

103D CONGRESS  
1ST SESSION

# H. R. 2150

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

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## 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

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## 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       **TITLE II—PERSONNEL MANAGEMENT**  
2                               **IMPROVEMENT**

3       **SEC. 201. CEILING ON OFFICER CORPS.**

4           Subsection (a) of section 42 of title 14, United States  
5 Code, is amended by striking “6,000” and inserting  
6 “6,200”.

7       **SEC. 202. VOLUNTEER SERVICES.**

8           Section 93 of title 14, United States Code, is amend-  
9 ed by—

10               (1) striking the word “and” at the end of sub-  
11 section (r);

12               (2) striking the period at the end of subsection  
13 (s) and inserting “; and”; and

14               (3) adding the following new subsection:

15           “(t)(1) notwithstanding any other provision of law,  
16 enter into cooperative agreements, with States, local gov-  
17 ernments, nongovernmental organizations, and individ-  
18 uals, to accept and utilize voluntary services for the main-  
19 tenance and improvement of natural and historic resources  
20 on, or to benefit natural and historic research on, Coast  
21 Guard facilities.

22           (2) A cooperative agreement under this subsection  
23 shall provide for the parties to contribute funds or services  
24 on a matching basis to defray the costs of such programs,  
25 projects, and activities under the agreement.

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 disabili-  
4 ty 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 (2) in paragraph (f)(1) by striking the words  
2 “Chief of Staff or”; and

3 (3) in paragraph (f)(2) by striking the words  
4 “Chief of Staff or”.

### 5 **TITLE III—MISCELLANEOUS SECTIONS**

#### 6 **SEC. 301. NORTH ATLANTIC ROUTES.**

7 Sections 3 and 5 of the Act of June 25, 1936, (49  
8 Stat. 1922, 46 App. U.S.C. 738b and 738d), are repealed.

#### 9 **SEC. 302. COAST GUARD FAMILY HOUSING.**

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

#### 13 **“SEC. 670. PROCUREMENT AUTHORITY FOR FAMILY HOUS- 14 ING.**

15 “(A) The Secretary is authorized—

16 “(1) to acquire, subject to the availability of ap-  
17 propriations sufficient to cover its full obligations,  
18 real property or interests therein by purchase, lease  
19 for a term not to exceed five years, or otherwise, for  
20 use as Coast Guard family housing units, including  
21 the acquisition of condominium units, which may in-  
22 clude the obligation to pay maintenance, repair, and  
23 other condominium related fees; and

24 “(2) to dispose of by sale, lease, or otherwise,  
25 any real property or interest therein used for Coast

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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