

106TH CONGRESS
1ST SESSION

S. 1089

To authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 1999

Ms. SNOWE (for herself, Mr. MCCAIN, Mr. HOLLINGS, Mr. KERRY, Mr. BREAUX, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize appropriations for fiscal years 2000 and 2001 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 1999”.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR FISCAL YEAR 2000.—

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000, as follows:

(1) For the operation and maintenance of the Coast Guard, \$2,941,039,000, of which \$334,000,000 shall be available for defense-related activities and of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$350,326,000, to remain available until expended, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and de-

1 fense readiness, \$21,709,000, to remain available
2 until expended, of which \$3,500,000 shall be derived
3 from the Oil Spill Liability Trust Fund.

4 (4) For retired pay (including the payment of
5 obligations otherwise chargeable to lapsed appropria-
6 tions for this purpose), payments under the Retired
7 Serviceman's Family Protection and Survivor Ben-
8 efit Plans, and payments for medical care of retired
9 personnel and their dependents under chapter 55 of
10 title 10, United States Code, such sums as may be
11 necessary, to remain available until expended.

12 (5) For environmental compliance and restora-
13 tion at Coast Guard facilities (other than parts and
14 equipment associated with operations and mainte-
15 nance), \$19,500,000, to remain available until ex-
16 pended.

17 (6) For alteration or removal of bridges over
18 navigable waters of the United States constituting
19 obstructions to navigation, and for personnel and
20 administrative costs associated with the Bridge Al-
21 teration Program, \$26,000,000, to remain available
22 until expended.

23 (b) AUTHORIZATION FOR FISCAL YEAR 2001.—

24 Funds are authorized to be appropriated for necessary ex-
25 penses of the Coast Guard for fiscal year 2001, as follows:

1 (1) For the operation and maintenance of the
2 Coast Guard, \$2,941,039,000, 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, \$350,326,000, to re-
9 main available until expended, of which \$20,000,000
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, \$21,709,000, to remain available
21 until expended, of which \$3,500,000 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

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$26,000,000, to remain available until expended.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 36,350 as of September 30, 2000.

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1 (1) For recruit and special training, 1,500 stu-
2 dent years.

3 (2) For flight training, 100 student years.

4 (3) For professional training in military and ci-
5 vilian institutions, 300 student years.

6 (4) For officer acquisition, 1,000 student years.

7 (c) END-OF-YEAR STRENGTH FOR FISCAL YEAR
8 2001.—The Coast Guard is authorized an end-of-year
9 strength for active duty personnel of 36,350 as of Sep-
10 tember 30, 2001.

11 (d) TRAINING STUDENT LOADS FOR FISCAL YEAR
12 2001.—For fiscal year 2001, the Coast Guard is author-
13 ized average military training student loads as follows:

14 (1) For recruit and special training, 1,500 stu-
15 dent years.

16 (2) For flight training, 100 student years.

17 (3) For professional training in military and ci-
18 vilian institutions, 300 student years.

19 (4) For officer acquisition, 1,000 student years.

20 **TITLE II—PERSONNEL** 21 **MANAGEMENT**

22 **SEC. 201. COAST GUARD BAND DIRECTOR RANK.**

23 Section 336(d) of title 14, United States Code, is
24 amended by striking “commander” and inserting “cap-
25 tain”.

1 **SEC. 202. COAST GUARD RESERVE SPECIAL PAY.**

2 Section 308d(a) of title 37, United States Code, is
 3 amended by inserting “or the Secretary of the Department
 4 in which the Coast Guard is operating” after “Secretary
 5 of Defense”.

6 **SEC. 203. COAST GUARD MEMBERSHIP ON THE USO BOARD**
 7 **OF GOVERNORS.**

8 Section 1305(b) of title 36, United States Code, is
 9 amended by redesignating paragraph (3) as paragraph (4)
 10 and inserting after paragraph (2) the following:

11 “(3) The Secretary of Transportation, or the
 12 Secretary’s designee, when the Coast Guard is not
 13 operating under the Department of the Navy.”.

14 **SEC. 204. COMPENSATORY ABSENCE FOR ISOLATED DUTY.**

15 (a) IN GENERAL.—Section 511 of title 14, United
 16 States Code, is amended to read as follows:

17 **“Sec. 511. Compensatory absence from duty for military per-**
 18 **sonnel at isolated duty stations**

19 “The Secretary may prescribe regulations to grant
 20 compensatory absence from duty to military personnel of
 21 the Coast Guard serving at isolated duty stations of the
 22 Coast Guard when conditions of duty result in confine-
 23 ment because of isolation or in long periods of continuous
 24 duty.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 13 of title 14, United States
 3 Code, is amended to read as follows:

“511. Compensatory absence from duty for military personnel at isolated duty
 stations.”.

4 **SEC. 205. ACCELERATED PROMOTION OF CERTAIN COAST**
 5 **GUARD OFFICERS.**

6 Title 14, United States Code, is amended—

7 (1) in section 259, by adding at the end a new
 8 subsection (c) to read as follows:

9 “(c) After selecting the officers to be recommended
 10 for promotion, a selection board may recommend officers
 11 of particular merit, from among those officers chosen for
 12 promotion, to be placed at the top of the list of selectees
 13 promulgated by the Secretary under section 271(a) of this
 14 title. The number of officers that a board may recommend
 15 to be placed at the top of the list of selectees may not
 16 exceed the percentages set forth in subsection (b) unless
 17 such a percentage is a number less than one, in which
 18 case the board may recommend one officer for such place-
 19 ment. No officer may be recommended to be placed at the
 20 top of the list of selectees unless he or she receives the
 21 recommendation of at least a majority of the members of
 22 a board composed of five members, or at least two-thirds
 23 of the members of a board composed of more than five
 24 members.”;

1 (2) in section 260(a), by inserting “and the
 2 names of those officers recommended to be advanced
 3 to the top of the list of selectees established by the
 4 Secretary under section 271(a) of this title” after
 5 “promotion”; and

6 (3) in section 271(a), by inserting at the end
 7 thereof the following: “The names of all officers ap-
 8 proved by the President and recommended by the
 9 board to be placed at the top of the list of selectees
 10 shall be placed at the top of the list of selectees in
 11 the order of seniority on the active duty promotion
 12 list.”.

13 **TITLE III—MARINE SAFETY**

14 **SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL** 15 **BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.**

16 Section 4(b) of the Vessel Bridge-to-Bridge Radio-
 17 telephone Act (33 U.S.C. 1203(b)), is amended by striking
 18 “United States inside the lines established pursuant to
 19 section 2 of the Act of February 19, 1895 (28 Stat. 672),
 20 as amended.” and inserting “United States, which in-
 21 cludes all waters of the territorial sea of the United States
 22 as described in Presidential Proclamation 5928 of Decem-
 23 ber 27, 1988.”.

1 **SEC. 302. REPORT ON ICEBREAKING SERVICES.**

2 (a) REPORT.—Not later than 9 months after the date
3 of enactment of this Act, the Commandant of the Coast
4 Guard shall submit to the Committee on Commerce,
5 Science, and Transportation of the Senate, and the Com-
6 mittee on Transportation and Infrastructure of the House,
7 a report on the use of WYTL-class harbor tugs. The re-
8 port shall include an analysis of the use of such vessels
9 to perform icebreaking services; the degree to which, if
10 any, the decommissioning of each such vessel would result
11 in a degradation of current icebreaking services; and in
12 the event that the decommissioning of any such vessel
13 would result in a significant degradation of icebreaking
14 services, recommendations to remediate such degradation.

15 (b) 9-MONTH WAITING PERIOD.—The Commandant
16 of the Coast Guard shall not plan, implement or finalize
17 any regulation or take any other action which would result
18 in the decommissioning of any WYTL-class harbor tugs
19 until 9 months after the date of the submission of the re-
20 port required by subsection (a) of this section.

21 **SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL RE-**
22 **PORT.**

23 (a) IN GENERAL.—The report regarding the Oil Spill
24 Liability Trust Fund required by the Conference Report
25 (House Report 101–892) accompanying the Department
26 of Transportation and Related Agencies Appropriations

1 Act, 1991, as that requirement was amended by section
2 1122 of the Federal Reports Elimination and Sunset Act
3 of 1995 (26 U.S.C. 9509 note), shall no longer be sub-
4 mitted to Congress.

5 (b) REPEAL.—Section 1122 of the Federal Reports
6 Elimination and Sunset Act of 1995 (26 U.S.C. 9509
7 note) is amended by—

8 (1) striking subsection (a); and

9 (2) striking “(b) REPORT ON JOINT FEDERAL
10 AND STATE MOTOR FUEL TAX COMPLIANCE
11 PROJECT.—”.

12 **SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY**
13 **FUND BORROWING AUTHORITY.**

14 Section 6002(b) of the Oil Pollution Act of 1990 (33
15 U.S.C. 2752(b)) is amended after the first sentence by
16 inserting “To the extent that such amount is not adequate
17 for removal of a discharge or the mitigation or prevention
18 of a substantial threat of a discharge, the Coast Guard
19 may borrow from the Fund such sums as may be nec-
20 essary, up to a maximum of \$100,000,000, and within 30
21 days shall notify Congress of the amount borrowed and
22 the facts and circumstances necessitating the loan.
23 Amounts borrowed shall be repaid to the Fund when, and
24 to the extent that removal costs are recovered by the Coast

- 1 Guard from responsible parties for the discharge or sub-
- 2 stantial threat of discharge.”.

