

**The original documents are located in Box 8, folder “1974/10/01 HR13595 Coast Guard Appropriation Authorization” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.**

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APPROVED  
OCT 1 - 1974

ACTION

THE WHITE HOUSE  
WASHINGTON

Last Day - October 1

September 27, 1974

MEMORANDUM FOR:

THE PRESIDENT

FROM:

KEN COLE

SUBJECT:

Enrolled Bill H. R. 13595

Attached is the House bill, H.R. 13595, Coast Guard Appropriation Authorization, which authorizes appropriations for the Coast Guard of \$115.2 million for its procurement and construction activities in fiscal year 1975 and \$6.8 million for payments to owners for bridge alterations, authorizes an end-year strength for active duty personnel of the Coast Guard and average military student loads, exempts certain fishing vessels from load line and vessel inspection laws, and authorizes a study of feasible methods of enforcing fishery management jurisdiction.

The Counsel's office, Bill Timmons and OMB concur.

RECOMMENDATION

That you sign the attached bill.



APPROVED  
OCT 1 - 1974

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

SEP 25 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 13595 - Coast Guard Appropriation  
Authorization  
Sponsors - Rep. Sullivan (D) Missouri and 17 others

Last Day for Action

October 1, 1974 - Tuesday

Purpose

Authorizes appropriations for the Coast Guard of \$115.2 million for its procurement and construction activities in fiscal year 1975 and \$6.8 million for payments to owners for bridge alterations, authorizes an end-year strength for active duty personnel of the Coast Guard and average military student loads, exempts certain fishing vessels from load line and vessel inspection laws, and authorizes a study of feasible methods of enforcing fishery management jurisdiction.

Agency Recommendations

Office of Management and Budget

Approval

Department of Transportation

Approval

Department of State

Approval

Department of Defense

No objection

Department of Commerce

No objection

Department of Justice

No objection

Department of the Treasury

No objection

Discussion

This is the annual appropriation authorization bill for the Coast Guard. Those provisions of the bill which would authorize appropriations differ from the Administration's request in the following respects: the total authorized for



construction is \$74.731 million, compared to the request for \$73.631 million, an increase of \$1.1 million. The additional authorization is intended to finance Part II of Phase I of a program for a complete vessel traffic system in New York harbor. Also, the bill contains an unrequested authorization for a study of new techniques relating to enforcement of fishery management, estimated to cost \$200,000. In all other respects, the appropriation authorizations in the bill are the same as requested.

Appropriations for the Coast Guard for fiscal year 1975 have already been enacted in P.L. 93-391, approved on August 28, 1974. In its views letter on this enrolled bill, DOT states that P.L. 93-391:

" . . . contains a reduction in the amount of money available for the acquisition, construction, and improvement of Coast Guard facilities from the administration's request of \$114,100,000 to \$108,376,255. This appropriations figure does include \$1,000,000 for the completion of Phase I (Part II) of the New York Vessel Traffic System not in the original budget request; but the total is well within the original request. No funds have been appropriated for a study of the enforcement of fishery management jurisdiction."

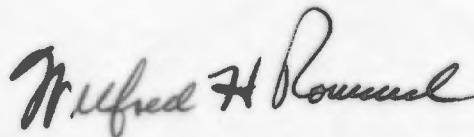
The enrolled bill would also amend certain existing Coast Guard administered laws respecting load line and inspection requirements. The amendments would exempt, from various requirements specified in the bill, vessels of not more than 5,000 gross tons constructed before August 15, 1974, or converted before July 11, 1978, and used in processing fishery products in the fisheries of Oregon, Washington, and Alaska. Similar exemptions are presently authorized for vessels up to 500 gross tons used in the salmon or crab fisheries of those States.

For several years, owners of vessels exempted by the bill have assumed they were exempt. However, the Coast Guard recently began inspecting such vessels and a U.S. District Court decision upheld its authority to do so. The changes the enrolled bill would make would afford these vessels the exemption they have assumed they were entitled to. The report of the Senate Commerce Committee indicates that the vessels in question could not operate this season without the amendment.

DOT in its views letter on the enrolled bill states:

"As to the exemptions for certain vessels used in the processing and assembling of fishery products from various provisions of title 46, United States Code, we have no serious objection to the exemptions as they will afford these vessels (currently limited to approximately 15 in number) the opportunity to continue their operations. Until a recent court decision holding that the previously cited statutes applied to these vessels, they were not inspected and were operated under the assumption that the exemptions for tender vessels applied to these vessels as well."

While we view the permanent exemption of certain fishing vessels from safety regulations as undesirable, we do not view this defect in the bill as sufficiently important to warrant your disapproval.



Assistant Director for  
Legislative Reference

Enclosures



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

SEP 20 1974

Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Ash:

This is in response to your request for the views of the Department of Transportation concerning H.R. 13595, an enrolled bill

"To authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes."

The enrolled bill differs from the proposal submitted by the Administration only in the amounts authorized to be appropriated for the various categories as follows:

(1) for the acquisition and construction of shore facilities, \$74,731,000 vice \$73,631,000, the increase of \$1,100,000 to provide for the completion of Phase I (Part II) of the New York Vessel Traffic System; and

(2) for a study of new techniques relating to the enforcement of fishery management jurisdiction, \$200,000 vice zero.

Additionally, the enrolled bill would grant exemptions from specified Coast Guard administered load line and inspection statutes to certain vessels of not more than 5,000 gross tons used in the processing or assembling of fishery products, similar to those exemptions presently authorized for certain cannery tender and fishing tender vessels of not more than 500 gross tons. Specifically, the vessels would be exempt from the requirements of 46 U.S.C. 88, 46 U.S.C. 367, 46 U.S.C. 391a, and 46 U.S.C. 404.

Finally, the enrolled bill would amend section 657 of title 14, United States Code, to authorize the expenditure of funds out of money appropriated for the use of the Coast Guard for the schooling of Coast Guard dependents stationed with their sponsor outside of the continental United States.

Historically, when Congress has appropriated funds for the Coast Guard, it has ignored authorization increases which exceed requests contained in the President's budget. This fact is again generally reflected in the Department of Transportation Appropriations Act which was signed into law by the President on August 28, 1974, as Public Law 93-391. That Act contains a reduction in the amount of money available for the acquisition, construction, and improvement of Coast Guard facilities from the administration's request of \$114,100,000 to \$108,376,255. This appropriations figure does include \$1,000,000 for the completion of Phase I (Part II) of the New York Vessel Traffic System not in the original budget request; but the total is well within the original request. No funds have been appropriated for a study of the enforcement of fishery management jurisdiction. The enactment of Public Law 93-391 which made appropriations available for the Department of Transportation, including the Coast Guard, has obviated the legal necessity for those sections of the enrolled bill related solely to the authorization of those appropriations. However, sections 2 and 3 of the enrolled bill are responsive to requirements imposed by Public Law 92-436 and section 5 of the enrolled bill contains a substantive amendment to existing law, unrelated to the appropriations process and specifically requested by this Department, thus necessitating the President's signature.

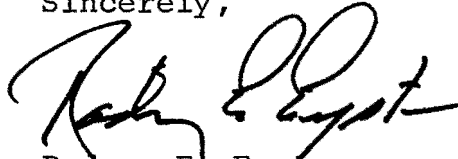
As to the exemptions for certain vessels used in the processing and assembling of fishery products from various provisions of title 46, United States Code, we have no serious objection to the exemptions as they will afford these vessels (currently limited to approximately 15 in number) the opportunity to continue their operations. Until a recent court decision holding that the previously cited statutes applied to these vessels, they were not inspected and were operated under the assumption that the exemptions for tender vessels applied to these vessels as well.

As to the amendment of section 657 of title 14, United States Code, we requested the amendment to obviate the necessity of the Coast Guard to annually seek this authority through the appropriation's process. This identical provision had originally been part of our legislative proposal (DOT 93-31). In the enactment process of that proposal, this provision was eliminated in order to deal more fully with it during the appropriation process.

Finally, we note three minor technical errors in the enrolled bill. First, in section 6(2) of the enrolled bill the single quotation mark following the word "vessel" should have instead preceded the word "includes". Also, in section 6(2) of the enrolled bill the word "industry" should have been used, not the word "industries". Finally, in section 6(4) of the enrolled bill the word "used" should have been inserted between the words "As" and "herein". These minor non-substantive errors will be the subject of correction at a later, more appropriate time.

The Department of Transportation recommends that the President sign the enrolled bill, H.R. 13595.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney E. Eyster", written in a cursive style.

Rodney E. Eyster  
General Counsel





DEPARTMENT OF STATE

Washington, D.C. 20520

SEP 23 1974

Honorable Roy L. Ash  
Director, Office of  
Management and Budget  
Washington, D.C. 20503

Dear Mr. Ash:

The Department of State recommends the approval of enrolled bill H.R. 13595, referred to us for comment by Mr. Rommel's memorandum of September 19.

Cordially,

A handwritten signature in dark ink, reading "Linwood Holton". The signature is written in a cursive style with a large initial "L".

Linwood Holton  
Assistant Secretary  
for Congressional Relations



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20350

September 24, 1974

Honorable Roy L. Ash  
Director, Office of Management and Budget  
Washington, D. C. 20503

Dear Mr. Ash:

Your transmittal sheet dated September 19, 1974, enclosing a facsimile of an enrolled bill of Congress (H.R. 13595), "To authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes," and requesting the comment of the Department of Defense, has been received. The Department of the Navy has been assigned the responsibility for the preparation of a report thereon expressing the views of the Department of Defense.

H.R. 13595 is the annual Coast Guard authorization bill. The final section of the bill authorizes a comprehensive study by the Secretary of the department in which the Coast Guard is operating, in cooperation with the Secretaries of Commerce, State, Defense, and the Treasury, and the Attorney General, of all feasible methods of enforcing fishery management jurisdiction.

The Department of the Navy, on behalf of the Department of Defense, has no objection to the approval of this act.

Sincerely yours,

A handwritten signature in black ink, reading "J. William Middendorf II", is positioned below the "Sincerely yours," text.

J. William Middendorf II  
Secretary of the Navy



**GENERAL COUNSEL OF THE  
DEPARTMENT OF COMMERCE**  
Washington, D.C. 20230

**SEP 23 1974**

Honorable Roy L. Ash  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Ash:

This is in reply to your request for the views of this Department concerning H. R. 13595, an enrolled enactment

"To authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes."

The interest of the Department of Commerce in this legislation is confined to sections 6 and 7.

Section 6 of the enrolled enactment exempts vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the States of Oregon, Washington, and Alaska, from provisions of law relating to inspection of steam vessels (46 USC 367, 391a, and 404), and from the provision of law relating to loadlines (46 USC 88). The effect of this provision is to exempt certain vessels from the safety and inspection provision of title 46 of the United States Code. Your attention is invited to a letter from Robert M. White, Administrator, NOAA, to Senator Magnuson, submitted to you for clearance by this Department on August 20, 1974, wherein it is stated that "safety inspection laws are not obsolete and should perhaps be applied in one form or another to all vessels over 5 tons employed in the fishing industry." We would, of course, defer to the Coast Guard on this point in view of their primary responsibility with respect to vessel inspection.

It should be noted that the provisions of section 6 of the enrolled enactment would confirm the longstanding belief of the owners of fish processing vessels that they were exempt from the statutes in question. Only recently the Coast Guard has determined that such vessels were in fact not already exempt from those statutes and a recent District Court decision has confirmed that Coast Guard determination.

Section 7 of the enrolled enactment provides for the Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretaries of Commerce, State, Defense, and the Treasury and the Attorney General, to conduct a comprehensive study of methods of enforcing fishery management jurisdiction.

The Department of Commerce would interpose no objection to approval by the President of H. R. 13595.

Enactment of this legislation would require no additional appropriations to this Department.

Sincerely,

*Karl E. Bakke*

General Counsel

Department of Justice  
Washington, D.C. 20530

SEP 23 1974

Honorable Roy L. Ash  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Dear Mr. Ash:

In compliance with your request, I have examined a facsimile of the enrolled bill H.R. 13595, "To authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes."

The first six sections of this seven section bill relate to matters peculiarly within the knowledge and concern of the Coast Guard, and the Department of Justice defers to the Department of Transportation as to the merits of this bill so far as those sections are involved.

Section 7 of the bill provides:

The Secretary of the department in which the Coast Guard is operating (hereinafter referred to as the "Secretary"), in cooperation with the Secretaries of Commerce, State, Defense, and the Treasury, and the Attorney General, shall conduct a comprehensive study of all feasible methods of enforcing fishery management jurisdiction, including any possible extension of such jurisdiction. In carrying out such study, the Secretary shall

- 2 -

evaluate all available techniques of enforcement including, but not limited to, the use of satellites, remote sensing, vessels, aircraft, radar, or devices implanted on the seafloor.

The Department of Justice has no objection to Executive approval of this enrolled bill so far as section 7 is concerned.

Sincerely,

A handwritten signature in cursive script, reading "W. Vincent Rakestraw". The signature is written in dark ink and is positioned above the printed name.

W. Vincent Rakestraw  
Assistant Attorney General



THE GENERAL COUNSEL OF THE TREASURY  
WASHINGTON, D.C. 20220

SEP 23 1974

Director, Office of Management and Budget  
Executive Office of the President  
Washington, D. C. 20503

Attention: Assistant Director for Legislative  
Reference

Sir:

Your office has requested the views of this Department on the enrolled enactment of H.R. 13595, "To authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes."

The only provision of the enrolled enactment of interest to this Department is section 7, which would direct the Secretary of the department in which the Coast Guard is operating, in cooperation with the Secretaries of Commerce, State, Defense, and the Treasury, and the Attorney General, to conduct a comprehensive study of all feasible methods of enforcing fishery management jurisdiction, including any possible extension of such jurisdiction. In carrying out such a study, the Secretary of the department in which the Coast Guard is operating would be required to evaluate all available techniques of enforcement, including but not limited to, the use of satellites, remote sensing, vessels, aircraft, radar, or devices implanted on the seafloor.

The Department would have no objection to a recommendation that the enrolled enactment be approved by the President insofar as the foregoing section is concerned.

Sincerely yours,

  
General Counsel

To -  
Harrison Mendenhall  
9-25-74

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

SEP 25 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 13595 - Coast Guard Appropriation  
Authorization  
Sponsors - Rep. Sullivan (D) Missouri and 17 others

Last Day for Action

October 1, 1974 - Tuesday

Purpose

Authorizes appropriations for the Coast Guard of \$115.2 million for its procurement and construction activities in fiscal year 1975 and \$6.8 million for payments to owners for bridge alterations, authorizes an end-year strength for active duty personnel of the Coast Guard and average military student loads, exempts certain fishing vessels from load line and vessel inspection laws, and authorizes a study of feasible methods of enforcing fishery management jurisdiction.

Agency Recommendations

Office of Management and Budget

Approval

Department of Transportation

Approval

Department of State

Approval

Department of Defense

No objection

Department of Commerce

No objection

Department of Justice

No objection

Department of the Treasury

No objection

Discussion

This is the annual appropriation authorization bill for the Coast Guard. Those provisions of the bill which would authorize appropriations differ from the Administration's request in the following respects: the total authorized for



**September 27, 1974**

**MEMORANDUM FOR: THE PRESIDENT**  
**FROM: KEN COLE**  
**SUBJECT: Enrolled Bill H. R. 13595**

Attached is the House bill, H. R. 13595, Coast Guard Appropriation Authorization, which authorizes appropriations for the Coast Guard of \$115.2 million for its procurement and construction activities in fiscal year 1975 and \$6.8 million for payments to owners for bridge alterations, authorizes an end-year strength for active duty personnel of the Coast Guard and average military student loads, exempts certain fishing vessels from load line and vessel inspection laws, and authorizes a study of feasible methods of enforcing fishery management jurisdiction.

The Counsel's office, Bill Timmons and OMB concur.

**RECOMMENDATION**

That you sign the attached bill.

**September 27, 1974**

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**FROM: KEN COLE**  
**SUBJECT: Enrolled Bill H. R. 13595**

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The Counsel's office, Bill Timmons and OMB concur.

**RECOMMENDATION**

That you sign the attached bill.

## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 603

Date: September 26, 1974

Time: 10:30 a. m.

FOR ACTION: ☒ Michael Duval  
☒ Phil Buchen  
☒ Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones  
Paul Theis

FROM THE STAFF SECRETARY

DUE: Date: Friday, September 27, 1974

Time: 2:00 p. m.

SUBJECT: Enrolled Bill H. R. 13595 - Coast Guard Appropriation  
Authorization

## ACTION REQUESTED:

☐ For Necessary Action☒ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☐ For Your Comments☐ Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President

THE WHITE HOUSE  
WASHINGTON

9/25/74

TO: WARREN HENDRIKS

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*RDL sr.*

Robert D. Linder

THE WHITE HOUSE  
WASHINGTON  
September 26, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS  
FROM: WILLIAM E. TIMMONS *WT*  
SUBJECT: Action Memorandum - Log No. 603  
Enrolled Bill H.R. 13595 - Coast Guard  
Appropriation Authorization

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 603

Date: September 26, 1974

Time: 10:30 a. m.

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Phil Buchen  
✓ Bill Timmons

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Warren K. Hendriks  
For the President

## THE WHITE HOUSE

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*No objection*  
*L.C.*PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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Warren K. Hendriks  
For the President



## THE WHITE HOUSE

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REMARKS:

OK Mike Duval

Please return to Kathy Tindle - West Wing

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Warren K. Hendriks  
For the President

October 1, 1974

Office of the White House Press Secretary

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NOTICE TO THE PRESS

The President has signed H. R. 13595 - Coast Guard Appropriation Authorization which authorizes appropriations for the Coast Guard of \$115.2 million for its procurement and construction activities in fiscal year 1975 and \$6.8 million for payments to owners for bridge alterations, authorizes an end-year strength for active duty personnel of the Coast Guard and average military student loads, exempts certain fishing vessels from load line and vessel inspection laws, and authorizes a study of feasible methods of enforcing fishery management jurisdiction.

# # #

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

SEP 25 1974

~~MEMORANDUM FOR THE PRESIDENT~~

Subject: ~~Enrolled Bill~~ H.R. 13595 - Coast Guard Appropriation  
Authorization  
Sponsors - Rep. Sullivan (D) Missouri and 17 others

Last Day for Action

October 1, 1974 - Tuesday

Purpose

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Agency Recommendations

Office of Management and Budget

Approval

Department of Transportation

Approval

Department of State

Approval

Department of Defense

No objection

Department of Commerce

No objection

Department of Justice

No objection

Department of the Treasury

No objection

Discussion

This is the annual appropriation authorization bill for the Coast Guard. Those provisions of the bill which would authorize appropriations differ from the Administration's request in the following respects: the total authorized for

construction is \$74.731 million, compared to the request for \$73.631 million, an increase of \$1.1 million. The additional authorization is intended to finance Part II of Phase I of a program for a complete vessel traffic system in New York harbor. Also, the bill contains an unrequested authorization for a study of new techniques relating to enforcement of fishery management, estimated to cost \$200,000. In all other respects, the appropriation authorizations in the bill are the same as requested.

Appropriations for the Coast Guard for fiscal year 1975 have already been enacted in P.L. 93-391, approved on August 28, 1974. In its views letter on this enrolled bill, DOT states that P.L. 93-391:

" . . . contains a reduction in the amount of money available for the acquisition, construction, and improvement of Coast Guard facilities from the administration's request of \$114,100,000 to \$108,376,255. This appropriations figure does include \$1,000,000 for the completion of Phase I (Part II) of the New York Vessel Traffic System not in the original budget request; but the total is well within the original request. No funds have been appropriated for a study of the enforcement of fishery management jurisdiction."

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While we view the permanent exemption of certain fishing vessels from safety regulations as undesirable, we do not view this defect in the bill as sufficiently important to warrant your disapproval.

(signed) Wilfred H. Rommel

Assistant Director for  
Legislative Reference

Enclosures

93D CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 93-1086

COAST GUARD APPROPRIATION  
AUTHORIZATION

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REPORT  
OF THE  
SENATE COMMITTEE ON COMMERCE  
ON  
H.R. 13595

TO AUTHORIZE APPROPRIATIONS FOR THE COAST GUARD  
FOR THE PROCUREMENT OF VESSELS AND AIRCRAFT AND  
CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISH-  
MENTS, TO AUTHORIZE APPROPRIATIONS FOR BRIDGE  
ALTERATIONS, TO AUTHORIZE FOR THE COAST GUARD AN  
END-YEAR STRENGTH FOR ACTIVE DUTY PERSONNEL, TO  
AUTHORIZE FOR THE COAST GUARD AVERAGE MILITARY  
STUDENT LOADS, AND FOR OTHER PURPOSES



AUGUST 12, 1974.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1974

AUTHORIZING APPROPRIATIONS FOR PROCUREMENT  
OF VESSELS AND AIRCRAFT AND CONSTRUCTION OF  
SHORE AND OFFSHORE ESTABLISHMENTS

AUGUST 12, 1974.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Commerce, submitted the  
following

REPORT

[To accompany H.R. 13595]

The Committee on Commerce, to which was referred the bill (H.R. 13595), to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment follows:

At the end of the bill add two new sections as follows:

Sec. 6. (1) Section 1(b) of the Act of August 27, 1935 (46 U.S.C. 88), as amended, is further amended by inserting the words "and all vessels of not more than five thousand gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, except those constructed after August 15, 1974, or those converted to any of such services after July 11, 1978," after the words "from July 11, 1968," but before the words "are exempt".

(2) The first proviso of section 1 of the Act of June 20, 1936 (46 U.S.C. 367), as amended, is further amended by deleting the last two sentences and inserting in lieu thereof the following:

As used herein, the phrase "any vessels engaged in fishing, oystering, clamming, crabbing, or any other branch of the fishery or kelp or sponge industries" includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations, and vessels of not more than five thousand gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska. The exemptions in the preceding sentence for cannery tender, and fishing tender vessels and vessels used in processing or assembling fishery products shall continue in force until July 11, 1978.

(3) The proviso clauses of paragraph (2) of section 4417a of the Revised Statutes (46 U.S.C. 391a(2)), as amended, are further amended to read as follows:

*Provided*, That (i) this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages;

(ii) nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 90-397 with respect to certain vessels of not more than five hundred gross tons;

(iii) this section shall not apply to vessels of not more than five thousand gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska and such vessels shall be allowed to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as may be required by the Secretary of the department in which the Coast Guard is operating; and

(iv) this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.

(4) Section 4426 of the Revised Statutes of the United States (46 U.S.C. 404), as amended, is further amended by deleting the last two sentences and inserting in lieu thereof:

As herein, the phrase "engaged in fishing as a regular business" includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or

assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations, and vessels of not more than five thousand gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska. The exemptions in the preceding sentence for cannery tender, fishing tender vessels and vessels used in processing or assembling of fishery products shall continue in force until July 11, 1978.

SEC. 7. (1) The Secretary of the department in which the Coast Guard is operating (hereinafter referred to as the Secretary), in cooperation with the Secretaries of Commerce, State, Defense, and the Treasury, and the Attorney General, shall conduct a comprehensive study of all feasible methods of enforcing fishery management jurisdiction, including any possible extension of such jurisdiction. In carrying out such study, the Secretary shall evaluate all available techniques of enforcement including, but not limited to, the use of satellites, remote sensing, vessels, aircraft, radar, or devices implanted on the seafloor.

(2) The Secretary shall report the results of such study by not later than June 30, 1975.

(3) There is hereby authorized to be appropriated for the purposes of this section a sum not to exceed \$200,000 for the fiscal year ending June 30, 1975.

#### PURPOSE AND DESCRIPTION OF THE LEGISLATION

The purpose of the bill is to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations for fiscal year 1975, to authorize for the Coast Guard an end-year strength for active duty personnel, and average military student loads for fiscal year 1975, to provide for certain schooling of Coast Guard dependents outside the Continental United States, to exempt certain fisheries vessels from load line and vessel inspection laws administered by the Coast Guard, and to authorize a study of new techniques to be used for fisheries jurisdiction enforcement.

The authorization request in H.R. 13595 is for a total of \$122,200,000, as amended in Committee, for fiscal year 1975 for the use of the Coast Guard. The total figure is divided as follows:

A. Vessels—\$22,676,000, for procurement, renovation, and increasing the capability of vessels.

B. Aircraft—\$17,793,000, for procurement of eight replacement fixed wing medium range search aircraft.

C. Construction—\$74,731,000, for the development and establishment of Coast Guard installations and facilities.

D. Bridge Alteration—\$6,800,000, for payment for the cost of alteration of railroad bridges and public highway bridges.

E. Study—\$200,000 for the study of new techniques relating to fisheries jurisdiction enforcement.



### 1. Vessels

In the area of vessel construction, the bill authorizes \$1,400,000 for the procurement of three 32-foot port safety boats and four 55-foot aids to navigation boats. The port safety boats are to be used for inshore and harbor work made necessary by responsibilities assigned to the Coast Guard, including those under the Ports and Waterways Safety Act of 1972 and the Federal Water Pollution Control Act, as amended. The aids to navigation boats are needed to transport specially trained aids to navigation teams quickly and efficiently to, between, and from short-range aids currently being serviced by buoy tenders which are well suited for major aids to navigation maintenance, although they are less adaptable for minor maintenance which must be accomplished on a priority basis. In addition to providing rapid transportation, these boats will also provide a work platform for the servicing team.

In the area of vessel replacement, \$2,300,000 is authorized for the construction of one 160-foot self-propelled inland construction tender to replace the 100-foot inland aids to navigation tender *Verbena* which is in excess of 30 years old, and suffers from substandard habitability, lack of storage and shop space, slow speed, and lack of maneuverability. Additionally, \$5,800,000 is authorized for the construction of thirty 41-foot search and rescue utility boats. These boats are to replace a portion of the remaining one hundred and thirty nine 40-foot utility boats which are facing block obsolescence. Over one-half of this fleet is nearing the end of its expected service life. These boats are the workhorses of the Coast Guard search and rescue stations. With the workload of these stations increasing, the maintenance of the existing fleet is becoming increasingly costly and time-consuming, and it is not feasible to rebuild the existing boats. The new boats provide better protection for the crews which now must work in the open subject to the elements.

Finally, vessel authorizations in the amount of \$10,376,000 are provided to continue the program to renovate and improve the propulsion systems of buoy tenders, to re-engine some of the Coast Guard's 133-foot coastal buoy tenders, and to modernize the communications equipment aboard eight vessels.

### 2. Aircraft

The bill authorizes \$17,793,000 for the procurement of eight medium range fixed-wing surveillance aircraft. The aircraft are the first replacements for the Coast Guard's fleet of HU-16E amphibious aircraft, all of which are reaching the point of total operational and engineering obsolescence. The Coast Guard's original decision was to procure these aircraft on a sole source contract. It has subsequently decided, however, to change its procurement process from one of sole source to the two-step competitive bid process. The change to a competitive bid process will not significantly delay the purchase of these needed replacement aircraft since the Coast Guard advises that the purchase contracts are expected to be let during Fiscal Year 1975. Your Committee fully supports the Coast Guard's decision to proceed with procurement as soon as possible.

Although the bill indicates that eight aircraft will be purchased for the authorized appropriation, the actual number of aircraft that the Coast Guard can purchase for the authorized appropriation will

have to be determined after bids are opened. It is hoped, however, that the lower price expected to result from the competitive bid process will permit the purchase of the desired eight aircraft with the funds made available pursuant to this authorization.

### 3. Pollution Abatement

The Federal Water Pollution Control Act, as amended prohibits the discharge of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. Since the Coast Guard administers and enforces various maritime environmental protection laws relating to the discharge of oil and other hazardous substances, its own performance in this regard should be exemplary. The bill authorizes \$1,500,000 for Phase II of a multiyear project to ensure that the Coast Guard is taking a leadership role in pollution abatement.

Selected Coast Guard vessels will be altered and have equipment installed so that there will be no oil content in their discharges. The concentrated oily wastes will be transferred to shore reception facilities for ultimate disposal by contractor until technology progresses to the point where the oil can be recycled or treated aboard the vessel.

The Federal Water Pollution Control Act, as amended, requires vessels to treat and/or retain non-oily wastes. The bill, therefore, authorizes \$1,000,000 for Phase IV of a multiyear project commenced in 1972 to install equipment on selected Coast Guard vessels to enable them to meet the standards of performance promulgated under the authority of this Act.

### 4. Aids to Navigation

The bill authorizes \$1,000,000 to enable the Coast Guard to fulfill its statutory responsibility to provide for the navigational needs of the maritime public and the armed forces. New aids are established, as required, when the navigable waters of the United States are extended by completion of Corps of Engineers projects. Aids in existing waterways are improved to fulfill changing maritime user requirements. The Coast Guard is responsible for more than 45,000 aids to navigation which are necessary to properly mark the navigable waters of the United States. Subprojects in this request comprise requirements for buoys, fixed marks, lights, sound, and other signals to assist in marine navigation.

\$1,000,000 is authorized to continue the Coast Guard's Lighthouse Automation and Modernization Program (LAMP). For about a decade the Coast Guard has been converting lighthouses to permit unmanned operation whenever possible. The result is savings from personnel reductions, and the elimination of arduous isolated duty for Coast Guard personnel. Some nine different locations including twenty stations are scheduled for various phases of lighthouse automation.

Public Law 93-153 amended the Mineral Leasing Act of 1920 and authorized a Trans-Alaska oil pipeline. Section 402 of that Act established a requirement for a vessel traffic control system for Prince William Sound and Valdez, Alaska. The bill, therefore, authorizes \$2,361,000 for the Coast Guard to meet that requirement. The project will provide for an integrated traffic system for the Port of Valdez, Valdez Arm and Narrows including a manned Vessel Traffic Center. A Port Safety Station will be colocated with the Vessel Traffic Center in Valdez, Alaska, and is included in this project.

The bill authorizes \$1,100,000 for the completion of Phase I (Part II) of the New York Vessel Traffic System begun last year. This authorization was not in the original bill, but was added by the House of Representatives. According to a Coast Guard study, the Port of New York ranked first in all negative categories such as collisions, groundings, pollution from oil and other spills, and deaths and injuries due to ship accidents. Your Committee has concluded, therefore, that the authorization of these funds is necessary and appropriate and fully supports the addition of this sum to the original construction request.

The bill authorizes \$6,000,000 for the replacement of equipment at the existing Loran-C stations in the Mediterranean Chain. This Chain is presently operated by the Coast Guard in support of Department of Defense requirements. Obsolete equipment would be replaced on five stations to provide improved performance higher signal availability, and more precise control. Some modification to or replacement of existing buildings is required to accept the new equipment.

Finally, the bill authorizes \$16,900,000 to improve the radionavigation system in the Pacific Coastal Confluence Zone. This authorization will allow the construction of five Loran-C stations on the West Coast of the United States to provide reliable navigation coverage for the Pacific Coastal Confluence Zone of the United States. The Coastal Confluence Zone is defined as that zone of waters contiguous to major United States land masses where transoceanic traffic converges and/or heavy interport traffic exists. The zone presently extends 50-miles offshore or to the 100 fathom line, whichever is further from the coast. The requirements for the system of navigation in this area, as the Coast Guard sees them, are the continuous availability of coverage from the coast to at least 50 nautical miles offshore, with a fix accuracy of one-quarter of a nautical mile under the most demanding method of determining system accuracy, which will guarantee 95 percent accuracy. Your committee considers that these stringent navigation system requirements for this area are necessary to ensure safe, efficient, and effective utilization of harbor entrance and approach sea lanes and restricted coastal sea lanes within the Coastal Confluence Zone. Additionally, oil exploration and oceanographic research vessels require fix accuracy of this dimension.

The Committee questioned the Coast Guard on its choice of Loran-C as the navigation system best suited to meet the needs of safety for the entire Coastal Confluence Zone. The Coast Guard stated that it had considered several navigation systems for application to this area. Loran-A, Decca, Differential-Omega, and Loran-C were the systems which came closest to meeting the requirements and were the ones most seriously examined. Of these four, Loran-C was chosen based on an extensive analysis which considered several factors including system reliability, and repeatable accuracy; installation and operation costs to the Government; user costs and user change over to a new system; and finally, the potential future application of each system.

The four competing systems may be described as follows:

*Loran-A*.—is a pulsed hyperbolic navigation system with a ground range of 700–900 nautical miles, with a repeatable fix accuracy of one-half to two nautical miles. To extend Loran-A coverage throughout the Coastal Confluence Zone would require the modernization of twenty-two existing stations and the construction of eight additional stations, the total capital cost of which was estimated by the Coast Guard to

be 46.7 million dollars. However, it is not currently known if the fix accuracy of Loran-A can be technically improved to the point of ever providing the one-quarter nautical mile accuracy needed for the Zone.

*Decca*.—is a continuous wave hyperbolic navigation system with a range of 250 nautical miles during the day and 150 nautical miles at night, with a repeatable fix accuracy of one-quarter of a nautical mile. There is currently no Decca coverage in the United States, and to extend coverage to the Coastal Confluence Zone was estimated by the Coast Guard to require \$142 million in capital cost.

*Differential-Omega*.—is a navigation system which is based on the concept of broadcasting local corrections to the existing continuous wave hyperbolic Omega system. The reliable range of this system essentially does not exceed 140 miles in daytime. The fix accuracy of this system has also been found to vary both with the distance from the monitor stations and with the time of day; but in any case, this system can only meet the requirement of one-quarter nautical mile accuracy over a limited portion of the Coastal Confluence Zone. For this reason, the Coast Guard did not present cost estimates to establish this system throughout the Zone.

*Loran-C*.—is a pulsed hyperbolic navigation system with a range of 1,200–1,500 nautical miles and a repeatable fix accuracy considerably less than one-quarter of a nautical mile. To extend Loran-C coverage equivalent to that of Loran-A throughout the Coastal Confluence Zone would require the upgrading of five existing stations and the construction of ten additional stations (five of which are on the West Coast and included in this authorization). The capital cost of this endeavor was estimated by the Coast Guard to be 49.1 million dollars. The Loran-C and Decca navigation systems are the only navigation systems which meet the required standard of accuracy throughout the entire Coastal Confluence Zone. Because of the cost advantage of Loran-C over Decca, the Coast Guard and the Department of Transportation have concluded that Loran-C should be adopted as the radionavigation system for the Coastal Confluence Zone.

The Committee notes that in addition to fulfilling the needs for a precision navigation system for the Coastal Confluence Zone, additional important benefits accrue from Loran-C. The range of that system far exceeds the minimum requirement of 50 nautical miles offshore. The Loran-C system proposed by the Coast Guard would provide highly accurate coverage well beyond 200-miles offshore. This system would, therefore, be more than sufficient should a law enforcement need arise in a zone in excess of 50-miles offshore. Additionally, the Coast Guard stated that Loran-C over the land has potential use, as a large portion of the land mass of the United States would be covered by it. The Coast Guard also indicated a desire to ultimately provide Loran-C coverage to the Great Lakes as well as the Coastal Confluence Zone by utilizing a sixteen station array configured, however, somewhat differently than the fifteen station array proposed for the Coastal Confluence Zone alone.

The Coast Guard states that a 5-year phase in period would be utilized in order to minimize the hardship to users of Loran-A which may result from the Services' conversion to the Loran-C navigation system in the Coastal Confluence Zone. This will include an eighteen to twenty-four month period in which the existing Loran-A and the replacing Loran-C signal will be provided simultaneously.

After full consideration of all views on this subject, your Committee is fully satisfied that the Coast Guard's choice of Loran-C is sound and appropriate and, therefore, has authorized the funding of an improved radionavigation system for the Pacific Coastal Confluence Zone. The Committee, in so authorizing, expresses the strong belief that Loran-C is the only system suitable. It is the desire of the Committee that should any other system be selected, a full report be made to the Committee prior to the expenditure of any of the funds authorized by this Act.

#### 5. Shore Units

The Committee has authorized the Coast Guard's request for construction and improvement funds for shore units. Two of these units are not currently owned by the Federal Government. The bill authorizes \$741,000 to replace the station at Port Canaveral, Florida, and \$127,000 to improve and modify the moorings at Piers 36/37 Seattle, Washington. The Committee has been informed that although these two properties do not currently belong to the Federal Government, negotiations are underway to secure title to them from the Canaveral Port Authority and the Port of Seattle, respectively.

Each construction project requires contracting supervision, inspection, and overhead expenses which are necessary to ensure the success of the endeavor. These expenses are basically those independent of advance planning and design that are essential to administering the overall Acquisition, Construction, and Improvement Program. \$5,000,000 is provided in this authorization bill for the engineering and logistic support of construction projects. The bill also authorizes \$3,420,000 for advance surveys, design, and planning in fiscal year 1975 to ensure the proper budgeting for construction or major alteration projects in future years.

#### 6. Public Family Quarters

An important provision in the bill is the authorization of \$6,000,000 for the funding of public family quarters. In 1972, a survey indicated that 4,187 of 18,696 married Coast Guardsmen were inadequately housed. Adequacy standards, which include distance from duty station and cost, as well as the character of the adjacent community, were used in evaluating survey data. These are the same standards used by the Department of Defense for its housing program. The primary thrust of the housing program continues to be the provision of adequate quarters for enlisted personnel and junior officers.

The purpose of this project is to provide housing for Coast Guard personnel and dependents in those areas where living accommodations are most inadequate. This funding will provide for the construction of approximately 106 units of housing at various locations.

#### 7. Bridges

The program for fiscal year 1975 provides for alteration of bridges previously determined to be unreasonable obstructions to navigation. This authorization continues the program to ensure that reasonable needs of navigation are met. Generally, bridges to be altered were built with what are now insufficient vertical and/or horizontal clearances for free navigation on the navigable waters of the United States. The Coast Guard, for the Federal Government, shares in the cost of these alterations. Section 4 of the bill authorizes \$6,800,000 for the use

of the Coast Guard for payment to bridge owners for the cost of alterations of railroad bridges and public highway bridges under this program.

#### 8. Personnel and Training

Section 2 of the bill authorizes a fiscal year 1975 end-year strength for active duty personnel of 37,748, excluding members of the Ready Reserve called to active duty under Public Law 92-479.

Section 604 of Public Law 92-436 imposes the obligation on each of the armed forces to obtain an annual authorization from Congress for "average military training student loans". By statute, the training needs must be placed in one of four categories: (1) Recruit and Specialized Training, (2) Flight Training, (3) Professional Training in Military and Civilian Institutions, and (4) Officer Acquisition Training. The levels authorized represent the ideal numbers necessary to provide expertise, an annual loss of which results from the loss of personnel through attrition, technological advances and changes, and increased responsibilities imposed on the Coast Guard by Congressional and Executive mandate. The authorization request is expressed in "Man Years of Training" as the Coast Guard has determined this to be an effective means of planning training capacities at their training centers.

Section 3 of the bill authorizes the following specific levels of military training student loads for fiscal year 1975 in each category:

A. Recruit and specialized training.....	4,080
B. Flight Training—involving actual flight.....	85
C. Professional training in military and civilian institutions.....	375
D. Officer acquisition training.....	1,160
Total training required.....	5,700

#### 9. Schooling of Dependents Outside the Continental United States

Section 5 of the bill amends section 657 of title 14, United States Code, so as to authorize the expenditure of funds, out of money appropriated for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States, whenever schools in the locality are unable to provide adequately for the education of those dependents. This amendment to title 14, United States Code, obviates the necessity of the Coast Guard to annually seek this authority through the appropriations process, and in that regard is responsive to prior urgings of the Appropriations Committees.

#### EXPLANATION OF AMENDMENTS

1. The Committee amendment proposed by a new section 6 of the bill would exempt vessels of not more than 5,000 gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska from various Coast Guard administered load line and inspection requirements. Similar exemptions are presently authorized for cannery tender and fishing tender vessels of not more than 500 gross tons used in the salmon or crab fisheries of those States.

For several years the owners of fish processing vessels in the States of Oregon, Washington, and Alaska assumed that they were exempt from certain Coast Guard administered load line and vessel inspection

laws because of statutory exemptions from those laws created for certain cannery tender and fishing tender vessels used in the salmon or crab fisheries of those States. The Coast Guard, only recently, has begun to inspect fish processing vessels (some 15 in number ranging in size up to about 5,000 gross tons), and a recent United States District Court decision has upheld the authority of the Coast Guard to do so under these existing statutes.

The changes to existing law contained in the Committee's amendment to H.R. 13595, through the addition of section 6 to the bill, will afford these processing vessels the exemptions which they have for years assumed that they were entitled to. These vessels cannot operate this season without the exemptions contained in this Committee amendment. In general, section 6 of the bill will exempt these vessels from the requirements of 46 U.S.C. 88 (loadlines), 46 U.S.C. 367 (inspection of motor vessels over 300 gross tons), 46 U.S.C. 391a (inspection of vessels carrying certain liquid cargoes in bulk), and 46 U.S.C. 404 (inspection of certain vessels carrying freight or passenger for hire).

2. The Committee amendment to the bill, proposed by the addition of a new section 7, is in realization of the possibility that in the near future the national fishery jurisdiction may expand thus requiring the closer regulation of fishing activities because of stock depletion and increased competition for scarce resources. To date, however, very little attention has been given to examining the various new techniques (for example, satellites and remote sensing devices) now available to supplement the use of vessels and aircraft in the enforcement of fisheries laws.

The purpose of the amendment contained in the addition of section 7 to the bill is to provide the Coast Guard with a mandate to study this issue and to require it to report the results of the study within one year. An authorization for \$200,000 is included to fund the study.

#### ESTIMATED COSTS

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510), the cost of the legislation for fiscal year 1975 is \$122,200,000.

#### CHANGES IN EXISTING LAW

In compliance with subsection 4 of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

#### SECTION 657 OF TITLE 14, UNITED STATES CODE

##### SEC. 657. DEPENDENT SCHOOL CHILDREN **[**; TRANSPORTATION OF**]**

(a) *Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed*

*outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents.*

(b) Whenever the Secretary, under such regulations as he may prescribe, determines that schools located in the same area in which a Coast Guard facility is located are not accessible by public means of transportation on a regular basis, he may provide, out of funds appropriated to or for the use of the Coast Guard, for the transportation of dependents of Coast Guard personnel between the schools serving the area and the Coast Guard facility.

#### SECTION 88 OF TITLE 46, UNITED STATES CODE

##### SUBCHAPTER II—LOADLINES FOR VESSELS ENGAGED IN COASTWISE TRADE

##### SEC. 88. ESTABLISHMENT; VESSELS AFFECTED; EXEMPTIONS

(a) \* \* \*

(b) All cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska except those constructed after July 11, 1968, or those converted to either of such services after five years from July 11, 1968, *and all vessels of not more than five thousand gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, except those constructed after August 15, 1974, or those converted to any of such services after July 11, 1978,* are exempt from the requirements of sections 88-88i of this title.

#### SECTION 367 OF TITLE 46, UNITED STATES CODE

##### SEC. 367. SEAGOING VESSELS PROPELLED BY INTERNAL-COMBUSTION ENGINES; EXEMPTIONS

Existing laws covering the inspections of steam vessels are made applicable to seagoing vessels of three hundred gross tons and over propelled in whole or in part by internal-combustion engines to such extent and upon such conditions as may be required by the regulations of the Commandant of the Coast Guard: *Provided*, That this section shall not apply to any vessel engaged in fishing, oystering, clamming, crabbing, or any other branch of the fishery or kelp or sponge industry. **[**As used herein, the phrase "any vessel engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery or kelp or sponge industries" includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations. The exemption in the preceding sentence for cannery tender or fishery tender vessels shall continue in force for five years from July 11, 1973.**]** *As used herein, the phrase "any vessel engaged in fishing, oystering, clamming, crabbing or any other branch of the fishery or kelp or sponge*



industries" includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations, and vessels of not more than five thousand gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska. The exemptions in the preceding sentence for cannery tender, and fishing tender vessels and vessels used in processing or assembling fishery products shall continue in force until July 11, 1978. Provided further, that . . .

#### SECTION 391a OF TITLE 46, UNITED STATES CODE

##### SEC. 391a. VESSELS CARRYING CERTAIN CARGOES IN BULK

(1) \* \* \*

(2) *Vessels Included.*—All vessels, regardless of tonnage size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, which are documented under the laws of the United States or enter the navigable waters of the United States, except public vessels other than those engaged in commercial service, that shall have on board liquid cargo in bulk which is—

(A) inflammable or combustible, or

(B) oil, of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, or

(C) designated as a hazardous polluting substance under section 1162(a) of Title 33;

shall be considered steam vessels for the purposes of title 52 of the Revised Statutes of the United States and shall be subject to the provisions thereof: **[Provided, That this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages: And provided further, That nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 90-397 with respect to certain vessels of not more than five hundred gross tons: And provided further, That this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.]** *Provided, That (i) this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages; (ii) nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 90-397 with respect to certain vessels of not more than five hundred gross tons; (iii) this section shall not apply to vessels of not more than five thousand gross tons used in the processing and assembling of fishery products in the fisheries of the State of Oregon, Washington, and Alaska and such vessels shall be allowed to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as may be*

*required by the Secretary of the department in which the Coast Guard is operating; and (iv) this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.*

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#### SECTION 404 OF TITLE 46, UNITED STATES CODE

##### SEC. 404. INSPECTION OF FERRYBOATS, CANAL BOATS, AND SMALL CRAFT; REGULATIONS; EXEMPTIONS

The hulls and boilers of every ferryboat, canal boat, yacht or other small craft of like character propelled by steam, shall be inspected under the provisions of this title. Such other provisions of law for the better security of life as may be applicable to such vessels shall, by the regulations of the Secretary of the department in which the Coast Guard is operating, also be required to be complied with before a certificate of inspection shall be granted, and no such vessel shall be navigated without a licensed engineer and a licensed pilot: *Provided, That in open steam launches of ten gross tons and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer. All vessels of above fifteen gross tons carrying freight for hire and all vessels of above fifteen gross tons and in excess of sixty-five feet in length carrying passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha, or electric motors, shall be subject to all the provisions of this section relating to the inspection of hulls and boilers and requiring engineers and pilots, and for any violation of the provisions of title 52 of the Revised Statutes applicable to such vessels, or of rules or regulations lawfully established thereunder, and to the extent to which such provisions of law and regulations are so applicable, the said vessels, their masters, officers, and owners shall be subject to the provisions of sections 494-498 of this title, relating to the imposition and enforcement of penalties and the enforcement of law: Provided, however, That until June 30, 1956, no vessel registered or licensed as a vessel of the United States of fifteen gross tons or less on December 31, 1953, shall be deemed to be subject to the inspection provisions of this section notwithstanding the fact that such vessel may thereafter be found to have a tonnage in excess of fifteen gross tons, unless such finding results from an alteration in the length, breadth, or depth affected after December 31, 1953: Provided further, That no vessel under one hundred and fifty gross tons, owned by or demise chartered to any*

cooperative or association engaged solely in transporting cargo owned by any one or more of the members of such cooperative or association on a nonprofit basis (1) between places within the inland waters of Southeastern Alaska, as defined pursuant to section 151 of Title 33, or (2) between places within said inland waters of Southeastern Alaska and Prince Rupert, British Columbia, or (3) between places within said inland waters of Southeastern Alaska and places within the inland waters of the State of Washington, as also defined pursuant to such section, via sheltered waters, as defined in Article I, of the Treaty between United States and Canada defining certain waters of the west coast of North America as sheltered waters, dated December 9, 1933, shall be deemed to be carrying freight for hire within the meaning of this section. [As used herein, the phrase "engaged in fishing as a regular business" includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations. The exemption in the preceding sentence for cannery tender and fishing tender vessels shall continue in force for five years from July 11, 1973.] *As used herein, the phrase "engaged in fishing as a regular business" includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations, and vessels of not more than five hundred gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska. The exemptions in the preceding sentence for cannery tender, fishing tender vessels and vessels used in processing or assembling of fishery products shall continue in force until July 11, 1978.*

#### AGENCY COMMENTS



## COAST GUARD AUTHORIZATION FOR FISCAL YEAR 1975

MAY 31, 1974.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and Fisheries, submitted the following

### REPORT

[To accompany H.R. 13595]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill H.R. 13595, to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

On page 2, lines 23 and 24, strike the figure "\$73,631,000:" and insert in lieu thereof the figure "\$74,731,000:".

On page 4, line 13, insert the following after subparagraph (20) and renumber succeeding subparagraphs accordingly:

"(21) New York, New York: Complete vessel traffic system, phase I (part II)."

At page 5, after line 18, insert the following new section:

SEC. 5. Section 657 of title 14, United States Code is amended—

(a) by deleting from the catch line the semicolon and the words following "children";

(b) by designating the existing section as subsection (b); and

(c) by inserting a new subsection (a) as follows:

(a) Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area,

when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents.

#### EXPLANATION OF AMENDMENTS

##### AUTHORIZATION OF FUNDS TO COMPLETE PHASE I (PART II) OF NEW YORK HARBOR VESSEL TRAFFIC SYSTEM

During last year's authorization hearings the Coast Guard stated there was no traffic system called for under the Ports and Waterways Safety Act of 1972 in New York at that time. Corps of Engineers statistics cited 350,465 vessel transits of New York Harbor in 1971. Coast Guard casualty data for 1971 cited 34 collisions and 21 groundings. New York Port Authority estimates that in 1970 every fourth vessel entering was a tanker. A project authorized by the Committee was a phased approach to providing an integrated traffic system using VHF-FM communications, improved aids to navigation, limited electronic surveillance, and a manned traffic center for coordination of traffic movements on the waterways around New York. The traffic center will be located on Governors Island, New York, and the service will be available 24 hours a day.

This year the Coast Guard requested \$1,100,000 to complete the New York Vessel Traffic System. Phase I (Part II). The money was approved by the Department of Transportation but eliminated by OMB.

Testimony before the Committee indicated an urgent need for a Vessel Traffic System in New York Harbor. Of all the ports in the United States, according to a Coast Guard study, the Port of New York ranked Number One in all negative categories such as collisions, groundings, pollution from oil and other spills, deaths and injuries due to ship accidents, etc. The Committee unanimously voted to authorize an additional \$1,100,000 to the Construction request of the Coast Guard to complete Phase I (Part II) of the New York Vessel Traffic System begun last year.

##### AUTHORIZATION OF THE EXPENDITURE OF FUNDS FOR THE SCHOOLING OF COAST GUARD DEPENDENTS OUTSIDE THE CONTINENTAL UNITED STATES

The amendment would add a new section to the bill to amend section 657 of title 14, United States Code. The Committee amendment authorizes the expenditure of funds, out of money appropriated for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States whenever schools in the locality are unable to provide adequately for the education of those dependents. *This identical provision was considered by this committee and favorably reported on September 13, 1973 (H. Rpt. 93-509) as part of the Coast Guard Omnibus bill, H.R. 9293. The House passed H.R. 9293, including this provision, on September 18, 1973. The Senate Commerce Committee, in its consideration of H.R. 9293 as passed by the House, deleted the provision amending section 657 of title 14. It stated in its report on the bill (S.*

Rpt. 93-770) that the amendment should more properly be included in the Coast Guard's authorization bill for fiscal year 1975. The amendment of the Committee is responsive to that statement.

#### PURPOSE OF THE BILL

The purpose of the bill is to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations for fiscal year 1975, and to authorize for the Coast Guard an end-year strength for active duty personnel, and average military student loans for fiscal year 1975.

#### BACKGROUND AND NEED FOR THE LEGISLATION

The authorization request in H.R. 13595 is for a total of \$122,000,000, as amended in Committee, for fiscal year 1975 for the use of the Coast Guard. The total figure is divided as follows:

A. Vessels—\$22,676,000, for procurement, renovation; and increasing the capability of vessels.

B. Aircraft—\$17,793,000, for procurement of eight replacement fixed wing medium range search aircraft.

C. Construction—\$74,731,000, for the development and establishment of Coast Guard installations and facilities.

D. Bridge Alteration—\$6,800,000, for payment for the cost of alteration of railroad bridges and public highway bridges.

The original Coast Guard Fiscal Year 1975 preview estimate was in a total of \$182,351,000. The Department's request to the Office of Management and Budget totaled \$140,000,000, and the final total in the President's budget as set out in H.R. 13595, is \$114,100,000. In its report last year, the Committee expressed its desire to increase the monies available to the Coast Guard in view of the services expanding responsibilities and missions. The Fiscal Year 1975 \$114,100,000 authorization approved by the Administration is \$38 million more than the 1974 figure. This 33% increase in funds in just one year is progress, but the Committee feels the Coast Guard will need even more in the future to do the important jobs it has to do.

The Committee has worked for increases in funding to give the Coast Guard a greater capability to save lives, prevent oil and other pollution, to protect the interests of United States fishermen, and to provide the best in domestic and international navigational aids. There is provided in this Authorization funding for increased Coast Guard strength which will be needed for marine environmental protection and port safety duties imposed by the Federal Water Pollution Control Act and the Ports and Waterways Safety Act.

Twenty-one million dollars will be provided to allow the Coast Guard to continue the development of its high seas oil spill recovery system, the development of special techniques and equipment to cope with Arctic and fast-current pollution, and flight-test a prototype airborne oil surveillance system. This money represents a thirty percent increase in anti-pollution funding.



These developments in addition to the initial procurement of modern and more powerful jet aircraft for search and rescue missions and offshore patrols and the substantial funds authorized for the long-range navigational aids for which this Committee fought last year makes the picture much brighter for the Coast Guard. Much more needs to be done, however, to bring the Coast Guard to the strength needed to do its work. It needs newer and better equipment and refurbishing of its SAR bases some of which are in dire need of modernization. Some of its newest vessels are using hand-me-down radar from the Navy which is of questionable use. The Committee intends to see that these and other deficiencies are rectified in the months ahead.

#### COMMENDATION OF ADM. CHESTER R. BENDER AND VICE ADM. THOMAS R. SARGENT, III

In view of the expiration of their terms of service and their retirement from the Coast Guard, the Committee takes this opportunity to commend Admiral Chester R. Bender, Commandant, and Vice Admiral Thomas R. Sargent, III, Vice Commandant, for their contributions to the Coast Guard over the last four years, and indeed, their entire careers.

It is fitting to say that under their leadership, the Coast Guard has excelled in all areas, with a particular emphasis on significant breakthroughs and activities in the fields of environmental protection and marine safety.

#### VESSELS

In the area of vessel construction, the bill authorizes \$1,400,000 for the procurement of three 32-foot port safety boats and four 55-foot aids to navigation boats. The port safety boats are to be used for in-shore and harbor work made necessary by responsibilities assigned to the Coast Guard, including those under the Ports and Waterways Safety Act of 1972 and the Federal Water Pollution Control Act, as amended. The aids to navigation boats are needed to transport specially trained aids to navigation teams quickly and efficiently to, between, and from short-range aids currently being serviced by buoy tenders which are well suited for major aids to navigation maintenance, although they are less adaptable for minor maintenance which must be accomplished on a priority basis. In addition to providing rapid transportation, these boats will also provide a work platform for the servicing team.

In the area of vessel replacement, \$2,300,000 is authorized for the construction of one 160-foot self-propelled inland construction tender to replace the 100-foot inland aids to navigation tender VERBENA which is in excess of 30 years old, and suffers from substandard habitability, lack of storage and shop space, slow speed, and lack of maneuverability. Additionally, \$5,800,000 is authorized for the construction of thirty 41-foot search and rescue utility boats. These boats are to replace a portion of the remaining one hundred and thirty-nine 40-foot utility boats which are facing block obsolescence. Over one-half of this fleet is nearing the end of its expected service life. These boats are the workhorses of the Coast Guard search and rescue stations. With the workload of these stations increasing, the maintenance of the existing

fleet is becoming increasingly costly and time-consuming, and it is not feasible to rebuild the existing boats. The new boats provide better protection for the crews which now must work in the open subject to the elements.

Finally, vessel authorizations in the amount of \$10,376,000 are provided to continue the program to renovate and improve the propulsion systems of buoy tenders, to re-engine and renovate some of the Coast Guard's 133-foot coastal buoy tenders, and to modernize the communications equipment aboard eight vessels.

#### AIRCRAFT

The bill authorizes \$17,793,000 for the procurement of eight medium range fixed-wing surveillance aircraft. The aircraft are the first replacements for the Coast Guard's fleet of HU-16E amphibious aircraft, all of which are reaching the point of total operational and engineering obsolescence. The Coast Guard had originally indicated its intention to purchase the Rockwell International Sabre Jet 75-A as the replacement aircraft. During the hearings, your Committee made in-depth inquiries into this intended purchase. Those inquiries have resulted in the Coast Guard's decision to change its procurement process from one of sole source to the two-step competitive bid process. A letter dated May 9, 1974, from Admiral C. R. Bender to the Hon. John M. Murphy, Chairman of the Committee's Subcommittee on Coast Guard outlines the procedure to be followed and the appropriate Federal Procurement Regulations as follows:

DEPARTMENT OF TRANSPORTATION,  
U.S. COAST GUARD,  
Washington, D.C., May 9, 1974.

HON. JOHN M. MURPHY,  
Chairman, Subcommittee on Coast Guard and Navigation, Committee  
on Merchant Marine and Fisheries, House of Representatives,  
Washington, D.C.

DEAR MR. MURPHY: As you are aware, in recent weeks there has arisen much discussion and new information concerning the specific aircraft and the method of procurement proposed by the Coast Guard for its MRS aircraft for which authorization is requested in the Coast Guard's 1975 Authorization Bill.

Although I remain convinced that our procurement approach is a valid one, it has clearly caused you and your committee a substantial problem as testimony in recent weeks clearly demonstrates. I am, therefore, prepared to modify my procurement approach if it will enable your committee to authorize the procurement and overcome problems raised by the testimony to which I refer.

This approach, called "Two-Step Formal Advertising," solicits technical proposals in response to a Request for Proposal based on operational and engineering requirements. These proposals are then evaluated as to acceptability. The second step then solicits a firm fixed price from those manufacturers whose technical proposals were acceptable. I am enclosing a copy of an excerpt from the Federal Procurement Regulations which describes this approach in more detail.

The two-step method will permit those aircraft manufacturers who testified as well as others who may be qualified to participate in the competitive procurement process.

In retrospect, the Coast Guard feels that your committee has made a positive contribution in that you have served as a medium through which industry concerns in this matter have become better appreciated by the Coast Guard.

Sincerely,

C. R. BENDER,  
*Admiral, U.S. Coast Guard Commandant.*

EXCERPTS FROM FEDERAL PROCUREMENT REGULATIONS

SUBPART 1-2.5—TWO-STEP FORMAL ADVERTISING

§ 1-2.501 *General*

(a) Two-step formal advertising is a method of procurement designed to promote the maximum competition practicable when available specifications are not sufficiently definite to permit a formally advertised procurement in accordance with Subparts 1-2.2, 1-2.3, and 1-2.4. It is a flexible procedure and is especially useful, in procurement of complex and technical items, to prevent the elimination of potentially qualified producers from the competitive base.

(b) Two-step formal advertising is conducted in two phases. The first step consists of the request for, and the submission, evaluation, and, if necessary, discussion of a technical proposal, without pricing, to determine the acceptability of the supplies or services offered. As used in this context, the word "technical" has a broad connotation and, among other things, includes engineering approach, special manufacturing processes, and special testing techniques. Also, when required to clarify basic technical requirements, other related requirements such as management approach, manufacturing plan, or facilities to be utilized may be clarified in this step. The second step consists of a formally advertised procurement, confined to those offerors who submitted an acceptable technical proposal in Step One.

(c) This method of procurement requires that the contracting officer work closely with technical personnel and rely on their specialized knowledge in determining the technical requirements of the procurement and the criteria to be used in evaluating technical proposals, and in making such evaluation. An objective of the two-step procedure is to permit the development of a sufficiently descriptive statement of the Government's requirements, including the development of a technical data package, so that subsequent procurements may be made by conventional formal advertising.

§ 1-2.502 *Conditions for use*

The two-step formal advertising method of procurement may be used when its use has been approved at a level higher than the contracting office and when all of the following conditions are present:

(a) Available specifications or purchase descriptions are not sufficiently definite or complete to permit full and free competition without engineering evaluation and necessary discussion of the technical

aspects of the requirement to insure mutual understanding between each source and the Government.

(b) Definite criteria exist for evaluating technical proposals, such as applicable design, manufacturing, testing, and performance requirements, and special requirements for operational suitability and ease of maintenance; however, such criteria shall not include consideration of capacity or credit as defined in § 1-1.708 of this chapter.

(c) More than one technically qualified source is expected to be available both initially and after technical evaluation.

(d) A firm fixed-price contract or a fixed-price contract with escalation (see § 1-2.201 (a) (21)) will be used.

Through its Subcommittee on Coast Guard and Navigation the Committee intends to exercise continuing oversight of this procurement to ensure that the competitive process is conducted in strict accordance with the principles of the Federal Procurement Regulations. To this end the following letter was sent to Admiral Bender by the Subcommittee Chairman, the Hon. John Murphy:

MAY 28, 1974.

Adm. CHESTER R. BENDER,  
*Commandant, U.S. Coast Guard,*  
*Washington, D.C.*

DEAR ADMIRAL BENDER: As the recent hearings on the Fiscal Year 1975 Coast Guard Authorization Bill indicate, the Committee recognizes as valid the need for new aircraft to enable the Coast Guard to fulfill the Coast Guard's mission responsibilities.

Further, the Committee recognizes its responsibilities to the Congress to be sure that the Coast Guard procures the most cost-effective aircraft available that meets mission requirements.

To this end, and to preclude further delay in procurements arising from inadequate communication and understanding between your Command and the Congress, it is requested that new aircraft requirement specifications be sent to this Committee for review and concurrence prior to their issuance to the aircraft industry.

Further, I request a copy of your old specification which was developed in conjunction with the proposed Rockwell sole-source procurement. This would give the Committee the necessarily historical information needed for a fair evaluation of future procurements.

Sincerely,

JOHN M. MURPHY,  
*Chairman, Coast Guard and Navigation, Subcommittee.*

The change to a competitive bid process will not significantly delay the purchase of these needed replacement aircraft since the Coast Guard advises that the purchase contracts are expected to be let during Fiscal Year 1975. Your Committee fully supports the Coast Guard's decision to proceed with procurement as soon as possible.

Although the bill indicates that eight aircraft will be purchased for the authorized appropriation, the Commandant of the Coast Guard testified that "... The figures shown in this bill, according to our current estimates, will not buy eight of the aircraft. In other words, the price is higher than we anticipated." This testimony was

in reference to the then contemplated sole source negotiated procurement. Therefore, although the number of aircraft that the Coast Guard can purchase for the authorized appropriation will have to be determined at a later date; after bids are opened, it is hoped that the lower price expected to result from the competitive bid process will permit the purchase of the desired eight aircraft.

#### POLLUTION ABATEMENT

The Federal Water Pollution Control Act, as amended prohibits the discharge of oil or hazardous substances into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. Since the Coast Guard administers and enforces various maritime environmental protection laws relating to the discharge of oil and other hazardous substances, its own performance in this regard should be exemplary. The bill authorizes \$1,500,000 for Phase II of a multiyear project to ensure that the Coast Guard is taking a leadership role in pollution abatement.

Selected Coast Guard vessels will be altered and have equipment installed so that there will be no oil content in their discharges. The concentrated oily wastes will be transferred to shore reception facilities for ultimate disposal by contractor until technology progresses to the point where the oil can be recycled or treated aboard the vessel.

The Federal Water Pollution Control Act, as amended, requires vessels to treat and/or retain non-oily wastes. The bill, therefore, authorizes \$1,000,000 for Phase IV of a multiyear project commenced in 1972 to install equipment on selected Coast Guard vessels to enable them to meet the standards of performance promulgated under the authority of this Act.

#### AIDS TO NAVIGATION

The bill authorizes \$1,000,000 to enable the Coast Guard to fulfill its statutory responsibility to provide for the navigational needs of the maritime public and the armed forces. New aids are established, as required, when the navigable waters of the United States are extended by completion of Corps of Engineers projects. Aids in existing waterways are improved to fulfill changing maritime user requirements. The Coast Guard is responsible for more than 45,000 aids to navigation which are necessary to properly mark the navigable waters of the United States. Subprojects in this request comprise requirements for buoys, fixed marks, lights, sound, and other signals to assist in marine navigation.

\$1,000,000 is authorized to continue the Coast Guard's Lighthouse Automation and Modernization Program (LAMP). For about a decade the Coast Guard has been converting lighthouses to permit unmanned operation whenever possible. The result is savings from personnel reductions, and the elimination of arduous isolated duty for Coast Guard personnel. Some nine different locations including twenty stations are scheduled for various phases of lighthouse automation.

Public Law 93-153 amended the Mineral Leasing Act of 1920 and authorized a Trans-Alaska oil pipeline. Section 402 of that Act estab-

lished a requirement for a vessel traffic control system for Prince William Sound and Valdez, Alaska. The bill, therefore, authorizes \$2,361,000 for the Coast Guard to meet that requirement. The project will provide for an integrated traffic system for the Port of Valdez, Valdez Arm and Narrows including a manned Vessel Traffic Center, A Port Safety Station will be collocated with the Vessel Traffic Center in Valdez, Alaska, and is included in this project.

The bill authorizes \$6,000,000 for the replacement of equipment at the existing Loran-C stations in the Mediterranean Chain. This Chain is presently operated by the Coast Guard in support of Department of Defense requirements. Obsolete equipment would be replaced on five stations to provide improved performance, higher signal availability, and more precise control. Some modification to or replacement of existing buildings is required to accept the new equipment.

Finally, the bill authorizes \$16,900,000 to improve the radionavigation system in the Pacific Coastal Confluence Zone. This authorization will allow the construction of five Loran-C stations on the West Coast of the United States to provide reliable navigation coverage for the Pacific Coastal Confluence Zone of the United States. The Coastal Confluence Zone is defined as that zone of waters contiguous to major United States land masses where transoceanic traffic converges and/or heavy interport traffic exists. The zone presently extends 50-miles offshore or to the 100 fathom line, whichever is further from the coast. The requirements for the system of navigation in this area, as the Coast Guard sees them, are the continuous availability of coverage from the coast to at least 50 nautical miles offshore, with a fix accuracy of one-quarter of a nautical mile under the most demanding method of determining system accuracy, which will guarantee 95 percent accuracy. Your committee considers that these stringent navigation system requirements for this area are necessary to ensure safe, efficient, and effective utilization of harbor entrance and approach sea lanes and restricted coastal sea lanes within the Coastal Confluence Zone. Additionally, oil exploration and oceanographic research vessels require fix accuracy of this dimension.

The Committee requested and received several detailed briefings from the Coast Guard on its choice of Loran-C as the navigation system best suited to meet the needs of safety for the entire Coastal Confluence Zone. The Coast Guard stated that it had considered several navigation systems for application to this area. Loran-C, Decca, Differential-Omega, and Loran-C were the systems which came closest to meeting the requirements and were the ones most seriously examined. Of these four, Loran-C was chosen based on an extensive analysis which considered factors including system range, reliability, and repeatable accuracy; installation and operation costs to the Government; user costs and user change over to a new system; and finally, the potential future application of each system.

The four competing systems may be described as follows:

Loran-A: is a pulsed hyperbolic navigation system with a ground range of 700-900 nautical miles, with a repeatable fix accuracy of one-half to two nautical miles. To extend Loran-A coverage throughout the Coastal Confluence Zone would require the modernization of

twenty-two existing stations and the construction of eight additional stations, the total capital cost of which was estimated by the Coast Guard to be 46.7 million dollars. However, it is not currently known if the fix accuracy of Loran-A can be technically improved to the point of ever providing the one-quarter nautical mile accuracy needed for the Zone.

Decca: is a continuous wave hyperbolic navigation system with a range of 250 nautical miles during the day and 150 nautical miles at night, with a repeatable fix accuracy of one-quarter of a nautical mile. There is currently no Decca coverage in the United States, and to extend coverage to the Coastal Confluence Zone was estimated by the Coast Guard to require \$142 million in capital cost.

Differential-Omega: is a navigation system which is based on the concept of broadcasting local corrections to the existing continuous wave hyperbolic Omega system. The reliable range of this system essentially does not exceed 140 miles in daytime. The fix accuracy of this system has also been found to vary both with the distance from the monitor stations and with the time of day; but in any case, this system can only meet the requirement of one-quarter nautical mile accuracy over a limited portion of the Coastal Confluence Zone. For this reason, the Coast Guard did not present cost estimates to establish this system throughout the Zone.

Loran-C: is a pulsed hyperbolic navigation system with a range of 1,200-1,500 nautical miles and a repeatable fix accuracy considerably less than one-quarter of a nautical mile. To extend Loran-C coverage equivalent to that of Loran-A throughout the Coastal Confluence Zone would require the upgrading of five existing stations and the construction of ten additional stations (five of which are on the West Coast and included in this authorization). The capital cost of this endeavor was estimated by the Coast Guard to be 49.1 million dollars. The Loran-C and Decca navigation systems are the only navigation systems which meet the required standard of accuracy throughout the entire Coastal Confluence Zone. Because of the cost advantage of Loran-C over Decca, the Coast Guard and the Department of Transportation have concluded the Loran-C should be adopted as the radionavigation system for the Coastal Confluence Zone.

The Committee notes that in addition to fulfilling the needs for a precision navigation system for the Coastal Confluence Zone, additional important benefits accrue from Loran-C. The range of that system far exceeds the minimum requirement of 50 nautical miles offshore. The Loran-C system proposed by the Coast Guard would provide highly accurate coverage well beyond 200-miles offshore. This system would, therefore, be more than sufficient should a law enforcement need arise in a zone in excess of 50-miles offshore. Additionally, the Coast Guard stated that Loran-C over the land has potential use, as a large portion of the land mass of the United States would be covered by it. The Coast Guard also indicated a desire to ultimately provide Loran-C coverage to the Great Lakes as well as the Coastal Confluence Zone by utilizing a sixteen station array configured, however, somewhat differently than the fifteen station array proposed for the Coastal Confluence Zone alone.

The Coast Guard states that a 5-year phase in period would be utilized in order to minimize the hardship to users of Loran-A which may result from the Services' conversion to the Loran-C navigation system in the Coastal Confluence Zone. This will include an eighteen to twenty-four month period in which the existing Loran-A and the replacing Loran-C signal will be provided simultaneously.

The Committee heard testimony in support of Coast Guard's choice of Loran-C as the appropriate Coastal Confluence Zone Navigation System from the Department of Defense and the American Institution of Merchant Shipping.

An important development took place during the hearing on H.R. 13595 regarding a resolution of the question of the selection and use of radionavigation systems by the United States. In response to a question posed to the Coast Guard on Tuesday, March 26, 1974, Admiral C. R. Bender provided the committee a copy of an agreement signed on March 25, 1974, entitled "Joint DOT/DOD Recommendation for Radionavigation Systems."

In view of the misunderstanding over the Department of Defense position that arose when this subject came up during committee hearings in 1973, this is a very significant document. It settles the issue with regard to the question of DOD needs, civilian user needs, and Coast Guard needs and helped clear the way for the Coast Guard to begin the urgently needed Coastal Confluence Region Navigational System on the West Coast. The statement of agreement is as follows:

#### JOINT DOT/DOD RECOMMENDATION FOR RADIONAVIGATION SYSTEMS

The Coast Guard and the Navy have long been partners in the development of navigation facilities, with Navy establishing requirements for its special needs and the Coast Guard providing the aids to meet those needs. This has been particularly true in the field of radionavigation, where, except for radiobeacons, all radio aids heretofore have been provided initially to meet Navy needs, starting with LORAN-A in World War II, extending to LORAN-C in the last decade and now to OMEGA.

Although the partnership now is on the Departmental level, i.e., DOT and DOD, the relationship has remained largely the same. There has been one basic change in recent years—the private sector and civilian branches of the public sector have also entered the picture as major users of radionavigation signals. As a result, the DOD role shifted from sole customer to one of the major customers, and it became necessary to meld the DOD needs with those of other users. Also, it fell upon DOT to determine the most cost-effective way to meet the needs of all while insuring the safety of mariner and environment alike.

To insure that the needs of this conglomerate of users were properly considered and that users had full knowledge of systems to be provided, the DOT National Plan for Navigation was initially issued in 1970. It was the result of a team effort by DOT including the Coast Guard and the FAA. This plan was fully coordinated with and approved by DOD. At the same time, it was recognized that there remained specialized needs for DOD agencies. These were addressed in the Joint Chiefs of Staff Master Navigation Plan. The Coast Guard

has participated regularly in the development of that Plan and has adjusted its long-range planning to support it.

Now we have come to a critical time of decision regarding United States Government provided radionavigation systems. LORAN-A, while still widely used, is clearly not adequate for the precision demanded for safety in our harbors and estuaries, shipping lanes, and coastal confluence region in general. Nor is it economically feasible to expect LORAN-A to provide worldwide, general purpose radionavigation service in the Oceanic areas. A replacement must be designated *now* to insure its availability in all necessary maritime areas involving the United States. This must be accomplished in time to keep pace with the rapidly increasing risks associated with the increase in shipping of potentially polluting or potentially devastating cargoes to our shores or to deepwater ports off our shores.

Drawing on the work done by and for DOD in developing aids for its navigators involved in both worldwide, general, and more concentrated precision needs, and recognizing that the DOD plans call for continued use of both LORAN-C and OMEGA for years to come, the Coast Guard has recommended—and the Secretary of Transportation has endorsed the use of these two primary navigation systems for at least the next decade. LORAN-C will provide the precision needs of civil users for coastal confluence, harbors, and estuaries, (and will serve as an adjunct to Vessel Traffic Systems being installed) while OMEGA will provide for worldwide en route general purpose use. In addition, Differential OMEGA might possibly serve as the DOD harbor approach system for their vessels in selected locations.

Since DOD has said it has no military requirement for expanding LORAN-C to cover the entire coastal confluence region of the United States, DOT/DOD discussions have been held to clarify the DOD position. These discussions have made it clear that the DOD statement was meant to convey that they are unable to justify the proposed expansion of LORAN-C for use by DOD. DOD does recognize the need for such an expansion for safety in the private sector and interposes no objection to the expansion of LORAN-C for that purpose by the Secretary of Transportation. DOD endorses the current OMEGA program as one essential part of the total system, while a precision global positioning system is being developed.

Having reached agreement that LORAN-C and OMEGA can provide for the United States Radionavigation needs the major remaining problem is that of an orderly phase-out of LORAN-A to give present users (including the DOD) reasonable time to amortize their investment in LORAN-A equipment and spread their investment in replacement equipment.

The DOT proposal for a minimum 5-year period before shutting down any LORAN-A facilities has also been discussed with DOD and, with certain adjustments for some overseas chains still to be fully resolved, it has been agreed upon.

In view of the foregoing, we jointly recommend approval of the DOT proposal that the radionavigation system provided by the United

States Government for its maritime areas consist of LORAN-C and OMEGA.

For the Secretary, Department of Transportation:

THEODORE C. LUTZ,  
*Deputy Under Secretary for Budget  
and Program Review.*

For the Secretary, Department of Defense:

D. L. SOLOMON,  
*Deputy Director, Telecommunications,  
Command and Control Systems.*

The Committee has received several inquiries and comments critical of the Coast Guard's choice of Loran-C for the Coastal Confluence Zone from the recreational boating community and other maritime interests. The Committee has fully considered these critical comments and, in light of the testimony received from the Coast Guard, concludes that those critical of the decision may not be fully informed of the merits of Loran-C. After full consideration of all views, the Committee is fully satisfied that the Coast Guard's choice of Loran-C is sound and appropriate and, therefore, has authorized the funding of an improved radio navigation system for the Pacific Coastal Confluence Zone. The Committee, in so authorizing, expresses the strong belief that the Loran-C is the only system suitable. It is the desire of the Committee that should any other system be selected, a full report be made to the Committee prior to the expenditure of any of the funds authorized by this Act.

#### SHORE UNITS

The Committee has authorized the Coast Guard's request for construction and improvement funds for shore units. Two of these units are not currently owned by the Federal Government. The bill authorizes \$741,000 to replace the station at Port Canaveral, Florida, and \$127,000 to improve and modify the moorings at Piers 36/37 Seattle, Washington. The Committee has been informed that although these two properties do not currently belong to the Federal Government, negotiations are underway to secure title to them from the Canaveral Port Authority and the Port of Seattle, respectively.

Each construction project requires contracting supervision, inspection, and overhead expenses which are necessary to ensure the success of the endeavor. These expenses are basically those independent of advance planning and design, that are essential to administering the overall Acquisition, Construction, and Improvement program. \$5,000,000 is provided in this authorization bill for the engineering and logistic support of construction projects. The bill also authorizes \$3,420,000 for advance surveys, design, and planning in fiscal year 1975 to ensure the proper budgeting for construction or major alteration projects in future years.

#### PUBLIC FAMILY QUARTERS

An important provision in the bill is the authorization of \$6,000,000 for the funding of public family quarters. In 1972, a survey indicated



that 4,187 of 18,696 married Coast Guardsmen were inadequately housed. Adequacy standards, which include distance from duty station and cost, as well as the character of the adjacent community, were used in evaluating survey data. These are the same standards used by the Department of Defense for its housing program. The primary thrust of the housing program continues to be the provision of adequate quarters for enlisted personnel and junior officers.

The purpose of this project is to provide housing for Coast Guard personnel and dependents in those areas where living accommodations are most inadequate. This funding will provide for the construction of approximately 106 units of housing at various locations.

#### BRIDGES

The program for fiscal year 1975 provides for alteration of bridges previously determined to be unreasonable obstructions to navigation. This authorization continues the program to ensure that reasonable needs of navigation are met. Generally, bridges to be altered were built with what are now insufficient vertical and/or horizontal clearances for free navigation on the navigable waters of the United States. The Coast Guard, for the Federal Government, shares in the cost of these alterations. The bill authorizes \$6,800,000 for the use of the Coast Guard for payment to bridge owners for the cost of alterations of railroad bridges and public highway bridges under this program.

#### PERSONNEL AND TRAINING

Section 2 of the bill authorizes a fiscal year 1975 end-year strength for active duty personnel of 37,748, excluding members of the Ready Reserve called to active duty under Public Law 92-479.

Section 604 of Public Law 92-436 imposes the obligation on each of the armed forces to obtain an annual authorization from Congress for "average military training student loads". By statute, the training needs must be placed in one of four categories: (1) Recruit and Specialized Training, (2) Flight Training, (3) Professional Training in Military and Civilian Institutions, and (4) Officer Acquisition Training. The levels authorized represent the ideal numbers necessary to provide expertise, an annual loss of which results from the loss of personnel through attrition, technological advances and changes, and increased responsibilities imposed on the Coast Guard by Congressional and Executive mandate. The authorization request is expressed in "Man Years of Training" as the Coast Guard has determined this to be an effective means of planning training capacities at their training centers.

The bill authorizes the following specific levels of military training student loads for fiscal year 1975 in each category:

A. Recruit and specialized training	4,080
B. Flight training—involving actual flight	85
C. Professional training in military and civilian institutions	375
D. Officer acquisition training	1,160
Total training required	5,700

#### COST OF THE LEGISLATION

The cost of the legislation for fiscal year 1975 is \$122 million.

#### DEPARTMENTAL REPORTS

Executive Communication No. 1986 transmitting the proposed legislation follows herewith:

[Exec. Com. No. 1986]

THE SECRETARY OF TRANSPORTATION,  
Washington, D.C., March 5, 1974.

HON. CARL ALBERT,  
Speaker of the House of Representatives,  
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a draft of a bill, "To authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes."

This proposal is submitted under the requirements of Public Law 88-45 which provides that no funds can be appropriated to or for the use of the Coast Guard for the procurement of vessels or aircraft or the construction of shore or offshore establishments unless the appropriation of such funds is authorized by legislation. Section 2 of the proposed bill responds to section 302 of Public Law 92-436 which directs that Congress shall authorize for each fiscal year the end strength as of the end of the fiscal year for active duty personnel for each component of the Armed Forces. Section 3 responds to section 604 of the same Public Law which provides that Congress shall authorize for each component of the Armed Forces the average military training student loads for each fiscal year. Section 4 authorizes funds for the use of the Coast Guard for payments to bridge owners for the cost of alteration of railroad and public highway bridges to permit free navigation of the navigable waters of the United States under the Act of June 21, 1940 (54 Stat. 497, 33 U.S.C. 511 et seq.), as amended.

The proposal includes, as it has previously, all items of acquisition, construction, and improvement programs for the Coast Guard to be undertaken in fiscal year 1975 even though the provisions of Public Law 88-45 appear to require authorization only for major facilities and construction. Inclusion of all items avoids the necessity for arbitrary separation of these programs into two parts with only one portion requiring authorization.

The attention of the Congress is specifically drawn to the establishment of a search and rescue station at Port Canaveral, Florida, and to the relocation of Coast Guard units to Piers 36/37, Seattle, Washington (project numbers 11 and 16 under the heading "CONSTRUCTION" in section 1 of the bill). As indicated, both of these projects are planned

at non-federally owned locations currently leased by the Coast Guard. The Coast Guard has commenced purchase negotiations for both of these locations.

Not all items, particularly those involving construction, are itemized. For example, those involving navigational aids, light station automation, public family quarters, and advanced planning projects contain many different particulars the inclusion of which would have unduly lengthened the bill.

In further support of the legislation, the cognizant legislative committees will be furnished detailed information with respect to each program for which fund authorization is being requested in a form identical to that which will be submitted in explanation and justification of the budget request. Additionally, the Department will be prepared to submit any other data that the committees or their staffs may require.

It would be appreciated if you would lay this proposal before the House of Representatives. A similar proposal has been submitted to the President of the Senate.

The Office of Management and Budget has advised that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

CLAUDE S. BRINEGAR.

[Committee note.—The draft bill is now H.R. 13595, as introduced.]

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, 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 matter is printed in italic, existing law in which no change is proposed is shown in roman) :

#### SECTION 657 OF TITLE 14, UNITED STATES CODE

##### § 657. DEPENDENT SCHOOL CHILDREN [; TRANSPORTATION OF]

(a) *Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents.*

(b) Whenever the Secretary, under such regulations as he may prescribe, determines that schools located in the same area in which a Coast Guard facility is located are not accessible by public means of transportation on a regular basis, he may provide, out of funds appropriated to or for the use of the Coast Guard, for the transportation of dependents of Coast Guard personnel between the schools serving the area and the Coast Guard facility.

# Ninety-third Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

### An Act

To authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That funds are hereby authorized to be appropriated for fiscal year 1975 for the use of the Coast Guard as follows:

#### VESSELS

For procurement, renovation, and increasing the capability of vessels, \$22,676,000.

##### A. Procurement:

- (1) One one-hundred-and-sixty-foot inland construction tender;
- (2) small boat replacement program; and
- (3) design of vessels.

##### B. Renovation and increasing capability:

- (1) renovate and improve buoy tenders;
- (2) re-engine and renovate coastal buoy tenders;
- (3) modernize and improve cutter, buoy tender, and icebreaker communications equipment;
- (4) abate pollution by oily waste from Coast Guard vessels; and
- (5) abate pollution by nonoily waste from Coast Guard vessels.

#### AIRCRAFT

For procurement of eight replacement fixed-wing medium-range search aircraft, \$17,793,000.

#### CONSTRUCTION

For the establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, \$74,731,000:

- (1) St. Petersburg, Florida: Establish a new consolidated aviation facility.
- (2) Arcata, California: Construct air station, phase II.
- (3) Sitka, Alaska: Construct new air station.
- (4) Woods Hole, Massachusetts: Construct small boat maintenance facility at Coast Guard base.
- (5) New London, Connecticut: Renovate and expand cadet galley and dining facilities at Coast Guard Academy.
- (6) Curtis Bay, Maryland: Renew steam system at Coast Guard yard, phase II.
- (7) Yorktown, Virginia: Construct classroom building at Reserve training center.
- (8) Portsmouth, Virginia: Construct new Coast Guard base, phase III.
- (9) Virginia Beach, Virginia: Replace Little Creek Station waterfront facilities.



- (10) Rodanthe, North Carolina: Improve Oregon Inlet Station.
- (11) Port Canaveral, Florida: Replace Port Canaveral Station (leased property).
- (12) Miami, Florida: Renovate Miami Air Station.
- (13) Port Aransas, Texas: Rebuild Port Aransas Station.
- (14) Traverse City, Michigan: Rebuild air station.
- (15) Keokuk, Iowa: Construct depot building.
- (16) Seattle, Washington: Relocate Coast Guard units to piers 36/37, phase I (leased property).
- (17) Alaska, various locations: Establish VHF-FM distress communications system.
- (18) Kodiak, Alaska: Renovate and consolidate Coast Guard base, phase II.
- (19) Valdez, Alaska: Establish vessel traffic system and port safety station.
- (20) Various locations: Improve radio navigation system of Pacific coastal region.
- (21) New York, New York: Complete vessel traffic system, phase I (part II).
- (22) Various locations: Waterways aids to navigation projects.
- (23) Various locations: Lighthouse automation and modernization program (LAMP).
- (24) Various locations: Mediterranean loran C equipment replacement.
- (25) Various locations: Public family quarters.
- (26) Various locations: Advance planning, survey, design, and architectural services; project administration costs; acquire sites in connection with projects not otherwise authorized by law.

SEC. 2. For fiscal year 1975, the Coast Guard is authorized an end strength for active duty personnel of thirty-seven thousand seven hundred and forty-eight; except that the ceiling shall not include members of the Ready Reserve called to active duty under the provisions of Public Law 92-479.

SEC. 3. For fiscal year 1975, military training student loads for the Coast Guard are authorized as follows:

- (1) recruit and special training, four thousand and eighty man-years;
- (2) flight training, eighty-five man-years;
- (3) professional training in military and civilian institutions, three hundred and seventy-five man-years; and
- (4) officer acquisition training, one thousand one hundred and sixty man-years.

SEC. 4. For use of the Coast Guard for payment to bridge owners for the cost of alterations of railroad bridges and public highway bridges to permit free navigation of navigable waters of the United States, \$6,800,000 is hereby authorized.

SEC. 5. Section 657 of title 14, United States Code, is amended—

- (a) by deleting from the catchline the semicolon and the words following "children";
- (b) by designating the existing section as subsection (b); and
- (c) by inserting a new subsection (a) as follows:

"(a) Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same

## H. R. 13595—3

area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents.”

Sec. 6. (1) Section 1(b) of the Act of August 27, 1935 (46 U.S.C. 88), as amended, is further amended by inserting the words “and all vessels of not more than five thousand gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, except those constructed after August 15, 1974, or those converted to any of such services after July 11, 1978,” after the words “from July 11, 1968,” but before the words “are exempt”.

(2) The first proviso of section 1 of the Act of June 20, 1936 (46 U.S.C. 367), as amended, is further amended by deleting the last two sentences and inserting in lieu thereof: “As used herein, the phrase ‘any vessel’ engaged in fishing, oystering, clamming, crabbing, or any other branch of the fishery or kelp or sponge industries includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations, and vessels of not more than five thousand gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska. The exemptions in the preceding sentence for cannery tender, and fishing tender vessels and vessels used in processing or assembling fishery products shall continue in force until July 11, 1978.”

(3) The proviso clauses of paragraph (2) of section 4417a of the Revised Statutes (46 U.S.C. 391a(2)), as amended, are further amended to read as follows:

“*Provided*, That (i) this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages;

“(ii) nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 93-397 with respect to certain vessels of not more than five hundred gross tons;

“(iii) this section shall not apply to vessels of not more than five thousand gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska and such vessels shall be allowed to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as may be required by the Secretary of the department in which the Coast Guard is operating; and

“(iv) this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels’ own fuel supply tanks to offshore drilling or production facilities.”

(4) Section 4426 of the Revised Statutes of the United States (46 U.S.C. 404), as amended, is further amended by deleting the last two sentences and inserting in lieu thereof: “As herein, the phrase ‘engaged in fishing as a regular business’ includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the

## H. R. 13595—4

salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations, and vessels of not more than five thousand gross tons used in the processing or assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska. The exemptions in the preceding sentence for cannery tender, fishing tender vessels and vessels used in processing or assembling of fishery products shall continue in force until July 11, 1978."

SEC. 7. The Secretary of the department in which the Coast Guard is operating (hereinafter referred to as the "Secretary"), in cooperation with the Secretaries of Commerce, State, Defense, and the Treasury, and the Attorney General, shall conduct a comprehensive study of all feasible methods of enforcing fishery management jurisdiction, including any possible extension of such jurisdiction. In carrying out such study, the Secretary shall evaluate all available techniques of enforcement including, but not limited to, the use of satellites, remote sensing, vessels, aircraft, radar, or devices implanted on the seafloor.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

September 19, 1974

Dear Mr. Director:

The following bills were received at the White House on September 19th:

H.R. 6395 ✓  
H.R. 12000 ✓  
H.R. 13595 ✓  
S. 210 ✓  
S. 3301 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C.