

Public Law 94-406
94th Congress

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 for the Coast Guard a year-end strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes.

Sept. 10, 1976
[H.R. 11670]

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 1977 for the use of the Coast Guard as follows:

U.S. Coast
Guard.
Appropriation
authorization.

- (1) For procurement of vessels: \$86,168,000;

For procurement of three port safety boats, one inland construction tender, six aids to navigation boats, three harbor tugboats, thirty search and rescue boats, two high/medium endurance cutter replacements, ten high speed surface delivery systems for pollution control, and one motor life boat.

- (2) For procurement of aircraft: \$24,300,000;

For procurement of six medium-range surveillance aircraft.

- (3) For construction of shore and offshore establishments: \$24,401,000;

For construction at:

(a) Portsmouth, Virginia—Phase IV of new Coast Guard Support Center;

(b) Rodanthe, North Carolina—improvement of Oregon Inlet Station;

(c) Elizabeth City, North Carolina—phase I of improvement at Coast Guard Aircraft and Supply Center;

(d) Alameda, California—construction of classroom building at Coast Guard Training Center;

(e) New York, New York—phase II of New York vessel traffic service;

(f) Loran-C National Implementation Plan—antenna erection, construction, and outfitting of stations at Malone, Florida, Grangeville, Louisiana, and Raymondville, Texas; antenna erection and outfitting of station at Elmira, New York; and construction and outfitting at Narrow Cape, Alaska;

(g) Public family quarters—construction of family housing at Chicago, Illinois, Sitka, Alaska, and Point Judith, Rhode Island, or other locations; and

(h) Provincetown, Massachusetts—construction of new station.

- (4) For procurement of vessels and/or aircraft for carrying out Coast Guard missions, including fishery law enforcement: \$100,000,000.

- (5) For procurement of vessels with ice-breaking capability to be used on the Great Lakes: \$50,000,000.

SEC. 2. For fiscal year 1977, the Coast Guard is authorized an end strength for active duty personnel of 38,918; except that the ceiling shall not include members of the Ready Reserve called to active duty under the authority of section 764 of title 14, United States Code.

Active duty
personnel
strength.

Military training
student loads.

SEC. 3. For fiscal year 1977, average military training student loads for the Coast Guard are authorized as follows:

- (1) recruit and special training, 4,209 students;
- (2) flight training, 154 students;
- (3) professional training in military and civilian institutions, 372 students; and
- (4) officer acquisition, 1,175 students.

SEC. 4. Section 475 of title 14, United States Code, is amended—

- (1) by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and
- (2) by amending the redesignated subsection (f) to read as follows:

“(f) The authority conferred by subsection (a), (b), (c), or (d) may not be utilized after April 1, 1973, unless all reports required by subsection (e) have been filed with the Congress.”

14 USC 656 note.

SEC. 5. After fiscal year 1977, funds may not be appropriated to or for the use of the Coast Guard (1) for the operation and maintenance of the Coast Guard; (2) for acquisition, construction, rebuilding, or improvement of aids to navigation, shore or offshore establishments, vessels, or aircraft, including equipment related thereto; (3) for alteration of obstructive bridges; or (4) for research, development, tests, or evaluation related to any of the above, unless the appropriation of such funds has been authorized by legislation enacted after December 31, 1976.

14 USC prec. 211
note.

SEC. 6. (a) For each fiscal year after fiscal year 1977, the Congress shall authorize the end strength as of the end of each fiscal year for active duty personnel of the Coast Guard, and no funds may be appropriated for any such fiscal year to or for the use of the active duty personnel of the Coast Guard unless the end strength for such active duty personnel for such fiscal year has been authorized by law.

(b) For each fiscal year after fiscal year 1977, the Congress shall authorize the average military training student loads for the Coast Guard. Such authorization shall be required for student loads for the following individual training categories: recruit and specialized training; flight training; professional training in military and civilian institutions; and officer acquisition training. No funds may be appropriated for any fiscal year after fiscal year 1977 for the use of training any military personnel of the Coast Guard in the aforementioned categories unless the average student loads for the Coast Guard for such fiscal year have been authorized by law.

SEC. 7. No funds authorized or appropriated for operation and maintenance of the Coast Guard shall be used for enforcement of the Federal Boat Safety Act of 1971 (46 U.S.C. 1451, et seq.) on Lake Winnepesaukee and Lake Winnisquam, their interconnecting waterways, or the Merrimack River in the State of New Hampshire during fiscal year 1977.

Alaska, cargo-
carrying vessels,
exemptions
permit.
46 USC 420.

SEC. 8. (a) In order to minimize hardships and to aid inhabitants of certain remote areas in the State of Alaska, the Secretary of the Department in which the Coast Guard is operating is authorized to issue permits exempting specific cargo-carrying vessels from all or part of the requirements of the following laws and the regulations issued thereunder—

- (1) section 4417 of the Revised Statutes (46 U.S.C. 391);
- (2) section 4417 of the Revised Statutes (46 U.S.C. 391a);
- (3) section 4426 of the Revised Statutes (46 U.S.C. 404); and
- (4) section 1 of the Act of August 27, 1935, as amended (46 U.S.C. 88).

(b) A permit issued pursuant to subsection (a) may be granted only to a vessel engaged in transporting cargo, including bulk fuel, from point to point within the State of Alaska and only if—

(1) the vessel does not exceed three hundred gross tons;

(2) the vessel is in a condition which does not present an immediate threat to the safety of life or the environment; and

(3) the vessel was operating in the waters off Alaska as of June 1, 1976, or the vessel is a replacement for a vessel which was operating in the waters off Alaska as of June 1, 1976, if the vessel which is being replaced is no longer in service.

(c) Except in a situation declared to be an emergency by the Secretary of the department in which the Coast Guard is operating, a vessel operating under permit may not transport cargo to or from a point if the cargo could be transported by another commercial vessel which is reasonably available and which does not require exemptions to legally operate or if the cargo could be readily transported by overland routes.

Emergency
situations.

(d) A permit may be issued for a specific voyage or for a period of time not exceeding one year. The permit may impose specific requirements as to the amount or type of cargo to be carried, manning, the areas or specific routes over which the vessel may operate, or other similar matters. The duration of the permit and any restrictions contained therein shall be at the sole discretion of the Secretary or his delegate.

(e) If a designated Coast Guard official has reason to believe that a vessel to which a permit has been issued is in a condition or is used in a manner which creates an immediate threat to the safety of life or the environment or is operated in a manner which is inconsistent with the terms of the permit, the official may direct the operator to take immediate and reasonable steps to safeguard life and the environment, including directing the vessel to a port or other refuge.

(f) If a vessel to which a permit has been issued creates an immediate threat to the safety of life or the environment, or is operated in a manner inconsistent with the terms of the permit or the requirements of subsection (c) of this section, the permit may be revoked. The owner, master, or person in charge of a vessel to which a permit is issued, who willfully permits the vessel to be used or uses the vessel in a manner inconsistent with the terms of the permit or subsection (c) of this section, shall be liable to a civil penalty of not more than \$1,000.

Permit
revocation.

Penalty.

Approved September 10, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-989 (Comm. on Merchant Marine and Fisheries) and No. 94-1374 (Comm. of Conference).

SENATE REPORTS: No. 94-865 (Comm. on Commerce) and No. 94-1054 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 122 (1977):

Apr. 5, considered and passed House.

June 16, considered and passed Senate, amended.

Aug. 2, Senate agreed to conference report.

Aug. 30, House agreed to conference report.