

**Calendar No. 567**

**106th Congress }  
2d Session }**

**SENATE**

**{ REPORT  
{ 106-300**

**COAST GUARD AUTHORIZATION ACT**

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**R E P O R T**

OF THE

**COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION**

on

**S. 1089**



MAY 23, 2000.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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(II)

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### COAST GUARD AUTHORIZATION ACT

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MAY 23, 2000.—Ordered to be printed

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Mr. MCCAIN, from the Committee on Commerce, Science, and  
Transportation, submitted the following

### REPORT

[To accompany S. 1089]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1089), “A bill to authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes,” having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

#### PURPOSE OF THE BILL

S. 1089, as amended, authorizes appropriations for the U.S. Coast Guard for fiscal year (FY) 2000, FY 2001 and FY 2002, covering six accounts: (1) operation and maintenance expenses; (2) acquisition, construction, and improvement of facilities and equipment (AC&I); (3) research, development, testing, and evaluation (RDT&E); (4) retired pay; (5) environmental compliance and restoration; and (6) alteration or removal of bridges. The bill also authorizes end-of-year military strength and training loads; the recapitalization of the LORAN-C radio navigation system; and the operation of up to seven excess Navy patrol craft. In addition, the bill addresses various personnel management and marine safety issues and extends the charters of various Coast Guard advisory committees.

#### BACKGROUND AND NEEDS

The Coast Guard is the principal Federal maritime safety and law enforcement agency. Coast Guard activities include vessel safety inspection, the rescue of life and property at sea, fisheries law

enforcement, marine environmental protection, and the interdiction of drug traffickers and alien migrants. In addition, the agency carries out port security functions, cooperates closely with the other armed forces in military readiness activities, and has primary responsibility for the coastal defense of the United States. During times of war and national emergency, the Coast Guard becomes an arm of the U.S. Navy.

The Coast Guard Authorization Act of 1998 (Public Law 105-383) authorized appropriations and levels of military strength and training for the Coast Guard for FY 1998 and FY 1999. S. 1089 would authorize appropriations and levels of military strength and training for the Coast Guard in the three succeeding fiscal years and make other changes to existing law to address issues related to the Coast Guard.

In FY 2000, the Administration requested approximately \$4.26 billion for the Coast Guard, a decrease of \$166 million, or 3.9 percent below FY 1999 funding levels. In FY 2001, the Administration requested approximately \$4.73 billion, almost a 13 percent overall increase from the level appropriated in FY 2000. In addition, the FY 2000 and FY 2001 requests included an end-of-year strength of 35,967 and 36,427 active duty military personnel, respectively. The Coast Guard budget accounts that are authorized in S. 1089 are summarized below.

**Operating Expenses:** The Coast Guard consumes over two-thirds of its total budget conducting operations in support of its primary mission areas: protecting public safety and the marine environment; enforcing laws and treaties, including the prevention of illegal drug trafficking and illegal alien migration; maintaining aids to navigation; and preserving defense readiness. The Administration requested \$2.941 billion for this account in FY 2000, an increase of \$107 million from the FY 1999 appropriated level. In FY 2001, the Administration requested \$3.199 billion, an increase of approximately \$400 million from the FY 2000 appropriated level. In each fiscal year, the request assumes that \$25 million would be transferred from the Oil Spill Liability Trust Fund to the operating expenses account and that approximately \$330 million would be available from the Department of Defense (DOD) for defense-related activities.

**Acquisition, Construction, and Improvements (AC&I):** AC&I funds are used to pay for major capital improvements, including vessel and aircraft acquisition and rehabilitation, information management, and construction programs at selected facilities. Major AC&I projects include replacement of seagoing buoy tenders, the Great Lakes icebreaker, and coastal patrol boats; recapitalizing the National Distress and Response System; aircraft sensor, avionics and engine upgrades; the Deepwater Capabilities Replacement project; and various communications and computer software systems. The Administration requested \$350 million for AC&I in FY 2000, a decrease of \$274.4 million from the appropriated level of \$624.4 million in FY 1999. (FY 1999 enacted levels included \$230 million in emergency supplemental appropriations). In FY 2001, the Administration requested \$520 million; of that amount \$42.3 million would fund the Integrated Deepwater System and \$22 million would fund the National Distress and Response System pro-

curement program. In each fiscal year, the AC&I request assumes that \$20 million would be transferred from the Oil Spill Liability Trust Fund to the AC&I account.

**Research, Development, Test, and Evaluation:** Funds from this account are used to develop hardware, procedures, and systems that directly contribute to increasing the productivity of Coast Guard operating and regulatory programs. The Administration requested \$21.7 million for this account in FY 2000, an increase of \$4.7 million from the appropriated level in FY 1999. The Administration requested \$21.3 million for this account in FY 2001. In each fiscal year, the request assumes that \$3.5 million would be transferred from the Oil Spill Liability Trust Fund to this account.

**Retired Pay:** Funds from this account are used for retired pay, annuities, and medical care for retired military personnel and former Lighthouse Service members, their dependents, and their survivors under chapter 55 of title 10, United States Code. The Administration requested indefinite budgetary authority to pay for this entitlement. The Administration estimates the account will expend \$730.3 million in FY 2000, an increase of \$46.3 million over the appropriated level in FY 1999. It is estimated that Retired Pay will cost \$778 million in FY 2001.

**Alteration of Bridges:** Under the Truman-Hobbs Act, the Federal government shares with the states the cost of altering publicly-owned highway and railroad bridges that obstruct the free movement of marine traffic. Since FY 1995, the Administration has not requested funding for highway bridge modifications, initiating a policy under which the Coast Guard no longer would seek direct funding for such bridges. Instead, the Administration proposes that the Federal share be financed from the discretionary bridge program funds of the Federal Highway Administration, with continuing program direction by the Coast Guard. The 1996 Coast Guard authorization law (P.L. 104-324) provided the Administration with discretionary authority to implement this proposal. In FY 1999, \$42.8 million was appropriated for the Coast Guard to perform bridge alteration projects. In FY 2000, the Administration did not request funding for bridge alterations, but \$14.9 million was appropriated for five specific bridge improvement projects. The Administration did not request Coast Guard funding for FY 2001 Truman-Hobbs Act projects.

**Environmental Compliance and Restoration:** This account provides resources to bring current and former Coast Guard facilities into compliance with national environmental standards. The Administration requested \$19.5 million for FY 2000, but only \$16.7 million was appropriated. The FY 2001 request contains \$16.7 million, a 22 percent decrease from the FY 1999 appropriated level.

**Authorization Requests:** The authorization bill transmitted by the Administration proposes various changes to existing law to address issues and problems identified by the Coast Guard. These proposals include provisions to seek efficiencies in Coast Guard operations and parity with Department of Defense personnel laws and regulations. Specific provisions authorize the acquisition and operation of seven excess Navy 170-foot patrol craft; raise the eligible rank of the Coast Guard Band Director; assure continued Coast Guard representation on the USO Board of Governors; extend the

definition of isolated duty stations for compensatory absence purposes; allow accelerated promotion of certain Coast Guard officers; create a Coast Guard Academy Board of Trustees; provide special incentive pay to physicians assistants; suspend retirement pay for members who flee the U.S. to avoid prosecution; increase the borrowing authority for the Oil Spill Liability Trust Fund (OSLTF); eliminate redundant OSLTF reports; extend the Territorial Sea to 12 miles with regard to radiotelephone regulations for foreign flag vessels; exempt certain non-critical entertainment and service workers from merchant marine documentation requirements; and extend the charters of various marine advisory committees.

#### LEGISLATIVE HISTORY

On February 24, 1999, the Committee held a hearing on the Administration's budget request for FY 2000 and on the Administration's proposed legislation to authorize Coast Guard programs and activities for FY 2000 and FY 2001. In addition to reviewing the Administration's budget priorities for the Coast Guard, the hearing addressed the need to reverse the trend of declining military readiness through stronger personnel retention incentives and concentrated recruiting activities; the Coast Guard's Y2K preparation; evolving drug interdiction challenges and the need to fully fund the Deepwater procurement program and recapitalization of the aging national maritime distress and response system.

S. 1089 was introduced on May 20, 1999, by Senator Snowe, with Senators McCain, Hollings, Kerry, Breaux and Inouye as original cosponsors. On April 13, 2000, the bill was considered by the Committee in an open executive session. Senators Snowe and Kerry offered an amendment in the nature of a substitute and the Committee, without objection, ordered S. 1089 reported with an amendment.

#### SUMMARY OF MAJOR PROVISIONS

Authorization Levels: S. 1089, as reported, authorizes appropriations for the Coast Guard accounts covered in the bill that total \$3.95 billion in FY 2000 and \$4.55 billion in FY 2001. Appropriations for FY 2002 are authorized at the levels that may be required at that time, consistent with the Administration's request. The authorization levels in the bill are generally consistent with the Administration's bill.

Within the AC&I account, the Committee supports full funding for the Coast Guard's Deepwater System acquisition program. This multi-year effort to recapitalize the service's surface fleet, air force and command and control system is critical to the long-term viability of Coast Guard operations in offshore waters. With an aging fleet of cutters and aircraft, maintenance and personnel costs will rise dramatically unless the fleets are replaced. Further, the multi-mission nature of the Coast Guard requires a modern and flexible fleet that will continue operating as a unique vehicle of national security.

The reported bill also authorizes FY 2000, FY 2001, and FY 2002 end-of-year active duty military strength levels of 40,000, 44,000, and 45,500, respectively. These end-of-year strength levels are sig-

nificantly larger than FY 1999. The Committee notes that Coast Guard missions and demands have continued to expand over the past several years. Moreover, the agency's current strength is comparable to the Coast Guard of 1966, before the advent of migrant interdiction, large-scale fisheries law enforcement or maritime drug interdiction. The recent report on Coast Guard roles and missions reaffirmed the need for a strong Coast Guard in the 21st century. Therefore, the Committee increased the end-of-year strength numbers beyond those recommended by the Administration to ensure that the Coast Guard has the personnel resources and flexibility it needs to meet these new challenges and demands.

**Annual Training Student Levels are Authorized as Requested:** For FY 2001 and FY 2002, loads for flight training increase by 25 students per year in an attempt to offset the recent departure of qualified aviators from the service. The Committee notes that approximately forty percent of current mid-grade Coast Guard officers (8 to 15 years of service) who fly fixed-wing aircraft, have requested resignation from the service.

**LORAN-C:** Authority is granted to the Secretary of Transportation to transfer \$20 million in FY 2001 and \$40 million in FY 2002 from the Federal Aviation Administration to the Coast Guard. This funding is intended to recapitalize the aging LORAN-C radio navigation system. The LORAN-C system remains the primary navigation tool for many vessels and general aviation aircraft, and a viable back-up system for some military aircraft. It is critical to maritime traffic and should be available for accurate use.

**Patrol Craft:** The bill authorizes the Coast Guard to accept, modify and operate up to seven excess Navy patrol craft. The 170-foot vessels will be used primarily in the Coast Guard's drug interdiction mission. These ships have been used successfully by the Navy in the Caribbean Basin to conduct counter narcotics operations in support of Coast Guard forces. The Navy's plans to decommission the vessels would decrease the overall number of assets devoted to maritime drug interdiction. The logical transfer of these ships to Coast Guard service will maintain the existing counterdrug infrastructure and provide the service with tested multi-mission platforms in good condition.

Up to \$100 million is authorized to be appropriated to outfit, man and operate the ships. This additional funding is required to modify the ships to Coast Guard standards, overhaul worn out equipment, construct shoreside facilities and train Coast Guard personnel.

**DOD Parity:** The reported bill provides the Secretary of Transportation (Secretary) with discretionary authority to promote the Coast Guard Band Director from the rank of Commander to the rank of Captain. It also makes a technical correction to allow Coast Guard voting representation on the USO Board of Governors which provides parity with the other armed services.

The reported bill authorizes the Coast Guard to provide physician assistants with incentive pay to encourage retention. Currently there are six physician assistants in the Coast Guard who would be eligible under this provision. Increasing the number of physician assistants would help the Coast Guard more efficiently and effectively deliver medical care. However, each year the Coast

Guard loses three to four physician assistants, approximately the equivalent number recruited each year. Special pay will provide an incentive for these trained medical professionals to remain in the service rather than leaving to pursue more lucrative employment in the private sector. Additionally, the Coast Guard is authorized to suspend retirement pay for members who flee the U.S. to avoid prosecution.

**Coast Guard Personnel Management and Administration:** The current definition of “isolated duty”, for the purposes of compensatory absence, is limited to lightships and other isolated aids to navigation. Coast Guard missions have changed since the original provision was enacted in 1955. Today, marine inspectors are stationed at remote locations to protect the environment and ensure vessel safety. This new provision will change the definition of isolated duty locations to encompass current Coast Guard mission areas and provide equity within the service.

The reported bill also authorizes promotion boards to recommend exceptionally high-performing officers for advancement ahead of their peers, within their promotion zone, without causing the non-promotion of other officers. Currently the only method to advance the promotion of an officer relative to his peers on the Active Duty Promotion List is through selection from below the identified promotion zone. Due to the competitive nature of advancement, the advanced promotion of one officer results in the non-selection of another. This provision will allow the reward of one officer without disadvantaging another highly performing officer.

The reported bill also authorizes the Coast Guard to form a Board of Trustees for the Coast Guard Academy similar to those established at other colleges and universities.

**Extension of Territorial Sea for Vessel Bridge-to-Bridge Radio Telephone:** The reported bill extends Coast Guard authority to enforce radiotelephone monitoring requirements from 3 miles to 12 miles offshore. Recent changes to the international Safety of Life at Sea (SOLAS) Convention have removed the requirement that ships maintain a watch on the distress, safety and calling VHF-FM channel 16. Thus, there is no international requirement for foreign vessels to monitor radiotelephone equipment between 3 and 12 miles off U.S. shores. U.S. flag vessels are already required to monitor channel 16 within 12 miles of shore. This provision will only affect foreign flag vessels operating within the Territorial Sea and increases safety for operation of such foreign flag vessels.

**Report on Icebreaking Services:** The reported bill requires the Coast Guard to report to the Committee, within 9 months, on the use of WYTL-class harbor tugs and the Coast Guard’s icebreaking mission. In FY 2000, the Coast Guard proposed to decommission eleven WYTL-class harbor tugs. These tugs provide, among other things, icebreaking services critical to several East coast areas. The Coast Guard acknowledged that there would be a degradation of service and did not have a plan to minimize the impact. The Coast Guard’s FY 2001 budget request did not propose to decommission these tugs and the Committee agrees with that proposal. The Committee further notes that during the harsh 1999-2000 winter, these WYTL-class harbor tugs conducted many successful icebreaking missions.



**Oil Spill Liability Trust Fund (OSLTF):** The reported bill authorizes the Coast Guard to borrow up to \$100 million for emergency oil spill cleanup costs. Under current law, the Oil Spill Liability Trust Fund (OSLTF), known as the Parent Fund, pays claims, salaries, operating expenses, and scheduled expenditures associated with the Oil Pollution Act of 1990. Additionally, a permanent annual appropriation of \$50 million is taken from the Parent Fund and made available to carry out emergency oil spill response needs. This fund is called the Emergency Fund. Expenditures from the Emergency Fund are then collected from responsible parties and reimbursed to the Parent Fund. Annual Emergency Fund expenditures during the last 4 years have been approximately \$42-\$50 million, without a major oil spill.

Although an emergency supplemental appropriations request could be submitted to replenish the Emergency Fund, a spill similar to the Exxon Valdez could deplete the fund in 2-3 weeks. If Congress were not in session when the fund ran out, there would be no way to secure the additional funding needed to continue response work. This provision would authorize the Coast Guard to borrow up to an additional \$100 million, per incident, from the OSLTF Parent Fund and use the funds for emergency oil spill response costs. Funds borrowed from the Parent Fund under these circumstances would be repaid to the Parent Fund when the funds are recovered from the responsible party by the Coast Guard. It also requires the Coast Guard to notify Congress of the amount borrowed and the circumstances necessitating the loan within 30 days.

**Merchant Mariner Documentation Requirements:** The reported bill authorizes the Coast Guard to eliminate the merchant mariner document requirement for vessel employees who do not have operation, navigation, or safety responsibilities (including emergency responsibilities) on U.S. merchant vessels. This Administration-requested provision is intended to apply to casino workers, entertainers, and food service personnel on board U.S. flag ships. According to the Administration, requiring documentation of such service personnel does not significantly enhance maritime safety and places an unnecessary administrative burden on the Coast Guard and such employees.

**Reports and Studies:** In the reported bill, the Coast Guard is required to report on the implementation of the National Transportation Safety Board (NTSB) recommendations resulting from the Morning Dew incident, a recreational sailboat accident that resulted in the loss of four lives on December 29, 1997 outside of Charleston, S.C. In particular, the agency must report on efforts to fill communications gaps identified by the NTSB, such as the need for direction-finding equipment that might avert the recurrence of such an accident. This is of particular concern to the Committee because the National Distress and Response System Modernization Project (NDRSMP) is in development, but improvements from such efforts have not been realized. Further, NDRSMP is not scheduled for operational production and deployment until 2004. The Committee is also requesting the agency to report on safety benefits that might be realized by accelerating funding for gap-filling measures or for the NDRSMP.

The Coast Guard is also required to study the Harbor Safety Committee model used in various U.S. ports. These committees attempt to improve navigational and port safety by identifying impediments to safety, then collaboratively developing ways to overcome them through local coordination of maritime stakeholders. The Ports and Waterways Safety Committee for the Columbia River in Oregon could be a model to establish prototype groups in small and medium-sized ports such as Coos Bay, Oregon, the site of the New Carissa accident.

Transfer of Coast Guard Station Scituate property to NOAA: The reported bill authorizes the Coast Guard to move out of Coast Guard Station Scituate and transfer the facility to NOAA. It also authorizes NOAA to provide the Massachusetts Environmental Police living, working, docking, and berthing space comparable to the space that has been provided by the U.S. Coast Guard at Station Scituate.

Marine Electrical Cable: While the reported bill contains no specific provisions on marine electrical cable, the Committee notes that the Coast Guard's recent proposed rulemaking on marine electrical cable does not solicit comments on the adoption of IEEE Std. 45 (1998 edition). The 1983 edition is currently in effect. The 1998 edition includes several cable types not included in the earlier edition and is being widely used by the marine electrical cable industry. The Committee believes that the Coast Guard should undertake a rulemaking project to consider adoption of the IEEE Std. 45 (1998 edition) marine electrical cable standard.

Wood Composites for Waterfront Facilities: While the reported bill contains no specific provisions on wood composite products, the Committee is aware that new technology is under development using environmentally-sound wood composites in the marine environment to construct piers and waterfront structures. The Committee believes this technology is worthwhile and coordination between the researchers and the Coast Guard may be beneficial. The Coast Guard may want to incorporate wood composites in future waterfront construction projects once the technology is proven to be cost effective and structurally sound in the marine environment.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate prepared by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 2, 2000.*

Hon. JOHN MCCAIN,  
*Chairman, Committee on Commerce, Science, and Transportation,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1089, the Coast Guard Authorization Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

STEVEN M. LIEBERMAN,  
(For Dan L. Crippen, Director).

Enclosure.

*S. 1089—Coast Guard Authorization Act of 2000*

Summary: S. 1089 would authorize appropriations totaling \$7.1 billion for discretionary programs of the U.S. Coast Guard (USCG)—primarily for fiscal years 2000 and 2001. Of that total, \$3.2 billion has already been appropriated for 2000. In addition to that spending, appropriating the remaining amounts would cost \$3.9 billion over the 2000–2005 period.

For 2000, the bill would authorize about \$3.3 billion, including about \$2.8 billion for operating expenses, \$489 million for acquisition and other capital projects, \$19 million for research activities, \$15 million for bridge alterations, and \$17 million for environmental compliance.

For 2001, the bill would authorize \$3.8 billion, including \$3.2 billion for operations, \$540 million for capital projects, \$21 million for research, \$15 million for bridge alterations, and \$17 million for environmental compliance. For fiscal year 2002, the bill would authorize an additional \$48 million for equipment acquisition and construction projects.

Of the amounts authorized for each of fiscal years 2000 and 2001, \$48.5 million would be derived from the Oil Spill Liability Trust Fund (OSLTF). S. 1089 also would authorize the appropriation of whatever sums are necessary for retirement benefits in 2000 and 2001.

S. 1089 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no significant costs on state, local, or tribal governments.

Estimated cost to the Federal Government: Assuming appropriation of the entire amounts authorized for discretionary programs, fiscal year 2000 funding would be \$103 million (or 3 percent) more than 2000 appropriations to date. Funding for 2001 would grow by 14 percent. The estimated budgetary effects of the legislation are summarized in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 400 (transportation).

|   | By fiscal year, in millions of dollars— |       |      |      |      |      |
|---|---|-------|------|------|------|------|
|   | 2000                                    | 2001  | 2002 | 2003 | 2004 | 2005 |
| SPENDING SUBJECT TO APPROPRIATION                       |   |       |      |      |      |      |
| USCG Spending Under Current Law:                        |   |       |      |      |      |      |
| Budget Authority/Authorization Level <sup>1</sup> ..... | 3,219                                   | 29    | 0    | 0    | 0    | 0    |
| Estimated Outlays .....                                 | 3,345                                   | 992   | 362  | 153  | 49   | 30   |
| Proposed Changes:                                       |   |       |      |      |      |      |
| Authorization Level .....                               | 103                                     | 3,764 | 48   | 0    | 0    | 0    |
| Estimated Outlays .....                                 | 21                                      | 2,691 | 685  | 265  | 146  | 46   |
| USCG Spending Under S. 1089:                            |   |       |      |      |      |      |
| Authorization Level <sup>1</sup> .....                  | 3,322                                   | 3,793 | 48   | 0    | 0    | 0    |

|                         | By fiscal year, in millions of dollars— |       |       |      |      |      |
|-------------------------|---|-------|-------|------|------|------|
|                         | 2000                                    | 2001  | 2002  | 2003 | 2004 | 2005 |
| Estimated Outlays ..... | 3,366                                   | 3,683 | 1,047 | 418  | 195  | 76   |

<sup>1</sup> The 2000 level is the amount appropriated for the year to date.

Amounts for Coast Guard retirement have not been included in the above table because such pay is an entitlement under current law, requiring no annual authorization of appropriations.

Basis of estimate: For purposes of this estimate, CBO assumes that S. 1089 will be enacted during fiscal year 2000, and that the full amounts authorized for USCG programs will be appropriated for each fiscal year.

The additional authorizations for 2000 and 2001 are the amounts stated in the bill for discretionary accounts, excluding \$28.5 million of the \$48.5 million to be derived from the OSLTF. (These amounts, which consist of \$25 million for Coast Guard operations and \$3.5 million for research, have been excluded because such funding is already authorized under existing law.) Outlay estimates are based on historical spending patterns for Coast Guard programs.

Other provisions of S. 1089 are not expected to have any significant impact on the federal budget.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: S. 1089 contains no intergovernmental mandates as defined in UMRA and would have no impact on the budgets of state, local, or tribal governments.

Estimated impact on the private sector: S. 1089 would extend from 3 miles to 12 miles the territorial sea of the United States for purposes of enforcing portions of the Vessel Bridge-to-Bridge Radio-telephone Act. The bill would extend the territorial sea coverage of existing private-sector mandates that require foreign flag vessels to monitor specific radio frequencies for safety purposes. Based on information provided by the Coast Guard, CBO estimates that this bill should impose no additional costs on the private sector because the same number of ships would be affected as under current law.

Previous CBO estimate: On March 11, 1999, CBO transmitted a cost estimate for H.R. 820, the Coast Guard Authorization Act of 1999, as ordered reported by the House Committee on Transportation and Infrastructure on March 11, 1999. Differences in the two estimates reflect the lower authorization levels contained in S. 1089, which would authorize \$0.8 billion less for fiscal year 2000 and \$0.3 billion less for 2001. S. 1089 also would authorize an additional \$48 million for 2002, while H.R. 820 would not authorize any funding for 2002.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Victoria Heid Hall; and Impact on the Private Sector: Jean Wooster.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

## NUMBER OF PERSONS COVERED

S. 1089 as reported by the Committee authorizes appropriations to continue existing Coast Guard programs and makes a number of changes to current law. The bill would have little, if any, regulatory impact, but a few of the bill's sections could impact some individuals and businesses, and the effects of these sections can be clarified as follows:

Section 207 authorizes the Coast Guard to suspend the retired pay of Coast Guard members who flee the United States to avoid prosecution. This provision provides compensation parity with current law applied to retired military personnel under the Department of Defense. However, this section would not impose new regulatory requirements on such individuals.

Section 301 requires foreign flag vessels to monitor inter-ship radiotelephone frequencies when operating within U.S. Territorial waters (3–12 miles offshore). Under current law, foreign flag vessels are required to monitor such frequencies when operating between 0–3 miles offshore and this provision extends that requirement to 12 miles. Recent changes to the international Safety of Life at Sea (SOLAS) Convention have removed the requirement that ships maintain a watch on the distress, safety and calling VHF–FM channel 16. Thus, there is no international requirement for foreign vessels to monitor radiotelephone equipment between 3 and 12 miles off U.S. shores. Because U.S. flag vessels are already required to monitor channel 16 within 12 miles of shore, section 301 of the reported bill will only affect foreign flag vessels operating within the Territorial Sea. This provision expands the area of application of this law and is intended to provide for safe maritime transportation and protection of the environment. Since nearly all marine transport vessels operating from 3 to 12 miles offshore also operate between 0 and 3 miles offshore, they are already subject to the requirements of the law amended by the reported bill.

## ECONOMIC IMPACT

As noted above, sections 207 and 301 of the reported bill could have an economic impact on some individuals and businesses, but these impacts would result from DoD compensation parity reforms and provisions intended to provide for safe maritime transportation and protection of the environment. These sections do not impose new regulatory requirements on individuals and businesses.

## PRIVACY

The reported bill would have little, if any, impact on the personal privacy of U.S. citizens.

## PAPERWORK

S. 1089 as reported should not significantly increase paperwork requirements for individuals and businesses.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short Title.*

This section of the reported bill states the short title of the bill as the “Coast Guard Authorization Act for Fiscal Years 2000”.

## TITLE I—AUTHORIZATIONS

*Sec. 101. Authorization of Appropriations.*

This section of the reported bill would authorize Coast Guard appropriations for FY 2000, FY 2001, and FY 2002. The following chart summarizes the FY 2000 and the FY 2001 authorization levels proposed in subsections (a) and (b), respectively:

PROPOSED LEVELS FOR PROGRAMS AUTHORIZED IN S. 1089 AS  
REPORTED

[BY FISCAL YEAR, IN MILLIONS OF DOLLARS]

| Programs                 | FY 2000     | FY 2001     |
|--------------------------|-------------|-------------|
| Operating Expenses       | 2,781       | 3,199       |
| AC&I                     | 389.3       | 520         |
| R&D                      | 19          | 21.3        |
| Retired Pay              | As required | As required |
| Alteration of Bridges    | 15          | 15          |
| Environmental Compliance | 17          | 16.7        |
| Total                    | 3,221.3     | 3,772       |

Additionally, subsection (b) authorizes \$110 million from the FY 2001 AC&I account to be spent for construction of a vessel to replace the Coast Guard Cutter Mackinaw. A similar authorization is provided in FY 2002, when \$8 million is designated for construction of the replacement cutter. In both fiscal years, this funding level matches the Administration’s budget request.

The Coast Guard estimates retired pay will cost \$730 million in FY 2000 and \$778 million in FY 2001.

At this time, specific budget estimates are not available for FY 2002, therefore subsection (c) authorizes appropriations for FY 2002 as required to fully fund the agency.

*Sec. 102. Authorized Levels of Military Strength and Training.*

This section of the reported bill provides authorization for levels of military personnel strength and training for FY 2000, FY 2001, and FY 2002. Subsection (a) authorizes a Coast Guard end-of-fiscal-year strength for active duty military personnel of 40,000 as of September 30, 2000. Subsection (b) authorizes average military training student loads in FY 2000 of 1,500 student years for recruit and special training; 100 student years for flight training; 300 student years for professional training in military and civilian institutions; and 1000 student years for officer acquisition.

Subsection (c) authorizes a Coast Guard end-of-fiscal-year strength for active duty military personnel at 44,000 as of September 30, 2001. Subsection (d) authorizes average military training student loads in FY 2001 of 1,500 student years for recruit and special training; 125 student years for flight training; 300 student

years for professional training in military and civilian institutions; and 1000 student years for officer acquisition.

Subsection (e) authorizes a Coast Guard end-of-fiscal-year strength for active duty military personnel at 45,500 as of September 30, 2002. Subsection (f) authorizes average military training student loads in FY 2002 of 1,500 student years for recruit and special training; 125 student years for flight training; 300 student years for professional training in military and civilian institutions; and 1000 student years for officer acquisition. The authorized strength levels in this section do not include members of the Coast Guard Ready Reserve called to active duty for special or emergency augmentation of regular Coast Guard forces for periods of 180 days or less.

*Sec. 103. LORAN-C.*

This section of the reported bill authorizes the Department of Transportation to transfer \$20 million in FY 2001 and \$40 million in FY 2002 from the Federal Aviation Administration to the Coast Guard for recapitalization of LORAN-C radio navigation system.

*Sec. 104. Patrol Craft.*

This section of the reported bill authorizes the Coast Guard to receive and operate up to seven excess PC170 patrol ships from the U.S. Navy. The vessels will primarily operate in support of the drug interdiction mission area. This section authorizes \$100 million, in addition to funds authorized in section 101, for outfitting and operating the vessels.

## TITLE II—PERSONNEL MANAGEMENT

*Sec. 201. Coast Guard Band Director Rank.*

This section of the reported bill amends section 336(d) of title 14, U.S. Code, to authorize the Coast Guard to promote the Coast Guard Band Director from the rank of Commander to the rank of Captain. This provision assures parity with the other Services which provide their band directors eligibility to attain the officer grade level of O-6 (Captain).

*Sec. 202. Coast Guard Membership on the USO Board of Governors.*

This section of the reported bill amends section 220104 of title 36, U.S. Code, to authorize voting representation for the Coast Guard on the USO Board of Governors. The Department of Justice has prohibited Federal employees from participating as government officials on matters in which the organization has a financial interest. By statute the other four Armed Services are allowed to appoint an active duty member to the USO Board. This provision provides parity with the Department of Defense and authorizes the Coast Guard to make a similar appointment to the USO Board.

*Sec. 203. Compensatory Absence for Isolated Duty.*

This section of the reported bill amends section 511 of title 14, U.S. Code which limits the definition of Isolated Duty, for the purposes of compensatory absence, to lightships and other isolated aids to navigation. Because Coast Guard mission areas have changed

since the law was enacted in 1955, this provision allows the definition of isolated duty locations to encompass current Coast Guard mission areas.

*Sec. 204. Accelerated Promotion of Certain Coast Guard Officers.*

This section of the reported bill amends sections 259, 260(a) and 271(a) of Title 14, U.S. Code, to authorize the Coast Guard to advance officers ahead of their peers within a given promotion zone, without disadvantaging other high performing officers.

*Sec. 205. Coast Guard Academy Board of Trustees.*

This section of the reported bill amends sections 193 and 194(a) of title 14, U.S. Code, to replace the former Coast Guard Academy Advisory Committee with a Coast Guard Academy Board of Trustees. The statutory authority for the Advisory Committee expired on September 24, 1994.

*Sec. 206. Special Pay for Physician Assistants.*

This section of the reported bill amends section 302(c) of title 37, U.S. Code, to authorize the Coast Guard to provide special pay to physician assistants in the Coast Guard or Coast Guard Reserve. Under current law, Coast Guard physician assistants are not eligible for the special pay received by their counterparts in the Army, Navy, Air Force, and Public Health Service.

*Sec. 207. Suspension of Retired Pay of Coast Guard Members Who are Absent from the United States to Avoid Prosecution.*

This section of the reported bill provides parity between the Department of Transportation and the Department of Defense to prevent retired Coast Guard members from receiving pay if they flee the country to avoid prosecution.

### TITLE III—MARINE SAFETY AND ENVIRONMENTAL PROTECTION

*Sec. 301. Extension of Territorial Sea for Vessel Bridge to—Bridge Radiotelephone Act.*

This section of the reported bill amends section 1203(b) of Title 33, U.S. Code, to require foreign flag vessels to monitor inter-ship radiotelephone frequencies when operating within U.S. Territorial waters (3–12 miles offshore).

*Sec. 302. Report of Icebreaking Services.*

This section requires the Coast Guard to report on the impact of potential decommissioning of the WYTL-class icebreakers, including the degradation of current icebreaking services. It also prohibits the Coast Guard from decommissioning such vessels until 9 months after the report has been submitted to Congress.

*Sec. 303. Oil Pollution Trust Fund Annual Report.*

This section of the reported bill eliminates the requirement for an annual report to Congress of information which is duplicated in other required reports.



*Sec. 304. Oil Spill Liability Trust Fund; Emergency Fund Borrowing Authority.*

This section of the reported bill amends section 2752(b) of title 33, U.S. Code, to provide the Coast Guard authority to borrow up to \$100 million for emergency oil spill cleanup from the Oil Spill Liability Trust Fund.

*Sec. 305. Merchant Mariner Documentation Requirements.*

This section of the reported bill amends section 8701(a) of title 46, U.S. Code, to authorize the Coast Guard to eliminate the merchant mariner document requirement for vessel employees who do not have operation, navigation or safety responsibilities (including emergency responsibilities) on U.S. merchant vessels. This section is intended to apply to casino workers, entertainers and food service personnel on board U.S. flag ships.

#### TITLE IV—RENEWAL OF ADVISORY GROUPS

*Sec. 401. Commercial Fishing Industry Vessel Advisory Committee.*

This section of the reported bill amends section 4508 of title 46, U.S. Code, to authorize the Coast Guard to extend the Commercial Fishing Vessel Advisory Committee from 2000 to 2005 and make technical changes.

*Sec. 402. Houston-Galveston Navigation Safety Advisory Committee.*

This section of the reported bill amends section 18 of the Coast Guard Authorization Act of 1991 (P.L. 102–241), to authorize the Coast Guard to extend the Houston-Galveston Navigation Safety Advisory Committee from 2000 to 2005 and make technical changes.

*Sec. 403. Lower Mississippi River Waterway Advisory Committee.*

This section of the reported bill amends section 19 of the Coast Guard Authorization Act of 1991 (P.L. 102–241), to authorize the Coast Guard to extend the Lower Mississippi River Waterway Advisory Committee from 2000 to 2005 and make technical changes.

*Sec. 404. Great Lakes Pilotage Advisory Committee.*

This section of the reported bill amends section 9307 of title 46, U.S. Code, to authorize the Coast Guard to extend the Great Lakes Pilotage Advisory Committee from 2003 to 2005 and make technical changes.

*Sec. 405. Navigation Safety Advisory Council.*

This section of the reported bill amends section 2073 of title 33, U.S. Code, to authorize the Coast Guard to extend the Navigation Safety Advisory Council from 2000 to 2005 and make technical changes.

*Sec. 406. National Boating Safety Advisory Council.*

This section of the reported bill amends section 13110 of title 46, U.S. Code, to authorize the Coast Guard to extend the National Boating Safety Advisory Council from 2000 to 2005 and make technical changes.

*Sec. 407. Towing Safety Advisory Committee.*

This section of the reported bill amends section 1231(a) of title 33, U.S. Code, to authorize the Coast Guard to extend the Towing Safety Advisory Committee from 2000 to 2005 and make technical changes.

TITLE V—MISCELLANEOUS

*Sec. 501. Coast Guard Report on Implementation of NTSB Recommendations.*

This section of the reported bill requires the Coast Guard to report to Congress within 90 days to describe the agency's implementation of NTSB recommendations following the Morning Dew accident (NTSB Report MAR-99-01).

*Sec. 502. Conveyance of Coast Guard Property in Portland, Maine.*

This section of the reported bill authorizes the Coast Guard to transfer excess property in Portland harbor to the Gulf of Maine Aquarium Development Corporation.

*Sec. 503. Transfer of Coast Guard Station Scituate to the National Oceanic and Atmospheric Administration.*

This section of the reported bill authorizes the Coast Guard to transfer excess Coast Guard property in Scituate, MA to NOAA for use as a docking facility for research and survey vessels.

*Sec. 504. Harbor Safety Committees.*

This section of the reported bill requires the Coast Guard to study existing waterway safety committees to test the feasibility of expanding the concept to small and medium-sized ports.

*Sec. 505. Authority for Dry Bulk Cargo Residue Disposal.*

This section of the reported bill amends section 415 of the Coast Guard Authorization Act of 1998 (P.L. 105-383), to extend a provision of current law to September 30, 2003. The provision relates to a 1997 Coast Guard enforcement policy for disposal of dry bulk cargo residue in the Great Lakes.

*Sec. 506. Vessel MIST COVE.*

This section incorporates the House passed bill, H.R. 3903, to deem the vessel M/V *Mist Cove* to be less than 100 gross tons, as measured under chapter 145 of title 46, U.S. Code.

*Sec. 507. Lighthouse Conveyance.*

This section requires the Coast Guard to convey Point Retreat Light Station in Alaska to the Alaska Lighthouse Association within 3 months of enactment. This conveyance was previously authorized by section 416(a)(1)(H) of P.L. 105-383.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted

is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

## TITLE 14. COAST GUARD

### PART I. REGULAR COAST GUARD

#### CHAPTER 9. COAST GUARD ACADEMY

##### **§ 193. Advisory Committee**

【The Secretary may appoint an Advisory Committee to the Academy, consisting of not more than seven persons of distinction in education and other fields relating to the purposes of the Academy, who shall serve without pay (or, in the case of a member of the Committee who is an officer or employee of the United States, who shall receive no additional pay on account of his service on the Committee). Members of the Advisory Committee shall be appointed for terms of not to exceed three years and may be reappointed. The Secretary shall, in June of each year, appoint one of the members to serve as chairman. The members so appointed shall visit the Academy at least once during the academic year on the call of the chairman and may convene once each year at Headquarters, at the call of the Commandant, for the purpose of examining the course of instruction and advising the Commandant relative thereto. Each member of the Committee shall be reimbursed from Coast Guard appropriations in conformity with the provisions of chapter 57 of title 5. The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Advisory Committee. The Advisory Committee is authorized to make available to Congress any information, advice, and recommendations which the Advisory Committee is authorized to give to the Secretary or the Commandant. The Committee terminates on September 30, 1994.】

##### **§ 193. Board of Trustees.**

(a) *ESTABLISHMENT.*—*The Commandant of the Coast Guard may establish a Coast Guard Academy Board of Trustees to provide advice to the Commandant and the Superintendent on matters relating to the operation of the Academy and its programs.*

(b) *MEMBERSHIP.*—*The Commandant shall appoint the members of the Board of Trustees, which may include persons of distinction in education and other fields related to the missions and operation of the Academy. The Commandant shall appoint a chairperson from among the members of the Board of Trustees.*

(c) *EXPENSES.*—*Members of the Board of Trustees who are not Federal employees shall be allowed travel expenses while away from their homes or regular places of business in the performance of service for the Board of Trustees. Travel expenses include per diem in lieu of subsistence in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.*

(d) *FACA NOT TO APPLY.*—*The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board of Trustees established pursuant to this section.*

#### **§ 194. Annual Board of Visitors**

(a) In addition to the [Advisory Committee,] *Board of Trustees* a Board of Visitors to the Academy is established to visit the Academy annually and to make recommendations on the operation of the Academy.

(b) The Board shall be composed of—

(1) two Senators designated by the Chairman of the Committee on Commerce, Science, and Transportation of the Senate;

(2) three Members of the House of Representatives designated by the Chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives;

(3) one Senator designated by the President of the Senate;

(4) two Members of the House of Representatives designated by the Speaker of the House of Representatives; and

(5) the Chairman of the Committee on Commerce, Science, and Transportation of the Senate and the Chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives, as ex officio Members.

(c) When a Member is unable to attend the annual meeting another Member may be designated as provided under subsection (b).

(d) When an ex officio Member is unable to attend the annual meeting that Member may designate another Member.

(e) Members of the Board shall be designated in the First Session and serve for the duration of the Congress.

(f) The Board shall visit the Academy annually on the date chosen by the Secretary. Each Member of the Board shall be reimbursed, to the extent permitted by law, by the Coast Guard for actual expenses incurred while engaged in duties as a Member of the Board.

### **CHAPTER 11. PERSONNEL OFFICERS**

#### **B. SELECTION FOR PROMOTION**

#### **§ 259. Officers to be recommended for promotion**

(a) A selection board convened to recommend officers for promotion shall recommend those eligible officers whom the board considers best qualified of the officers under consideration for promotion. No officer may be recommended for promotion unless he receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

(b) The number of officers that a board convened under section 251 of this title may recommend for promotion to a grade below rear admiral (lower half) from among eligible officers junior in rank to the junior officer in the appropriate promotion zone may not exceed—

(1) 5 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of lieutenant or lieutenant commander;

(2) 7½ percent of the total number of officers that the board is authorized to recommend for promotion to the grade of commander; and

(3) 10 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of captain;

unless such percentage is a number less than one, in which case the board may recommend one such officer for promotion.

(c) *After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of 5 members, or at least two-thirds of the members of a board composed of more than 5 members.*

#### **§ 260. Selection boards; reports**

(a) Each board convened under section 251 of this title shall submit a report in writing, signed by all the members thereof, containing the names of the officers recommended for promotion *and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title.*

(b) A board convened under section 251 of this title shall certify that, in the opinion of at least a majority of the members if the board has five members, or in the opinion of at least two-thirds of the members if the board has more than five members, the officers recommended for promotion are the best qualified for promotion of those officers whose names have been furnished to the board.

### **C. PROMOTIONS**

#### **§ 271. Promotions; appointments**

(a) When the report of a board convened to recommend officers for promotion has been approved by the President, the Secretary shall place the names of all officers selected and approved on a list of selectees in the order of their seniority on the active duty promotion list. *The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.*

(b) Officers on the list of selectees may be promoted by appointment in the next higher grade to fill vacancies in the authorized active duty strength of the grade as determined under section 42 of this title after officers on any previous list of selectees for that grade have been promoted. Officers shall be promoted in the order that their names appear on the list of selectees. The date of rank of an officer promoted under this subsection shall be the date of his appointment in that grade.

(c) An officer serving on active duty in the grade of ensign may, if found fully qualified for promotion in accordance with regulations

prescribed by the Secretary, be promoted to the grade of lieutenant (junior grade) by appointment after he has completed twelve months' active service in grade. The date of rank of an officer promoted under this subsection shall be the date of his appointment in the grade of lieutenant (junior grade) as specified by the Secretary.

(d) When a vacancy in the grade of rear admiral occurs, the senior rear admiral (lower half) serving on the active duty promotion list shall be appointed by the President, by and with the advice and consent of the Senate, to fill the vacancy. The appointment shall be effective on the date the vacancy occurred.

(e) Appointments of regular officers under this section shall be made by the President, by and with the advice and consent of the Senate except that advice and consent is not required for appointments under this section in the grade of lieutenant (junior grade) or lieutenant. Appointments of Reserve officers shall be made as prescribed in section 12203 of title 10.

(f) The promotion of an officer who is under investigation or against whom proceedings of a court-martial or a board of officers are pending may be delayed without prejudice by the Secretary until completion of the investigation or proceedings. However, unless the Secretary determines that a further delay is necessary in the public interest, a promotion may not be delayed under this subsection for more than one year after the date the officer would otherwise have been promoted. An officer whose promotion is delayed under this subsection and who is subsequently promoted shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held had his promotion not been so delayed.

#### F. MISCELLANEOUS PROVISIONS

##### **§ 336. United States Coast Guard Band; composition; director**

(a) The United States Coast Guard Band shall be composed of a director and other personnel in such numbers and grades as the Secretary determines to be necessary.

(b) The Secretary shall designate the director from among qualified members of the Coast Guard. Upon the recommendation of the Secretary, a member so designated may be appointed by the President, by and with the advice and consent of the Senate, to a commissioned grade in the Regular Coast Guard.

(c) The initial appointment to a commissioned grade of a member designated as director of the Coast Guard Band shall be in the grade of lieutenant (junior grade) or lieutenant.

(d) A member who is designated and commissioned under this section shall not be included on the active duty promotion list. He shall be promoted under section 276 of this title. However, the grade of the director may not be higher than [commander.] *captain*.

(e) The Secretary may revoke any designation as director of the Coast Guard Band. When a member's designation is revoked, his appointment to commissioned grade under this section terminates and he is entitled, at his option:

- (1) to be discharged from the Coast Guard; or
- (2) to revert to the grade and status he held at the time of his designation as director.

CHAPTER 13. PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS

**【§511. Compensatory absence of military personnel at isolated aids to navigation**

【The Secretary, under regulations prescribed by him, may grant compensatory absence from duty to military personnel of the Coast Guard serving in lightships and at lighthouses and other isolated aids to navigation of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.】

**§511. Compensatory absence from duty for military personnel at isolated duty stations**

*The Secretary may prescribe regulations to grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.*

VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT

**SEC. 4. RADIOTELEPHONE REQUIREMENT [33 U.S.C. 1203]**

(a) VESSEL COVERAGE; EXCHANGE OF NAVIGATIONAL INFORMATION.—Except as provided in section 7 of this Act—

- (1) every power-driven vessel of twenty meters or over in length while navigating;
- (2) every vessel of one hundred gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title, and upward carrying one or more passengers for hire while navigating;
- (3) every towing vessel of twenty-six feet or over in length while navigating; and
- (4) every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect navigation of other vessels—

shall have a radiotelephone capable of operation from its navigational bridge or, in the case of a dredge, from its main control station and capable of transmitting and receiving on the frequency or frequencies within the 156–162 Mega-Hertz band using the classes of emissions designated by the Federal Communications Commission, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) VESSELS UPON NAVIGABLE WATERS OF UNITED STATES INSIDE HIGH SEAS LINES.—The radiotelephone required by subsection (a) shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the 【United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.】 *United States, which in-*

*cludes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.*

PUBLIC LAW 96-380 [33 U.S.C. 1231a]

(a) [T]here is established a Towing Safety Advisory Committee (hereinafter referred to as the "Committee"). The Committee shall consist of sixteen members with particular expertise, knowledge, and experience regarding shallow-draft inland and coastal waterway navigation and towing safety as follows:

- (1) seven members from the barge and towing industry, reflecting a regional geographic balance;
- (2) one member from the offshore mineral and oil supply vessel industry; and
- (3) two members from each of the following—
  - (A) port districts, authorities, or terminal operators;
  - (B) maritime labor;
  - (C) shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge); and
  - (D) the general public.

(b) The Secretary of the department in which the Coast Guard is operating (hereinafter referred to as the "Secretary") shall appoint the members of the Committee. The [Secretary] *Secretary, through the Commandant of the Coast Guard*, shall designate one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman. The Secretary may request the Secretary of the Army and the Secretary of Commerce to each designate a representative to participate as an observer on the Committee. The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Committee.

(c) The Committee shall advise, consult with, and make recommendations to the [Secretary] *Secretary, through the Commandant*, on matters relating to shallow-draft inland and coastal waterway navigation and towing safety. Any advice or recommendation made by the Committee to the Secretary shall reflect the independent judgment of the Committee on the matter concerned. The Secretary shall consult with the [Committee] *Committee, through the Commandant*, before taking any significant action affecting shallow-draft inland and coastal waterway navigation and towing safety. The Committee shall meet at the call of the [Secretary,] *Commandant*, but in any event not less than once during each calendar year. All proceedings of the Committee shall be open to the public, and a record of the proceedings shall be made available for public inspection. The Committee is authorized to make available to Congress any information, advice, and recommendations which the Committee is authorized to give to the Secretary.

(d) Members of the Committee who are not officers or employees of the United States shall serve without pay and members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee. While away from their homes or regular places of business,



members of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are considered necessary for the conduct of its business. There are authorized to be appropriated such sums as may be necessary to implement the provisions of this subsection.

(e) Unless extended by subsequent Act of Congress, the Committee shall terminate on **【September 30, 2000.】** *September 30, 2005.*

## INLAND NAVIGATIONAL RULES ACT OF 1980

### SEC. 5. NAVIGATION SAFETY ADVISORY COUNCIL. **【33 U.S.C. 2073】**

(a) **ESTABLISHMENT; MEMBERSHIP; COUNCIL PANELS; PUBLICATION IN FEDERAL REGISTER.**—The Secretary shall establish a Navigation Safety Advisory Council (hereinafter referred to as the Council) not exceeding 21 members. To assure balanced representation, members shall be chosen, insofar as practical, from the following groups: (1) recognized experts and leaders in organizations having an active interest in the Rules of the Road and vessel and port safety, (2) representatives of owners and operators of vessels, professional mariners, recreational boaters, and the recreational boating industry, (3) individuals with an interest in maritime law, and (4) Federal and State officials with responsibility for vessel and port safety. Additional persons may be appointed to panels of the Council to assist the Council in the performance of its functions. The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Council.

(b) **FUNCTIONS AND PURPOSE OF COUNCIL; MEETINGS.**—The Council shall advise, consult with, and make recommendations to the **【Secretary】** *Secretary, through the Commandant of the Coast Guard*, on matters relating to the prevention of collisions, rammings, and groundings, including the Inland Rules of the Road, the International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice or recommendation made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the **【Secretary,】** *Commandant*, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.

(c) **EXECUTIVE SECRETARY; STAFF; TRAVEL EXPENSES AND STATUS OF MEMBERS.**—The Secretary shall furnish to the Council an executive secretary and such secretarial, clerical, and other services as are deemed necessary for the conduct of its business. Members of the Council, while away from their home or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Payments under this section shall not render members of the Council officers or employees of the United States for any purpose.

(d) **TERMINATION OF COUNCIL.**—Unless extended by subsequent Act of Congress, the Council shall terminate on **September 30, 2000.** *September 30, 2005.*

## OIL POLLUTION ACT OF 1990

### SEC. 6002. ANNUAL APPROPRIATIONS. [33 U.S.C. 2752]

(a) **REQUIRED.**—Except as provided in subsection (b), amounts in the Fund shall be available only as provided in annual appropriation Acts.

(b) **EXCEPTIONS.**—Subsection (a) shall not apply to sections 1006(f), 1012(a)(4), or 5006, and shall not apply to an amount not to exceed \$50,000,000 in any fiscal year which the President may make available from the Fund to carry out section 311(c) of the Federal Water Pollution Control Act, as amended by this Act, and to initiate the assessment of natural resources damages required under section 1006. *To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of \$100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge. Sums to which this subsection applies shall remain available until expended.*

## TITLE 36. PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

### SUBTITLE II. PATRIOTIC AND NATIONAL ORGANIZATIONS

#### PART B. ORGANIZATIONS

#### CHAPTER 2201. UNITED SERVICE ORGANIZATIONS, INCORPORATED

### § 220104. Governing body

(a) **BOARD OF GOVERNORS.**—

(1) The board of governors is the governing body of the corporation. The board is responsible for the general policies and program of the corporation and for the control of the affairs and property of the corporation.

(2) The board shall be elected by the members of the corporation for the term and in the classes provided in the bylaws of the corporation. The board includes—

(A) six members appointed by the President;

(B) the Secretary of State or the Secretary's designee;

**[and]**

*(C) the Secretary of Transportation, or the Secretary's designee, when the Coast Guard is not operating under the Department of the Navy; and*

**[(C)]** *(D) representatives of the civilian organizations listed in section 220102(4) of this title, and of the public at large, as provided in the bylaws.*

(3) The corporation may have other governing bodies or committees as provided in the bylaws.

(b) OFFICERS.—

(1) The office of honorary chairman of the corporation shall be offered to the President. On acceptance, the honorary chairman shall be invited to preside at meetings of the corporation that the honorary chairman deems appropriate and convenient.

(2) The corporation may have other officers as provided in the bylaws.

## TITLE 37. PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

### CHAPTER 5. SPECIAL AND INCENTIVE PAYS

#### **§ 302c. Special pay: psychologists and nonphysician health care providers**

(a) PUBLIC HEALTH SERVICE CORPS.—A member who is—

(1) an officer in the Regular or Reserve Corps of the Public Health Service and is designated as a psychologist; and

(2) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology, is entitled to special pay, as provided in subsection (b).

(b) RATE OF SPECIAL PAY.—The rate of special pay to which an officer is entitled pursuant to subsection (a) shall be—

(1) \$ 2,000 per year, if the officer has less than 10 years of creditable service;

(2) \$ 2,500 per year, if the officer has at least 10 but less than 12 years of creditable service;

(3) \$ 3,000 per year, if the officer has at least 12 but less than 14 years of creditable service;

(4) \$ 4,000 per year, if the officer has at least 14 but less than 18 years of creditable service; or

(5) \$ 5,000 per year, if the officer has 18 or more years of creditable service.

(c) ARMY, NAVY, AND AIR FORCE PSYCHOLOGISTS.—The Secretary of Defense may provide special pay at the rates specified in subsection (b) to an officer who—

(1) is an officer in the Medical Service Corps of the Army or Navy or a biomedical sciences officer in the Air Force;

(2) is designated as a psychologist; and

(3) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology.

(d) NONPHYSICIAN HEALTH CARE PROVIDERS.—The Secretary concerned may authorize the payment of special pay at the rates specified in subsection (b) to an officer who—

(1) is an officer in the Medical Services Corps of the Army or Navy, a biomedical sciences officer in the Air Force, an officer in the Army Medical Specialist Corps, an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, *nurse, an officer in the Coast Guard or Coast Guard Reserve designated as a physician assistant*, or an officer in the Regular or Reserve Corps of the Public Health Service;

(2) is a health care provider (other than a psychologist);

- (3) has a postbaccalaureate degree; and
- (4) is certified by a professional board in the officer's specialty.

## TITLE 46. SHIPPING

### SUBTITLE II. VESSELS AND SEAMEN

#### PART B. INSPECTION AND REGULATION OF VESSELS

##### CHAPTER 45. UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

#### **§ 4508. Commercial Fishing Industry Vessel *Safety* Advisory Committee**

(a) The Secretary shall establish a Commercial Fishing Industry Vessel *Safety* Advisory Committee. The Committee—

(1) may advise, consult with, report to, and make recommendations to the [Secretary] *Secretary, through the Commandant of the Coast Guard*, on matters relating to the safe operation of vessels to which this chapter applies, including navigation safety, safety equipment and procedures, marine insurance, vessel design, construction, maintenance and operation, and personnel qualifications and training;

(2) may review proposed regulations under this chapter;

(3) may make available to Congress any information, advice, and recommendations that the Committee is authorized to give to the Secretary; and

(4) shall meet at the call of the [Secretary,] *Commandant*, who shall call such a meeting at least once during each calendar year.

(b)(1) The Committee shall consist of seventeen members with particular expertise, knowledge, and experience regarding the commercial fishing industry as follows:

(A) ten members from the commercial fishing industry who—

- (i) reflect a regional and representational balance; and
- (ii) have experience in the operation of vessels to which this chapter applies or as a crew member or processing line worker on an uninspected fish processing vessel;

(B) three members from the general public, including, whenever possible, an independent expert or consultant in maritime safety and a member of a national organization composed of persons representing owners of vessels to which this chapter applies and persons representing the marine insurance industry;

(C) one member representing each of—

(i) naval architects or marine surveyors;

(ii) manufacturers of equipment for vessels to which this chapter applies;

(iii) education or training professionals related to fishing vessel, fish processing vessel, or fish tender vessel safety or personnel qualifications; and

(iv) underwriters that insure vessels to which this chapter applies.

(2) At least once each year, the Secretary shall publish a notice in the Federal Register and in newspapers of general circulation in

coastal areas soliciting nominations for membership on the Committee, and, after timely notice is published, appoint the members of the Committee. An individual may be appointed to a term as a member of the Committee more than once. The Secretary may not seek or use information concerning the political affiliation of individuals in making appointments to the Committee.

(3)(A) A member of the Committee shall serve a term of three years.

(B) If a vacancy occurs in the membership of the Committee, the Secretary shall appoint a member to fill the remainder of the vacated term.

(4) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

(5) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. These representatives shall, as appropriate, report to and advise the Committee on matters relating to vessels to which this chapter applies which are under the jurisdiction of their respective agencies. **【The Secretary's designated representative shall act as executive secretary for the Committee and perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 App. U.S.C.).】**

(c)(1) The Secretary shall, whenever practicable, consult with the **【Committee】** *Committee, through the Commandant*, before taking any significant action relating to the safe operation of vessels to which this chapter applies.

(2) The Secretary **【shall】** *shall, through the Commandant*, consider the information, advice, and recommendations of the Committee in consulting with other agencies and the public or in formulating policy regarding the safe operation of vessels to which this chapter applies.

(d)(1) A member of the Committee who is not an officer or employee of the United States or a member of the Armed Forces, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-18 of the General Schedule under section 5332 of title 5 including travel time; and

(B) travel or transportation expenses under section 5703 of title 5.

(2) Payments under this section do not render a member of the Committee an officer or employee of the United States or a member of the Armed Forces for any purpose.

(3) A member of the Committee who is an officer or employee of the United States or a member of the Armed Forces may not receive additional pay based on the member's service to the Committee.

(4) The provisions of this section relating to an officer or employee of the United States or a member of the Armed Forces do not apply to a member of a reserve component of the Armed Forces unless that member is in an active status.

(e)(1) The Federal Advisory Committee Act [(5 U.S.C. App. 1 et seq.)] (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on [September 30, 2000.] *September 30, 2005.*

(2) Two years prior to the termination date referred to in paragraph (1) of this subsection, the Committee shall submit to Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.

#### F. MANNING OF VESSELS

##### CHAPTER 87. UNLICENSED PERSONNEL

#### § 8701. Merchant mariners' documents required

(a) This section applies to a merchant vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title except—

(1) a vessel operating only on rivers and lakes (except the Great Lakes);

(2) a barge (except a seagoing barge or a barge to which chapter 37 of this title applies);

(3) a fishing, or fish tender, or whaling vessel or yacht;

(4) a sailing school vessel with respect to sailing school instructors and sailing school students;

(5) an oceanographic research vessel with respect to scientific personnel;

(6) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products;

(7) a fish processing vessel (except a vessel to which clause (6) of this subsection applied) with respect to individuals on board primarily employed in the preparation of fish or fish products or in a support position not related to navigation;

(8) a mobile offshore drilling unit with respect to individuals, other than crew members required by the certificate of inspection, engaged on board the unit for the sole purpose of carrying out the industrial business or function of the unit; [and]

(9) *a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed as gaming personnel, entertainment personnel, wait staff, or other service personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo, or passengers; and*

[(9)] (10) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.

(b) A person may not engage or employ an individual, and an individual may not serve, on board a vessel to which this section applies if the individual does not have a merchant mariner's docu-

ment issued to the individual under section 7302 of this title. Except for an individual required to be licensed or registered under this part, the document must authorize service in the capacity for which the holder of the document is engaged or employed.

(c) On a vessel to which section 10306 or 10503 of this title does not apply, an individual required by this section to hold a merchant mariner's document must exhibit it to the master of the vessel before the individual may be employed.

(d) A person (including an individual) violating this section is liable to the United States Government for a civil penalty of \$500.

#### CHAPTER 93. GREAT LAKES PILOTAGE

### § 9307. Great Lakes Pilotage Advisory Committee

(a) The **Secretary** *Secretary, through the Commandant of the Coast Guard*, shall establish a Great Lakes Pilotage Advisory Committee. The Committee—

(1) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;

(2) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;

(3) may make available to the Congress recommendations that the Committee makes to the Secretary; and

(4) shall meet at the call of—

(A) the **Secretary,** *Commandant*, who shall call such a meeting at least once during each calendar year; or

(B) a majority of the Committee.

(b)(1) The Committee shall consist of seven members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

(2) The membership of the Committee shall include—

(A) three members who are practicing Great Lakes pilots and who reflect a regional balance;

(B) one member representing the interests of vessel operators that contract for Great Lakes pilotage services;

(C) one member representing the interests of Great Lakes ports;

(D) one member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

(E) one member representing the interests of the general public, who is an independent expert on the Great Lakes maritime industry.

(c)(1) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

(2) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The representatives shall, as appropriate, report to and advise the Committee on matters relating to Great Lakes pilotage. **【The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).】**

(d)(1) The Secretary shall, whenever practicable, consult with the **【Committee】** *Committee, through the Commandant*, before taking any significant action relating to Great Lakes pilotage.

(2) The **【Secretary】** *Secretary, through the Commandant*, shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

(e)(1) A member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-18 of the General Schedule under section 5332 of title 5 including travel time; and

(B) travel or transportation expenses under section 5703 of title 5, United States Code.

(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on **【September 30, 2003.】** *September 30, 2005.*

(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.

#### PART I. STATE BOATING SAFETY PROGRAMS

##### CHAPTER 131. RECREATIONAL BOATING SAFETY

#### **§ 13110. National Boating Safety Advisory Council**

(a) The Secretary shall establish a National Boating Safety Advisory Council. The Council shall consist of 21 members appointed by the Secretary, whom the Secretary considers to have a particular expertise, knowledge, and experience in recreational boating safety.

(b)(1) The membership of the Council shall consist of—

(A) 7 representatives of State officials responsible for State boating safety programs;

(B) 7 representatives of recreational vessel manufacturers and associated equipment manufacturers; and

(C) 7 representatives of national recreational boating organizations and from the general public, at least 5 of whom shall be representatives of national recreational boating organizations.



(2) Additional individuals from the sources referred to in paragraph (1) of this subsection may be appointed to panels of the Council to assist the Council in performing its duties.

(3) At least once a year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Council.

(c) In addition to the consultation required by section 4302 of this title, the Secretary shall ~~consult~~ *consult, through the Commandant of the Coast Guard*, with the Council on other major boating safety matters related to this chapter. The Council may make available to Congress information, advice, and recommendations that the Council is authorized to give to the Secretary.

(d) When attending meetings of the Council, a member of the council or a panel may be paid at a rate not more than the rate for GS-18. When serving away from home or regular place of business, the member may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5 for individuals employed intermittently in the Government service. A payment under this section does not make a member of the Council an officer or employee of the United States Government for any purpose.

(e) The Council shall terminate on ~~September 30, 2000.~~ *September 30, 2005.*

#### COAST GUARD AUTHORIZATION ACT OF 1991

##### SEC. 18. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

(a)(1) There is established a Houston-Galveston Navigation Advisory Committee (hereinafter referred to as the "Committee"). The Committee shall advise, consult with, and make recommendations to the Secretary of the department in which the Coast Guard is ~~operating~~ *operating, through the Commandant of the Coast Guard*, on matters relating to the transit of vessels and products to and from the Ports of Galveston, Houston, Texas City, and Galveston Bay. The Secretary shall, whenever practicable, consult with the ~~Committee~~ *Committee, through the Commandant*, before taking any significant action related to navigation safety at these port facilities. Any advice or recommendation made by the Committee to the Secretary shall reflect the independent judgment of the Committee on the matter concerned.

(2) The Committee is authorized to make available to Congress any information, advice, and recommendations that the Committee is authorized to give to the Secretary. The Committee shall meet at the call of the ~~Secretary,~~ *Commandant*, but in any event not less than once during each calendar year. All matters relating to or proceedings of the Committee shall comply with the Federal Advisory Committee Act (5 App. U.S.C.).

(b) The Committee shall consist of eighteen members, who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the inshore and the offshore waters of the Gulf of Mexico:

(1) Two members who are employed by the Port of Houston Authority or have been selected by that entity to represent them.

(2) Two members who are employed by the Port of Galveston or the Texas City Port Complex or have been selected by those entities to represent them.

(3) Two members from organizations that represent ship-owners, stevedores, shipyards, or shipping organizations domiciled in the State of Texas.

(4) Two members representing organizations that operate tugs or barges that utilize the port facilities at Galveston, Houston, and Texas City Port Complex.

(5) Two members representing shipping companies that transport cargo from the Ports of Galveston and Houston on liners, break bulk, or tramp steamer vessels.

(6) Two members representing those who pilot or command vessels that utilize the Ports of Galveston and Houston.

(7) Two at-large members who may represent a particular interest group but who utilize the port facilities at Galveston, Houston, and Texas City.

(8) One member representing labor organizations which load and unload cargo at the Ports of Galveston and Houston.

(9) One member representing licensed merchant mariners, other than pilots, who perform shipboard duties on vessels which utilize the port facilities of Galveston and Houston.

(10) One member representing environmental interests.

(11) One member representing the general public.

(c) The Secretary shall appoint the members of the Committee after first soliciting nominations by notice published in the Federal Register. The Secretary may request the head of any other Federal agency or department to designate a representative to advise the Committee on matters within the jurisdiction of that agency or department.

(d) The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the chairman and one of the members as the vice chairman. The vice chairman shall act as chairman in the absence or incapacity of, or in the event of a vacancy in the Office of the Chairman.

(e) Terms of members appointed to the Committee shall be for two years. The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Committee.

(f) Members of the Committee who are not officers or employees of the United States shall serve without pay and members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee. While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) The term of members of the Committee shall begin on October 1, 1992.

(h) The Committee shall terminate on **September 30, 2000.** *September 30, 2005.*

**SEC. 19. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.**

(a)(1) There is established a Lower Mississippi River Waterway Advisory Committee (hereinafter referred to as the "Committee"). The Committee shall advise, consult with, and make recommendations to the Secretary of the department in which the Coast Guard is ~~operating~~ (hereinafter in this part referred to as the "Secretary") *operating, through the Commandant of the Coast Guard*, on a wide range of matters regarding all facets of navigational safety related to the Lower Mississippi River. The Secretary shall, whenever practicable, consult with the ~~Committee~~ *Committee, through the Commandant*, before taking any significant action related to navigation safety in the Lower Mississippi River. Any advice or recommendation made by the Committee to the Secretary shall reflect the independent judgment of the Committee on the matter concerned.

(2) The Committee is authorized to make available to Congress any information, advice, and recommendations which the Committee is authorized to give the Secretary. The Committee shall meet at the call of the Chairman, or upon request of the majority of Committee members, but in any event not less than once during each calendar year. All matters relating to or proceedings of the Committee shall comply with the Federal Advisory Committee Act (5 App. U.S.C. ).

(b) The Committee shall consist of twenty-four members who have expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels on the Lower Mississippi River and its connecting navigable waterways including the Gulf of Mexico:

(1) Five members representing River Port Authorities between Baton Rouge, Louisiana, and the head of passes of the Lower Mississippi River, of which one member shall be from the Port of St. Bernard and one member from the Port of Plaquemines.

(2) Two members representing vessel owners or ship owners domiciled in the State of Louisiana.

(3) Two members representing organizations which operate harbor tugs or barge fleets in the geographical area covered by the Committee.

(4) Two members representing companies which transport cargo or passengers on the navigable waterways in the geographical area covered by the Committee.

(5) Three members representing State Commissioned Pilot organizations, with one member each representing the New Orleans/Baton Rouge Steamship Pilots Association, the Crescent River Port Pilots Association, and the Associated Branch Pilots Association.

(6) Two at-large members who utilize water transportation facilities located in the geographical area covered by the Committee.

(7) Three members representing consumers, shippers, or importers/exporters that utilize vessels which utilize the navigable waterways covered by the Committee.

(8) Two members representing those licensed merchant mariners, other than pilots, who perform shipboard duties on those vessels which utilize navigable waterways covered by the Committee.

(9) One member representing an organization that serves in a consulting or advisory capacity to the maritime industry.

(10) One member representing an environmental organization.

(11) One member representing the general public.

(c) The Secretary shall appoint the members of the Committee upon recommendation after first soliciting nominations by notice in the Federal Register. The Secretary may request the head of any other Federal agency or department to designate a representative to advise the Committee on matters within the jurisdiction of that agency or department, who shall not be a voting member of the Committee.

(d) The Committee shall annually elect, by majority vote at its first meeting, a chairman and vice chairman from its membership. The vice chairman shall act as chairman in the absence or incapacity of, or in the event of a vacancy in, the Office of the Chairman.

(e) Terms of members appointed to the Committee shall be two years. The Secretary shall, not less than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Committee.

(f) Members of the Committee who are not officers or employees of the United States shall serve without pay and members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee. While away from their homes or regular place of business, members of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) The Committee shall terminate on **September 30, 2000.** *September 30, 2005.*

#### COAST GUARD AUTHORIZATION ACT OF 1998

##### **SEC. 415. INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.**

###### **(a) IN GENERAL.—**

(1) Subject to subsection (b), the Secretary of Transportation shall continue to implement and enforce the United States Coast Guard 1997 Enforcement Policy for Cargo Residues on the Great Lakes and revisions thereto that are made in accordance with that Policy (hereafter in this section referred to as the “Policy”) for the purpose of regulating incidental discharges from vessels of residues of dry bulk cargo into the waters of the Great Lakes under the jurisdiction of the United States.

(2) Any discharge under this section shall comply with all terms and conditions of the Policy.

**(b) EXPIRATION OF INTERIM AUTHORITY.—**The Policy shall cease to have effect on the date which is the earliest of—

(1) the effective date of regulations promulgated pursuant to legislation enacted subsequent to the enactment of this Act

providing for the regulation of incidental discharges from vessels of dry bulk cargo residue into the waters of the Great Lakes under the jurisdiction of the United States is enacted;  
or

(2) September 30, **2002.** 2003.

FEDERAL REPORTS ELIMINATION AND SUNSET ACT OF  
1995

**SEC. 1122. REPORTS MODIFIED. [26 U.S.C. 9509 nt]**

**[(a) REPORT ON OIL SPILL LIABILITY TRUST FUND.—**The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101-892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.**]**

**[(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—]**Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking “September 30 and”.

