

106TH CONGRESS  
1ST SESSION

# H. R. 820

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IN THE SENATE OF THE UNITED STATES

MARCH 18, 1999

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To authorize appropriations for fiscal years 2000 and 2001  
for the Coast Guard, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Coast Guard Author-  
3 ization Act of 1999”.

4 **SEC. 2. TABLE OF CONTENTS.**

5       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.

Sec. 205. Vessel COASTAL VENTURE.

Sec. 206. Vessel PRIDE OF MANY.

Sec. 207. Prohibition of new maritime user fees.

Sec. 208. Sense of the Congress regarding oil spill response actions.

Sec. 209. Vessel NORFOLK.

Sec. 210. Great Lakes lighthouses.

Sec. 211. Drug interdiction.

6 **TITLE I—AUTHORIZATION**

7 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

8       Funds are authorized to be appropriated for nec-  
9 essary expenses of the Coast Guard, as follows:

10           (1) For the operation and maintenance of the  
11       Coast Guard—

12                   (A) for fiscal year 2000, \$3,084,400,000,  
13       of which—

14                           (i) \$25,000,000 shall be derived from  
15       the Oil Spill Liability Trust Fund to carry

1 out the purposes of section 1012(a)(5) of  
2 the Oil Pollution Act of 1990;

3 (ii) not less than \$663,000,000 shall  
4 be available for expenses related to drug  
5 interdiction; and

6 (iii) \$5,500,000 shall be available for  
7 the commercial fishing vessel safety pro-  
8 gram; and

9 (B) for fiscal year 2001, \$3,207,800,000,  
10 of which—

11 (i) \$25,000,000 shall be derived from  
12 the Oil Spill Liability Trust Fund to carry  
13 out the purposes of section 1012(a)(5) of  
14 the Oil Pollution Act of 1990;

15 (ii) not less than \$689,500,000 shall  
16 be available for expenses related to drug  
17 interdiction; and

18 (iii) \$5,500,000 shall be available for  
19 the commercial fishing vessel safety pro-  
20 gram.

21 (2) For the acquisition, construction, rebuild-  
22 ing, and improvement of aids to navigation, shore  
23 and offshore facilities, vessels, and aircraft, includ-  
24 ing equipment related thereto—

1 (A) for fiscal year 2000, \$691,300,000, of  
2 which—

3 (i) \$20,000,000 shall be derived from  
4 the Oil Spill Liability Trust Fund to carry  
5 out the purposes of section 1012(a)(5) of  
6 the Oil Pollution Act of 1990;

7 (ii) not less than \$280,300,000 shall  
8 be available for expenses related to drug  
9 interdiction;

10 (iii) \$100,000,000 shall be available  
11 for modernization of the national distress  
12 response system; and

13 (iv) \$3,000,000 shall be available for  
14 completion of the design of a replacement  
15 vessel for the Coast Guard icebreaker  
16 MACKINAW; and

17 (B) for fiscal year 2001, \$792,000,000, of  
18 which—

19 (i) \$20,000,000 shall be derived from  
20 the Oil Spill Liability Trust Fund to carry  
21 out the purposes of section 1012(a)(5) of  
22 the Oil Pollution Act of 1990;

23 (ii) not less than \$233,000,000 shall  
24 be available for expenses related to drug  
25 interdiction;

1 (iii) \$110,000,000 shall be available  
2 for modernization of the national distress  
3 response system; and

4 (iv) \$128,000,000 shall be available  
5 for construction or acquisition of a replace-  
6 ment vessel for the Coast Guard icebreaker  
7 MACKINAW.

8 (3) For research, development, test, and evalua-  
9 tion of technologies, materials, and human factors  
10 directly relating to improving the performance of the  
11 Coast Guard's mission in support of search and res-  
12 cue, aids to navigation, marine safety, marine envi-  
13 ronmental protection, enforcement of laws and  
14 treaties, ice operations, oceanographic research, and  
15 defense readiness—

16 (A) for fiscal year 2000, \$21,700,000; and

17 (B) for fiscal year 2001, \$23,000,000,  
18 to remain available until expended, of which  
19 \$3,500,000 shall be derived each fiscal year from the  
20 Oil Spill Liability Trust Fund to carry out the pur-  
21 poses of section 1012(a)(5) of the Oil Pollution Act  
22 of 1990.

23 (4) For retired pay (including the payment of  
24 obligations otherwise chargeable to lapsed appropria-  
25 tions for this purpose), payments under the Retired

1       Serviceman’s Family Protection and Survivor Ben-  
2       efit Plans, and payments for medical care of retired  
3       personnel and their dependents under chapter 55 of  
4       title 10, United States Code—

5               (A) for fiscal year 2000, \$730,000,000;

6               and

7               (B) for fiscal year 2001, \$785,000,000.

8       (5) For alteration or removal of bridges over  
9       navigable waters of the United States constituting  
10      obstructions to navigation, and for personnel and  
11      administrative costs associated with the Bridge Al-  
12      teration Program—

13              (A) for fiscal year 2000, \$11,000,000; and

14              (B) for fiscal year 2001, \$11,000,000,

15      to remain available until expended.

16      (6) For environmental compliance and restora-  
17      tion at Coast Guard facilities (other than parts and  
18      equipment associated with operations and mainte-  
19      nance)—

20              (A) for fiscal year 2000, \$19,500,000; and

21              (B) for fiscal year 2001, \$21,000,000,

22      to remain available until expended.

1 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
2 **AND TRAINING.**

3 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is  
4 authorized an end-of-year strength for active duty per-  
5 sonnel of—

6 (1) 40,000 as of September 30, 2000; and

7 (2) 44,000 as of September 30, 2001.

8 (b) MILITARY TRAINING STUDENT LOADS.—The  
9 Coast Guard is authorized average military training stu-  
10 dent loads as follows:

11 (1) For recruit and special training—

12 (A) for fiscal year 2000, 1,500 student  
13 years; and

14 (B) for fiscal year 2001, 1,500 student  
15 years.

16 (2) For flight training—

17 (A) for fiscal year 2000, 100 student  
18 years; and

19 (B) for fiscal year 2001, 100 student  
20 years.

21 (3) For professional training in military and ci-  
22 vilian institutions—

23 (A) for fiscal year 2000, 300 student  
24 years; and

25 (B) for fiscal year 2001, 300 student  
26 years.

1 (4) For officer acquisition—

2 (A) for fiscal year 2000, 1,000 student  
3 years; and

4 (B) for fiscal year 2001, 1,000 student  
5 years.

## 6 **TITLE II—MISCELLANEOUS**

### 7 **SEC. 201. VESSEL NOT A SHOT.**

8 Notwithstanding section 27 of the Merchant Marine  
9 Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of  
10 June 19, 1886 (46 App. U.S.C. 289), and section 12106  
11 of title 46, United States Code, the Secretary of Transpor-  
12 tation may issue a certificate of documentation with ap-  
13 propriate endorsement for employment in the coastwise  
14 trade for the vessel NOT A SHOT (United States official  
15 number 911064).

### 16 **SEC. 202. COSTS OF CLEAN-UP OF CAPE MAY LIGHTHOUSE.**

17 Of amounts authorized by this Act for fiscal year  
18 2000 for environmental compliance and restoration of  
19 Coast Guard facilities, \$99,000 shall be available to reim-  
20 burse the owner of the former Coast Guard lighthouse fa-  
21 cility at Cape May, New Jersey, for costs incurred for  
22 clean-up of lead contaminated soil at that facility.



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

4 The Ports and Waterways Safety Act (33 U.S.C.  
5 1221 et seq.) is amended by adding at the end the fol-  
6 lowing:

7 **“SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DI-**  
8 **RECTION OF VESSELS BY COAST GUARD.**

9 “(a) NOTIFICATION OF COAST GUARD.—Under regu-  
10 lations prescribed by the Secretary, a commercial vessel  
11 entering the territorial sea of the United States shall no-  
12 tify the Secretary not later than 24 hours before that  
13 entry and provide the following information:

14 “(1) The name of the vessel.

15 “(2) The port or place of destination in the  
16 United States.

17 “(3) The time of entry into the territorial sea.

18 “(4) Any information requested by the Sec-  
19 retary to demonstrate compliance with applicable  
20 international agreements to which the United States  
21 is a party.

22 “(5) If the vessel is carrying dangerous cargo,  
23 a description of that cargo.

24 “(6) A description of any hazardous conditions  
25 on the vessel.

1           “(7) Any other information requested by the  
2       Secretary.

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

6           “(1) the Secretary has not received notification  
7       for the vessel in accordance with subsection (a); or

8           “(2) the vessel is not in compliance with any  
9       other applicable law relating to marine safety, secu-  
10      rity, or environmental protection.

11          “(c) DIRECTION OF VESSEL.—The Secretary may di-  
12 rect the operation of any vessel in the navigable waters  
13 of the United States as necessary during hazardous cir-  
14 cumstances, including the absence of a pilot required by  
15 State or Federal law, weather, casualty, vessel traffic, or  
16 the poor condition of the vessel.”.

17 **SEC. 204. COAST GUARD SEARCH AND RESCUE FOR LAKE**  
18 **MICHIGAN.**

19       (a) IN GENERAL.—

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

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

1 (B) shall establish a new seasonal Coast  
2 Guard air search and rescue facility for South-  
3 ern Lake Michigan to serve the Chicago metro-  
4 politan area and the surrounding environment,  
5 and operate that facility until at least Sep-  
6 tember 30, 2001.

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

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

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

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

18 and

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

20 (B) for acquisition, construction, and im-  
21 provement of facilities and equipment for the  
22 Coast Guard air search and rescue facility for  
23 Southern Lake Michigan established under  
24 paragraph (1)(B)—

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

2 and

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

4 and

5 (C) for operation and maintenance of the

6 Coast Guard air search and rescue facility for

7 Southern Lake Michigan established under

8 paragraph (1)(B)—

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

10 and

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

12 (3) LIMITATION ON CLOSING OR DOWNSIZING

13 OTHER FACILITIES.—The Secretary of Transpor-

14 tation may not close or downsize any Coast Guard

15 facility for the purpose of accommodating the capa-

16 bility required pursuant to paragraphs (1) and (2).

17 (b) STUDY OF SEARCH AND RESCUE CAPABILITIES

18 FOR LAKE MICHIGAN.—Not later than 1 year after the

19 date of the enactment of this Act, the Secretary of Trans-

20 portation shall study, determine, and report to the Con-

21 gress the overall aircraft and vessel search and rescue ca-

22 pability for Lake Michigan, including—

23 (1) the capability of all Federal, State, and

24 local government and nongovernment entities that

1 perform search and rescue functions for Lake Michi-  
2 gan; and

3 (2) the adequacy of that overall capability.

4 (c) PLAN FOR SEARCH AND RESCUE RESPONSE FOR  
5 CHICAGO, ILLINOIS.—Not later than 6 months after the  
6 date of the enactment of this Act, the Secretary of Trans-  
7 portation shall prepare, submit to the Congress, and begin  
8 implementing a comprehensive plan for aircraft and vessel  
9 search and rescue response for Lake Michigan in the vicin-  
10 ity of Chicago, Illinois.

11 (d) USE OF HELICOPTERS FOR DRUG INTERDIC-  
12 TION.—During the portion of each year when the seasonal  
13 facilities required under subsection (a)(1) are not in oper-  
14 ation, the Secretary of Transportation shall use heli-  
15 copters assigned to those facilities for drug interdiction.

16 **SEC. 205. VESSEL COASTAL VENTURE.**

17 Section 1120(g) of the Coast Guard Authorization  
18 Act of 1996 (Public Law 104–324; 110 Stat. 3978) is  
19 amended by inserting “COASTAL VENTURE (United  
20 States official number 971086),” after “vessels”.

21 **SEC. 206. VESSEL PRIDE OF MANY.**

22 Notwithstanding section 27 of the Merchant Marine  
23 Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of  
24 June 19, 1886 (46 App. U.S.C. 289), and section 12106  
25 of title 46, United States Code, the Secretary of Transpor-

1 tation may issue a certificate of documentation with ap-  
2 propriate endorsement for employment in the coastwise  
3 trade for the vessel PRIDE OF MANY (Canadian official  
4 number 811529).

5 **SEC. 207. PROHIBITION OF NEW MARITIME USER FEES.**

6 Section 2110(k) of title 46, United States Code, is  
7 amended by striking the last sentence.

8 **SEC. 208. SENSE OF THE CONGRESS REGARDING OIL SPILL**  
9 **RESPONSE ACTIONS.**

10 It is the sense of the Congress that to ensure that  
11 liability concerns regarding response actions to remove a  
12 discharge of oil or a hazardous substance, or to mitigate  
13 or prevent the threat of such a discharge, do not deter  
14 an expeditious or effective response, the President should  
15 promulgate guidelines as soon as possible under the Oil  
16 Pollution Act of 1990 and other applicable Federal laws  
17 clarifying that a person who is not a responsible party (as  
18 that term is used in that Act) and who takes any response  
19 action consistent with the National Contingency Plan (in-  
20 cluding the applicable fish and wildlife response plan) or  
21 as otherwise directed by the President to prevent or miti-  
22 gate the environmental effects of such a discharge or a  
23 threat of such a discharge should not be held liable for  
24 the violation of fish and wildlife laws unless the person  
25 is grossly negligent or engages in a willful misconduct.

1 **SEC. 209. VESSEL NORFOLK.**

2       Notwithstanding section 27 of the Merchant Marine  
3 Act, 1920 (46 App. U.S.C. 883) and section 12106 of title  
4 46, United States Code, the Secretary of Transportation  
5 may issue a certificate of documentation with a coastwise  
6 endorsement for the vessel NORFOLK (United States of-  
7 ficial number 1077852) before January 1, 2001, if—

8           (1) before that date the vessel undergoes a  
9       major conversion (as defined in section 2101 of title  
10      46, United States Code) in a shipyard located in the  
11      United States; and

12          (2) the cost of the major conversion is more  
13      than three times the amount the owner of the vessel  
14      paid to purchase the vessel.

15 **SEC. 210. GREAT LAKES LIGHTHOUSES.**

16      (a) FINDINGS.—The Congress finds the following:

17          (1) The Great Lakes are home to more than  
18      400 lighthouses. 120 of these maritime landmarks  
19      are in the State of Michigan, more than in any other  
20      State.

21          (2) Lighthouses are an important part of Great  
22      Lakes culture and stand as a testament to the im-  
23      portance of shipping in the region's political, eco-  
24      nomic, and social history.

25          (3) Advances in navigation technology have  
26      made many Great Lakes lighthouses obsolete. In

1 Michigan alone, approximately 70 lighthouses will be  
2 designated as surplus property of the Federal Gov-  
3 ernment and will be transferred to the General Serv-  
4 ices Administration for disposal.

5 (4) Unfortunately, the Federal property dis-  
6 posal process is confusing, complicated, and not well-  
7 suited to disposal of historic lighthouses or to facili-  
8 tate transfers to nonprofit organizations. This is es-  
9 pecially troubling because, in many cases, local non-  
10 profit historical organizations have dedicated tre-  
11 mendous resources to preserving and maintaining  
12 Great Lakes lighthouses.

13 (5) If Great Lakes lighthouses disappear, the  
14 public will be unaware of an important chapter in  
15 Great Lakes history.

16 (6) The National Trust for Historic Preserva-  
17 tion has placed Michigan lighthouses on their list of  
18 Most Endangered Historic Places.

19 (b) ASSISTANCE FOR GREAT LAKES LIGHTHOUSE  
20 PRESERVATION EFFORTS.—The Secretary of Transpor-  
21 tation, acting through the Coast Guard, shall—

22 (1) continue to offer advice and technical assist-  
23 ance to organizations in the Great Lakes region that  
24 are dedicated to lighthouse stewardship; and



1           (2) promptly release information regarding the  
2           timing of designations of Coast Guard lighthouses  
3           on the Great Lakes as surplus property, to enable  
4           those organizations to mobilize and be prepared to  
5           take appropriate action with respect to the disposal  
6           of those properties by the Federal Government.

7   **SEC. 211. DRUG INTERDICTION.**

8           (a) VESSEL SHORE FACILITIES.—In addition to  
9           amounts otherwise authorized by this Act, there are au-  
10          thorized to be appropriated to the Secretary of Transpor-  
11          tation \$20,000,000 for fiscal year 2000 for the acquisi-  
12          tion, construction, rebuilding, and improvement of shore  
13          facilities for Coast Guard vessels used for drug interdic-  
14          tion operations.

15          (b) ACQUISITION OF COASTAL PATROL CRAFT.—If  
16          the Department of Defense does not offer, by not later  
17          than September 30, 1999, seven PC-170 coastal patrol  
18          craft for the use of the Coast Guard pursuant to section  
19          812(c) of the Western Hemisphere Drug Elimination Act  
20          (title VIII of division C of Public Law 105-277), there  
21          are authorized to be appropriated to the Secretary of  
22          Transportation, in addition to amounts otherwise author-  
23          ized by this Act, up to \$210,000,000 for fiscal years 2000  
24          and 2001 for the acquisition of up to six PC-170 coastal

- 1 patrol craft, or the most recent upgrade of the PC-170
- 2 coastal patrol craft, for use by the Coast Guard.

Passed the House of Representatives March 17,  
1999.

Attest:

JEFF TRANDAHL,

*Clerk.*