]**

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**A BILL**

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

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AUGUST 16, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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### 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

AUGUST 16, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 12, 1994]

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Coast Guard Authoriza-*  
3 *tion Act of 1994”.*

4 **TITLE I—AUTHORIZATIONS**

5 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

6 *Funds are authorized to be appropriated for necessary*  
7 *expenses of the Coast Guard for fiscal year 1995, as follows:*

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

12 *(2) For the acquisition, construction, rebuilding,*  
13 *and improvement of aids to navigation, shore and off-*  
14 *shore facilities, vessels, and aircraft, including equip-*  
15 *ment related thereto, \$439,200,000, to remain avail-*  
16 *able until expended, of which \$32,500,000 shall be de-*  
17 *derived from the Oil Spill Liability Trust Fund to*  
18 *carry out the purposes of section 1012(a)(5) of the Oil*  
19 *Pollution Act of 1990.*

20 *(3) For research, development, test, and evalua-*  
21 *tion of technologies, materials, and human factors di-*  
22 *rectly relating to improving the performance of the*  
23 *Coast Guard’s mission in support of search and res-*  
24 *cue, aids to navigation, marine safety, marine envi-*  
25 *ronmental protection, enforcement of laws and trea-*  
26 *ties, ice operations, oceanographic research, and de-*

1 *fense readiness, \$20,310,000, to remain available*  
2 *until expended, of which—*

3 *(A) \$3,150,000 shall be derived from the Oil*  
4 *Spill Liability Trust Fund; and*

5 *(B) \$1,500,000 is authorized to conduct, in*  
6 *cooperation with appropriate Federal and State*  
7 *agencies, local maritime education organizations,*  
8 *and local marine industry representatives, a*  
9 *demonstration project on the lower Mississippi*  
10 *River and in the Houston Ship Channel to study*  
11 *the effectiveness of currently available Electronic*  
12 *Chart Display and Information Systems*  
13 *(ECDIS) and Electronic Chart Systems (ECS)*  
14 *for use on commercial vessels.*

15 *(4) For retired pay (including the payment of*  
16 *obligations otherwise chargeable to lapsed appropria-*  
17 *tions for this purpose), payments under the Retired*  
18 *Serviceman's Family Protection and Survivor Benefit*  
19 *Plans, and payments for medical care of retired per-*  
20 *sonnel and their dependents under chapter 55 of title*  
21 *10, United States Code, \$562,585,000.*

22 *(5) For alteration or removal of bridges over*  
23 *navigable waters of the United States constituting ob-*  
24 *structions to navigation, and for personnel and ad-*  
25 *ministrative costs associated with the Bridge Alter-*

1        *ation Program, \$13,000,000, to remain available*  
2        *until expended.*

3                *(6) For environmental compliance and restora-*  
4        *tion at Coast Guard facilities, \$25,000,000, to remain*  
5        *available until expended.*

6        **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
7                **AND TRAINING.**

8                *(a) ACTIVE DUTY STRENGTH.—The Coast Guard is*  
9        *authorized an end-of-year strength for active duty personnel*  
10        *of 39,000 as of September 30, 1995. The authorized strength*  
11        *does not include members of the Ready Reserve called to*  
12        *active duty for special or emergency augmentation of regu-*  
13        *lar Coast Guard forces for periods of 180 days or less.*

14                *(b) MILITARY TRAINING STUDENT LOADS.—For fiscal*  
15        *year 1995, the Coast Guard is authorized average military*  
16        *training student loads as follows:*

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

19                *(2) For flight training, 133 student years.*

20                *(3) For professional training in military and ci-*  
21        *vilian institutions, 344 student years.*

22                *(4) For officer acquisition, 955 student years.*

23        **SEC. 103. DRUG INTERDICTION ACTIVITIES.**

24        *In addition to amounts otherwise authorized by this*  
25        *Act, there are authorized to be appropriated to the Secretary*

1 of Transportation for operation and maintenance expenses  
2 of Coast Guard drug interdiction activities \$21,000,000 for  
3 fiscal year 1995.

4 **TITLE II—PERSONNEL**  
5 **MANAGEMENT IMPROVEMENT**

6 **SEC. 201. HURRICANE ANDREW RELIEF.**

7 Section 2856 of the National Defense Authorization  
8 Act for Fiscal Year 1993 (Public Law 102-484) applies to  
9 the military personnel of the Coast Guard who were as-  
10 signed to, or employed at or in connection with, any Fed-  
11 eral facility or installation in the vicinity of Homestead  
12 Air Force Base, Florida, including the areas of Broward,  
13 Collier, Dade, and Monroe Counties, on or before August  
14 24, 1992, except that—

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

17 (2) the Secretary of Transportation shall admin-  
18 ister that section with respect to such personnel.

19 **SEC. 202. DISSEMINATION OF RESULTS OF 0-6 CONTINU-**  
20 **ATION BOARDS.**

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

1 **SEC. 203. EXCLUDE CERTAIN RESERVES FROM END-OF-**  
2 **YEAR STRENGTH.**

3 *Section 712 of title 14, United States Code, is amended*  
4 *by adding at the end the following:*

5 *“(d) Reserve members ordered to active duty under this*  
6 *section shall not be counted in computing authorized*  
7 *strength of members on active duty or members in grade*  
8 *under this title or under any other law.”.*

9 **SEC. 204. MARINE CASUALTY INVESTIGATIONS.**

10 *(a) INFORMAL MARINE CASUALTY INVESTIGATIONS.—*  
11 *Title 46, United States Code, is amended by inserting after*  
12 *section 6301 the following new section:*

13 **“§ 6301a. Informal marine casualty investigations**

14 *“(a) The Secretary may conduct informal investiga-*  
15 *tions of marine casualties.*

16 *“(b) Notwithstanding section 6302 of this title, the Sec-*  
17 *retary is not required to hold an informal investigation*  
18 *open to the public.”.*

19 *(b) CLERICAL AMENDMENT.—The table of sections at*  
20 *the beginning of chapter 63 of title 46, United States Code,*  
21 *is amended by inserting after the item related to section*  
22 *6301 the following:*

*“6301a. Informal marine casualty investigations.”.*

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

2 (a) *IN GENERAL.*—Title 14, United States Code, is  
3 amended by inserting after section 514 the following new  
4 section:

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

6 “(a) *The Commandant may make child development*  
7 *services available for members and civilian employees of the*  
8 *Coast Guard, and thereafter as space is available for mem-*  
9 *bers of the Armed Forces and Federal civilian employees.*  
10 *Child development services benefits provided under this sec-*  
11 *tion shall be in addition to benefits provided under other*  
12 *laws.*

13 “(b)(1) *Except as provided in paragraph (2), the Com-*  
14 *mandant may require that amounts received as fees for the*  
15 *provision of child development services under this section*  
16 *at Coast Guard child development centers be used only for*  
17 *compensation of Coast Guard child development center em-*  
18 *ployees who are directly involved in providing child care.*

19 “(2) *If the Commandant determines that compliance*  
20 *with the limitation in paragraph (1) would result in an*  
21 *uneconomical and inefficient use of amounts received as*  
22 *such fees, the Commandant may (to the extent that such*  
23 *compliance would be uneconomical and inefficient) use such*  
24 *amounts—*

1           “(A) for the purchase of consumable or dispos-  
2           able items for Coast Guard child development centers;  
3           and

4           “(B) if the requirements of such centers for  
5           consumable or disposable items for a given fiscal year  
6           have been met, for other expenses of those centers.

7           “(c) The Commandant may use Department of Defense  
8           or other training programs to insure that all child develop-  
9           ment services providers under this section meet minimum  
10          standards.

11          “(d) The Commandant may provide assistance to  
12          members and civilian employees of the Coast Guard for ob-  
13          taining services of qualified family home child development  
14          services providers. The cost per child to the Coast Guard  
15          of obtaining those services may not exceed the average of  
16          the cost per child incurred by the Coast Guard for child  
17          development services provided at all Coast Guard child de-  
18          velopment centers.

19          “(e)(1) Of the amounts available to the Coast Guard  
20          each fiscal year for operating expenses (and in addition to  
21          amounts received as fees), the Secretary shall use for child  
22          development services under this section an amount equal  
23          to the total amount the Commandant estimates will be re-  
24          ceived by the Coast Guard in the fiscal year as fees for the  
25          provision of those services.

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

3       “(f) For purposes of this section, the term ‘Coast Guard  
4 child development center’ does not include a child care serv-  
5 ices facility for which space is allotted under section 616  
6 of the Act of December 22, 1987 (40 U.S.C. 490b).

7       “(g) The Secretary shall promulgate regulations to im-  
8 plement this section. The regulations shall establish fees to  
9 be charged for child development services provided under  
10 this section which are based on total family income.”.

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

“515. Child development services.”.

15       **TITLE III—NAVIGATION SAFETY**  
16       **AND WATERWAY SERVICES**  
17       **MANAGEMENT**

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

19       Section 3303 of title 46, United States Code, is  
20 amended—

21               (1) in subsection (a) by striking “(a) Except as”  
22 and inserting “Except as”; and

23               (2) by striking subsection (b).

1 **SEC. 302. DOCUMENTATION VIOLATIONS.**

2 (a) *CIVIL PENALTIES.*—Section 12122(a) of title 46,  
3 *United States Code*, is amended by striking “\$500” and in-  
4 serting “\$25,000”.

5 (b) *SEIZURE AND FORFEITURE.*—

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

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

10 “(1) the owner of the vessel or a representative  
11 or agent of the owner knowingly falsifies or conceals  
12 a material fact, or makes a false statement or rep-  
13 resentation about the documentation or in applying  
14 for documentation of the vessel;

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

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

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

22 “(5) in the case of a documented vessel with only  
23 a recreational endorsement, the vessel is operated  
24 other than for pleasure.”.

25 (2) *CONFORMING AMENDMENT.*—Section  
26 12122(c) of title 46, *United States Code*, is repealed.

1       (c) *LIMITATION ON OPERATION OF VESSEL WITH*  
2 *ONLY RECREATIONAL ENDORSEMENT.*—Section 12110(c) of  
3 *title 46, United States Code, is repealed.*

4       (d) *TERMINATION OF RESTRICTION ON COMMAND OF*  
5 *RECREATIONAL VESSELS.*—

6           (1) *TERMINATION OF RESTRICTION.*—Subsection  
7 *(d) of section 12110 of title 46, United States Code,*  
8 *is amended—*

9                   (A) *by inserting “; other than a vessel with*  
10 *only a recreational endorsement operating with-*  
11 *in the territorial waters of the United States,”*  
12 *after “A documented vessel”; and*

13                   (B) *by redesignating that subsection as sub-*  
14 *section (c).*

15       (2) *CONFORMING AMENDMENT.*—Section  
16 *12111(a)(2) of title 46, United States Code, is amend-*  
17 *ed by inserting before the period the following: “in*  
18 *violation of section 12110(c) of this title”.*

19 ***SEC. 303. CLERICAL AMENDMENT.***

20       Chapter 121 of title 46, United States Code, is  
21 *amended—*

22           (1) *by striking the first section 12123; and*

23           (2) *in the table of sections at the beginning of the*  
24 *chapter by striking the first item relating to section*  
25 *12123.*

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

2 *Beginning not later than 60 days after the date of the*  
3 *enactment of this Act, the Commandant of the Coast Guard*  
4 *shall operate a rescue and patrol vessel on the Mississippi*  
5 *River in the vicinity of Baton Rouge, Louisiana, to support*  
6 *Coast Guard rescue, law enforcement, marine safety, ma-*  
7 *rine environmental protection, and port security missions.*

8 **SEC. 305. FLORIDA AVENUE BRIDGE.**

9 *For purposes of the alteration of the Florida Avenue*  
10 *Bridge (located approximately 1.63 miles east of the Mis-*  
11 *sissippi River on the Gulf Intracoastal Waterway in Orle-*  
12 *ans Parish, Louisiana) ordered by the Secretary of Trans-*  
13 *portation under the Act of June 21, 1940 (33 U.S.C. 511*  
14 *et seq.; popularly known as the Truman-Hobbs Act), the*  
15 *Secretary shall treat the drainage siphon that is adjacent*  
16 *to the bridge as an appurtenance of the bridge, including*  
17 *with respect to apportionment and payment of costs for the*  
18 *removal of the drainage siphon in accordance with that Act.*

19 **SEC. 306. RENEWAL OF HOUSTON-GALVESTON NAVIGATION**  
20 **SAFETY ADVISORY COMMITTEE AND LOWER**  
21 **MISSISSIPPI RIVER WATERWAY ADVISORY**  
22 **COMMITTEE.**

23 *The Coast Guard Authorization Act of 1991 (Public*  
24 *Law 102–241, 105 Stat. 2208–2235) is amended—*

25 *(1) in section 18 by adding at the end the follow-*  
26 *ing:*

1       “(h) The Committee shall terminate on October 1,  
2 1999.”; and

3               (2) in section 19 by adding at the end the follow-  
4 ing:

5       “(g) The Committee shall terminate on October 1,  
6 1999.”.

7 **SEC. 307. LIMITATION ON CONSOLIDATION OF HOUSTON**  
8 **AND GALVESTON MARINE SAFETY OFFICES.**

9       *The Secretary of Transportation may not consolidate*  
10 *the Coast Guard Marine Safety Offices in Galveston, Texas,*  
11 *and Houston, Texas.*

12 **SEC. 308. RESPONSE EXERCISE PROGRAM AT MASSACHU-**  
13 **SETTS MARITIME ACADEMY.**

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

18       (b) *DESIGNATION OF CENTER AS REGIONAL FACIL-*  
19 *ITY.*—*The Coast Guard shall designate the Center for Ma-*  
20 *rine Environmental Protection and Safety at the Massachu-*  
21 *setts Maritime Academy as a regional facility for the con-*  
22 *duct and evaluation of annual response area management*  
23 *team exercises for two response areas in the East Coast in*  
24 *accordance with the Preparedness for Response Exercise*  
25 *Program established by the Coast Guard.*

1 **SEC. 309. PROHIBITION ON DECOMMISSIONING ICE-**  
2 **BREAKER MACKINAW.**

3 (a) *PROHIBITION.*—The Secretary of Transportation  
4 may not decommission the Coast Guard cutter MACKINAW  
5 until the later of—

6 (1) 1 year after transmitting to the Congress the  
7 report required under subsection (d); or

8 (2) October 1, 1995.

9 (b) *REQUIREMENT TO MAINTAIN BILLETS.*—The Sec-  
10 retary shall during fiscal year 1995 maintain on the Coast  
11 Guard cutter MACKINAW the same number of billets as  
12 were maintained on that vessel during fiscal year 1994.

13 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is  
14 authorized to be appropriated to the Secretary of Transpor-  
15 tation \$4,500,000 for fiscal year 1995, to remain available  
16 until expended, for operations and maintenance of the Coast  
17 Guard cutter MACKINAW.

18 (d) *STUDY AND REPORT.*—Not later than 6 months  
19 after the date of enactment of this Act, the Secretary of  
20 Transportation shall conduct a study and submit a report  
21 to the Congress containing findings and recommendations  
22 on the icebreaking needs of the Great Lakes and the appro-  
23 priate size and type of vessel or vessels to meet those needs.  
24 In conducting the study, the Secretary shall—

25 (1) consult with—

1           (A) Great Lakes carriers, shippers, and port  
2           authorities, including the Lake Carriers Associa-  
3           tion;

4           (B) the Great Lakes Commission;

5           (C) the Governors of States bordering the  
6           Great Lakes;

7           (D) local governments in States bordering  
8           the Great Lakes; and

9           (E) interested private persons;

10          (2) determine the average and maximum ice con-  
11          ditions in the Great Lakes over the past 10 years;

12          (3) determine the size and type of vessel or ves-  
13          sels necessary to clear shipping channels in the aver-  
14          age and maximum ice conditions determined under  
15          paragraph (2);

16          (4) evaluate whether any Coast Guard vessel sta-  
17          tioned on the Great Lakes, other than the MACKI-  
18          NAW, can safely conduct search and rescue missions  
19          in 25-foot seas;

20          (5) evaluate the feasibility of operating the Coast  
21          Guard icebreaker MACKINAW on a seasonal basis;

22          (6) evaluate the feasibility of building an ice-  
23          strengthened Juniper Class buoy tender to replace the  
24          icebreaking services performed by the MACKINAW;  
25          and

1           (7) evaluate the feasibility of entering into a  
2 long-term contract for icebreaking services to replace  
3 the icebreaking services performed by the MACKI-  
4 NAW.

5           (e) *AUTHORIZATION FOR RECOMMENDATIONS.*—If,  
6 after transmitting the report required in subsection (d), the  
7 Secretary determines that—

8           (1) in addition to previously authorized Juniper  
9 Class buoy tenders, building an ice-strengthened Juniper  
10 Class buoy tender is the most feasible means of  
11 providing icebreaking service on the Great Lakes, the  
12 Secretary may, subject to the availability of appro-  
13 priations, enter into a contract for the construction of  
14 an ice-strengthened Juniper Class buoy tender; or

15           (2) entering into a long-term contract for  
16 icebreaking services is the most feasible means of pro-  
17 viding icebreaking services on the Great Lakes, the  
18 Secretary may, subject to the availability of appro-  
19 priations, enter into such a long-term contract.

20 **SEC. 310. REQUIREMENT TO OPERATE USCGC TACKLE IN**  
21 **CRISFIELD, MARYLAND.**

22           The Secretary of Transportation shall continue to op-  
23 erate the USCGC TACKLE (WYTL 65604) in the vicinity  
24 of Crisfield, Maryland, until October 1, 1995.

1 **SEC. 311. BUY AMERICAN REQUIREMENT FOR SURFACE**  
2 **SEARCH RADAR SYSTEMS.**

3 *Notwithstanding any other law, at least 51 percent of*  
4 *the components of surface search radar systems for Coast*  
5 *Guard vessels shall be manufactured in the United States,*  
6 *provided the United States manufacturer offers the Coast*  
7 *Guard a competitive price.*

8 **SEC. 312. CONVEYANCE OF PROPERTY.**

9 *(a) REQUIREMENT.—The Secretary of Transportation*  
10 *(or any other official having control over the property de-*  
11 *scribed in subsection (b)) shall expeditiously convey to the*  
12 *Traverse City Area Public School District in Traverse City,*  
13 *Michigan, without consideration, all right, title, and inter-*  
14 *est of the United States in and to the property described*  
15 *in subsection (b), subject to all easements and other interests*  
16 *in the property held by any other person.*

17 *(b) PROPERTY DESCRIBED.—The property referred to*  
18 *in subsection (a) is a parcel of land consisting of approxi-*  
19 *mately 27.10 acres identified by the Traverse City School*  
20 *District in the northwest corner of the Coast Guard Air Sta-*  
21 *tion at Traverse City, Michigan.*

22 *(c) REVERSIONARY INTEREST.—In addition to any*  
23 *term or condition established pursuant to subsection (a),*  
24 *any conveyance of property described in subsection (b) shall*  
25 *be subject to the condition that all right, title, and interest*  
26 *in and to the property so conveyed shall immediately revert*

1 *to the United States if the property, or any part thereof,*  
2 *ceases to be used by the Traverse City School District.*

3 ***TITLE IV—MISCELLANEOUS***

4 ***SEC. 401. SPECIAL RECRUITING AUTHORITY TO ACHIEVE***  
5 ***DIVERSITY.***

6 *(a) FINDINGS.—The Congress makes the following*  
7 *findings:*

8 *(1) Women and minorities have historically been*  
9 *underrepresented in the Coast Guard officer corps and*  
10 *at the United States Coast Guard Academy.*

11 *(2) The number of women and minorities occu-*  
12 *pying leadership positions in the United States Coast*  
13 *Guard should reflect the proportion of women and*  
14 *minorities in the total population.*

15 *(3) Notwithstanding application of traditional*  
16 *recruiting programs, the Coast Guard has not been*  
17 *able to rectify the historic underrepresentation of*  
18 *women and minorities in the service and at the Acad-*  
19 *emy.*

20 *(4) Cultural bias in standardized testing or*  
21 *grading procedures may adversely affect the ability of*  
22 *minorities to compete successfully for admission to the*  
23 *United States Coast Guard Academy.*

24 *(5) The education and professional training pro-*  
25 *vided at the United States Coast Guard Academy will*

1       *be enhanced by the benefits that flow from a diverse*  
2       *student body.*

3       **(b) NEW AUTHORITY.**—*Section 93 of title 14, United*  
4       *States Code, is amended—*

5               *(1) in paragraph (t)(2) by striking “and” after*  
6       *the semicolon;*

7               *(2) in paragraph (u) by striking the period and*  
8       *inserting “; and”; and*

9               *(3) by adding at the end the following:*

10              *“(v) for the purposes of rectifying*  
11       *underrepresentation or underutilization of women*  
12       *and minorities in the Coast Guard and meeting iden-*  
13       *tified personnel resource requirements and training*  
14       *needs—*

15              *“(1) conduct studies and analyses on Coast*  
16       *Guard personnel resource and training needs;*  
17       *and*

18              *“(2) employ special programs for recruiting*  
19       *women and minorities, including, subject to ap-*  
20       *propriations, provision of financial assistance by*  
21       *grant, cooperative agreement, contract, or other-*  
22       *wise, to public or private associations, organiza-*  
23       *tions, or individuals to implement national or*  
24       *local outreach programs.”.*

1 **SEC. 402. OFFICER RETENTION UNTIL RETIREMENT ELIGI-**  
2 **BLE.**

3 *Section 283(b) of title 14, United States Code, is*  
4 *amended—*

5 *(1) by inserting “(1)” after “(b)”;*

6 *(2) by striking the last sentence; and*

7 *(3) by adding at the end the following:*

8 *“(2) Upon the completion of a term under paragraph*  
9 *(1), an officer shall, unless selected for further continu-*  
10 *ation—*

11 *“(A) except as provided in subparagraph (B), be*  
12 *honorably discharged with severance pay computed*  
13 *under section 286 of this title;*

14 *“(B) in the case of an officer who has completed*  
15 *at least 18 years of active service on the date of dis-*  
16 *charge under subparagraph (A), be retained on active*  
17 *duty and retired on the last day of the month in*  
18 *which the officer completes 20 years of active service,*  
19 *unless earlier removed under another provision of*  
20 *law; or*

21 *“(C) if eligible for retirement under any law, be*  
22 *retired.”.*

1 **SEC. 403. REPORT RECOMMENDING ACTIONS FOR THE PRO-**  
2 **TECTION OF THE ENDANGERED NORTHERN**  
3 **RIGHT WHALE.**

4 *Not later than 6 months after the date of the enactment*  
5 *of this Act, the Secretary of Transportation, in consultation*  
6 *with the Secretary of Commerce, shall submit a report to*  
7 *the Committee on Merchant Marine and Fisheries of the*  
8 *House of Representatives and the Committee on Commerce,*  
9 *Science, and Transportation of the Senate recommending*  
10 *actions to prevent mortalities of the northern right whale*  
11 *from vessel collisions in the Great South Channel off Cape*  
12 *Cod, Massachusetts. The report shall include—*

13 *(1) recommendations for actions that could be*  
14 *undertaken by the Coast Guard and the International*  
15 *Maritime Organization, including—*

16 *(A) the designation of 1 or more areas to be*  
17 *avoided;*

18 *(B) the shifting of the traffic separation*  
19 *scheme in the Great South Channel; or*

20 *(C) other measures the Secretary considers*  
21 *appropriate; and*

22 *(2) if appropriate, a schedule for submitting*  
23 *those recommendations to the International Maritime*  
24 *Organization.*

1 **SEC. 404. CONTINUING OBLIGATION TO PROVIDE DOCU-**  
2 **MENTATION INFORMATION AT EXISTING LO-**  
3 **CATIONS.**

4 *The Secretary of Transportation shall, until October*  
5 *1, 1999, maintain an ability, at Coast Guard offices that*  
6 *are located in the immediate vicinity of former regional ves-*  
7 *sel documentation offices, to assist the public with informa-*  
8 *tion on obtaining, altering, and renewing the documenta-*  
9 *tion of a vessel and on vessel documentation laws and regu-*  
10 *lations generally.*

11 **SEC. 405. PROHIBITION ON STATION CLOSURES AND VES-**  
12 **SEL AND AIRCRAFT DECOMMISSIONINGS IN**  
13 **FY 1995.**

14 *In fiscal year 1995, the Secretary of Transportation*  
15 *may not close or consolidate any shore unit, including any*  
16 *multimission small boat station, and may not decommis-*  
17 *sion any vessel or aircraft, based in whole or in part on*  
18 *the increased costs resulting from inclusion of the Coast*  
19 *Guard in the military pay raise for fiscal year 1995 or*  
20 *the cost-of-living allowance for members of the uniformed*  
21 *services assigned to high cost areas in the continental*  
22 *United States under the National Defense Authorization*  
23 *Act for Fiscal Year 1995.*

1 **SEC. 406. CONTINUATION OF THE COMMERCIAL FISHING**  
2 **INDUSTRY VESSEL ADVISORY COMMITTEE.**

3 *Subsection (e)(1) of section 4508 of title 46, United*  
4 *States Code, is amended by striking “September 30, 1994”*  
5 *and inserting “October 1, 1999”.*

6 **SEC. 407. PROHIBITION ON DIVERSION OF DRUG INTERDIC-**  
7 **TION FUNDS.**

8 *The Secretary of Transportation may not reduce the*  
9 *level of Coast Guard drug interdiction below the level pro-*  
10 *posed by the President in the Fiscal Year 1995 budget.*

11 **SEC. 408. PROHIBITION ON STATION CLOSURES.**

12 *(a) PROHIBITION.—The Secretary of Transportation*  
13 *may not close or consolidate any multimission small boat*  
14 *station in fiscal year 1995 until the Secretary has submit-*  
15 *ted a list of proposed station closures to the Committee on*  
16 *Merchant Marine and Fisheries of the House of Representa-*  
17 *tives and to the Committee on Commerce, Science, and*  
18 *Transportation of the Senate.*

19 *(b) DEADLINE FOR SUBMISSION.—The Secretary shall*  
20 *submit such list at least 60 days prior to any such closure*  
21 *or consolidation.*

22 **SEC. 409. RENEWAL OF THE NAVIGATION SAFETY ADVISORY**  
23 **COUNCIL.**

24 *Section 5 of the Inland Navigational Rules Act of 1980*  
25 *(33 U.S.C. 2073) is amended in subsection (d) by striking*  
26 *“September 30, 1995” and inserting “September 30, 2000”.*

1 **SEC. 410. 47-FOOT MOTOR LIFEBOAT ACQUISITION PRO-**  
2 **GRAM.**

3 *The Secretary of Transportation shall ensure that the*  
4 *Coast Guard 47-foot Motor Lifeboat acquisition is accom-*  
5 *plished in accordance with the laws and regulations appli-*  
6 *cable to small business set asides.*

7 **SEC. 411. COAST GUARD RESERVE PEACETIME REQUIRE-**  
8 **MENTS PLAN.**

9 *No later than February 1, 1995, the Secretary of*  
10 *Transportation shall submit to the Committee on Merchant*  
11 *Marine and Fisheries of the House of Representatives and*  
12 *the Committee on Commerce, Science, and Transportation*  
13 *of the Senate a plan to more fully utilize the Coast Guard*  
14 *Selected Reserve to augment peacetime operations. As part*  
15 *of the plan, the Secretary shall include—*

16 *(1) methods to deliver more cost-effective Coast*  
17 *Guard services by supplementing active duty person-*  
18 *nel with Coast Guard reservists while preserving the*  
19 *current level of service to the public;*

20 *(2) methods to more fully integrate the Coast*  
21 *Guard Reserve in peacetime Coast Guard programs,*  
22 *including, but not limited to, search and rescue, ma-*  
23 *rine safety, and marine environmental protection;*

24 *(3) the most effective command structure for the*  
25 *Coast Guard Reserve; and*

1           (4) *a specific estimate of the number of reservists*  
2           *needed to augment peacetime Coast Guard missions*  
3           *under the plan.*

4   **SEC. 412. TRANSFER OF COAST GUARD PROPERTY.**

5           (a) *CONVEYANCE REQUIREMENT.*—*The Secretary of*  
6           *Transportation shall convey to the Ketchikan Indian Cor-*  
7           *poration in Ketchikan, Alaska, without reimbursement and*  
8           *by no later than 120 days after the date of enactment of*  
9           *this Act, all right, title, and interest of the United States*  
10          *in and to the property known as the “Former Marine Safe-*  
11          *ty Detachment” as identified in Report of Excess Number*  
12          *CG-689 (GSA Control Number 9-U-AK-0747) and de-*  
13          *scribed in subsection (b), for use by the Ketchikan Indian*  
14          *Corporation as a Native health clinic.*

15          (b) *PROPERTY DESCRIBED.*—*The property referred to*  
16          *in subsection (a) is real property located in the city of*  
17          *Ketchikan, Township 75 south, range 90 east, Copper River*  
18          *Meridian, First Judicial District, State of Alaska, and*  
19          *commencing at corner numbered 10, United States Survey*  
20          *numbered 1079, the true point of beginning for this descrip-*  
21          *tion: Thence north 24 degrees 04 minutes east, along the*  
22          *10-11 line of said survey a distance of 89.76 feet to corner*  
23          *numbered 1 of lot 5B; thence south 65 degrees 56 minutes*  
24          *east a distance of 345.18 feet to corner numbered 2 of lot*  
25          *5B; thence south 24 degrees 04 minutes west a distance of*

1 101.64 feet to corner numbered 3 of lot 5B; thence north  
2 64 degrees 01 minute west a distance of 346.47 feet to corner  
3 numbered 10 of said survey, to the true point of beginning,  
4 consisting of 0.76 acres (more or less), and all improve-  
5 ments located on that property, including buildings, struc-  
6 tures, and equipment.

7 (c) *REVERSIONARY INTEREST.*—In addition to any  
8 term or condition established pursuant to subsection (a),  
9 any conveyance of property described in subsection (b) shall  
10 be subject to the condition that all right, title, and interest  
11 in and to the property so conveyed shall immediately revert  
12 to the United States if the property, or any part thereof,  
13 ceases to be used by the Ketchikan Indian Corporation as  
14 a Native health clinic.

15 **SEC. 413. REPORT ON COSTS OF VESSEL INSPECTIONS OUT-**  
16 **SIDE UNITED STATES.**

17 (a) *REPORT REQUIREMENT.*—Not later than January  
18 1, 1995, the Secretary of Transportation shall submit to  
19 the Committee on Merchant Marine and Fisheries of the  
20 House of Representatives and the Committee on Commerce,  
21 Science, and Transportation of the Senate a report describ-  
22 ing in detail the costs incurred by the United States in fis-  
23 cal year 1994 for the performance by Coast Guard personnel  
24 of vessel inspections outside the 50 States and the District  
25 of Columbia, including travel expenses, subsistence pay,

1 *compensation, and all other costs associated with those in-*  
2 *spections.*

3 (b) *ITEMIZATION OF COSTS.*—*The report required by*  
4 *subsection (a) shall include—*

5 (1) *a description and the costs of the various*  
6 *types of activities in which Coast Guard inspectors*  
7 *engaged outside the United States in fiscal year 1994*  
8 *with respect to repair and construction of vessels in*  
9 *foreign countries;*

10 (2) *the number and costs of inspections of vessels*  
11 *documented in the United States that did not visit*  
12 *ports in the United States in fiscal year 1994 (in-*  
13 *cluding the number of such vessels inspected);*

14 (3) *the number and costs of inspections of mobile*  
15 *offshore drilling units (as that term is defined in sec-*  
16 *tion 2101 of title 46, United States Code) that are*  
17 *documented in the United States and that did not op-*  
18 *erate in waters of the United States in fiscal year*  
19 *1994; and*

20 (4) *the number and cost of Coast Guard inspec-*  
21 *tors permanently stationed in foreign countries.*

22 **SEC. 414. CONVEYANCE OF LIGHT STATION MONTAUK**  
23 **POINT, NEW YORK.**

24 (a) *CONVEYANCE REQUIREMENT.*—

1           (1) *REQUIREMENT.*—*The Secretary of Transpor-*  
2           *tation shall convey to the Montauk Historical Asso-*  
3           *ciation in Montauk, New York, by an appropriate*  
4           *means of conveyance, all right, title, and interest of*  
5           *the United States in and to property comprising*  
6           *Light Station Montauk Point, located at Montauk,*  
7           *New York.*

8           (2) *DETERMINATION OF PROPERTY.*—*The Sec-*  
9           *retary may identify, describe, and determine the*  
10          *property to be conveyed pursuant to this section.*

11          (b) *TERMS OF CONVEYANCE.*—

12           (1) *IN GENERAL.*—*A conveyance of property*  
13          *pursuant to this section shall be made—*

14                   (A) *without the payment of consideration;*

15                   *and*

16                   (B) *subject to the conditions required by*  
17                   *paragraphs (3) and (4) and such other terms*  
18                   *and conditions as the Secretary may consider*  
19                   *appropriate.*

20          (2) *REVERSIONARY INTEREST.*—*In addition to*  
21          *any term or condition established pursuant to para-*  
22          *graph (1), any conveyance of property comprising the*  
23          *Montauk Light Station pursuant to subsection (a)*  
24          *shall be subject to the condition that all right, title,*  
25          *and interest in and to the property so conveyed shall*

1 *immediately revert to the United States if the prop-*  
2 *erty, or any part thereof—*

3 *(A) ceases to be maintained as a nonprofit*  
4 *center for public benefit for the interpretation*  
5 *and preservation of the material culture of the*  
6 *United States Coast Guard, the maritime history*  
7 *of Montauk, New York, and Native American*  
8 *and colonial history;*

9 *(B) ceases to be maintained in a manner*  
10 *that ensures its present or future use as a Coast*  
11 *Guard aid to navigation; or*

12 *(C) ceases to be maintained in a manner*  
13 *consistent with the provisions of the National*  
14 *Historic Preservation Act (16 U.S.C. 470 et*  
15 *seq.).*

16 *(3) MAINTENANCE OF NAVIGATION AND FUNC-*  
17 *TIONS.—Any conveyance of property pursuant to this*  
18 *section shall be subject to such conditions as the Sec-*  
19 *retary considers to be necessary to assure that—*

20 *(A) the light, antennas, sound signal, and*  
21 *associated lighthouse equipment located on the*  
22 *property conveyed, which are active aids to navi-*  
23 *gation, shall continue to be operated and main-*  
24 *tained by the United States for as long as they*  
25 *are needed for this purpose;*

1           (B) the Montauk Historical Association  
2 may not interfere or allow interference in any  
3 manner with such aids to navigation without ex-  
4 press written permission from the United States;

5           (C) there is reserved to the United States  
6 the right to replace, or add any aids to naviga-  
7 tion, or make any changes to the Montauk Light-  
8 house as may be necessary for navigation pur-  
9 poses;

10           (D) the United States shall have the right,  
11 at any time, to enter the property conveyed with-  
12 out notice for the purpose of maintaining navi-  
13 gation aids;

14           (E) the United States shall have an ease-  
15 ment of access to such property for the purpose  
16 of maintaining the navigational aids in use on  
17 the property; and

18           (F) the Montauk Light Station shall revert  
19 to the United States at the end of the 30-day pe-  
20 riod beginning on any date on which the Sec-  
21 retary of Transportation provides written notice  
22 to the Montauk Historical Association that the  
23 Montauk Light Station is needed for national se-  
24 curity purposes.

1           (4) *MAINTENANCE OF LIGHT STATION.*—Any  
2           conveyance of property under this section shall be  
3           subject to the condition that the Montauk Historical  
4           Association shall maintain the Montauk Light Sta-  
5           tion in accordance with the provisions of the National  
6           Historic Preservation Act (16 U.S.C. 470 et seq.) and  
7           other applicable laws.

8           (5) *LIMITATION ON OBLIGATIONS OF MONTAUK*  
9           *HISTORICAL ASSOCIATION.*—The Montauk Historical  
10          Association shall not have any obligation to maintain  
11          any active aid to navigation equipment on property  
12          conveyed pursuant to this section.

13          (c) *For purposes of this section—*

14               (1) *The term “Montauk Light Station” means*  
15               *the Coast Guard light station known as Light Station*  
16               *Montauk Point, located at Montauk, New York, in-*  
17               *cluding the keeper’s dwellings, adjacent Coast Guard*  
18               *rights of way, the World War II submarine spotting*  
19               *tower, the lighthouse tower, and the paint locker; and*

20               (2) *the term “Montauk Lighthouse” means the*  
21               *Coast Guard lighthouse located at the Montauk Light*  
22               *Station.*

23   **SEC. 415. CAPE ANN LIGHTHOUSE.**

24          (a) *AUTHORITY TO CONVEY.*—

1           (1) *IN GENERAL.*—*The Secretary of Transpor-*  
2           *tation shall convey to the town of Rockport, Massa-*  
3           *chusetts, by an appropriate means of conveyance, all*  
4           *right, title, and interest of the United States in and*  
5           *to the property comprising the Cape Ann Lighthouse,*  
6           *located on Thachers Island, Massachusetts.*

7           (2) *IDENTIFICATION OF PROPERTY.*—*The Sec-*  
8           *retary may identify, describe, and determine the*  
9           *property to be conveyed pursuant to this subsection.*

10          (b) *TERMS OF CONVEYANCE.*—

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

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

14                   (B) *subject to the conditions required by*  
15                   *paragraphs (3) and (4) and other terms and*  
16                   *conditions the Secretary may consider appro-*  
17                   *priate.*

18           (2) *REVERSIONARY INTEREST.*—*In addition to*  
19           *any term or condition established pursuant to para-*  
20           *graph (1), the conveyance of property pursuant to*  
21           *this section shall be subject to the condition that all*  
22           *right, title, and interest in the Cape Ann Lighthouse*  
23           *shall immediately revert to the United States if the*  
24           *Cape Ann Lighthouse, or any part of the property—*

1           (A) ceases to be used as a nonprofit center  
2 for the interpretation and preservation of mari-  
3 time history;

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

7           (C) ceases to be maintained in a manner  
8 consistent with the provisions of the National  
9 Historic Preservation Act of 1966 (16 U.S.C.  
10 470 et seq.).

11           (3) MAINTENANCE AND NAVIGATION FUNC-  
12 TIONS.—The conveyance of property pursuant to this  
13 section shall be made subject to the conditions that the  
14 Secretary considers to be necessary to assure that—

15           (A) the lights, antennas, and associated  
16 equipment located on the property conveyed,  
17 which are active aids to navigation, shall con-  
18 tinue to be operated and maintained by the  
19 United States;

20           (B) the town of Rockport may not interfere  
21 or allow interference in any manner with aids to  
22 navigation without express written permission  
23 from the Secretary of Transportation;

24           (C) there is reserved to the United States  
25 the right to relocate, replace, or add any aid to

1           *navigation or make any changes to the Cape*  
2           *Ann Lighthouse as may be necessary for naviga-*  
3           *tional purposes;*

4           *(D) the United States shall have the right,*  
5           *at any time, to enter the property without notice*  
6           *for the purpose of maintaining aids to naviga-*  
7           *tion; and*

8           *(E) the United States shall have an ease-*  
9           *ment of access to the property for the purpose of*  
10           *maintaining the aids to navigation in use on the*  
11           *property.*

12           *(4) OBLIGATION LIMITATION.—The town of Rock-*  
13           *port is not required to maintain any active aid to*  
14           *navigation equipment on property conveyed pursuant*  
15           *to this section.*

16           *(5) PROPERTY TO BE MAINTAINED IN ACCORD-*  
17           *ANCE WITH CERTAIN LAWS.—The town of Rockport*  
18           *shall maintain the Cape Ann Lighthouse in accord-*  
19           *ance with the National Historic Preservation Act of*  
20           *1966 (16 U.S.C. 470 et seq.), and other applicable*  
21           *laws.*

22           *(c) DEFINITIONS.—For purposes of this section, the*  
23           *term “Cape Ann Lighthouse” means the Coast Guard prop-*  
24           *erty located on Thachers Island, Massachusetts, except any*

1 *historical artifact, including any lens or lantern, located*  
2 *on the property at or before the time of the conveyance.*

3 **SEC. 416. TRANSFER OF OCRACOKE LIGHT STATION TO SEC-**  
4 **RETARY OF THE INTERIOR.**

5 *The Secretary of Transportation shall transfer admin-*  
6 *istrative jurisdiction over the Federal property, consisting*  
7 *of approximately 2 acres, known as the Ocracoke Light Sta-*  
8 *tion, to the Secretary of the Interior, subject to such reserva-*  
9 *tions, terms, and conditions as may be necessary for Coast*  
10 *Guard purposes. All property so transferred shall be in-*  
11 *cluded in and administered as part of the Cape Hatteras*  
12 *National Seashore.*

13 **SEC. 417. PROHIBITION ON OVERHAUL, REPAIR, AND MAIN-**  
14 **TENANCE OF COAST GUARD VESSELS IN FOR-**  
15 **EIGN SHIPYARDS.**

16 *(a) PROHIBITION.—Chapter 5 of title 14, United*  
17 *States Code, is amended by adding at the end the following:*

18 **“§ 96. Prohibition on overhaul, repair, and mainte-**  
19 **nance of Coast Guard vessels in foreign**  
20 **shipyards**

21 *“A Coast Guard vessel may not be overhauled, re-*  
22 *paired, or maintained in any shipyard located outside the*  
23 *United States, except that this section does not apply to*  
24 *emergency repairs.”.*

1           (b) *CLERICAL AMENDMENT.*—Title 14, United States  
2 Code, is amended in the analysis at the beginning of chap-  
3 ter 5 by adding at the end the following:

*“96. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in  
foreign shipyards.”.*

4   **SEC. 418. STUDY OF IMPLICATIONS FOR VESSEL SAFETY IN**  
5                           **NAVIGABLE WATERS NEAR HOUSTON, TEXAS,**  
6                           **OF TRADE AGREEMENTS.**

7           (a) *STUDY.*—Not later than July 1, 1996, the Sec-  
8 retary of Transportation, acting through the Coast Guard  
9 office in Houston, Texas, and subject to the availability of  
10 appropriations, shall conduct a study of the implications  
11 for vessel safety in the navigable waters near Houston,  
12 Texas, of increased shipping traffic resulting from—

13                   (1) the North American Free Trade Agreement  
14                   Implementation Act; and

15                   (2) legislation necessary to implement the Uru-  
16 guay Round of the General Agreement on Tariffs and  
17 Trade.

18           (b) *CONTENT.*—The study under subsection (a) shall  
19 include—

20                   (1) examination of implications for vessel safety  
21                   in the Port of Houston and the Houston ship channel;  
22                   and

23                   (2) development of recommendations for—

1           (A) *responding to vessel accidents in those*  
2           *waterways,*

3           (B) *removal of vessels damaged in those ac-*  
4           *cidents, and*

5           (C) *ways to improve the overall safety of the*  
6           *Port of Houston and the Houston ship channel,*  
7           *including recommendations of restrictions on*  
8           *vessel movements within that Port or channel if*  
9           *necessary to ensure safety.*

10       (c) *REPORT.—Not later than July 1, 1996, the Sec-*  
11       *retary of Transportation shall submit to the Congress a re-*  
12       *port on the findings and recommendations developed by the*  
13       *study under subsection (a).*

14       (d) *AUTHORIZATION OF APPROPRIATIONS.—For car-*  
15       *rying out the study and preparing the report required by*  
16       *this section, there are authorized to be appropriated to the*  
17       *Secretary of Transportation \$300,000 for fiscal year 1995*  
18       *and such sums as may be necessary for fiscal year 1996.*

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