

COAST GUARD AUTHORIZATION ACT OF 1999

MARCH 11, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

REPORT

[To accompany H.R. 820]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coast Guard Authorization Act of 1999”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.

TITLE II—MISCELLANEOUS

- Sec. 201. Vessel NOT A SHOT.
- Sec. 202. Costs of clean-up of Cape May lighthouse.
- Sec. 203. Clarification of Coast Guard authority to control vessels in territorial waters of the United States.
- Sec. 204. Coast Guard search and rescue for Lake Michigan.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard, as follows:

- (1) For the operation and maintenance of the Coast Guard—
 - (A) for fiscal year 2000, \$3,084,400,000, of which—
 - (i) \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;
 - (ii) not less than \$663,000,000 shall be available for expenses related to drug interdiction; and
 - (iii) \$5,500,000 shall be available for the commercial fishing vessel safety program; and
 - (B) for fiscal year 2001, \$3,207,800,000, of which—
 - (i) \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;
 - (ii) not less than \$689,500,000 shall be available for expenses related to drug interdiction; and
 - (iii) \$5,500,000 shall be available for the commercial fishing vessel safety program.
- (2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—
 - (A) for fiscal year 2000, \$691,300,000, of which—
 - (i) \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;
 - (ii) not less than \$280,300,000 shall be available for expenses related to drug interdiction;
 - (iii) \$100,000,000 shall be available for modernization of the national distress response system; and
 - (iv) \$3,000,000 shall be available for completion of the design of a replacement vessel for the Coast Guard icebreaker MACKINAW; and
 - (B) for fiscal year 2001, \$792,000,000, of which—
 - (i) \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;
 - (ii) not less than \$233,000,000 shall be available for expenses related to drug interdiction;
 - (iii) \$110,000,000 shall be available for modernization of the national distress response system; and
 - (iv) \$128,000,000 shall be available for construction or acquisition of a replacement vessel for the Coast Guard icebreaker MACKINAW.
- (3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—
 - (A) for fiscal year 2000, \$21,700,000; and
 - (B) for fiscal year 2001, \$23,000,000,
 to remain available until expended, of which \$3,500,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.
- (4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code—
 - (A) for fiscal year 2000, \$730,000,000; and
 - (B) for fiscal year 2001, \$785,000,000.
- (5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—
 - (A) for fiscal year 2000, \$11,000,000; and
 - (B) for fiscal year 2001, \$11,000,000,

to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance)—

- (A) for fiscal year 2000, \$19,500,000; and
- (B) for fiscal year 2001, \$21,000,000,

to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of—

- (1) 40,000 as of September 30, 2000; and
- (2) 44,000 as of September 30, 2001.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

- (1) For recruit and special training—
 - (A) for fiscal year 2000, 1,500 student years; and
 - (B) for fiscal year 2001, 1,500 student years.
- (2) For flight training—
 - (A) for fiscal year 2000, 100 student years; and
 - (B) for fiscal year 2001, 100 student years.
- (3) For professional training in military and civilian institutions—
 - (A) for fiscal year 2000, 300 student years; and
 - (B) for fiscal year 2001, 300 student years.
- (4) For officer acquisition—
 - (A) for fiscal year 2000, 1,000 student years; and
 - (B) for fiscal year 2001, 1,000 student years.

TITLE II—MISCELLANEOUS

SEC. 201. VESSEL NOT A SHOT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel NOT A SHOT (United States official number 911064).

SEC. 202. COSTS OF CLEAN-UP OF CAPE MAY LIGHTHOUSE.

Of amounts authorized by this Act for fiscal year 2000 for environmental compliance and restoration of Coast Guard facilities, \$99,000 shall be available to reimburse the owner of the former Coast Guard lighthouse facility at Cape May, New Jersey, for costs incurred for clean-up of lead contaminated soil at that facility.

SEC. 203. CLARIFICATION OF COAST GUARD AUTHORITY TO CONTROL VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

“SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DIRECTION OF VESSELS BY COAST GUARD.

“(a) NOTIFICATION OF COAST GUARD.—Under regulations prescribed by the Secretary, a commercial vessel entering the territorial sea of the United States shall notify the Secretary not later than 24 hours before that entry and provide the following information:

- “(1) The name of the vessel.
- “(2) The port or place of destination in the United States.
- “(3) The time of entry into the territorial sea.
- “(4) Any information requested by the Secretary to demonstrate compliance with applicable international agreements to which the United States is a party.
- “(5) If the vessel is carrying dangerous cargo, a description of that cargo.
- “(6) A description of any hazardous conditions on the vessel.
- “(7) Any other information requested by the Secretary.

“(b) DENIAL OF ENTRY.—The Secretary may deny entry of a vessel into the territorial sea of the United States if—

- “(1) the Secretary has not received notification for the vessel in accordance with subsection (a); or
- “(2) the vessel is not in compliance with any other applicable law relating to marine safety, security, or environmental protection.

“(c) **DIRECTION OF VESSEL.**—The Secretary may direct the operation of any vessel in the navigable waters of the United States as necessary during hazardous circumstances, including the absence of a pilot required by State or Federal law, weather, casualty, vessel traffic, or the poor condition of the vessel.”.

SEC. 204. COAST GUARD SEARCH AND RESCUE FOR LAKE MICHIGAN.

(a) **IN GENERAL.**—

(1) **REQUIREMENTS.**—Notwithstanding any other law, the Secretary of Transportation—

(A) shall continue to operate and maintain the seasonal Coast Guard air search and rescue facility located in Muskegon, Michigan, until at least September 30, 2001; and

(B) shall establish a new seasonal Coast Guard air search and rescue facility for Southern Lake Michigan to serve the Chicago metropolitan area and the surrounding environment, and operate that facility until at least September 30, 2001.

In establishing the facility under subparagraph (B), the Secretary shall study Illinois sites in the Chicago metropolitan area, including Waukegan, Illinois.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the other amounts authorized by this Act, there are authorized to be appropriated to the Secretary of Transportation—

(A) for operation and maintenance of the Coast Guard air search and rescue facility in Muskegon, Michigan—

(i) \$3,252,000 for fiscal year 2000; and

(ii) \$3,252,000 for fiscal year 2001;

(B) for acquisition, construction, and improvement of facilities and equipment for the Coast Guard air search and rescue facility for Southern Lake Michigan established under paragraph (1)(B)—

(i) \$8,100,000 for fiscal year 2000; and

(ii) \$13,000,000 for fiscal year 2001; and

(C) for operation and maintenance of the Coast Guard air search and rescue facility for Southern Lake Michigan established under paragraph (1)(B)—

(i) \$5,505,000 for fiscal year 2000; and

(ii) \$4,060,000 for fiscal year 2001.

(3) **LIMITATION ON CLOSING OR DOWNSIZING OTHER FACILITIES.**—The Secretary of Transportation may not close or downsize any Coast Guard facility for the purpose of accommodating the capability required pursuant to paragraphs (1) and (2).

(b) **STUDY OF SEARCH AND RESCUE CAPABILITIES FOR LAKE MICHIGAN.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall study, determine, and report to the Congress the overall aircraft and vessel search and rescue capability for Lake Michigan, including—

(1) the capability of all Federal, State, and local government and nongovernment entities that perform search and rescue functions for Lake Michigan; and

(2) the adequacy of that overall capability.

(c) **PLAN FOR SEARCH AND RESCUE RESPONSE FOR CHICAGO, ILLINOIS.**—Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall prepare, submit to the Congress, and begin implementing a comprehensive plan for aircraft and vessel search and rescue response for Lake Michigan in the vicinity of Chicago, Illinois.

(d) **USE OF HELICOPTERS FOR DRUG INTERDICTION.**—During the portion of each year when the seasonal facilities required under subsection (a)(1) are not in operation, the Secretary of Transportation shall use helicopters assigned to those facilities for drug interdiction.

PURPOSE OF THE BILL

The primary purpose of H.R. 820 is to authorize funds for the United States Coast Guard for fiscal years 2000, and 2001. Funding is authorized for the following accounts within the Coast Guard’s budget: Operating Expenses; Acquisition, Construction and Improvement; Research, Development, Test and Evaluation; Retired Pay; Alteration of Bridges; and Environmental Compliance and Restoration.

This bill also:

Sets end-of-year strength levels for active duty military personnel and establishes military training levels;

Waives certain U.S. coastwise trade laws for a particular vessel;

Authorizes \$99,000 in the Coast Guard's environmental compliance and restoration of Coast Guard facilities account to reimburse the owners of the former Coast Guard lighthouse at Cape May, New Jersey, for costs incurred for clean-up of lead contaminated soil at the facility;

Clarifies the requirements for vessels entering the United States territorial sea and the Coast Guard's authority over those vessels; and

Requires the Coast Guard to maintain air facilities at Muskegon, Michigan, and in the area of Chicago, Illinois.

BACKGROUND

The United States Coast Guard, established in 1915 as part of the Department of the Treasury, is responsible for performing Federal functions that trace their beginnings back to the founding of this country. The Coast Guard assumed the duties of five previously established agencies: the Lighthouse service, established in 1789; the Revenue Cutter Service, established in 1790; the Steamboat Inspection Service, established in 1838; the Life-Saving Service, established in 1848; and the Bureau of Navigation, established in 1884.

The Coast Guard remained a part of the Department of Treasury until 1967, when it was transferred to the newly created Department of Transportation.

Today's Coast Guard has primary responsibility for the promotion of safety of life and property at sea; the enforcement of all applicable Federal laws on, over, and under the high seas and United States waters; the maintenance of aids to navigation, the protection of the marine environment; icebreaking activities; and the safety and security of vessels, ports, waterways, and their related facilities.

As a military service and a branch of the Armed Forces, the Coast Guard also maintains a readiness to operate as a specialized service in the Navy upon the declaration of war or when the President directs. The Coast Guard has defended our Nation in every war since 1790, including the 1990–1991 conflict in the Persian Gulf. –

The Coast Guard's legal responsibilities have expanded enormously over the past 20 years. Many of the laws the Coast Guard administers are codified in subtitle II of title 46, United States Code. Beyond the broad responsibilities described above, the Coast Guard enforces the following laws:

The Western Hemisphere Drug Elimination Act, which provides a three-year increase of Coast Guard drug interdiction resources to respond to the illegal drug threat facing our country. –

The Anti-Drug Abuse Acts of 1986 and 1988, which expand the Coast Guard's role in waterborne and airborne marine drug interdiction.

The Maritime Drug Law Enforcement Act, which authorizes the Coast Guard to search and seize any vessel that is manufacturing,

distributing, or possessing with the intent to manufacturer or distribute, any controlled substance in the United States.

The Deepwater Port Act of 1974, which directs the Coast Guard to oversee offshore oil port operation and construction.

The Port and Waterways Safety Act of 1974, which directs the Coast Guard to ensure port and merchant vessel safety.

The Port and Tanker Safety Act of 1978, which authorizes the Coast Guard to inspect foreign tankers, evaluate crew standards, and monitor offshore lightering activities in U.S. waters.

The Omnibus Diplomatic Security and Antiterrorism Act of 1986, which requires the Coast Guard to maintain and improve port, harbor, and coastal facilities security.

The Federal Boating Safety Act of 1971, which authorizes the Coast Guard to prescribe standards for the manufacture of pleasure boats and associated equipment.

The Recreational Boating Safety and Facilities Improvement Act of 1980, which establishes the Recreational Boating and Facilities Improvement Fund, which the Coast Guard uses to promote recreational boating safety and access through a state grant program.

The Federal Water Pollution Control Act of 1972 (popularly known as the Clean Water Act), which requires the Coast Guard to regulate discharges of oil and sewage from vessels.

The Oil Pollution Act of 1990 (OPA 90), which expands the Coast Guard's authority over oil spills, and establishes a comprehensive regime for oil spill compensation, liability, response, and research and development.

The Marine Protection, Research and Sanctuaries Act of 1972, which gives the Coast Guard enforcement authority over ocean dumping and marine sanctuaries.

The Act to Prevent Pollution from Ships, which requires the Coast Guard to administer and enforce international environmental pollution agreements through vessel and port certification and inspections.

The Marine Plastic Pollution Research and Control Act of 1987, which requires the Coast Guard to enforce prohibitions on the disposal of plastic materials and other garbage at sea and to establish regulations for vessel waste management.

The Hazardous Materials Transportation Act, which requires the Coast Guard to enforce safety standards for the waterborne transportation of hazardous materials.

The Intervention on the High Seas Act, which authorizes the Coast Guard to intervene in situations involving pollution discharges on the high seas that pose a threat to the United States and its territorial waters.

The Fishery Conservation and Management Act of 1976, which assigns joint responsibility to the Coast Guard and the National Marine Fisheries Services to enforce U.S. fisheries laws within the 200-mile Exclusive Economic Zone of the United States.

The Outer Continental Shelf Lands Act Amendments of 1978, which authorizes the Coast Guard to enforce environmental and safety regulations governing oil and gas development activities on the outer Continental Shelf.

The National Invasive Species Act of 1996, which amends the Nonindigenous Aquatic Nuisance Prevention and Control Act of

1990 to strengthen and improve the nation's response to threats posed by aquatic nuisance species.

COMMITTEE ACTION

On February 11, 1999, the Subcommittee on Coast Guard and Maritime Transportation held a hearing on the Administration's fiscal year 2000 budget request for the United States Coast Guard. The Subcommittee received testimony from Admiral James M. Loy, Commandant, U.S. Coast Guard; Vincent Patton, III, Master Chief Petty Officer, U.S. Coast Guard; and John H. Anderson, Jr., Issue Area Director, Transportation Issues, General Accounting Office.

In his testimony, Admiral Loy expressed his support of the President's fiscal year 2000 budget request and explained the three principal themes of the budget request. The Admiral stated his belief that the fiscal year 2000 budget request permits the continuation of the basic Coast Guard services currently enjoyed by the American people, addresses the Coast Guard's readiness needs by funding pay and personnel initiatives for recruiting, and provides funds both to operate the capital assets provided in the fiscal year 1999 emergency supplemental appropriations act and expands the Coast Guard's drug interdiction activities.

Admiral Loy also discussed the importance of modernizing the Coast Guard's older technology, including sensors, ships, and aircraft. The Coast Guard's Integrated Deepwater System acquisition project is the agency's major recapitalization effort of the next ten years. The Admiral further mentioned that the Coast Guard's National Distress System, the coastal maritime distress communications network, is in dire need of modernization, and that the budget will provide funding to begin updating Coast Guard communications and recording equipment and the specific capability to locate vessels in distress by shore-based radio direction finding. This project will help to enhance the Coast Guard search and rescue readiness by keeping America's commercial and recreational mariners safe.

Master Chief Petty Officer Vincent Patton, who represents the 42,000 Coast Guard reserve and active-duty enlisted personnel, stated that he believes there are four common areas of concern among Coast Guard enlisted personnel. These areas include housing, family health care, pay and benefits, and workforce shortages. Master Chief Patton stated that the new Basic Allowance for Housing (BAH) program often fails to meet the financial needs of Coast Guard enlisted members and that Congress should provide additional funding for this important program. He also explained the problems enlisted families have with the Department of Defense's TRICARE health program, which often does not cover the entire cost of health care in certain parts of the country. He explained that the shortage of Coast Guard personnel has brought on an alarming increase in workload that is dramatically affecting certain Coast Guard member's quality of life.

John Anderson, Director of Transportation Issues, at the General Accounting Office (GAO), testified about several Coast Guard issues which his agency has been investigating. He discussed the Coast Guard's progress in justifying its Deepwater Replacement Project and addressing the GAO's concerns about the project's af-

fordability, the Coast Guard's plans for spending its fiscal year 1999 emergency funds, and the budget strategies the agency may have to consider in the future to address continuing budget constraints.

Mr. Anderson concluded that while the Coast Guard has made progress in addressing GAO's concerns about the justification and affordability of the Deepwater Project, additional work is needed to sufficiently justify the project. He further noted that the Coast Guard will obligate 78 percent of the \$377 million in emergency funds that it received in fiscal year 1999 emergency appropriations during the current fiscal year. Finally, the GAO reported that additional Coast Guard cost-cutting measures to improve efficiency are possible, and that the Coast Guard should renew its efforts in this area.—

On February 24, 1999, the Subcommittee on Coast Guard and Maritime Transportation met to mark up a Discussion Draft of the Coast Guard Authorization Act of 1999. The Subcommittee considered one amendment to the Discussion Draft which was offered by Mr. DeFazio. The amendment clarifies the requirements for vessels entering the United States territorial sea and the Coast Guard's authority over those vessels. Currently, a vessel must provide notice to the local Coast Guard Captain of the Port 24 hours before entering a port of the United States. This amendment requires a vessel to give the Coast Guard 24 hours notice before entering the territorial waters (12 miles off the coast) of the United States. Mr. DeFazio's amendment also clarifies current Coast Guard authority to direct the movement of a vessel during hazardous circumstances, including when a pilot required by State or Federal law is not on board the vessel. The DeFazio amendment was agreed to by voice vote. The Discussion Draft bill, as amended, was ordered reported to the full Committee by voice vote in the presence of a quorum.

The Discussion Draft bill, as amended by the Subcommittee, was introduced as H.R. 820 by Chairman Shuster on February 24, 1999, with Mr. Oberstar, Mr. Gilchrest, and Mr. DeFazio as co-sponsors. The bill was referred to the Committee on Transportation and Infrastructure.

On March 11, 1999, the Transportation and Infrastructure Committee met to consider H.R. 820. The Committee considered one amendment to H.R. 820 which was offered by Mr. Ehlens. The amendment requires the Coast Guard to maintain the air search and rescue facility at Muskegon, Michigan, until September 30, 2001, and to establish a new air search and rescue facility in the Chicago, Illinois, area until September 30, 2001. The amendment also authorizes additional funds to establish and operate the air facilities and requires the Coast Guard to study search and rescue capabilities for Southern Lake Michigan. The amendment passed by voice vote.

H.R. 820, as amended by the Committee, was ordered reported to the House of Representatives by a voice vote in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section states that the Act may be cited as the Coast Guard Authorization Act of 1999.

TITLE I—AUTHORIZATIONS

SECTION 101. AUTHORIZATION OF APPROPRIATIONS

The Administration requests approximately \$4.2 billion for fiscal year 2000, to fund Coast Guard programs and activities, of which approximately \$4.1 billion requires an authorization. This funding level is approximately \$117 million less than the amounts appropriated for these programs in fiscal year 1999, but it is \$168 million more than the President's fiscal year 1999 request.

Section 101 of this draft bill authorizes approximately \$4.6 billion for Coast Guard programs and activities in fiscal year 2000. This includes the amounts requested by the President, with an additional \$380 million for Coast Guard drug interdiction activities (consistent with the provisions of the Western Hemisphere Drug Elimination Act), \$3 million to complete the design of a replacement for the Coast Guard Great Lakes icebreaker *Mackinaw*, \$1.5 million to expand the commercial fishing vessel safety program, and \$100 million to accelerate the national distress and response system modernization project. Section 101 also authorizes \$4.8 billion for Coast Guard programs in fiscal year 2001.

The authorization levels contained in this draft bill for the Coast Guard in fiscal year 2000 and 2001 are as follows:

[In millions of dollars]

	President's FY2000 re- quest	T&I FY2000 authorized	T&I FY2001 authorized
Operating Expenses—	\$2,941	\$3,084	\$3,208
Acquisition, Construction & Improvement	350	691–	792
Environmental Compliance & Restoration	19–	19–	21
Research, Development, Test & Evaluation	22	22–	19
Alteration of Bridges	0–	11–	11
Retired Pay	730–	730–	785
Total	\$4,062	\$4,557	\$4,836

Operating expenses

Section 101(1) of H.R. 820 authorizes \$3.08 billion for Coast Guard operating expenses for fiscal year 2000. This is the amount requested by the President, with an additional \$142 million for illicit drug interdiction operations, and an additional \$1.5 million for Coast Guard fishing vessel examiners. This subsection also requires that no less than \$663 million of the operating expense account be available for expenses related to drug interdiction. It further requires that \$5.5 million be available for the Coast Guard commercial fishing vessel safety program to insure that the Coast Guard has adequate funding available for additional personnel to perform voluntary safety examinations of commercial fishing vessels. These voluntary examinations help protect the lives of com-

mercial fishermen who work in one of the most dangerous occupations in the country.

Section 101 also authorizes \$3.21 billion for Coast Guard operating expenses for fiscal year 2001. This amount includes the level requested by the President in fiscal year 2000, plus a four percent inflation adjustment, an additional \$148 million in Operating Expenses for the continuation of drug interdiction activities begun in fiscal year 2000, and \$1.5 million for the continuation of the increased Coast Guard effort to provide voluntary commercial fishing vessel safety examinations.

The Administration's budget request for the Operating Expenses (OE) account in fiscal year 2000 is \$2.941 billion, an increase of \$125 million (4.4 percent) over the fiscal year 1999 appropriated level, to fund continued operation and maintenance of a wide range of multi-mission vessels, aircraft, shore units, and aids-to-navigation.

The following table illustrates how the fiscal year 2000 Coast Guard OE account is allocated among missions compared to the fiscal year 1998 allocation and fiscal year 1999 estimates:

	(Actual) percent of OE in FY98-	(Planned) percent of OE in FY99-	(Planned) percent of OE in FY00
Drug Interdiction-	16.6-	17.2-	17.7
Search and Rescue-	12.7-	11.6-	11.6
Aids to Navigation/Ice Operations-	19.3-	19.8-	19.2
Defense Readiness-	2.5-	2.1-	2.1
Marine Environmental Protection-	11.0-	11.5-	11.5
Other Law Enforcement-	2.6-	2.5-	2.4
Marine Transportation Safety-	14.2-	13.6-	13.7
Fisheries Law Enforcement-	16.8-	16.3-	16.3
Migrant Interdiction -	4.3-	5.4-	5.5

The Coast Guard's Operating Expense account request includes an additional \$99.4 million for enhanced Coast Guard personnel entitlements. These additional personnel costs include the fiscal year 2000 pay raise of 4.4 percent, Coast Guard inclusion in new Department of Defense entitlements, escalating health care costs, and the annualization of past pay raises. The President has requested \$38 million to operate new Coast Guard facilities during fiscal year 2000 which includes \$15 million to operate seven newly-constructed coastal buoy tenders and \$539,000 for additional personnel to operate the newly established Vessel Traffic Service in New Orleans. The budget also includes \$600,000 to conduct major maintenance to ensure continued operation of the Coast Guard ice breaker *Mackinaw* until its retirement. -

The President's request also calls for operating expense reductions of \$50 million. These reductions include \$16 million for the decommissioning of eight aging buoy tenders slated for replacement in fiscal year 2000 and millions of dollars in savings from capital investment in new technology and management efficiencies. The Coast Guard also plans to close two small Coast Guard air facilities, Air Facility Long Island, New York, and Air Facility Muskegon, Michigan. In addition, recent fuel price reductions will save the Coast Guard approximately \$10 million in fiscal year 2000.

Drug interdiction

The President's fiscal year 2000 budget request includes an increase of \$46 million in the Coast Guard's operating expense budget to allow the Coast Guard to operate the Coast Guard drug interdiction assets which were acquired with funds provided in the fiscal year 1999 supplemental appropriations act. This includes funds to operate six additional coastal patrol boats in the Caribbean and other illicit drug maritime transit zone areas. The additional fiscal year 2000 drug funding would also allow the Coast Guard to operate three maritime patrol aircraft and eight deployable pursuit boats in the drug transit zones.

Title VIII of the Omnibus Consolidated Appropriations Act, P.L. 105-277, contains the Western Hemisphere Drug Elimination Act. This legislation authorizes billions of dollars in funding during fiscal years 1999, 2000, and 2001 for the U.S. Customs Service, the U.S. Coast Guard, the Department of Defense, the Department of State, the U.S. Agency for International Development, the Department of Agriculture, and the Drug Enforcement Administration to enhance their current drug interdiction programs as well as establish new interdiction and source country programs.

In order to fully implement the Western Hemisphere Drug Elimination Act, this bill authorizes an additional \$142 million in operating expenses for fiscal year 2000 and \$148 million in operating expenses for fiscal year 2001. These increased funds will allow the Coast Guard to operate 15 additional Coastal Patrol Boats (for a total of 65 coastal patrol boats), a regional law enforcement training center in San Juan, Puerto Rico, several maritime patrol aircraft, two medium to high endurance cutters, six medium endurance cutters, and seven PC-170 vessels which the Coast Guard is expected to receive from the U.S. Navy.

The Committee is concerned that the level of Coast Guard drug interdiction has fallen well below what is necessary to effectively fight the War on Drugs. The Committee believes that the \$46 million increase in drug interdiction resources requested by the President is not adequate to respond to the alarming level of teenage drug use in this country.

The Committee is convinced by recent evidence that effective drug interdiction raises the street price of drugs, driving drug use down. Federal programs that get at the problem before the drugs arrive in this country by sea and air routes only account for about twelve percent of the President's Federal drug spending budget of about \$15 billion. Working with foreign nations, these expenditures result in the seizure of about a third of the world's illicit drug production. Some experts doubt that relationship exists between drug seizures and price on the street, a correlation expected from the law of supply and demand. To examine this issue, the President commissioned a study about the effectiveness of cocaine interdiction from the Institute for Defense Analysis. The study, released last year, found a clear, strong link between supply disruptions and rising street prices for cocaine in the United States. When street prices rise, use falls, especially among casual users. The Committee believes that the results of this study are especially significant as we focus on ways to eliminate teenage drug use. The Committee has concluded that the level of drug interdiction provided in this

bill will ensure that sufficient Federal resources are devoted to this critical mission to fight and win the War on Drugs.

Convention for Safe Containers

The Committee is aware of ongoing negotiations between the U.S. Coast Guard and U.S. onion exporters regarding compliance with the Convention for Safe Containers. The Committee encourages the Coast Guard to make every effort to arrive at a safe but economical solution to this matter. Above all, the Committee is concerned that compliance with the Convention for Safe Containers not result in reducing onion exports from the United States.

Coast Guard ground vehicles in South Texas

The Coast Guard needs dependable and efficient ground vehicles to conduct drug interdiction beach patrols in South Texas. The Committee is aware of concerns about the current age and condition of the Blazers the Coast Guard is using to conduct these operations and believes that the Coast Guard should assign more modern and mission capable vehicles to this duty.

Air Station Cape Cod

Air Station Cape Cod is located on the Massachusetts Military Reservation (MMR), where the Commonwealth of Massachusetts is developing a long term master plan to guide future improvements at the base, including the development and protection of long-term water supplies for Air Station Cape Cod, other base tenants, and local communities.

The Coast Guard is directed to revise its own master plan for Air Station Cape Cod, to assess the feasibility of locating or consolidating other operations from within the First District at Air Station Cape Cod or within the MMR, and to reassess long term property and management requirements to best serve the interest of the Coast Guard at Air Station Cape Cod.

Marine electrical cable

It has been brought to the Committee's attention that the Coast Guard has accepted standards for marine electrical cable different from the standards contained in the Code of Federal Regulations and that this was done without giving the affected U.S. manufacturers the opportunity for notice and comment through the regulatory process. The Committee believes that the Coast Guard should undertake a formal rulemaking process before deciding whether IEC 92-350/353, IEEE Std. 45 [1998 edition], and UL 1309 are approved for use.

Acquisition, construction, and improvements

Section 101(2) of this bill authorizes \$691 million in fiscal year 2000 for the Coast Guard's acquisition, construction, and improvement (AC&I) account. This amount includes the President's AC&I request with an additional \$238 million for drug interdiction assets, \$3 million for the design study for the *Mackinaw* icebreaker replacement project, and \$100 million to speed up the Coast Guard's new National Distress System Modernization Project. Specifically, this subsection also requires the Coast Guard to spend not

less than \$280 million of the AC&I authorization for expenses related to drug interdiction, that \$100 million shall be available for modernization of the national distress response system, and that \$3 million shall be available for completion of the design of a replacement vessel for the Coast Guard icebreaker *Mackinaw*.

Section 101(2) also authorizes \$792 million for the Coast Guard's AC&I account for fiscal year 2001. This amount includes the President's AC&I funding baseline with an additional \$189 million for drug interdiction assets, \$128 million to construct the *Mackinaw* Great Lakes icebreaker replacement, and \$110 million to speed up the procurement of the Coast Guard's new National Distress System Modernization Project. Specifically, this subsection also requires that not less than \$233 million shall be available for AC&I expenses related to drug interdiction, that \$110 million shall be available for modernization of the national distress response system, and that \$128 million shall be available for construction or acquisition of a replacement vessel for the Coast Guard icebreaker *Mackinaw*.

The Coast Guard icebreaker *Mackinaw* was launched on March 4, 1944, to meet the needs of the United States to keep our steel industry supplied with sufficient iron ore, limestone, and coal. Today, the *Mackinaw* continues to provide for our nation's economic and national security by allowing cargo ships to sail later into the winter and begin their spring movements earlier. U.S.-flag lake carriers move nearly 58 million tons of iron ore, 23 million tons of stone, such as limestone, and 20 million tons of coal each season. In addition millions of tons of these commodities and agricultural produce are exported through the Great Lakes and the St. Lawrence Seaway.

H.R. 820 authorizes \$3 million dollars for fiscal year 2000 to fund a design competition for the replacement vessel for the *Mackinaw*. The Coast Guard estimates that there will be \$2.5 to \$3 million left over from the \$5.3 million appropriated for fiscal year 1999 to complete the conceptual design for the replacement vessel. Therefore, \$5.5 to 6 million will be available for the design competition. H.R. 820 also authorizes \$128 million in fiscal year 2001 to fund the construction of multi-missioned icebreaker to replace the *Mackinaw*. This vessel will be able to tend buoys during the Spring, Summer and Fall seasons and provide icebreaking services during the winter. The Committee believes that supporting the Great Lakes icebreaking mission of the Coast Guard is as important as supporting the *Deepwater* replacement project, which provides for the Coast Guard's capital replacement for vessels and aircraft operating more than 50 miles at sea from the Atlantic, Gulf, and West Coasts of the United States. H.R. 820 strikes the proper balance between the needs of the Great Lakes and our coastal waters.

The Administration has requested an appropriation of \$350.3 million, a \$275 million (44 percent) decrease relative to the amount appropriated in fiscal year 1999, to build and improve the Coast Guard's vessel, aircraft and boat fleets, shore facilities, and information management resources. The Administration assumes that the Coast Guard's Acquisition, Construction and Improvements account would include \$41 million in an unspecified navigation user fee. If authorized by Congress, these new navigation user fees

would reduce the appropriation to the AC&I account by the amount collected. If no user fee is authorized, the full \$350 million for the AC&I account is proposed to be appropriated from the General Fund. Details of this controversial proposal have not been released. A broad coalition of ship operators, maritime labor representatives, and shippers is strongly opposed to a navigation user charge. The Committee does not support the proposed navigation user charge.

Authority exists for the head of a Federal agency to establish charges for services or things of value provided by the agency under the User Charge Statute, section 9701 of title 31, United States Code. That authority allows charges to be established administratively in narrow, specific circumstances, and only when involving specific charges for specific services to specific individuals or companies. Many believe that an attempt to administratively collect fees from vessel operators for general aids to navigation in U.S. ports and waterways would exceed the authority of agency heads to establish charges under the User Charge Statute. Supreme Court decisions on the User Charge Statute have held that charges that are simply "revenue raisers" are actually taxes, and must be based on specific statutory authority. The Coast Guard currently collects legitimate user fees for the specific services it provides to specific individuals, including ship inspections, licensing of and issuance of documents to merchant mariners and documentation of vessels.

Section 207 of the Coast Guard Authorization Act of 1998 prohibits the Secretary of Transportation from establishing any fee of this type before September 30, 2001.

The fiscal year 2000 request includes \$166 million for two sea-going buoy tenders, twenty additional motor life boats and other vessel projects; \$22 million for upgraded sensors and avionics on Coast Guard helicopters and fixed wing aircraft; \$54 million for enhancement to Coast Guard information systems, National Distress System, and commercial satellite communication system; and \$56 million for renovations and improvements to Coast Guard facilities. Funding of \$44 million is also included in the Coast Guard's AC&I budget for the deepwater capability replacement analysis, in support of recapitalization of the Coast Guard's large cutters and aircraft assets to begin in 2002.

The Committee increased the President's AC&I request for fiscal year 2000 in three specific areas. The first would allow the Coast Guard to construct 15 coastal patrol boats for \$81 million, establish a regional law enforcement training center in San Juan, Puerto Rico, for \$4 million, obtain maritime patrol aircraft for \$17 million, obtain two medium or high endurance cutters for \$36 million, and begin construction of six medium endurance cutters for \$100 million. These assets would allow the Coast Guard to execute its role under the Western Hemisphere Drug Elimination Act, Public Law 105-277, which was enacted last year by Congress.

The second increase for AC&I provides the Coast Guard with an additional \$3 million to perform a design study for the *Mackinaw* ice breaker replacement project.

The third increase provides an additional \$100 million to speed up the Coast Guard's modernization of our National Distress System, compressing the Administration's five year modernization

project into two years. The Committee believes that finishing this project three years early is critical to improving the ability of mariners in distress to notify the Coast Guard when they are in trouble. The National Distress System, the coastal maritime distress communications system, is in dire need of modernization. Much of the equipment is obsolete. Communications technology is readily available that would give the Coast Guard the capability to save additional lives. Full funding of this important project will help the Coast Guard enhance its search and rescue readiness, keeping America's commercial and recreational mariners safe, and increasing the Coast Guard's ability to save lives, such as those that were tragically lost aboard the sailing vessel *Morning Dew* off the coast of South Carolina and the fishing vessel *Adriatic* off the New Jersey coast.

The Committee also authorizes \$792 million for the Coast Guard's fiscal year 2001 AC&I account. This includes \$189 million to complete the purchase of six medium endurance cutters begun in fiscal year 2000, \$128 million to construct the *Mackinaw* ice breaker replacement, and \$110 million to complete the Coast Guard's National Distress System Modernization Project.

Research and development

Section 101(3) authorizes \$21.7 million for Coast Guard research and development for fiscal year 2000 and \$23 million for fiscal year 2001. This is the level requested by the President for Coast Guard Research and Development for fiscal year 2000. The amount authorized for fiscal year 2001 includes improved fire safety measures for tank vessels, risk-based planning and management, ballast water management, law enforcement (nonlethal force and concealed spaces), mobile communications systems, and video training systems. These research and development funds support the development of techniques, methods, research, hardware, systems, and planning to improve the productivity of existing Coast Guard missions.

Retired pay

Section 101(4) authorizes \$730 million in fiscal year 2000 and \$785 in fiscal year 2001 for Coast Guard retired pay. These funds provide annuities and medical care for retired military personnel and former Lighthouse Service members, their dependents, and survivors.

Alteration of bridges

The Bridge Alteration program provides the Federal government's share of the costs for altering or removing bridges determined to be obstructions to navigation. Currently, under the Truman-Hobbs Act of 1940, (33 U.S.C. 511 et seq.), the Coast Guard shares, with the bridge owner, the cost of altering railroad and publicly-owned highway bridges which obstruct the free movement of vessel traffic.

The Administration recommends that funding for the alteration of obstructive highway and railroad bridges be provided from the Federal Aid Highways program. Under the proposal, the Secretary would make available \$11 million in fiscal year 2000 for the alter-

ation of railroad and highway bridges which have been determined to be unreasonable obstructions to navigation. The Coast Guard would continue to administer the program.

Section 101(5) of H.R. 820 authorizes \$11 million in fiscal year 2000 and \$11 million in fiscal year 2001 for the Coast Guard's current bridge program. The fiscal year 2000 authorization includes funds to continue the replacement of the Sidney Lanier Bridge in Brunswick, Georgia, the Florida Avenue Bridge in New Orleans, Louisiana, and the Chelsea Bridge in Boston.

Environmental compliance

Section 101(6) authorizes \$19.5 million for fiscal year 2000 to mitigate environmental problems resulting from the operation of former and current Coast Guard facilities, and to ensure that Coast Guard facilities are in compliance with applicable environmental laws and regulations. This is the amount requested by the President. Section 101 further authorizes \$21 million for environmental compliance and restoration in fiscal year 2000.

SECTION 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING

This section authorizes 40,000 Coast Guard active duty military personnel at the end of fiscal year 2000, and 44,000 active duty military personnel at the end of fiscal year 2001. This is an increase (primarily for drug interdiction) over the level of 38,159 active duty military personnel requested by the President.

TITLE II—MISCELLANEOUS

SECTION 201. VESSEL NOT A SHOT

Section 201 authorizes the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Not a Shot*. The vessel *Not a Shot*, U.S. official number 911064, is a 32 foot vessel for which no information concerning the place of construction is available. The owner believes that the vessel was built in the U.S. in 1978. The vessel owner plans to employ the vessel in conducting commercial fishing tours.

SECTION 202. COSTS OF CLEANUP OF CAPE MAY LIGHTHOUSE

Section 202 of this bill authorizes the Coast Guard to spend \$99,000 to reimburse the owners of the Cape May Lighthouse, formerly a Coast Guard facility, for the cleanup of lead contaminated soil at the lighthouse.

SECTION 203. CLARIFICATION OF COAST GUARD AUTHORITY TO CONTROL VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES

Section 203 amends the Port and Waterways Safety Act to require all vessels entering the 12 mile territorial sea of the United States to provide notice to the Coast Guard 24 hours before entering those waters. Current Coast Guard regulations require these vessels to provide 24 hours notice before entering a port or place in the United States. This section also clarifies that the Coast

Guard has the authority to direct the safe operations of all vessels in the 12 mile territorial sea and other navigable waters of the United States during hazardous circumstances such as when a pilot is not on board the vessel.

After the recent accident involving the *New Carissa* grounding in Oregon, the Committee agrees that the Coast Guard should be given earlier notice of vessels arriving in our territorial waters and that the Coast Guard should take an active role in directing vessel movements during hazardous times on a vessel. This may include making recommendations to the ship's master on customarily safe procedures for a given area, such as continuing to be underway until a pilot can safely board the ship, or on steps that should not be taken such as anchoring in unsafe or environmentally sensitive areas. The Coast Guard should assume that a ship entering the U.S. territorial sea without a pilot on board who is familiar with local waters is in need of supervision to ensure it's safe passage rather than waiting for the ship to call in to request additional information on customary practices in these waters.

SECTION 204. COAST GUARD AIR SEARCH AND RESCUE FACILITIES FOR LAKE MICHIGAN

Section 204 of this bill requires the Coast Guard to maintain search and rescue air facilities at Muskegon, Michigan, until September 30, 2001, and also in the area of Chicago, Illinois, until September 30, 2001. This amendment authorizes additional funds to establish and operate the air facilities and requires the Coast Guard to study search and rescue capabilities for Southern Lake Michigan. Finally, the amendment requires the Secretary of Transportation, within six months of the bill's enactment, to prepare and begin implementing a comprehensive plan for aircraft and vessel search and rescue response for Lake Michigan in the vicinity of Chicago, Illinois.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Transportation and Infrastructure's oversight findings and recommendations are reflected in the body of this report.

COST OF THE LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred by enactment of H.R. 820. However, clause 3(d)(2) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

CONSTITUTIONAL AUTHORITY STATEMENT

Article 1, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Congressional Budget Act. With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 820 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. Government Reform Oversight Findings. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 820.

3. Congressional Budget Office Cost Estimate. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 820 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 11, 1999.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 820, the Coast Guard Authorization Act of 1999.

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

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure.

H.R. 820—Coast Guard Authorization Act of 1999

Summary: H.R. 820 would authorize appropriations totaling \$7.9 billion for discretionary programs of the U.S. Coast Guard (USCG) for fiscal years 2000 and 2001. For 2000, the bill would authorize about \$3.8 billion, including about \$3.1 billion for operating expenses, \$691 million for acquisition and other capital projects, \$22 million for research activities, \$11 million for bridge alterations, and \$19.5 million for environmental compliance. For 2001, the bill would authorize \$4.1 billion, including \$3.2 billion for operations, \$792 million for capital projects, \$23 million for research, \$11 million for bridge alterations and \$21 million for environmental compliance. Of the amounts authorized for each year, \$48.5 million would be derived from the Oil Spill Liability Trust Fund (OSLTF). H.R. 820 also would authorize the appropriation of \$730 million and \$785 million for retirement benefits in 2000 and 2001, respectively.

H.R. 820 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no impact on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: Assuming appropriation of the entire amounts authorized for discretionary programs, fiscal year 2000 funding would be \$305 million (or 9 percent) more than the 1999 appropriation. Funding for 2001 would grow by an additional 6 percent. The estimated budgetary effects of the legislation are summarized in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 400 (transportation).

	By fiscal years, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
USCG Spending Under Current Law:						
Budget Authority/Authorization Level ¹	3,540	29	29	0	0	0
Estimated Outlays	3,276	911	376	180	57	20
Proposed Changes:						
Authorization Level	0	3,816	4,047	0	0	0
Estimated Outlays	0	2,609	3,405	1,003	449	205
USCG Spending Under H.R. 820:						
Authorization Level ¹	3,540	3,845	4,076	0	0	0
Estimated Outlays	3,276	3,520	3,781	1,183	506	225

¹The 1999 level is the amount appropriated for that year.

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

Basis of estimate: For purposes of this estimate, CBO assumes that H.R. 820 will be enacted fiscal year 1999, and that the full amounts authorized for USCG programs will be appropriated for each fiscal year.

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

Other provisions of H.R. 820 are not expected to have any significant impact on the federal budget.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 820 contains no intergovernmental private-sector mandates as defined in UMRA and would have no impact on the budgets of state, local, or tribal governments.

Estimate prepared by: Deborah Reis.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 820 contains no unfunded mandates.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

SECTION 15 OF THE PORTS AND WATERWAYS SAFETY ACT

SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DIRECTION OF VESSELS BY COAST GUARD.

(a) *NOTIFICATION OF COAST GUARD.*—Under regulations prescribed by the Secretary, a commercial vessel entering the territorial sea of the United States shall notify the Secretary not later than 24 hours before that entry and provide the following information:

- (1) *The name of the vessel.*
- (2) *The port or place of destination in the United States.*
- (3) *The time of entry into the territorial sea.*
- (4) *Any information requested by the Secretary to demonstrate compliance with applicable international agreements to which the United States is a party.*
- (5) *If the vessel is carrying dangerous cargo, a description of that cargo.*
- (6) *A description of any hazardous conditions on the vessel.*
- (7) *Any other information requested by the Secretary.*

(b) *DENIAL OF ENTRY.*—The Secretary may deny entry of a vessel into the territorial sea of the United States if—

- (1) *the Secretary has not received notification for the vessel in accordance with subsection (a); or*
- (2) *the vessel is not in compliance with any other applicable law relating to marine safety, security, or environmental protection.*

(c) *DIRECTION OF VESSEL.*—The Secretary may direct the operation of any vessel in the navigable waters of the United States as necessary during hazardous circumstances, including the absence of a pilot required by State or Federal law, weather, casualty, vessel traffic, or the poor condition of the vessel.