

106TH CONGRESS
1ST SESSION

H. R. 820

IN THE SENATE OF THE UNITED STATES

MARCH 18, 1999

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

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:

See. 1. Short title.

See. 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 necessary expenses of the Coast Guard, as follows:

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

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

14 (i) \$25,000,000 shall be derived from 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—

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;

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

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.

23 (4) For retired pay (including the payment of
24 obligations otherwise chargeable to lapsed appropri-
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.

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 —

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

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 Transporta-
14 tion 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 Michigan;
2 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

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.