

COAST GUARD AUTHORIZATION ACT OF
1992

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

R E P O R T

OF THE

SENATE COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION

ON

S. 2702



JULY 29 (legislative day, JULY 23), 1992.—Ordered to be printed

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

R E P O R T

[To accompany S. 2702]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2702) to authorize appropriations for fiscal year 1993 for the Coast Guard, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

PURPOSE OF THE BILL

S. 2702 as reported would authorize appropriations for the U.S. Coast Guard for fiscal year 1993, covering six appropriations accounts: (1) operating expenses (OE); (2) acquisition, construction, and improvement of equipment and facilities (AC&I); (3) research and development (R&D); (4) retired pay; (5) alteration or removal of bridges; and (6) environmental compliance and restoration. The reported bill also repeals the Coast Guard recreational boat user fee, establishes as a budgetary offset for the repeal a user fee for access to the Federal Maritime Commission's (FMC) new Automated Tariff Filing and Information (ATFI) system, and makes other changes to existing law.

BACKGROUND AND NEEDS

As the second largest entity within the Department of Transportation, the Coast Guard is the principal Federal maritime safety and law enforcement agency. Its typical civilian activities include vessel safety inspection, the rescue of life and property at sea, fishery law enforcement, marine environmental protection, and the

interdiction of drug trafficking. In addition, the agency carries out port security functions, cooperates closely with the other armed forces in military readiness activities, and has the lead responsibility for the coastal defense of the United States. In time of war and national emergency, the Coast Guard becomes an arm of the U.S. Navy.

The Coast Guard's existing authorization expires at the end of fiscal year 1992, and the Committee strongly supports reauthorization at levels that will permit the continuation of existing functions without reduction. In recent years, the Transportation Appropriations Subcommittees' tight budget allocation has led to underfunding of the Coast Guard. When this has occurred, Congress, recognizing the Coast Guard's military readiness mission, has provided additional funds through the Defense Appropriations legislation. Specifically, from fiscal year 1983 through fiscal year 1991, over \$1.8 billion of Department of Defense budgetary resources were provided to the Coast Guard. For fiscal year 1992, approximately \$185 million was provided for the Coast Guard through the Department of Defense Appropriations Act. In fiscal year 1993, the Administration has proposed that \$203 million be appropriated through the Department of Defense appropriations bill for certain Coast Guard defense readiness activities—the first time the Administration has proposed Coast Guard funding from the Defense appropriations account. The Committee supports this Administration proposal.

IMPLEMENTATION OF OPA-90

The Coast Guard is the leading Federal agency to deal with the prevention and cleanup of oil and chemical spills in the marine environment, a role that was enhanced by passage of the Oil Pollution Act of 1990 (OPA-90). For fiscal year 1993, the Coast Guard is requesting approximately \$267 million for marine environmental protection. This is an increase of \$37 million over the level appropriated in fiscal year 1992. Among the new initiatives for which funding is included in the budget are prepositioned oil spill equipment, vessel traffic service systems, and oil spill strike teams. The Coast Guard's marine environmental protection mission is strongly supported by the Committee.

COAST GUARD RECREATIONAL BOAT USER FEES

In 1990, Congress enacted a recreational boat user fee as part of the Omnibus Budget Reconciliation Act (Public Law 101-508). The fee, supported by the Administration, was intended to "require recreational boaters to share in the cost of existing Coast Guard programs, including search and rescue, boating safety, and aids to navigation, for which no direct user fee may be assessed, but which provide substantial benefits to recreational boaters." (Conference Report, H. Rept. 101-964.)

Last year, the Coast Guard published a final rule to implement the user fee for recreational boats. Under the rule, the fee is charged to boats operating vessels longer than 16 feet on waters "where the Coast Guard has a presence." In the final rule, the Coast Guard defined the term "where the Coast Guard has a pres-

ence" as encompassing coastal areas and the Great Lakes, as well as many inland waters where there is a limited Coast Guard presence. Funds generated by the user fees are to be deposited in the general fund of the Treasury as offsetting receipts of the Coast Guard. The Coast Guard Authorization Act of 1991 enacted last year (P.L. 102-241) included a sense of the Congress resolution calling for the repeal of the Coast Guard user fee.

FEDERAL MARITIME COMMISSION AUTOMATED TARIFF FILING

Water common carriers in the Nation's foreign and domestic offshore trades are required to file tariffs with the FMC. Currently, all tariffs and service contracts are filed on paper. During the past several years, the FMC has been designing and contracting for a computer system that will allow water common carriers to file their tariffs electronically. This system is known as the ATFI system. The purpose of this automation is to reduce the paperwork burden for filing and retrieving tariff information.

WOODROW WILSON MEMORIAL BRIDGE

The Committee is concerned that the Coast Guard has not adequately considered or tested alternative drawbridge opening schedules for the Woodrow Wilson Memorial Bridge across the Potomac River which would further restrict openings to help alleviate highway traffic congestion. The Committee has been apprised of an alternative schedule proposed by the entire Washington, DC, metropolitan area congressional delegation from Virginia, Maryland, and the District of Columbia, and supported by the Transportation Planning Board of the Washington Council of Governments, the Greater Washington Board of Trade, State and local transportation departments, and other organizations. Since the Woodrow Wilson Bridge is an important link in the Interstate Highway System and the transportation network of the National Capital Region, the Committee urges the Coast Guard to consult and work more closely with area transportation departments in establishing hours for bridge openings.

LEGISLATIVE HISTORY

An authorization hearing of the full Committee and National Ocean Policy Study was held on April 8, 1992. Testimony was received from the Commandant of the Coast Guard, Admiral J.W. Kime, concerning the agency's budget and other related issues. In addition, Commander William E. Legg, USNR (Ret.), testified on behalf of the Reserve Officers Association of the United States. S. 2702 was introduced on May 13, 1992, by Senator Hollings and is cosponsored by Senators Stevens, Breaux, Lott, Pryor, Kasten, Kerry, and Packwood.

On May 13, 1992, the House of Representatives passed H.R. 2056, the "Shipbuilding Trade Reform Act of 1992." Title I of that legislation addresses shipbuilding subsidies, and title II requires a phased repeal of the Coast Guard recreational boat user fee. It also establishes a user fee for access to the FMC's new AFTI system. The Coast Guard user fee and ATFI provisions included in S. 2702 are almost identical to those in H.R. 2056, as passed by the House.

On June 16, 1992, in open executive session, the Committee considered an amendment in the nature of a substitute for S. 2702. The substitute for S. 2702 was identical to the bill as introduced with a few technical and clarifying changes. The bill, as amended, was ordered reported by voice vote.

SUMMARY OF MAJOR PROVISIONS

As reported, S. 2702 contains provisions applicable to Coast Guard appropriations, end-of-year military strength, and training loads for fiscal year 1993. The bill is inconsistent with the Administration's budget request for all the Coast Guard accounts. The table below summarizes the appropriations levels authorized by the legislation.

Fiscal year 1993

	<i>In millions</i>
OE	\$2,608
AC&I	414
R&D	30
Retired pay	520
Alteration of bridges	11
Environmental compliance	30

In addition to providing an authorization of appropriations for the Coast Guard, the reported bill requires a phased repeal of the Coast Guard recreational boat user fee. The fee would be repealed on October 1, 1993, for boats of less than 37 feet; and for all other recreational vessels on September 30, 1994.

The legislation also establishes a user fee for access to the FMC's new ATFI system. Under the provision, all tariffs required to be filed with the FMC would have to be filed electronically. Individuals who electronically retrieve ATFI data would be charged \$0.46 per minute of access.

Other provisions in the bill:

Authorize the Secretary of Transportation (Secretary) to deny the issuance or renewal of endorsements on certificates of documentation when vessel owners have unpaid Coast Guard civil penalties;

Authorize special pay for vessel commanding officers in pay grades O-2 and below and commissioned warrant officers;

Increase the scope of the Coast Guard's inspection authority over foreign passenger vessels; and

Allow for the Coast Guard to be reimbursed for travel and subsistence expenses incurred during the inspection of foreign vessels.

ESTIMATED COSTS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 26, 1992.

Hon. ERNEST F. HOLLINGS,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 2702, the Coast Guard Authorization Act of 1992.

Enactment of S. 2702 would affect direct spending. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 2702.
2. Bill title: Coast Guard Authorization Act of 1992.
3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation on June 16, 1992.
4. Bill purpose: S. 2702 would authorize fiscal year 1993 appropriations of about \$3.1 billion to the U.S. Coast Guard (USCG) for discretionary programs, including \$2.6 billion for operating expenses, \$414 million for acquisition and other capital projects, \$30 million for research activities, \$11 million for bridge alterations, and \$31 million for environmental compliance. Of the amounts authorized \$160 million would be transferred from the Department of Defense (DoD), \$70 million would be derived from the Oil Spill Liability Trust Fund (OSLTF), and \$35 million would be expended from the Boat Safety account of the Aquatic Resources Trust Fund. The bill would also authorize the appropriation of \$520 million in 1993 for retirement pay to eligible personnel.

Section 7 of S. 2702 would amend 46 U.S.C. 3317 to require owners or operators of foreign vessels to reimburse the U.S. Coast Guard for out-of-pocket costs related to the inspection of such vessels at foreign ports.

Section 8 would provide for a phased repeal of section 2110(b) of title 46, United States Code, which requires the Secretary of Transportation to impose certain fees on recreational boaters. Beginning in fiscal year 1993, fees for vessels of 21 feet or less would be repealed. Charges for vessels of 37 feet or less would be repealed beginning in 1994. For both years, fees for other vessels would remain unchanged. Beginning in 1995, all fees would be repealed.

Section 9 of the bill establish a new user fee for public access to the Federal Maritime Commission's (FMC's) Automated Tariff Filing and Information system (ATFI). All tariffs and essential terms of service contracts that are required to be filed with the FMC would have to be filed electronically in accordance with a specified schedule beginning on July 1, 1992. (Currently, such documents are filed with the commission on paper. Electronic filing has been initiated by the commission under existing authority, but con-

version to the new system has not yet been completed.) Once approved, the filed documents will become part of the ATFI data base and available for retrieval.

Beginning in fiscal year 1993, section 9 would impose a fee of \$0.46 per minute on such usage. In addition to the per-minute user fee, there would be a charge for bulk copies of the ATFI database to cover duplication, distribution, and other related costs. No fees could be imposed under the bill after September 30, 1995. Section 9 also would remove existing restrictions on public retrieval and use of ATFI data or information.

Finally, subsection (g) of section 9 would specify the budgetary treatment for the ATFI fees and any related costs. Upon enactment, the Secretary of the Treasury would be directed to make available to the FMC a repayable advance of up to \$4 million to finance whatever initial expenditures are required to implement the bill. In addition, the FMC would retain fees sufficient to cover annual operating and related expenses (including the repayment of any amounts borrowed in 1993). Any advances made to the FMC would have to be prepaid (with interest) by September 30, 1995. The balance of the fees collected would be deposited in the general fund of the U.S. Treasury as offsetting receipts.

Other provisions of S. 2702 would authorize additional pay and benefits for certain USCG officers and make technical amendments to statutes governing USCG regulatory programs.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1993	1994	1995	1996	1997
Authorizations:					
Authorization level.....	\$3,089				
Less: Existing authorizations.....	-105				
Net additional authorizations.....	2,984				
Estimated outlays	2,113	\$426	\$341	\$77	\$27
Direct spending:					
Estimated budget authority and outlays:					
Repeal of boat fees.....	94	139	161	0	0
ATFI fees.....	-140	-285	-385	0	0
Total budget authority and outlays.....	-46	-146	-224	0	0

The costs of this bill fall within budget functions 050, 300, and 400.

The \$520 million provided for Coast Guard retirement has not been included in the above table because such pay is an entitlement under current law, requiring no annual authorization.

Basis of estimate: *Discretionary Spending*. For purposes of this estimate, it is assumed that S. 2702 will be enacted by October 1, 1992 and that the full amounts authorized for USCG programs will be appropriated. Gross authorization levels are those stated in the bill discretionary accounts. These amounts have been reduced by \$105 million to reflect the fact that appropriations from the Boat Safety account (\$35 million) and the OSLTF (\$70 million) are al-

ready authorized under existing law. Outlays have been estimated on the basis of historical spending patterns for these programs.

Beginning in fiscal year 1993, the USCG would incur new personnel-related expenses carry out section 5 of S. 2702, which would authorize special pay for certain enlisted personnel. CBO estimates that this provision would cost the agency about \$40,000 a year. Because the bill would not provide any specific amounts for such expenses. CBO has assumed that they would be funded within the amounts authorized.

Foreign Inspection Reimbursement. Section 7 would amend existing law to require owners or operators of foreign vessels to reimburse the USCG for out-of-pocket inspection costs. Reimbursements would be credited to the agency's operating expense appropriation account. By providing for reimbursements, section 7 would enable the Coast Guard to inspect foreign ships overseas at the request of the owner or operator when it would be more efficient to do so. (Currently, no such overseas investigations are carried out.) Because any resulting additional spending for inspections would be offset by new collections, enactment of this legislation would have no net impact on the federal budget.

Repeal of Recreation Boat Fees. The loss of receipts from the repeal of recreation boat fees is estimated to result in additional budget authority and outlays of \$94 million in fiscal year 1993 and a total of \$394 million through 1995 (after which the authority to collect such fees will expire). The estimate of forgone receipts is based on the fiscal year 1993 budget resolution baseline, adjusted for the modified collection schedule contained in S. 2702. The baseline includes receipts of \$143 million in 1993; \$152 million in 1994, and \$161 million in 1995. The estimated number of vessels in each size category used to determine collections under the fee schedules specified in this bill is based on Coast Guard boating safety statistics.

ATFI Fees. CBO estimates that section 9 would bring in \$809 million over the 1993-1995 period. Annual receipts would be about \$140 million in fiscal year 1993, growing to \$385 million by 1995, over and above the costs of operating the system. After 1995, the authority to collect fees under this bill would expire.

For purposes of this estimate, CBO has assumed that ATFI will be ready for electronic tariff filing by late in fiscal year 1992, and that further system upgrades will be made during the following several months. Charges would be collected beginning early in fiscal year 1993. Estimated receipts for 1993 and 1994 reflect initially low retrieval usage until large users have implemented the necessary communications and processing systems. As more tariff users become aware of the ATFI service, receipts would continue to grow, reaching \$385 million by 1995. Receipts have been estimated on the basis of information obtained from the Federal Maritime Commission, its ATFI contractors, and other commercial tariff services.

Other provisions of S. 2702 are not expected to have any significant impact on the federal budget.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 specifies pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that the

enactment of sections 7, 8 and 9 of S. 2702 would result in a decrease in outlays from direct spending of \$46 million in 1993, \$146 million in 1994, and \$224 million in 1995.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: On June 11, 1992, CBO prepared a cost estimate for H.R. 5055, the Coast Guard Authorization Act of 1992, as ordered reported by the House Committee on Merchant Marine and Fisheries on June 4, 1992. Differences in the two estimates reflect the different authorization levels in the two bills.

CBO prepared cost estimates for bills similar to sections 8 and 9 of S. 2702 on March 6, 1992 (H.R. 2056, the Shipbuilding Trade Reform Act of 1991, as ordered reported by the House Committee on Merchant Marine and Fisheries on February 27, 1992), and April 7, 1992 (H.R. 2056, the Shipbuilding Trade Reform Act of 1991, as approved by the House Committee on Ways and Means on April 1, 1992). The CBO estimate for S. 2702 reflects differences in the provisions regarding schedules for ATFI implementation and the repeal of boat user fees as well as different assumptions regarding enactment dates.

On April 10, 1992 and June 22, 1992, CBO prepared cost estimates for H.R. 4485, an act to authorize reimbursement of expenses for overseas inspections and examination of foreign vessels, as ordered reported by the House Committee on Merchant Marine and Fisheries on April 8, 1992 and by the Senate Committee on Commerce, Science, and Transportation on June 16, 1992, respectively. Two estimates were identical to the estimate for section 5 of S. 2702.

10. Estimate prepared by: Deborah Reis.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

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

S. 2702, as reported, authorizes appropriations to continue existing Coast Guard programs and makes several changes to existing law. The increases in the authorization levels are modest and are not expected to have an inflationary impact on the Nation's economy. While most of the reported bill's provisions do not increase regulation, certain of the provisions will have a regulatory impact.

Section 6 increases the scope of the Coast Guard's inspection authority over foreign passenger vessels to ensure compliance with the International Convention for Safety of Life at Sea (SOLAS). Currently, the Coast Guard's inspection authority is limited to examining foreign vessels' propulsion and lifesaving equipment. This section would allow a broader examination of a vessel's condition. For example, under the provision, the Coast Guard would be authorized to review a vessel's fire safety plan, if there are clear grounds for concluding that the vessel is not in compliance with SOLAS. However, the section does not increase the number of vessels inspected or the paperwork required. Further, the Administra-

tion has indicated that there are no personnel or budgetary increases associated with the proposal.

Section 8 of the bill provides for a phased repeal of the Coast Guard recreational boat user fee. Repeal of this fee would reduce the number of individuals regulated and the paperwork required. The Coast Guard estimates that, under current law, over 4.1 million recreational boaters are required to pay the user fee. Also, repeal of the fee should have a positive economic impact on the recreational boating industry.

Section 9 of the bill establishes a user fee for access to the FMC's new ATFI system. Under the section, all tariffs and essential terms of service contracts that are required to be filed with the FMC would have to be filed electronically. Currently, such information is filed with the FMC on paper. The section imposes a fee of \$0.46 per minute on remote, electronic retrieval of ATFI data. The Committee expects users of this information to include maritime carriers, shippers, and freight forwarders.

This section does not require businesses associated with the maritime industry to use the ATFI system for remote data access. Thus, any regulatory impact from this ATFI system and associated user fee would be felt by those businesses which access the system and pay the fee. Further, the Committee expects the implementation of the ATFI system to reduce dramatically FMC paperwork requirements and increase the efficiency of businesses using the system.

SECTION-BY-SECTION ANALYSIS

SECTION 1.—SHORT TITLE

The reported bill is entitled the "Coast Guard Authorization Act of 1992."

SECTION 2.—AUTHORIZATION OF APPROPRIATIONS

This section would authorize funds for fiscal year 1993 in accordance with the following table:

Account:	<i>Millions</i>
OE.....	\$2,603
AC&I.....	414
R&D.....	29
Retired pay.....	519
Bridge alteration.....	11
Environmental compliance and restoration.....	30

SECTION 3.—AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING

This section would authorize a Coast Guard fiscal year 1993 end-of-year strength of 39,732 active duty personnel, which does not include members of the Ready Reserve. This section also would authorize average military training student loads, as follows:

Training:	<i>Student years</i>
Recruit and special.....	2,653
Flight.....	110
Professional.....	362
Officer acquisition.....	878

SECTION 4.—DENIAL AND REVOCATION OF ENDORSEMENTS

This section would authorize the Secretary to deny the issuance or renewal of a trade or recreational endorsement on a certificate of documentation and to revoke an endorsement when the owner of a vessel has unpaid Coast Guard civil penalties. This provision is intended to enhance the Coast Guard's ability to collect its assessed civil penalties.

SECTION 5.—SPECIAL PAY

This section would amend provisions of title 37, U.S. Code, to authorize special pay for vessel commanding officers in pay grades O-2 and below and commissioned warrant officers. Under current law, only Coast Guard officers in pay grades O-3 and above who command vessels are eligible for special pay.

SECTION 6.—INSPECTION AND ENFORCEMENT AUTHORITY FOR FOREIGN VESSELS

This section would amend section 3303(a) of title 46, U.S. Code, to increase the scope of the Coast Guard's inspection authority over foreign passenger vessels under that provision. Under current law, the Coast Guard's inspection authority is limited to ensuring that the condition of foreign vessels' propulsion and lifesaving equipment is as stated on their certificates of inspection. However, a determination as to vessel compliance with SOLAS requires a more extensive inspection. This section would grant the Coast Guard the necessary additional authority to ensure compliance with SOLAS. However, the provision does not expand Coast Guard authority beyond that authorized in SOLAS.

In addition, the section clarifies the Coast Guard's authority to treat smaller foreign passenger vessels the same as larger foreign passenger vessels for the purpose of ensuring compliance with SOLAS.

SECTION 7.—REIMBURSEMENT FOR OVERSEAS INSPECTIONS AND EXAMINATIONS

This section amends section 3317(b) of title 46, U.S. Code, to require the owner or operator of a foreign vessel that requests a Coast Guard inspection or examination at a foreign port to reimburse the Coast Guard for travel and subsistence expenses incurred from the inspection and examination of the foreign vessel. This provision conforms reimbursement authority for overseas inspections of foreign vessels with the current authority for overseas inspection of U.S.-documented vessels.

SECTION 8.—RECREATIONAL BOAT TAX REPEAL

This section establishes a phaseout of the Coast Guard recreational vessel fee which was passed as part of the Omnibus Budget Reconciliation Act of 1990. In fiscal year 1993, only vessels larger than 21 feet must pay the fee. For fiscal year 1994, only vessels of at least 37 feet must pay the fee. No recreational vessels are required to pay the fee in fiscal year 1995 and thereafter.

SECTION 9.—AUTOMATED TARIFF FILING AND INFORMATION SYSTEM

Subsection (a) defines certain terms used in the section, including "Commission", "conference," "common carrier," "essential terms of service contracts," and "tariffs."

Subsection (b) provides that certain information currently required to be filed with the FMC by law would have to be filed electronically under the schedules provided in subsection (c). It further would require information filed by carriers and conferences to be made available by computer access to any person. The FMC also would be required to make available information electronically enhanced by the FMC.

Subsection (c) provides that new tariffs and essential terms of service contracts required to be filed shall be filed electronically beginning July 1, 1992. It further provides that other tariffs, amendments to tariffs, and essential terms of service contracts that are required to be filed shall be filed by September 1, 1992.

Subsection (d) establishes a fee of 46 cents per minute, beginning July 1, 1992, and extending through fiscal year 1995, for persons accessing information from the FMC's ATFI system from a remote location. Further, the subsection provides for the FMC's sale of electronic copies of the ATFI data base, and requires that a person maintaining a data base that has tariff information obtained directly or indirectly from the FMC would be subject to the 46-cent-per-minute fee for each minute of subsequent computer access to that information.

Fees imposed under this subsection are for computer access to the ATFI system operated by the FMC. The charges are not for the use of the information, but only for the capabilities of the system that allow computer availability of, and access to, the information in the system. The subsection allows individuals to have free access to information in the system through terminals in the FMC's public rooms. However, if a person wants the privilege of accessing this information from a remote location, a fee would be charged for this benefit.

Subsection (e) directs the FMC to use appropriate means to enforce the requirements of subsection (d).

Subsection (f) establishes civil and criminal penalties for persons failing to pay fees required under this reported bill.

Subsection (g)(1) provides for the FMC's certification of software used by carriers to file tariffs electronically. Under subsection (g)(2), the Secretary of the Treasury would be required to make available to the FMC \$4 million, as a repayable advance, to complete and upgrade the capacity of the ATFI system to provide access to information under this section. Under subsection (g)(3), the FMC would be required to spend amounts necessary to fully implement this section, including amounts to upgrade or increase the capacity of the System to meet increased demand for computer access to the information.

Subsection (h) states that no fee may be collected under this section after fiscal year 1995.

Subsection (i) is a conforming amendment repealing section 2 of the 1989 legislation that authorized appropriations for the FMC for 1990. Section 2 of that legislation needs repealing because it im-

posed certain requirements relating to the AFTI system that are inconsistent with the requirements of section 9 of the bill.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 46, UNITED STATES CODE

Section 2110 of that Title

§ 2110. Fees

(a) * * *

(b)(1) The Secretary shall establish a fee or charge as provided in paragraph (2) of this subsection, and collect it annually in fiscal years [1991, 1992, 1993, 1994, and 1995] *1993 and 1994*, from the owner or operator of each recreational vessel [that is greater than 16 feet in length] *to which paragraph (2) of this subsection applies.*

[(2) The fee or charge established under paragraph (1) of this subsection is as follows:

[(A) for vessels greater than 16 feet in length but less than 20 feet, not more than \$25;

[(B) for vessels of at least 20 feet in length but less than 27 feet, not more than \$35;

[(C) for vessels of at least 27 feet in length but less than 40 feet, not more than \$50; and

[(D) for vessels of at least 40 feet in length, not more than \$100.]

(2) *The fee or charge established under paragraph (1) of this subsection is as follows:*

(A) *in fiscal year 1993—*

(i) for vessels of more than 21 feet in length but less than 27 feet, not more than \$35;

(ii) for vessels of at least 27 feet in length but less than 40 feet, not more than \$50; and

(iii) for vessels of at least 40 feet in length, not more than \$100.

(B) *in fiscal year 1994—*

(i) for vessels of at least 37 feet in length but less than 40 feet, not more than \$50; and

(ii) for vessels of at least 40 feet in length, not more than \$100.

(3) through (5) * * *

(c) through (i) * * *

Section 3303 of that Title

§ 3303. Reciprocity for foreign vessels

(a) Except as provided in chapter 37 of this title a foreign vessel of a country having inspection laws and standards similar to those

of the United States and that has an unexpired certificate of inspection issued by proper authority of its respective country, is subject [only] to an inspection to ensure that [the condition of the vessel's propulsion equipment and lifesaving equipment are] *its condition is* as stated in its current certificate of inspection. A foreign country is considered to have inspection laws and standards similar to those of the United States when it is a party to an International Convention for Safety of Life at Sea to which the United States Government is currently a party. A foreign certificate of inspection may be accepted as evidence of lawful inspection only when presented by a vessel of a country that has by its laws accorded to vessels of the United States visiting that country the same privileges accorded to vessels of that country visiting the United States.

(b) * * *

Section 3317 of that Title

§ 3317. Fees

(a) The Secretary may prescribe by regulation fees for inspecting or examining a small passenger vessel or a sailing school vessel.

(b) When an inspection or examination under the [chapter] *part* of a documented vessel or a foreign vessel is conducted at a foreign port or place at the request of the owner or managing operator of the vessel, the owner or operator shall reimburse the Secretary for the travel and subsistence expenses incurred by the personnel assigned to perform the inspection or examination. Amounts received as reimbursement for these expenses shall be credited to the appropriation for operating expenses of the Coast Guard.

Section 3505 of that Title

§ 3505. Prevention of departure

Notwithstanding section 3303(a) of this title, a foreign [or domestic vessel of more than 100 gross tons having berth or state-room accommodations for at least 50 passengers] *vessel* may not depart from a United States port with passengers who are embarked at that port, if the Secretary finds that the vessel does not comply with the standards stated in the International Convention for the Safety of Life at Sea to which the United States Government is currently a party.

Section 12103 of that Title

§ 12103. Certificates of documentation

(a) [On] *Except as provided in section 12123 of this title, on application by the owner of a vessel eligible for documentation, the Secretary of Transportation shall issue a certificate of documentation endorsed with one or more of the endorsements specified in section 12105-12109 of this title.*

(b) through (e) * * *

Section 12110 of that Title

§ 12110. Limitations on operations authorized by certificates

(a) through (b) * * *

(c) **【When a vessel is employed in trade not covered by the endorsement issued for that vessel,】** *When a vessel is operated after the Secretary has denied issuance or renewal of an endorsement or revoked the endorsement under section 12123 of this title and before the endorsement is reinstated, or is employed in a trade for which an endorsement is required, without a certificate of documentation with an appropriate endorsement for that trade, or a documented vessel with a recreational endorsement is operated other than for pleasure, the vessel and its equipment are liable to seizure by and forfeiture to the United States Government.*

(d) * * *

Section 12122 of that Title

§ 12122. Penalties

(a) through (c) * * *

§ 12123. Denial and revocation of endorsements

The Secretary of Transportation is authorized to deny the issuance or renewal of a trade or recreational endorsement on a certificate of documentation issued under this chapter and to revoke such endorsement if the Secretary finds that the vessel's owner has not paid an assessment of a civil penalty after final agency action for a violation of law for which an assessment has been made by the Secretary.

TITLE 37, UNITED STATES CODE

Section 306 of that Title

§ 306. Special pay: officers holding positions of unusual responsibility and of critical nature

(a) The Secretary concerned may designate positions of unusual responsibility which are of a critical nature to an armed force under his jurisdiction and may pay special pay, in addition to other pay prescribed by law, to an officer of an armed force who is entitled to the basic pay **【of pay grade O-3, O-4, O-5, or O-6】** *of pay grade O-6 or below* and who is performing the duties of such a position, at the following monthly rates:

【Pay grade	Monthly rate
O-6.....	\$150
O-5.....	100
O-4.....	50
O-3.....	50】

<i>Pay grade</i>	<i>Monthly rate</i>
O-6.....	\$150
O-5.....	100
O-4 and below.....	50

(b) * * *

(c) Not more than 5 percent of the number of officers on active duty (other than for training) in an armed force [in pay grade O-3,] *in each of the pay grades O-3 and below*, and not more than 10 percent of the number of officers on active duty in an armed force in pay grade O-4, O-5, or O-6, may be paid special pay under this section.

(d) through (e) * * *

ACT OF AUGUST 16, 1989

Section 2 of that Act

【Sec. 2. (a) The Federal Maritime Commission shall require that complete and update electronic copies of the Automated Tariff Filing and Information data base are made available (in bulk) in a timely and nondiscriminatory fashion, and the Commission shall assess reasonable fees for this service consistent with section 552 of title 5, United States Code.

【(b) The Commission shall impose reasonable controls on the system to limit remote access usage by any one person.

【(c) The Commission shall provide that any information from the Automated Tariff Filing and Information System that is made available to the public may be used, resold, or disseminated by any person without restriction and without payment of additional fees or royalties.】