

STATEMENT OF  
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CHIEF COUNSEL OF THE UNITED STATES COAST GUARD  
BEFORE THE HOUSE SUBCOMMITTEE ON  
THE COAST GUARD AND NAVIGATION  
5 JUNE 1979

Mr. Chairman and Members of the Committee:

I am Rear Admiral Clifford F. DeWolf, Chief Counsel of the U.S. Coast Guard. Thank you for the opportunity to express the Administration's views on H.R. 1198, a bill to clarify the authority to establish lines of demarcation governing the application of the nautical rules of the road and certain marine safety statutes.

As you know, on July 15, 1977, the 1972 Convention on the International Regulations for Preventing Collisions at Sea entered into force internationally and for the United States. The Treaty obligates party nations to apply the international regulations to the high seas and all waters connected therewith navigable by seagoing vessels. Special rules may be established for roadsteads, harbors, rivers, lakes or inland waterways. Because of this obligation the then existing line of demarcation had to be changed. This was accomplished by creating two lines -- the COLREGS Demarcation Line for delineating the application of the International and Inland Rules of the Road, and the Boundary Line to ascertain the application of certain marine safety statutes. Prior to July 15, 1977, the same line served both purposes, and in several areas, the line was located on the high seas.

In making the change, the Coast Guard determined that 33 U.S.C. 151, the statute to be amended by H.R. 1198, no longer was authority to establish the

COLREGS Demarcation Line. Its purpose since the entry into force of the COLREGS treaty was solely to ascertain the application of certain marine safety statutes. Authority for the COLREGS Demarcation Line was Executive Order 11964, the COLREGS Treaty, and 14 U.S.C. 2. The Coast Guard's rationale for its action is contained in the preamble to the July 11, 1977, Federal Register at page 35782.

On July 27, 1977, the President signed into law the International Navigational Rules Act of 1977 (P.L. 95-75). The Coast Guard considers that section 8 of this law provides additional authority to establish the COLREGS Demarcation Line.

I am aware of the contrary view that you, Mr. Chairman, have had with the Coast Guard's determination concerning 33 U.S.C. 151. You have been especially concerned that authority for two lines was never contemplated by 33 U.S.C. 151. Because of your concern, you introduced H.R. 1198, which would clarify the authority to promulgate the COLREGS Demarcation Lines and the Boundary Lines. The Administration agrees that this clarification would be useful and therefore supports the bill, subject to some minor changes which are identified in the Department of Transportation's letter dated Jun 4, 1979 to Chairman Murphy.

I would like to highlight one comment, however. The last sentence of subsection (a), which would prohibit locating the COLREGS Demarcation Line more than three nautical miles seaward of the baseline from which the territorial sea is measured, except in dredged channel harbor approaches, should be deleted as it provides possible disadvantages in administering the COLREGS Treaty. While acknowledging that application of the inland rules of the road to portions of the high seas would appear to be inconsistent with the intent of the COLREGS Treaty, we nevertheless favor preserving such interpretive flexibility as the Treaty language, now or as it might be amended from time to time, may afford. This would avoid the unnecessary circumstance of having to seek further amendments to 33 U.S.C. 151 as circumstances change.

Thank you Mr. Chairman.