

Union Calendar No. 31

106TH CONGRESS
1ST SESSION

H. R. 820

[Report No. 106-51]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1999

Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. GILCHREST, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

MARCH 11, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 24, 1999]

A BILL

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 Authoriza-*
 3 *tion 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.

6 **TITLE I—AUTHORIZATION**

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

8 *Funds are authorized to be appropriated for necessary*
 9 *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, of*

13 *which—*

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

15 *the Oil Spill Liability Trust Fund to carry*

16 *out the purposes of section 1012(a)(5) of the*

17 *Oil Pollution Act of 1990;*

1 (ii) not less than \$663,000,000 shall be
2 available for expenses related to drug inter-
3 diction; and

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

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

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

13 (ii) not less than \$689,500,000 shall be
14 available for expenses related to drug inter-
15 diction; and

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

19 (2) For the acquisition, construction, rebuilding,
20 and improvement of aids to navigation, shore and off-
21 shore facilities, vessels, and aircraft, including equip-
22 ment related thereto—

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

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

5 (ii) not less than \$280,300,000 shall be
6 available for expenses related to drug inter-
7 diction;

8 (iii) \$100,000,000 shall be available for
9 modernization of the national distress re-
10 sponse system; and

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

15 (B) for fiscal year 2001, \$792,000,000, of
16 which—

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

21 (ii) not less than \$233,000,000 shall be
22 available for expenses related to drug inter-
23 diction;

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

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

8 (3) For research, development, test, and evalua-
9 tion of technologies, materials, and human factors di-
10 rectly 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 of
22 1990.

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

1 *Serviceman's Family Protection and Survivor Benefit*
2 *Plans, and payments for medical care of retired per-*
3 *sonnel and their dependents under chapter 55 of title*
4 *10, United States Code—*

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

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

7 *(5) For alteration or removal of bridges over*
8 *navigable waters of the United States constituting ob-*
9 *structions to navigation, and for personnel and ad-*
10 *ministrative costs associated with the Bridge Alter-*
11 *ation Program—*

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

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

14 *to remain available until expended.*

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

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

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

21 *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 personnel*
5 *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 Coast*
9 *Guard is authorized average military training student*
10 *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 years;*
18 *and*

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

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

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

24 (B) *for fiscal year 2001, 300 student years.*

25 (4) *For officer acquisition—*

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

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

5 **TITLE II—MISCELLANEOUS**

6 **SEC. 201. VESSEL NOT A SHOT.**

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

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

16 Of amounts authorized by this Act for fiscal year 2000
17 for environmental compliance and restoration of Coast
18 Guard facilities, \$99,000 shall be available to reimburse the
19 owner of the former Coast Guard lighthouse facility at Cape
20 May, New Jersey, for costs incurred for clean-up of lead
21 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. 1221*
5 *et seq.) is amended by adding at the end the following:*

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

8 *“(a) NOTIFICATION OF COAST GUARD.—Under regula-*
9 *tions prescribed by the Secretary, a commercial vessel enter-*
10 *ing the territorial sea of the United States shall notify the*
11 *Secretary not later than 24 hours before that entry and pro-*
12 *vide the following information:*

13 *“(1) The name of the vessel.*

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

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

17 *“(4) Any information requested by the Secretary*
18 *to demonstrate compliance with applicable inter-*
19 *national agreements to which the United States is a*
20 *party.*

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

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

25 *“(7) Any other information requested by the Sec-*
26 *retary.*

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

4 “(1) *the Secretary has not received notification*
 5 *for the vessel in accordance with subsection (a); or*

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

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

15 **SEC. 204. COAST GUARD SEARCH AND RESCUE FOR LAKE**

16 **MICHIGAN.**

17 (a) *IN GENERAL.*—

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

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

24 (B) *shall establish a new seasonal Coast*
 25 *Guard air search and rescue facility for South-*

1 *ern Lake Michigan to serve the Chicago metro-*
2 *politan area and the surrounding environment,*
3 *and operate that facility until at least September*
4 *30, 2001.*

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

8 (2) *AUTHORIZATION OF APPROPRIATIONS.—In*
9 *addition to the other amounts authorized by this Act,*
10 *there are authorized to be appropriated to the Sec-*
11 *retary of Transportation—*

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

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

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

17 *(B) for acquisition, construction, and im-*
18 *provement of facilities and equipment for the*
19 *Coast Guard air search and rescue facility for*
20 *Southern Lake Michigan established under para-*
21 *graph (1)(B)—*

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

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

24 *and*

1 (C) for operation and maintenance of the
2 Coast Guard air search and rescue facility for
3 Southern Lake Michigan established under para-
4 graph (1)(B)—

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

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

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

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

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

21 (2) the adequacy of that overall capability.

22 (c) *PLAN FOR SEARCH AND RESCUE RESPONSE FOR*
23 *CHICAGO, ILLINOIS.*—Not later than 6 months after the
24 date of the enactment of this Act, the Secretary of Transpor-
25 tation shall prepare, submit to the Congress, and begin im-

1 *plementing a comprehensive plan for aircraft and vessel*
2 *search and rescue response for Lake Michigan in the vicin-*
3 *ity of Chicago, Illinois.*

4 *(d) USE OF HELICOPTERS FOR DRUG INTERDIC-*
5 *TION.—During the portion of each year when the seasonal*
6 *facilities required under subsection (a)(1) are not in oper-*
7 *ation, the Secretary of Transportation shall use helicopters*
8 *assigned to those facilities for drug interdiction.*

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