



Legislative Bulletin.....April 24, 2008

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H.R. 2830—Coast Guard Authorization Act

Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: Numerous

Total Cost of Discretionary Authorizations: No final CBO score is available, but in excess of \$7.2 billion over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: Numerous

Total New Private Sector Mandates: Numerous

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

H.R. 2830—Coast Guard Authorization Act (*Oberstar, D-MN*)

Order of Business: H.R. 2830 is scheduled to be considered on Thursday, April 24, 2008, under a structured rule ([H.Res. 1126](#)). The rule waives all points of order against considering the bill (except those for PAYGO and earmarks), provides for one hour of general debate, and makes in order 15 amendments. In addition, the rule provides that in the engrossment of H.R. 2830, the text of [H.R. 2399](#), the Alien Smuggling and Terrorism Prevention Act of 2007 (which passed the House on May 22, 2007 by a vote of 412 to 0) shall be added at the end of H.R. 2830.

The RSC will send a forthcoming document summarizing the amendments made in order by the rule.

Summary: H.R. 2830 would authorize FY2008 appropriations and make other adjustments to Coast Guard policy and management. Highlights are below:

Authorized Spending Levels

Title I Coast Guard Discretionary Authorizations
(Millions of Dollars)

Account	FY 08 Appropriation	H.R. 2830
Operations & Maintenance	5,891	5,966
Acquisition & Construction	1,125	1,125
Research & Development	25	25
Bridge Alteration	16	16
Environmental Compliance	13	13
Coast Guard Reserve	127	127
TOTAL	7,197	7,272

H.R. 2830 also provides an authorization of \$1.18 billion for retired pay under the Retired Serviceman’s Family Protection and Survivor Benefit Plan. According to CBO, “...such benefits are considered an entitlement under current law and are not subjected to appropriation. Thus, the authorization has no budgetary impact.”

In addition to the authorized discretionary spending levels contained in Title I noted above, H.R. 2830 also includes numerous additional, smaller levels of authorized spending subject to appropriation in other sections of the bill. A final CBO score for the total cost of authorized discretionary spending in H.R. 2830 is not available at press time.

Authorized Levels of Military Strength and Training

- Authorizes the hiring of 47,000 active-duty Coast Guard personnel for the end of FY2008 (compared to authorized level of 45,000 in FY 2006).
- Authorizes average military training student loads as follows:
 - recruit and special training: 2,500 student years
 - flight training: 165 student years
 - professional training in military and civilian institutions: 350 student years
 - officer acquisition: 1,200 student years

Coast Guard Management

- Transfers the bridge administration from the Department of Homeland Security to the Department of Transportation.
- Authorizes the reimbursement of travel-related expenses to Coast Guard personnel who are stationed on an island in the continental United States, when a family member is referred to a specialty care provider off-island that is less than 100 miles from the primary care provider.
- Permanently increases the Coast Guard's number of officers from 6,200 to 6,700.
- Allows Coast Guard personnel who work in support of a declaration of a major disaster to retain 90 days of accrued leave. According to the Committee Report, Coast Guard personnel can currently retain up to 60 days of accrued leave.
- Reorganizes the Coast Guard's command structure by eliminating three Vice Admiral positions and promoting the Vice Commandant to a full Admiral. The Committee Report states that this section of the bill "implements the Administration's proposed reorganization of the Coast Guard by eliminating the two Area Commands that are established by law and the Coast Guard Chief of Staff." But the Statement of Administration Policy (SAP) states, "This section as currently worded would exchange one statutorily-mandated command structure for another, thus defeating the purpose of the Administration's initiative."

Shipping and Navigation

- Imposes a fine of \$10,000 (for each violation) on any individual or vessel for possession of a controlled substance.
- Authorizes \$150,000, subject to appropriation, for the Secretary of Homeland Security to carry out cold weather survival training in Coast Guard District 17.
- Authorizes \$3 million annually subject to appropriation, from FY 2008 to FY 2012, for a Fishing Safety Training Grants Program to provide grants to public entities, as well as other entities, for commercial fishing safety training.
- Grants the Secretary the authority to prescribe regulations requiring vessel owners to maintain employment records of seamen for a period of up to five years after employment and to make records available upon request to the individual or to the Coast Guard. Creates a civil penalty of up to \$5,000 for violating this regulation.
- Extends from 2008 to 2011 the time the Coast Guard has to promulgate regulations for the disposal of dry bulk cargo residue in the Great Lakes.

- Requires the Secretary of Transportation to submit several reports to Congress including one on methods to address the shortage of merchant mariners, a report on processing Transportation Worker Identification cards by mail, and a report on vessel operator education and training.

Misc. Provisions

- Requires the Great Lakes Maritime Research Institute to conduct maritime transportation studies. H.R. 2830 also authorizes \$9.4 million, subject to appropriation, from 2008 to 2011 for this purpose.
- Authorizes \$1.8 million, subject to appropriation, in FY 2008 and FY 2009 for the Coast Guard to conduct vessel traffic risk assessments.

Ballast Water Treatment

- Requires vessels, after January 1, 2009, to have a ballast water treatment system and imposes regulations on performance standards. H.R. 2830 authorizes a total of \$3 million annually, subject to appropriation, from 2008 to 2012 for the Secretary to carry out these regulations.
- Requires all vessels carrying ballast water to conduct ballast exchange operations more than 200 miles offshore before the vessels enter the United States.
- Creates a Shipboard Technology Demonstration program to demonstrate ballast water treatment technologies.
- Requires the President to prepare and publish a rapid response plan for killing, removing, and minimizing the spread of aquatic nuisance species in waters of the U.S.

Port Security

- Requires the Secretary of Homeland Security to “establish a program to help prevent acts of terrorism and other activities that jeopardize maritime homeland security, by seeking the cooperation of the commercial and recreational boating industries and the public...”
- Requires the Secretary of Homeland Security to establish no less than two rapidly deployable counterterrorism and law enforcement response units.
- Grants the Secretary of Homeland Security the authority to conduct a pilot program for mobile biometric identification of suspected individuals and authorizes “such sums” to carry out the program.
- Requires the Secretary of Homeland Security to establish a pilot program to test and deploy preventive radiological or nuclear detection equipment on Coast Guard vessels and other locations in select port regions.

- Requires the Coast Guard to provide security around liquefied natural gas terminals and vessels. The Statement of Administration Policy opposes this provision and states that, “...it provides an unwarranted and unnecessary subsidy to the owners of private infrastructure that is contrary to the existing assistance framework and would divert finite Coast Guard assets from other high-priority missions, as determined by the Commandant.”

Minority Serving Institutions

- Requires the Commandant of the Coast Guard to establish a management internship program for students at Minority Serving Institutions (MSI) and authorizes \$2 million subject to appropriation for this purpose.
- Establishes an MSI Student Pre-Commissioning Initiative and authorizes \$3 million subject to appropriation for this purpose.
- Requires the Coast Guard to establish a Coast Guard-MSI Technology Program and authorizes \$2.5 million subject to appropriation for this purpose.

Additional Background: The Transportation and Infrastructure Committee provided the following background on the Coast Guard in [House Report 110-338—Part 1](#):

The United States Coast Guard was established on January 28, 1915, through the consolidation of the Revenue Cutter Service (established in 1790) and the Lifesaving Service (established in 1848). The Coast Guard later assumed the duties of three other agencies: the Lighthouse Service (established in 1789), the Steamboat Inspection Service (established in 1838), and the Bureau of Navigation (established in 1884). Under section 2 of title 14, United States Code, the Coast Guard has primary responsibility to enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States; to ensure the safety of life and property at sea; to protect the marine environment; to carry out domestic and international icebreaking activities; and to ensure the safety and security of vessels, ports, waterways, and related facilities.

As the fifth armed force of the United States, the Coast Guard also maintains defense readiness to operate as a specialized service in the Navy upon the declaration of war or when the President directs. The Coast Guard is composed of approximately 40,000 active duty military personnel, 8,100 reservists, 6,700 civilian employees, and 36,000 volunteers of the Coast Guard Auxiliary. The Coast Guard has defended the nation in every war since 1790.

Possible Conservative Concerns: Some conservatives may have concerns with some of the spending choices made by H.R. 2830. For example Representative Jeff Flake offered an amendment, not made in order by the rule, to strike the Fishing Safety Training Grants Program, which is authorized (subject to appropriation) at \$15 million over five years. In addition, some conservatives may have concerns with the provision in the bill requiring the Coast Guard to provide security around liquefied natural gas terminals and vessels.

Committee Action: H.R. 2830 was introduced on June 22, 2007, and referred to the House Committee on Transportation and Infrastructure. On June 28, 2007, the full committee held a mark-up and ordered to bill to be reported, as amended, by voice vote. The legislation was

subsequently referred to both the Homeland Security and Judiciary Committees which held markups on September 25, 2007 and October 24, 2007 respectively, and both ordered the bill to be reported (as amended) by voice vote.

Administration Position: The [SAP](#) states:

“The Administration strongly opposes House passage of H.R. 2830 in its current form because it would adversely affect homeland security, protection of the marine environment, and maritime safety and would unreasonably intrude upon the Commandant’s authority and discretion to command and control the Coast Guard.”

The SAP expresses opposition to numerous provisions on the bill, but it includes a specific veto threat against the provision requiring the Coast Guard to provide security around liquefied natural gas terminals and vessels:

“If H.R. 2830 were presented to the President with this provision, his senior advisors would recommend that he veto the bill.”

Cost to Taxpayers: H.R. 2830 authorizes in excess of \$7.2 billion in discretionary spending over five years.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill imposes new mandates on the private sector and state and local governments, and creates new federal programs.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? Yes. According to CBO, these mandates would not exceed the threshold under the Unfunded Mandates Reform Act (UMRA) for state and local governments. However, CBO estimates that the cost to private entities would exceed the annual threshold established in the UMRA for private-sector mandates.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? [House Report 110-338](#) lists a total of 12 earmarks. These earmarks are included in sections 101, 401, 402, 404, 407, 409, 410, 411, 412, 413, 414, 417, and 419 of the bill.

Constitutional Authority: The Committee on Transportation and Infrastructure, in [House Report 110-491](#), cites constitutional authority in Article I, Section 8 but does not cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution. *[emphasis added]*

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