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COAST GUARD AUTHORIZATIONS

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HEARING

BEFORE THE

SUBCOMMITTEE ON MERCHANT MARINE

OF THE

COMMITTEE ON COMMERCE

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

SECOND SESSION

ON

S. 2924

TO AUTHORIZE APPROPRIATIONS FOR THE COAST GUARD FOR THE PROCUREMENT OF VESSELS AND AIRCRAFT AND CONSTRUCTION OF SHORE AND OFF-SHORE ESTABLISHMENTS, TO AUTHORIZE FOR THE COAST GUARD AN END-YEAR STRENGTH FOR ACTIVE DUTY PERSONNEL, TO AUTHORIZE FOR THE COAST GUARD AVERAGE MILITARY STUDENT LOADS, AND FOR OTHER PURPOSES

FEBRUARY 5, 1976

Serial No. 94-54

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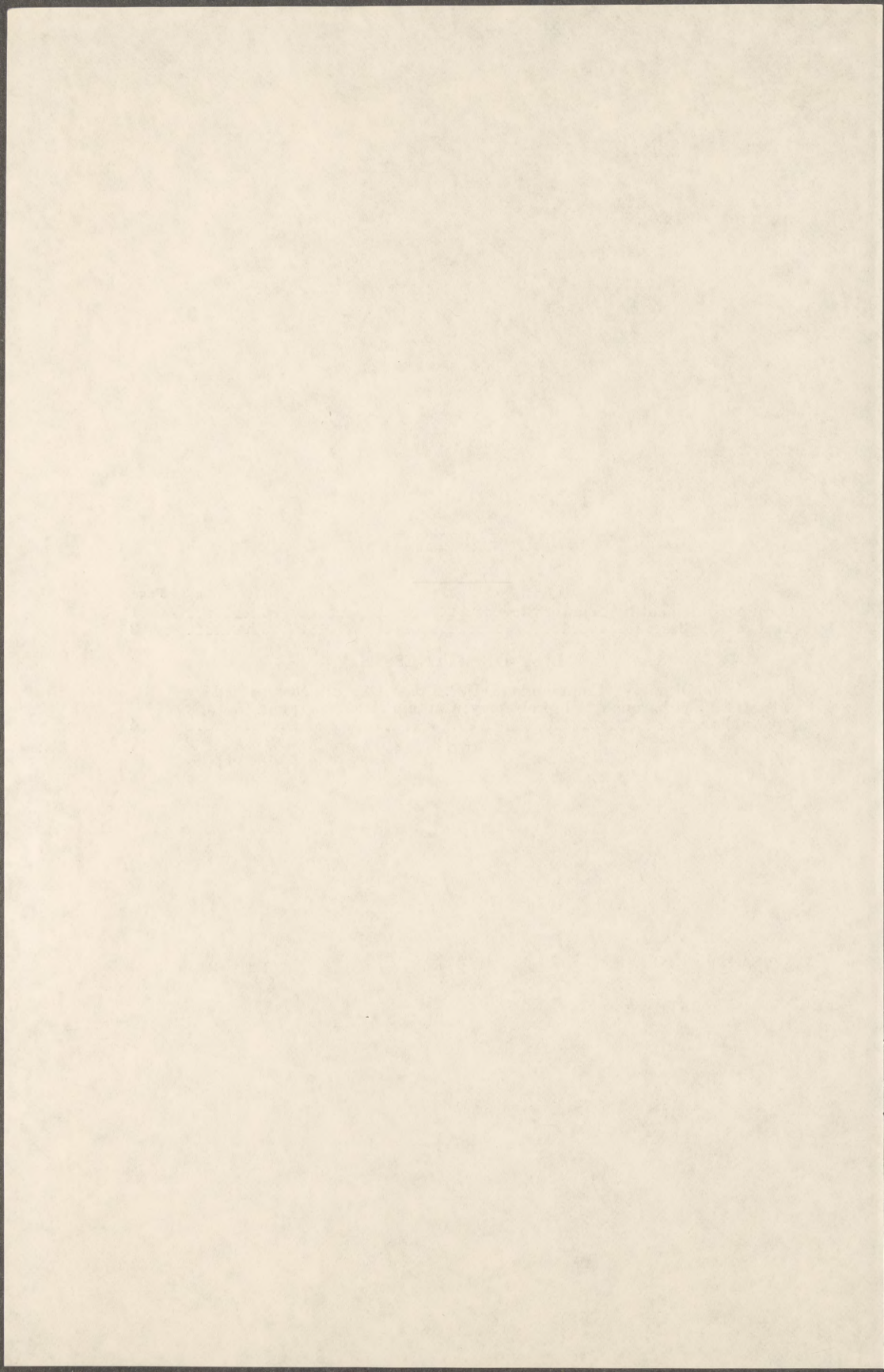
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COAST GUARD AUTHORIZATIONS

THURSDAY, 5 FEBRUARY, 1976

U.S. SENATE,
COMMITTEE ON COMMERCE,
MERCHANT MARINE SUBCOMMITTEE,
Washington, D.C.

The subcommittee met at 2:03 p.m. in room 5110, Dirksen Senate Office Building, Hon. Ted Stevens presiding.

OPENING STATEMENT OF SENATOR STEVENS

Senator STEVENS. Good afternoon, Admiral. We are happy to see you here with your staff.

This afternoon, the Merchant Marine Subcommittee of the Senate Committee on Commerce convenes to receive testimony on S. 2924. This bill is the DOT's request for authorization of appropriations for the Coast Guard for the procurement of vessels and aircraft, and construction of shore and offshore establishments, and to authorize ceilings on Coast Guard active duty personnel and military students.

S. 2924 contains requests for both fiscal year 1977 and 1978. However, we will only consider the fiscal 1977 request today.

Because of provisions of the Congressional Budget and Impoundment Control Act of 1974, the Department originally submitted its fiscal 1977 authorization request to the Congress last April. Today, we have before us a revised request for the fiscal year which begins on October 1, 1976.

Staff member assigned to this hearing: Richard J. Daschbach.

[The bill follows:]

(1)

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1976

Mr. STEVENS introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and off-shore establishments, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, 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,*
3 That funds are hereby authorized to be appropriated for
4 fiscal years 1977 and 1978 for the use of the Coast Guard
5 as follows:

6 VESSELS

7 For procurement of vessels:

8 For fiscal year 1977, \$70,423,000;

9 For fiscal year 1978, \$84,200,000.

1 (4) officer acquisition training, 1,143 person-years,

2 (b) For fiscal year 1978, military training student

3 loans for the Coast Guard are authorized as follows:

4 (1) recruit and special training, 3,900 person-
5 years;

6 (2) flight training, 94 person-years;

7 (3) professional training in military and civilian
8 institutions, 375 person-years; and

9 (4) officer acquisition training, 1,150 person-years.

10 SEC. 4. Section 475 of title 14, United States Code, is
11 amended as follows:

12 (a) by striking subsection (e);

13 (b) by relettering subsections (f) and (g) as (e)
14 and (f), respectively; and

15 (c) by striking in subsection (f), as relettered
16 above, the reference to subsection (f) and inserting in
17 lieu thereof a reference to subsection (e).

Senator STEVENS. Testifying on behalf of the Department and the Coast Guard is the Commandant of the Coast Guard, Adm. Owen W. Siler.

Welcome to the committee, Admiral. We have your testimony. Please proceed in any way you wish.

STATEMENT OF ADM. OWEN W. SILER, COMMANDANT, U.S. COAST GUARD; ACCOMPANIED BY ADMIRAL SCARBOROUGH; ADMIRAL PERRY; CAPTAIN KOZLOVSKY; AND CAPTAIN COSTELLO

Admiral SILER. Thank you, Mr. Chairman.

I am happy to appear before you today to present our request for the authorization of appropriations for fiscal year 1977. This year, our request consists of three parts: acquisition and construction, military end-of-year strength, and military training.

In previous years, it had been customary to include an authorization for alteration of obstructive bridges. However, after careful examination of provisions of section 8 of the Truman-Hobbs Act, we have now concluded that the act provides continuing authorization for this appropriation.

Therefore, this year our request does not contain any specific request under this appropriation.

The acquisition, construction, and improvement authorization request, which is our capital investment account, includes major categories for the procurement of vessels and aircraft and for construction of shore and offshore establishments as required by Public Law 88-45. Improvements to existing facilities in these categories while requiring the appropriation of funds do not require specific authorization.

For that reason, we are continuing this practice initiated last year and are excluding those projects from our request.

Our request for fiscal year 1977 which totals \$125,898,000 includes \$70,423,000 for the procurement of vessels, \$32,900,000 for the procurement of aircraft, and \$22,575,000 for the construction of shore and offshore facilities.

We are seeking authorization of appropriations to begin replacement of some medium and high endurance cutters in fiscal year 1977. The cutters being replaced were all constructed between 1936 and 1945. Each has served our country long and well, but all are technologically and operationally obsolete.

Further, they have all exceeded the normally accepted service life for such ships. Their replacement will be a newly designed cutter which incorporates time-proven and reliable hull and machinery concepts with the latest command control technologies. They will be capable of full helicopter operations which are so essential if we are to continue to meet the operational requirements mandated by law.

We are also requesting authorization for funds for the procurement of additional vessels and small boats as the next phase of programs which were begun in previous budgets. These include an additional icebreaking harbor tug, an inland construction tender, and continuing replacement and expansion of our small boat fleet.

The replacing of our aging and obsolete HU16E aircraft continues to be an important requirement. I would like to acquaint you with the current status of that procurement since a significant change in the timetable has occurred.

In an effort to insure maximum opportunity for competition in this procurement and after procurement discussions had actually begun with prospective contractors, I directed reopening of the first step in the procurement process.

As a result of this action, we expect additional qualified contractors will be encouraged to enter the process. At this time, we are hopeful that this will occur and that the award of this essential procurement can be made by September, 1976.

Our shore unit construction request contains several important initiatives which will replace existing outmoded and unsuitable facilities and provide for needed new construction. The fiscal year 1977 phase of the Loran C. National Implementation Plan will see us complete the Gulf of Mexico, East Coast, and Gulf of Alaska transmitting chains.

Approval of a replacement for our Search and Rescue Station at Oregon Inlet, Rodanthe, North Carolina, and the classroom building at our West Coast Training Center at Alameda, Calif., is included in this request.

Authorization for the completion of New York's vessel traffic system and continuation of our family housing construction program are also being requested.

The portion of the request which addressed personnel authorizations is based on provisions of Public Law 92-432. In this portion of the bill before the committee, we request authorization of an end-of-year military strength of 38,049 which represents a small increase of 62 men over our 1976 transition quarter level.

To meet necessary training, 92 man-years of flight training, 3,880 man-years recruit and special training, 372 man-years of professional training in civilian and military institutions, and 1,143 man-years of officer acquisition training are also requested.

In accordance with the Congressional Budget and Impoundment Control Act of 1974, our fiscal year 1978 estimates are \$200 million in the A.C. & I. account which is made up of \$84,200,000 for vessels, \$93,200,000 for aircraft, and \$22,600,000 for the construction of shore and offshore establishments.

Our fiscal year 1978 personnel estimates are 38,050 in military end-of-year strength, 94 man-years in flight training, 3,900 man-years in recruit and special training, 375 man-years in professional training, and 1,150 man-years in officer acquisition training.

You should also note that we have included a change to sec. 475 (e) of title 14, United States Code, in sec. 4 of this bill. This change would extend indefinitely the Secretary's authority to rent housing which does not meet establishment standards to members of the Coast Guard. This authority will otherwise expire on June 30, 1976.

The extension is necessary because we have not made the progress originally planned in our housing program, and in some locations, this inadequate housing remains the only real option they have. Termination of this authority will work an unnecessary hardship on them.

The changes proposed to subsections (f) and (g) merely redesignate those subsections. We would like these changes to be enacted to insure equitable treatment for our people until permanent replacement is possible.

Mr. Chairman, the authorization bill before the committee incorporates our most urgent needs. Your favorable consideration of each of them is requested.

My staff and I are ready to answer any questions you may have. Thank you.

Senator STEVENS. Thank you very much.

I have some questions which I am sure you realize were prepared in regard to the funding requests contained in this bill. In each of these funding categories in the personnel and training groups. I am informed that the revised fiscal 1977 request submitted to Congress this week is below the level for fiscal 1977 that was submitted last April.

In fact, all but the aircraft procurement request is below even the fiscal 1978 amount that was given us last April.

The committee, as you know, has been seriously concerned over the question of whether the Coast Guard with its expanded mission responsibility is really equipped with both manpower and hardware to

do the job. Can you tell us for the record, Admiral, what is the reason for the drop from the original fiscal 1977 request? Where are those differences?

Admiral SILER. The original request, Mr. Chairman, was, of course, a preliminary estimate not based on the full development of the budget.

We had increases of a much more substantial nature in several programs which after we developed the full budget could not be included within the final allowance.

Senator STEVENS. We had in construction, I understand, \$60 million authorized in 1976. The original request for 1977 was \$25 million. And now it is down to \$22.5, with an estimate for 1978 of only \$22.6.

Where is the differential there? That is a 50 percent dropoff from the actual 1976 budget. And now we come down even further as far as this revised 1977 budget is concerned. What did you drop out?

Admiral SILER. Could we prepare that and submit it for the record with an analysis of each of the items that you want, sir?

Senator STEVENS. I think that would be helpful. I am concerned that the original aircraft procurement, for instance, for 1977 was \$75 million, and you have revised it to \$32.9. In 1976, we authorized \$36 million. That seems to be a variance.

Admiral SILER. In our initial considerations on the aircraft, we were thinking of procuring a higher number of aircraft, but since we have not signed the contract yet, we ended up with a plan to buy one aircraft per month, starting at the time we expect the contract will be signed and continuing until we can present our fiscal year 1978 request.

Senator STEVENS. It is just an authorization bill. We are not dealing with billions; we are dealing with millions. But it is sure hard to add some of these things when they come up. I don't know why we have to be so conservative in the authorization for your vessel, aircraft, and construction accounts. It would seem to me that it would be much better to have a little leeway in there and actually appropriate less than the authorization rather than to have us tied to the point where we have to have floor amendments to actually carry out objectives that everybody agrees with.

We would like to have that comparison if you will give it to us, please.

Admiral SILER. Yes, sir.

Senator STEVENS. And what vessels have been dropped? Do you have that?

Admiral SILER. We reduced from two harbor tugs to one.

Senator STEVENS. You dropped from \$110 to \$70.4 million.

Admiral SILER. That, too, I would have to give an analysis because those figures from a year ago were quite preliminary. We would have to go back and analyze what we were looking at at that time.

[The following information was subsequently received for the record:]

COMPARISON BETWEEN FISCAL YEAR 1977 AUTHORIZATION REQUEST IN FISCAL YEAR 1976 BUDGET AND
FISCAL YEAR 1977 AUTHORIZATION REQUEST IN FISCAL YEAR 1977 BUDGET

[In thousands of dollars]

Procurement of vessels:		
160 ft inland construction tenders.....	9,300	3,725
Harbor tugboats.....	18,700	6,900
High/medium endurance cutters.....	43,800	49,000
Boat replacement program.....	18,200	10,798
95-ft patrol boats.....	20,000	
Subtotal, vessels.....	110,000	70,423
Procurement of aircraft:		
Medium range surveillance aircraft.....	50,000	32,900
Short range recovery helicopter.....	5,000	
Medium range recovery helicopter.....	10,000	
Subtotal, aircraft.....	65,000	32,900
Construction of shore establishments:		
Loran-C national implementation plan.....	7,700	8,833
Alameda recruit classroom building.....	2,100	2,117
Support Center, Portsmouth, phase IV.....	2,000	2,661
Oregon Inlet Station, N.C.....	1,200	1,226
Public family quarters.....	7,300	3,754
Other facilities.....	4,700	296
New York Vessel Traffic Service, phase II.....		3,700
Subtotal, shore.....	25,000	22,575
Grand total.....	200,000	125,898

Senator STEVENS. With regard to the high and medium endurance cutter replacement program, you intend to replace 13 of those over 5 years, is that right?

Admiral SILER. Yes, sir, that's right.

Senator STEVENS. The cost for the first two was in the 1977 request at \$24.5 million each. But over the next year, you project building the remaining 11 at the same unit cost. Has that been averaged out or don't you expect any inflationary factors over the next 4 years?

Admiral SILER. We can't be sure what the inflationary level will be and, therefore, our estimates do not include allowances for inflation.

Senator STEVENS. And I take it we will be able to revise each one on an annual basis, but you don't build into your costs any kind of inflation factor?

Admiral SILER. No, sir. We do not use inflation in our estimates. Our direction is that we should not show it.

Senator STEVENS. Would you provide for the committee's use the acquisition, construction, and improvement requests for fiscal 1977 and 1978 that you submitted to the Department and the Department's request for the same items to OMB?

I think they are available to the committee under the new procedures.

Admiral SILER. Yes, sir, as long as you request them.

[The following information was subsequently received for the record:]

FISCAL YEARS 1977 AND 1978 ACQUISITION, CONSTRUCTION, AND IMPROVEMENT APPROPRIATION REQUEST TO BE AUTHORIZED

[In thousands of dollars]

	USCG request to DOT	DOT request to OMB	President's budget
Fiscal year 1977:			
Procurement of vessels.....	98,939	88,408	70,423
Procurement of aircraft.....	69,206	72,300	32,900
Construction of shore establishments.....	44,077	48,302	22,575
Total.....	212,221	209,010	125,898
Fiscal year 1978:			
Procurement of vessels.....	134,500	134,500	84,200
Procurement of aircraft.....	149,136	149,136	93,200
Construction of shore establishments.....	36,364	36,364	22,600
Total.....	320,000	320,000	200,000

Senator STEVENS. I had an enjoyable time with you at the commissioning of the icebreaker, Admiral. What are your plans for more icebreakers now?

Admiral SILER. Our present plans are a little bit indefinite. We are considering development of two different types of icebreakers—one that might possibly replace the *Westwind* on the Great Lakes and also be capable of operations in the polar regions, and one that would only operate in the polar regions.

Each of these vessels is likely to be a smaller icebreaker than the polar class. We are investigating and developing some conceptual designs at the present time.

Senator STEVENS. You have one more polar class coming?

Admiral SILER. Yes, sir; the *Polar Sea*.

Senator STEVENS. Have you given the committee any details of the financial problems that are associated with the polar class construction?

Admiral SILER. I am not sure that we have given you the details of it. There are claims from Lockheed which are now being considered by the Department of Transportation Contract Appeals Board at the present time.

Senator STEVENS. I wouldn't want to jeopardize your negotiating position in any way, but I do think the committee ought to be informed of the problems because it looks to me like there is going to be a cost overrun in the polar class. I think we ought to know about that in advance so that there aren't any surprises to the members of the committee.

Admiral SILER. We can give you the complete status of it at the present time.

[The following information was subsequently received for the record:]

1. There are four LSCC appeals from adverse Contracting Officers' decisions on claims pending before the DOT Contract Appeals Board. Two cases have been heard. Two cases are yet to be scheduled for hearing. The cases are summarized as follows:

(a) Claim for price increase for WAGB-10 due to 1972 amendment to the Longshoremen's and Harbor Workers' Compensation Act. The claim, in the amount of \$386,000, is based upon increased insurance premiums paid due to the increased benefits and extension of coverage required by the amendment. The Government's position is that there is no clause in the contract under which the Board can grant the relief requested.

(b) LSCC has appealed from the Government's decision establishing the price for WAGB-11 pursuant to the terms of the agreement under which the Coast Guard contracted for the second icebreaker. The contractor claims that the cost should be \$66,168,517. The price has been established at \$51,294,194 which is below the ceiling price of \$53,750,000 established by agreement of the parties. LSCC has asked the Contract Appeals Board to set aside the ceiling price as an unreasonable price. The case is at the briefing stage.

(c) LSCC has submitted a claim for \$2.1 million based upon unanticipated difficulty in welding low carbon quenched and tempered steel required by the icebreaker contract. The claim relates to construction of WAGB-10. The Government's position is that the contract performance requirements are clear and it is not responsible for LSCC's failure to recognize those requirements in its bid. The case has not been scheduled for hearing.

(d) LSCC is claiming some \$300,000 for cleaning and reconditioning WAGB-10 propulsion machinery and other machinery and equipment which became contaminated during sandblasting and other production operations. The claim is being made under the self-insurance clause of the contract on the basis that the damage was accidental. The Government's defense is that the contract contains specific requirements for preserving machinery and equipment in a condition ready for use. The damage occurred over a long period of time and the contractor was warned about improper protection and maintenance. The case has not been scheduled for hearing.

2. LSCC's attorneys have advised that the contractor will submit a claim to the DOT Contract Adjustment Board under Public Law 85-804 based upon mistake in bidding on WAGB-10. The claim will be \$5-\$10 million. The attorneys also advise that a claim for WAGB-10 ship outfitting interferences will be submitted. That claim, which will be related in some manner to the welding claim and the mistake claim, will be \$3-\$6 million.

3. Other smaller claims are presently being considered by the Contracting Officer. Most are insurance claims. The Contracting Officer anticipates that some of the incomplete work and warranty work on WAGB-10 may be the subject of contract disputes.

Senator STEVENS. Has any Member of Congress or anyone imporduned you to acquire these other icebreakers from foreign sources?

Admiral SILER. Yes, sir. We have had several letters asking us why we didn't obtain Finnish icebreakers. We have also had a series of letters from the Ambassador to Finland asking why we didn't go ahead and obtain Finnish icebreakers.

The point of these letters has been that we should buy Finnish icebreakers for the Great Lakes. Our concern is, first, that we must show that there is a real need for additional icebreaking on the Great Lakes.

Our feeling is that we are able to provide the icebreaking service that is necessary at the present time, particularly considering the amount of interest that there seems to be in having the ice broken at the present time.

We are, in this budget, asking for replacement of the 110-foot icebreaking tugs that we have on the Great Lakes. The first of these tugs would be assigned to the Great Lakes with greater icebreaking capabilities and improved habitability for the crew as well. These 110-foot vessels are getting along in age. We will have more icebreaking capability on the Great Lakes with what we are requesting in this budget.

We don't see that we need to have more icebreaking capability than we have at the present time. If we need to have more icebreaking capability there, we are not sure that it is in the national interest to have the vessels built foreign. This would have to be a determination made other than in the Coast Guard.

Senator STEVENS. I am sure this committee would welcome the opportunity to help you make that determination. You know our points of view about that.

But the request that is here is based upon U.S. construction of the icebreaker tug?

Admiral SILER. We would presume so; yes, sir.

Senator STEVENS. You are subject to the Buy American Act, aren't you?

Admiral SILER. Yes, sir.

Senator STEVENS. But you are not subject to the Jones Act?

Admiral SILER. Not for this; no, sir. A foreign yard could bid on that.

Senator STEVENS. Subject to a 5-percent procurement differential still?

Admiral SILER. Generally 6 percent in the Buy American Act; depending on the location, where the particular yards are located, it can be as high as 12 percent if certain other factors are applicable.

In the case of the polar class icebreakers, it was directed in the appropriations' language that they be built in American yards.

Senator STEVENS. Maybe we should add a little provision on this. What item is the tug in?

Admiral SILER. This is in both the authorization and the appropriation this year as well.

Page AC-17 in our little pamphlet.

Senator STEVENS. Have you already started procurement on one?

Admiral SILER. No, sir, not the procurement. We have funds authorized and appropriated for one. This is a second one.

Senator STEVENS. We will talk that over with the committee and see what the decision is in the balance of the committee.

I am sure you are familiar with our battle on the 200-mile bill and the major responsibility that will be placed with the Coast Guard when the enforcement date is reached. We want to make certain that the Coast Guard is gearing up for this enforcement effort.

In the 1975 fiscal year authorization bill for the Coast Guard, this committee authorized a 6-month, \$200,000 study of all feasible methods of enforcing extended fisheries jurisdiction. I am informed that study was not undertaken because funds were not appropriated.

Is that right, you didn't undertake it at all?

Admiral SILER. No, sir, we did undertake a study to the extent we could with the funds we had. We have just about completed that study at the present time.

Senator STEVENS. Are there any other Federal agencies involved in that study?

Admiral SILER. Yes, sir. We have been working with the Navy, NASA, et cetera, to look at that. And NOAA, naturally.

Senator STEVENS. We have extended the enforcement date until July 1, 1977. Will your study be completed before that time?

Admiral SILER. Yes, sir; it should be completed shortly.

Senator STEVENS. Do you need any additional funds to complete that study?

Admiral SILER. I don't believe so; no, sir.

Senator STEVENS. Have your people examined the bill that was passed by the Senate to determine whether there are any impediments to your enforcement program contained in that bill? Are there any suggestions you have as we go to conference concerning that bill?

Admiral SILER. I don't believe there are any impediments to our enforcement in the law at the present time.

Senator STEVENS. I want to specifically request you, Admiral, on behalf of the chairman—I think he and I are the two spokesmen for this committee on this bill—to provide us with any comments that you have concerning that bill as a service to us. If there is anything in that bill that is not consistent with our objectives as far as the ease of enforcement and the transitional period toward enforcement are concerned, we would like to give your suggestions full consideration and confidence.

The bill is not completed, obviously. We are going to make several changes so we would like to have the opportunity to review your comments.

What about the hardware and personnel to enforce this new limit on July 1, 1977? Have you reviewed your requirements in light of that data?

Admiral SILER. We have looked at our requirements and recosted the earlier estimates that we had provided. We still believe that our approach is a valid one. We would expect to increase patrols in the active fisheries areas, the places primarily where the fishing vessels are now, with additional random surveillance provided in the remaining areas that are involved.

We still believe that our numbers are about right, that is the number of ships, number of aircraft, and the number of Coast Guard personnel.

The cost of providing them, naturally, is increasing as times goes on.

One problem that we have is that fact that of the ships that we have in storage at the present time, we have only two that we feel that we can bring out at almost any time. The remaining four are of World War II construction, with turboelectric drive. A great deal of the machinery in them is no longer manufactured. That will make it impracticable to bring them out of storage and to reactivate them. If the implementation date is after approximately the first of August of this year, we plan to dispose of them.

If that is the case, then we will have only two high endurance cutters that we can activate readily. We would expect that we can find one or two other Coast Guard ships, buoy tenders perhaps, that we might be able to use in the random patrols. But we are going to be short of ships unless we can find surplus ships in the DOD inventory, the NOAA inventory, of some place like that.

Finding the aircraft is also going to be a problem. It is going to be more expensive as time goes on. If we go out and add these on to our contract, that's one possibility. But there is a time delay associated with that.

Senator STEVENS. Well, we would like to have a report and would be willing to set a timeframe for its receipt that you think is reasonable. But I think the committee must know whether or not there will be hardware requirements that would have long leadtime that we ought to get to this year.

And on that, again, I would appreciate if you would give to the committee your estimate of what additional resources in terms of equipment and personnel would be needed to assume the enforcement obligation that would be imposed upon you on July 1, 1977, by the current draft of the bill.

It would seem to me that that report should outline the vessels, aircraft, and personnel that are available now for fisheries enforcement duty. It should also point out where those vessels, aircraft and person-

nel are presently stationed, and what their mission is. The report should further comment on what changes would have to be made to accommodate the 200-mile limit, including what additions would be necessary to vessels, aircraft, or personnel to assume the responsibilities envisioned by the bill.

I don't think we can possibly have credibility to our 200-mile bill unless we also move toward establishing the procurement that you need to enforce the bill. Our deadline for submitting the budget estimate is March 15 in the Senate. So I think, although I suggest that the time-frame could be your own, we ought to have the report by no later than March 1 in order to be effective.

Admiral SILER. I think we can provide that, sir. There will be some substantial time delays in getting ships from the time that they are authorized and funded. Just to bring the ships out of mothballs that we have at the present time would take close to a year. Construction of new ships would take about 3 years after they are funded.

[The following information was subsequently received for the record:]

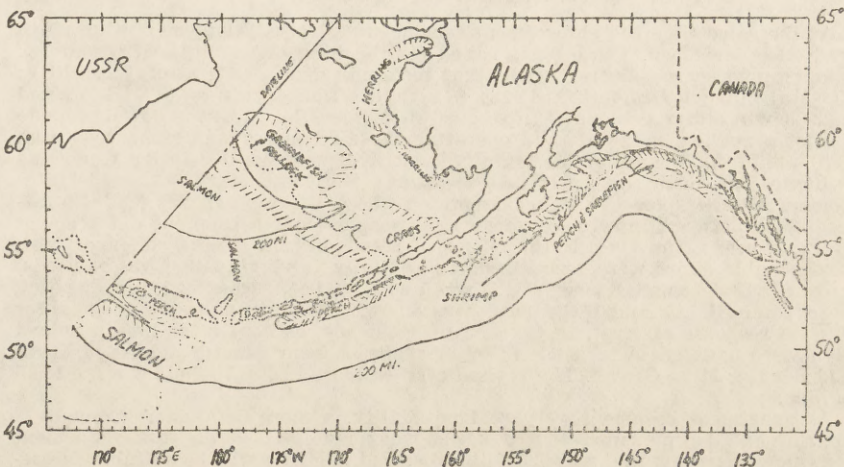
ENFORCEMENT OF 200-MILE ECONOMIC/RESOURCE MANAGEMENT ZONE

A. GENERAL

The enforcement scheme described below is still in the planning stage. A firm resource request by the Administration will be made on the basis of the enacted version of the legislation. It involves two separate but complementary concepts. Primary patrol operations will be conducted in the "Active Fishing Areas" where commercial fishing is occurring within 200 miles of the U.S. coast. In addition, less frequent and less intensive random patrols to the limit of domestic jurisdiction will be employed for the purpose of detecting changes in fishing fleet operations, illicit fisheries support activity, etc. Together these two concepts comprise the 200-mile "Planned Approach."

B. INCREASE IN AREA OF RESPONSIBILITY

Well established active fishing areas exist now off the U.S. (e.g., New England/Mid-Atlantic, Northwest Pacific, etc.). The chartlet below depicts the Alaska area. Note the 200-mile line which marks the increased areas of responsibility under the proposed law.



Area of U.S. law enforcement jurisdiction (present vs. 200-mile zone) :

(a) 200-mile economic/resource management zone: square nautical miles	2, 222, 000
(b) Present (baseline to 12NM+Continental Shelf): square nautical miles	545, 400
(c) Additional area of jurisdiction: square nautical miles	1, 676, 600

C. IMPACT OF NEW JURISDICTION

The tables below show the current level of performance and the expected increased level of effort which would result from adoption of the "Planned Approach."

Nomenclature :

WHEC—High endurance cutter,
 WMEC—Medium endurance cutter,
 LRS—Long range search aircraft,
 MRS—Medium range search aircraft.

	Presently programed	Active fishing areas requirement	Additional zone coverage requirement	Total 200-mile requirement
WHEC (days)	1, 065	1, 065	1 828	1, 893
WMEC (days)	1, 551	1, 551	-----	1, 551
LRS (hours)	2, 101	5, 113	2, 106	7, 219
MRS (hours)	1, 880	3, 353	962	4, 315
Total vessels (days)	2, 616	2, 616	1 828	3, 444
Total aircraft (hours)	3, 981	8, 466	3, 068	11, 534

¹ Associated with WHEC operations are an additional 5 helicopters.

To give further dimension to the changes which will occur if additional resources are provided, the following illustrates the situation in one enforcement area :

ALASKA FISHERIES

	Current level of effort	With requested resources
Average number of ships on patrol per month	2.5	4
Average number of surveillance flights per week	5.0	12

D. RESOURCE REQUIREMENTS

At the same time the enforcement scheme was devised, implementation plans were also developed. Those plans called for the following additional resources: 6 long-range search aircraft (LRS); 4 medium-range search aircraft (MRS); 10 short-range helicopters (SRR); 6 high endurance cutters (WHEC); and 1,829 new military personnel. In August 1974 when the plan was developed, the cost of acquiring, manning, and operating these resources was estimated to be \$110.3 million. Because of the tentative nature of the new legislation when this estimate was made and provided to House Merchant Marine and Fisheries Committee in response to the chairman's request, little effort was made to differentiate between interim response requirements and permanent enforcement program needs. However, the problems of responding in a timely manner with a reasonable effort were recognized. To partially forelay against vessel needs, 6 overaged decommissioned WHECs which had been scheduled for disposal, were retained. Although the need was known, no provisions were made for interim response aircraft. In October 1975, the cost estimates for this unrefined plan were updated in response to letter requests from Senator John Sparkman and Senator Mike Gravel. The revised cost estimate in FY 76 dollars was \$143.5 million.

As enactment became a very real possibility, a more detailed refinement of interim and permanent resource needs was made. Based on that refinement it is now apparent that only 2 of the 6 stored WHECs will be suitable for re-commissioning. However, to partially offset this change, it will be possible to

substitute 2 offshore buoy tenders (WLB) which had been scheduled for decommissioning in FY 1976 and 1977. There are no other readily available ship resources. Therefore, the remaining shipdays will have to be provided by scheduling our people and operating the remaining vessels beyond the standards we ordinarily use until new construction can eliminate the deficit. Based on a preliminary survey of stored DOD aircraft, it appears feasible to temporarily withdraw retired Air Force fixed wing aircraft to meet interim LRS and MRS needs. The last five spare Coast Guard SRR helicopters are now in the process of being reactivated to meet existing flight hour shortages. These aircraft will be used to meet enforcement needs. However, no suitable stored helicopters are available to meet the remaining 5-helicopter deficit. Thus, like the WHEC situation, the 5-helicopter shortage will have to be provided, at least in the interim, by temporarily overworking our people and overscheduling remaining SRRs.

Based on this latest refinement the following revised funding schedule has been developed. Note that immediate funding requirements will exist for the reactivation and operation of interim resources (category A below) as well as the procurement of permanent replacement resources where contracting for those new resources can be carried out promptly (Category B below). Several permanent replacements for interim resources cannot be contracted for on short notice. Those requirements are shown separately and would be requested in later budgets (Category C below).

[In thousands of dollars]

	Procurement cost	Activation cost	Operating cost	Total cost
A, Reactivate interim resources:¹				
WHEC (2).....		\$2,374	\$7,520	\$9,894
WLB (refit) (2).....		1,500	2,160	3,660
LRS (6).....		3,000	11,516	14,516
MRS (4).....		1,080	2,890	3,970
Start up cost.....		10,440		10,440
Subtotal.....	0	18,394	24,086	42,480
B, Procure new resources:²				
WHEC (2).....	49,000			49,000
LRS (6).....	51,600			51,600
Subtotal.....	100,600	0	0	100,600
C, Additional new resources requirements:³				
WHEC (4).....	98,000			98,000
MRS (4).....	22,000			22,000
SRR (5).....	8,500		2,080	10,580
Subtotal.....	128,500	0	2,080	130,580
Total.....				273,660

¹ Total personnel requirement is 863 military and 6 civilians. Costs are included in operating category.

² Funding of categories A and B requirements will be needed in the fiscal year preceding the effective date of the new jurisdiction.

³ Funding of category C requirements should be addressed in the budgets following the effective date of the legislation. With funding of category C, the original plan requirements of 6 each WHEC; 6 each LRS; 4 each MRS; and 10 each SRR will have been met.

Senator STEVENS. Have you had any conferences with the Navy to determine whether there could be any short-term loans or alternative vessel and aircraft procurement schemes so far as this new responsibility is concerned?

Admiral SILER. Yes, we have had some discussions with them and looked at some of the vessels they have. They are not very readily available and not too well adapted to this mission.

The ones that we have heard about, we think that we can do at least as well with Coast Guard ships and the delays would be about the same.

Senator STEVENS. I hope to live long enough to see to it that we design our ships for peacetime use and convert them to wartime rather

than design them for wartime and make them not utilizable in terms of peacetime, Admiral.

Admiral SILER. We think our 270-footer is a good peacetime ship with a good wartime adaptability.

Senator STEVENS. Maybe both of us will be here long enough to see that accomplished. I think it is a good goal.

I am informed you have some memorandum of understanding with other agencies regarding the Bartlett Act. I have seen the Navy memorandum in the past. But I haven't seen any with NOAA, the State Department, or Justice, or any State agencies. Do you have such agreements, memoranda of understanding?

I know I have seen the Navy one, but I don't know whether it has ever been printed. But I have seen it.

Admiral SILER. Yes, we have one with the Navy. We have agreements with the other agencies and make regular contacts with them. I am not sure that we have formalized—

Senator STEVENS. I am talking about the 12-mile zone.

Admiral SILER. Yes, sir.

Senator STEVENS. Do formal memoranda pertaining to the 12-mile limit exist between the Coast Guard and State agencies, the State Department, NOAA, or Justice?

Admiral SILER. Yes, there are agreements and understandings and procedures that have been set up so that we have regular liaison with the State Department and the National Marine Fisheries Service works very closely with us on this.

Senator STEVENS. First, let me ask you will those agreements remain in effect if the 200-mile limit comes into being?

Admiral SILER. I would think so. Most of our plans for activity under the 200-mile fisheries concept have been worked out as an extension of our present arrangements.

While moving in this direction, we have also moved toward international agreements. We are frequently a party to the arrangements that are made with foreign countries.

Senator STEVENS. Again, we don't mean to complicate your relationships at all, but the committee would like to have copies of any memoranda of understanding with any Federal or State agencies concerning enforcement of the Bartlett Act. Those documents would help us determine whether any of those arrangements would in any way be impacted by the 200-mile zone and whether we need to have any changes in our legislation in order to protect your role with regard to other agencies.

Unless you have some violent objection, we would like to have them. We would not publish them in the record without your concurrence, but if they are publishable, we would like to do that so as we go to the standard jurisdiction concept everybody will know what these relationships are.

Admiral SILER. I think most of these agencies involved other than State agencies have a statutory responsibility to proceed in this direction in any event. The DOD agencies did not have and, therefore, we needed a formal agreement.

I think we can give you citations that will show exactly what our arrangements are.

[The following information was subsequently received for the record:]

MARCH 13, 1974.

INTERAGENCY AGREEMENT BETWEEN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE, AND THE U.S. COAST GUARD

ARTICLE I—GENERAL INFORMATION

The National Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG) share responsibility for the enforcement of Federal statutes and international agreements related to living marine resources. ("Fishing" and "fisheries" in this agreement refer to living marine resources.) Observation of domestic and foreign fishing operations off United States coasts is carried out to monitor compliance with laws and international agreements; deter potential violators; take enforcement action when permitted; and generate information concerning the development, deployment, and effort of fishing. This information is used by the NMFS and the USCG in addressing enforcement issues, the NMFS in formulating conservation policies, and the Department of State in negotiating international agreements. Cooperative efforts concern, with minor exceptions, the use of USCG facilities and crews with NMFS personnel providing expertise on fishing activities.

ARTICLE II—REFERENCES AND AUTHORITIES

Agreements between NMFS and the USCG are entered into under authority of, among others, 14 U.S.C. 141 and 16 U.S.C. 742e.

ARTICLE III—PURPOSE

The parties have entered into this Agreement to promote the effective utilization of personnel and facilities through a cooperative effort and for the following specific purposes:

1. to define the nature and extent of the services, systems, and facilities each agency will provide; and
2. to provide for the timely interchange of information to permit proper planning, programming, budgeting, and evaluation.

ARTICLE IV—RESPONSIBILITIES OF AGENCIES

A. The NMFS and the USCG will work in close cooperation and support each other with respect to living marine resources and related national interests with respect to the territorial waters, the Contiguous Fisheries Zone, the Continental Shelf, international fisheries agreement areas, and other special interest areas of the high seas by:

1. Enforcing international agreements and Federal laws related to the protection or conservation of living marine resources or the conduct of fishing operations; and

2. Observing domestic and foreign fishing operations.

B. It is anticipated that much of the planning and execution of the joint operational enforcement and surveillance effort will be accomplished at the USCG District or Area and NMFS Regional levels.

C. In general, within the limits of its budgetary and personnel capabilities, the NMFS will:

1. Provide personnel to USCG units assigned to patrols where the protection and conservation of living marine resources and related national interests are primary functions. The NMFS personnel so assigned shall be available to: advise the unit commander, accompany boarding parties inspecting domestic and foreign fishing vessels for compliance with Federal laws and international agreements relating to living marine resources, and assist in training Coast Guard personnel in technical matters related to fisheries enforcement and observation.

2. Be responsible for the collation and dissemination of data relating to the activities of domestic and foreign fishing vessels. (USCG will be included in distribution.)

3. Provide or permit the use of such other NMFS personnel and facilities as may be agreed upon from time to time.

D. In general, the USCG will:

1. Provide the personnel and facilities necessary for effective at sea enforcement and observation.
2. With due regard for its other missions, attempt to meet all NMFS requests for cutter and aircraft patrols, including rapid response to unusual operational requirements.
3. Facilitate the use of vessels, aircraft, and personnel, on fisheries patrols, for fisheries research, provide that any necessary additional equipment and personnel are furnished on NMFS, and provided further that such research will not degrade the effectiveness of the patrol.
4. Provide or permit the use of such other USCG personnel and facilities as may be agreed upon from time to time.

ARTICLE V—BUDGETARY RESPONSIBILITIES

Each agency will fund all costs it incurs under this agreement. Additional agreements that involve fund reimbursement in connection with specific activities may be entered into before the activity is undertaken.

ARTICLE VI—PLANNING

A. The USCG will plan for effective fisheries patrol facilities.

B. The NMFS will keep the USCG informed on a continuing basis as to both the detailed and long range plans, related to the joint effort, which may affect the Coast Guard's personnel and facility requirements. This advice will include the entire fisheries patrol effort whether or not NMFS personnel are assigned. When possible, the following notice and justification will be given:

1. Prior to the beginning of each fiscal year, the NMFS will verify requirements for that year and the following fiscal year and advise the USCG of facilities and services it expects will be needed for the five-year period beginning two years later.

2. This advice will substantiate the need for resources and include the anticipated benefits and the effectiveness if those resources are provided.

C. The USCG will, in turn, keep the NMFS similarly informed as to additional requirements and the outlook for USCG facilities available for use in the joint effort.

ARTICLE VII—PUBLIC AFFAIRS—NEWS RELEASES

Each agency will keep the other advised of all public affairs matters including news releases and major speeches that concern both agencies. News releases of national interest will be coordinated between the appropriate public affairs personnel in Washington, D.C., and released simultaneously whenever possible. Releases of local or regional interest will be coordinated and released jointly at the USCG District or Area Headquarters and the Regional NMFS Office, with copies sent to the Washington Public Affairs Offices. Each agency will exercise its own discretion in responding to inquiries with factual information on its own actions.

ARTICLE VIII—SUBSIDIARY AGREEMENTS

Local working agreements may be developed by USCG District or Area Commanders and NMFS Regional Directors. Copies of such working agreements will be forwarded to the Commandant, USCG and the Director, NMFS.

ARTICLE IX—AMENDMENTS

This Agreement may be amended from time to time as may be mutually agreeable to the parties thereto.

ARTICLE X—TERMINATION

This Agreement may be terminated by either party upon 60 days advance written notice thereof to the other party.

CHESTER R. BENDER,
Admiral, U.S. Coast Guard Commandant.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

MEMORANDUM OF AGREEMENT BETWEEN DEPARTMENT OF DEFENSE (DOD) AND
DEPARTMENT OF TRANSPORTATION (DOT) CONCERNING POLICY REGARDING DOD
ASSISTANCE IN SUPPORT OF COAST GUARD FISHERIES ENFORCEMENT OPERATIONS

Current procedures within the NMCC provide for timely and effective assistance to be rendered to all U.S. Government agencies, including the USCG, in critical situations requiring commitment of DOD forces. Direct communications between the USCG and the NMCC is considered appropriate and necessary if a critical situation occurs in the future and the USCG desires the assistance of DOD forces. If such a situation occurs and assistance is desired, the request should be made via existing communications links between the USCG Flag Plot and the NMCC. In all fisheries enforcement cases, NMCC processing of such requests will include a requirement that the NMCC receive approval from either the Secretary of Defense, Deputy Secretary of Defense or their civilian designee prior to the commitment of DOD units or forces.

Upon receiving approval, the NMCC will direct DOD aircraft and ships to provide assistance. In accordance with the approving authority's instruction, the NMCC will specify the geographic limitations to be observed by DOD aircraft and ships used in a surveillance or pursuit role.

DOD personnel may not, however, participate in the actual apprehension of violators of U.S. fisheries laws nor may DOD aircraft or ships be used as weapons platforms for gunfire or the use of other weapons against suspected violators unless specifically directed to perform these missions by the Secretary of Defense or Deputy Secretary of Defense.

In routine situations, when the USCG desires the assistance of DOD forces in the enforcement of U.S. fisheries laws, requests will be made through departmental channels.

This will constitute an agreement between our two Departments in conformance with the requirements of P.L. 91-514 (16 U.S.C. 1083).

It is recognized that Fisheries Enforcement Operations are only one facet of U.S. Coast Guard law enforcement operations which may lead to emergency requests for DOD assistance. Assistance when needed is authorized under Title 14 U.S.C. 141. Implementation of procedures herein for fisheries enforcement provides a line of communications which can also be used to request emergency assistance in other law enforcement matters, such as, but not limited to: pollution control, port security, smuggling, or hi-jacking of ships.

CLAUDE S. BRINEGAR,
Secretary of Transportation.
W. P. CLEMENTS., Jr.,
Deputy Secretary of Defense.

Senator STEVENS. One of the provisions of the bill that creates the 200-mile zone envisions regional management councils which would be guided to a great extent by existing State law where possible. We at one time contemplated an amendment that would require the utilization by the management councils of the enforcement agencies of the States adjacent to the 200-mile zone with regard to domestic fishermen and, on the other hand, would have required them to utilize the Coast Guard in any relationship to any foreign vessel.

We decided not to complicate your life in that regard by putting it directly into law. But that is our intent and it was stated on the floor. The direct day-to-day relationship in terms of management of resources, including enforcement, ought to come from the State fish and game agencies. However, none of those State agencies would have any direct relationship to foreign fishing vessels. In our opinion that should come only through the Coast Guard and not through people who are not trained in international aspects of law enforcement.

We want to examine those memoranda to see if there is anything that we have overlooked as we proceed with this bill. Is that agreeable with you, that we look them over and get your guidance to make certain that we are not complicating the enforcement procedures?

Admiral SILER. I don't think we have any such agreements with State agencies at the present time. But we will look into this and see if it can be developed and how it would be done.

Senator STEVENS. It may be the wrong way to put it, but we don't see any reason why we should make a Federal case out of an isolated fisheries violation that could be handled, in terms of local domestic fishermen, by the local agencies involved.

On the other hand, we don't want local fisheries agencies steaming up and trying to board some foreign vessel. There has got to be some commonsense applications. They have to be spelled out, I think, by agreements and memoranda so that everybody understands their role.

Admiral SILER. It may be the National Marine Fisheries Service has some such agreements as well. We will have to look into that aspect, too.

Senator STEVENS. We will print in the record the summary of the request. Do you have any suggestions for any changes in the legislation as it has been introduced, Admiral?

Admiral SILER. No, sir, I think we have a good proposal here.

Senator STEVENS. We thank you very much.

Admiral SILER. Thank you, sir.

Senator STEVENS. I hope we can get it done in time to meet the limits of the new Budget Act.

[Whereupon, at 2:40 p.m., the hearing was adjourned.]

