

6/16/81

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
INTRODUCTORY STATEMENT OF ADMIRAL JOHN B. HAYES
FOR PRESENTATION TO
HOUSE OF REPRESENTATIVES SUBCOMMITTEE
ON COAST GUARD AND NAVIGATION
OF THE
COMMITTEE ON MERCHANT MARINE AND FISHERIES

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I HAVE WITH ME THIS MORNING THE CHIEF OF THE OFFICE OF MERCHANT MARINE SAFETY, REAR ADMIRAL LUSK. ALSO PRESENT ARE THE CHIEF OF STAFF, REAR ADMIRAL YOST, THE CHIEF OF THE OFFICE OF MARINE ENVIRONMENT AND SYSTEMS, REAR ADMIRAL CALDWELL, THE CHIEF OF THE OFFICE OF BOATING, PUBLIC, AND CONSUMER AFFAIRS, REAR ADMIRAL PARKER, AND THE CHIEF OFFICE OF NAVIGATION, REAR ADMIRAL BAUMAN. THE LATTER THREE PROGRAM DIRECTORS WILL BE AVAILABLE TO ANSWER YOUR QUESTIONS.

IT IS MY PRIVILEGE TO APPEAR BEFORE YOU AT THESE HEARINGS. I WILL KEEP MY COMMENTS BRIEF BUT REQUEST YOUR PERMISSION TO SUBMIT A MUCH LONGER STATEMENT FOR THE RECORD.

IT IS GENERALLY TAKEN FOR GRANTED THAT THE FEDERAL GOVERNMENT HAS A RESPONSIBILITY FOR SAFEGUARDING LIFE AND PROPERTY AT SEA AND FOR PROTECTING THE MARINE ENVIRONMENT BOTH BY PROVIDING RESCUE AND ASSISTANCE SERVICES AND BY TAKING STEPS TO PREVENT MARINE CASUALTIES. THE CONGRESS HAS CREATED THE CAPABILITY TO PROVIDE THESE SAFEGUARDS FOR THE NATION THROUGHOUT THIS COUNTRY'S LONG HISTORY.

THE FIRST DEMONSTRATION OF THIS OCCURRED IN 1789 WHEN ALL EXISTING LIGHTHOUSES WERE NATIONALIZED AND THEIR ADMINISTRATION PLACED UNDER THE TREASURY DEPARTMENT. PRIOR TO THIS DATE, LIGHTHOUSES HAD BEEN BUILT BY THE INDIVIDUAL STATES AND FINANCED BY LOTTERIES OR LOCAL TAXES ON SHIPPING.

IN 1790, CONGRESS AUTHORIZED SECRETARY OF THE TREASURY HAMILTON TO CONSTRUCT AND MAINTAIN A SMALL FLEET OF CUTTERS FOR THE ENFORCEMENT OF THE CUSTOMS AND REVENUE LAWS OF THE UNITED STATES, THUS INITIATING THE REVENUE CUTTER SERVICE. DURING THE FOLLOWING FOUR DECADES, MORE THAN 50 LAWS DESIGNED TO REGULATE AND PROMOTE NAVIGATION WERE ENACTED BY CONGRESS. SINCE THESE NEW LAWS WERE CLOSELY RELATED TO THE CUSTOMS LAWS, THEIR ADMINISTRATION WAS VESTED IN THE TREASURY DEPARTMENT AND THEIR ENFORCEMENT AT SEA WAS ENTRUSTED TO THE REVENUE CUTTER SERVICE. SUBSEQUENTLY, THE CUTTER SERVICE WAS GIVEN ADDITIONAL LAW ENFORCEMENT DUTIES NOT ONLY FOR THE TREASURY DEPARTMENT BUT FOR OTHER FEDERAL AGENCIES. IT BECAME AN ENFORCEMENT AGENT FOR THE DEPARTMENT OF INTERIOR IN THE PROTECTION OF FISHERIES, FOR THE DEPARTMENT OF JUSTICE IN ALASKA AND FOR THE WAR DEPARTMENT IN THE ENFORCEMENT OF ANCHORAGE AND OTHER LAWS RELATING TO NAVIGABLE WATERS. WHILE AN INVALUABLE AID TO THE MARINER IN DISTRESS AT SEA, THE REVENUE CUTTER SERVICE DID NOT PROVIDE RESCUE AND ASSISTANCE FROM SHORE STATIONS OR TO VESSELS WHICH HAD ACTUALLY STRANDED. THESE RESCUE SERVICES WERE PROVIDED BY PRIVATE INDIVIDUALS OR ORGANIZATIONS LIKE THE MASSACHUSETTS HUMANE SOCIETY, ESTABLISHED IN 1785. IT WASN'T UNTIL 1872, HOWEVER, THAT CONGRESS AUTHORIZED THE LIFESAVING SERVICE AND THE ESTABLISHMENT OF A NUMBER OF LIFESAVING STATIONS ON THE ATLANTIC COAST UNDER THE SUPERVISION OF TWO CAPTAINS OF THE REVENUE CUTTER SERVICE.

WHEN STEAM PROPULSION FOR VESSELS WAS IN ITS INFANCY IN THE EARLY 1800'S AND SAFETY STANDARDS WERE UNHEARD OF, HUNDREDS OF PERSONS WERE KILLED ANNUALLY IN EXPLOSIONS AND FIRES ABOARD STEAM DRIVEN VESSELS. CONGRESS RESPONDED TO THIS PROBLEM BY CREATING THE STEAM-BOAT INSPECTION SERVICE IN THE DEPARTMENT OF COMMERCE. ALTHOUGH THE ACCIDENT RATE WAS DIMINISHED, EXPLOSIONS IN STEAM PLANTS STILL OCCURRED ALL TOO FREQUENTLY. IT TOOK THE CATASTROPHIC LOSS OF 1300 PERSONS IN THE FIRE AND EXPLOSION OF THE STEAMER SULTANA IN 1866 TO COMPLETELY RECODIFY THE NAVIGATION AND INSPECTION LAWS. THESE LAWS FORM THE BASIS FOR THE REGULATIONS PRESENTLY IN USE IN THE COAST GUARD.

THE FEDERAL GOVERNMENT WAS ALSO INTERESTED IN THE SAFETY OF LIFE AND PROPERTY AT SEA AND ON OUR NAVIGABLE WATERWAYS. THE RESPONSIBILITY FOR THIS, HOWEVER, WAS VESTED IN SEVERAL DIFFERENT AGENCIES AND OVERLAPPING RESPONSIBILITIES CREATED CONFUSION.

THE COMBINING OF THE LIFESAVING SERVICE AND THE REVENUE CUTTER SERVICE IN 1915 TO CREATE THE COAST GUARD WAS CONGRESS' INITIAL ATTEMPT TO ELIMINATE THIS REDUNDANCY AND CONFUSION.

THAT SAME YEAR THE COAST GUARD WAS AUTHORIZED TO ENFORCE RULES AND REGULATIONS PERTAINING TO THE PRESERVATION, REPAIR, OR CONSTRUCTION OF PUBLIC WORKS ON RIVERS OR HARBORS AND TO DEFINE OR ESTABLISH ANCHORAGES. AN EXTENSION OF THIS AUTHORITY THROUGH THE ESPIONAGE ACT OF 1917 LED TO THE FORMATION OF CAPTAINS OF THE PORT (COTP) WHO WERE AUTHORIZED TO SUPERVISE ENFORCEMENT OF ANCHORAGE REGULATIONS, THE LOADING AND DISCHARGING OF EXPLOSIVES, AND THE CONTROL OF VESSEL MOVEMENTS IN HARBORS AND OTHER CONGESTED AREAS.

IN 1939, THE COAST GUARD RESERVE, A NON-MILITARY, VOLUNTEER FORCE, WAS ESTABLISHED BY CONGRESS TO ASSIST IN PROMOTING SAFETY IN THE OPERATION OF MOTORBOATS AND YACHTS. IN 1941, THIS ORGANIZATION WAS RENAMED THE COAST GUARD AUXILIARY BECAUSE WORLD CONDITIONS IMPELLED CONGRESS TO ESTABLISH A MILITARY RESERVE COMPONENT OF THE COAST GUARD.

IN THE REORGANIZATION ACT OF 1939, CONGRESS ADDED THE BUREAU OF LIGHTHOUSES TO THE COAST GUARD AND SIMILARLY, IN 1942, THE BUREAU OF MARINE INSPECTION AND NAVIGATION WAS TRANSFERRED TO THE COAST GUARD AS A TEMPORARY WARTIME MEASURE. THE LATTER TRANSFER BECAME PERMANENT IN 1946.

THE COAST GUARD HAD THUS BECOME THE LEAD AGENCY IN THE FEDERAL GOVERNMENT FOR ALL ASPECTS OF MARINE SAFETY. WITH THE FOREGOING COMPONENTS IN PLACE THE COAST GUARD COULD NOW OVERSEE THE CONSTRUCTION AND OPERATION OF A VESSEL; ASSESS THE CAPABILITY OF ITS CREW; PROVIDE FOR THE SAFETY OF THE PASSENGERS EMBARKED AND/OR CARGO DURING LOADING, UNLOADING OR TRANSIT; ENSURE THE SAFE NAVIGATION OF VESSELS ALONG OUR COASTS AND WATERWAYS; AND, IN THE EVENT OF DISASTER, WE HAD AN EFFECTIVE RESCUE CAPABILITY TO RESPOND TO THOSE VESSELS AND PERSONS IN DISTRESS UPON OUR NAVIGABLE WATERS.

WITH THE RAPID EXPANSION OF RECREATIONAL BOATING AFTER WORLD WAR II AND INCREASED AWARENESS ON THE PART OF STATE AND LOCAL GOVERNMENTS, THE CONGRESS PASSED THE FEDERAL BOATING ACT OF 1958 TO PROVIDE FOR COORDINATION OF STATE AND FEDERAL INTERESTS REGARDING UNIFORM BOATING LAWS. THIS ACT MADE THE STATES PARTNERS WITH THE FEDERAL GOVERNMENT IN THE REGULATION OF RECREATIONAL BOATING. THE

COAST GUARD FOR ITS PART ATTACKED THE PROBLEM NOT JUST FROM AN ENFORCEMENT POINT OF VIEW, BUT ATTEMPTED TO EDUCATE THE BOATER AND ADVISE THE MANUFACTURER AS TO STANDARDS FOR CONSTRUCTION.

AS PART OF ITS RESPONSIBILITY, AND AS AN EXTENSION OF ITS DEVELOPMENT OF A COORDINATED MARITIME SAFETY PROGRAM, THE COAST GUARD ACTIVELY PARTICIPATED IN INTERNATIONAL CONFERENCES FOR THE SAFETY OF LIFE AT SEA. PARTICPATION WAS IN RECOGNITION THAT IF ALL VESSELS WERE NOT BUILT TO AND OPERATED WITH SOME MINIMAL LEVELS OF SAFE STANDARDS THEN NO VESSEL WOULD BE SAFE. THE COAST GUARD, IN FURTHERANCE OF ITS RESPONSIBILITIES, REPRESENTS THE UNITED STATES IN THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION WHICH ENSURES CONSISTENCY OF STANDARDS FOR THE MARITIME INDUSTRY WORLDWIDE AND SERVES AS A FOCAL POINT FOR INTERNATIONAL DELIBERATIONS ON MARINE SAFETY. IN ADDITION TO BEING A PRIMARY FUNCTIONARY IN INTERNATIONAL MARITME SAFETY, THE U.S. COAST GUARD IS A WELL RECOGNIZED ORGANIZATION AFTER WHICH MANY DEVELOPING NATIONS PATTERN THEIR NAVY OR COAST GUARD.

CONGRESS HAS CONTINUED TO EXPAND THE COAST GUARD'S ROLE IN MARINE SAFETY. IN THE LATE 1960'S SEVERAL SPECTACULAR MARITIME DISASTERS FOCUSED PUBLIC ATTENTION ON THE HAZARDS ASSOCIATED WITH MARINE TRANSPORTATION. IN THE NEXT DECADE, CONGRESS PASSED SEVERAL PIECES OF LEGISLATION TO INCREASE THE SAFETY OF THE VESSEL AND THE SAFETY OF THOSE PERSONS IN PROXIMITY TO THE WATERWAYS ON WHICH HAZARDOUS SUBSTANCES WOULD BE TRANSPORTED. THIS LEGISLATION NOT ONLY GAVE THE COAST GUARD A MAJOR RESPONSIBILITY FOR POLLUTION PREVENTION BUT EXTENDED THIS RESPONSIBILITY TO REQUIRE PENALTY ACTION FOR DISCHARGES AFFECTING U.S. NATURAL RESOURCES OR NATURAL RESOURCES UNDER U.S MANAGEMENT AUTHORITY.

ALTHOUGH IT MAY SEEM OTHERWISE, THIS IS NOT INTENDED TO BE A LESSON IN COAST GUARD HISTORY. WHAT I HAVE ATTEMPTED TO ACCOMPLISH THROUGH THIS SUMMARY IS TO SHOW THAT FROM 1789 TO THE PRESENT, THE CONGRESS HAS ACTED TO PROVIDE SOME MEASURE OF PROTECTION TO THE USERS OF MARINE TRANSPORTATION, THE PERSONNEL WHO OPERATE THE VESSELS, THE VESSEL OWNERS AND THE ENVIRONMENT IN WHICH THESE VESSELS OPERATE.

IN ADDITION, I WANTED TO POINT OUT THAT, AS NATIONAL MARINE SAFETY EFFORTS EVOLVED, ONE FEDERAL AGENCY--THE U.S. COAST GUARD--HAS BEEN ASSIGNED THE RESPONSIBILITY TO ENSURE THAT CONGRESSIONAL MANDATES IN THE AREA OF MARITIME SAFETY ARE MET. THIS HAS BEEN POSSIBLE BECAUSE FROM OUR EARLIEST DAYS WE WERE A SEA-GOING MARITIME ORGANIZATION, A FACT WHICH WILL REMAIN A KEYSTONE TO OUR ABILITY TO CARRY OUT THESE FUNCTIONS IN THE FUTURE. OUR SUCCESS IN ACCOMPLISHING THESE TASKS HAS, I THINK, DEMONSTRATED THE WISDOM OF ASSIGNING THE COAST GUARD AS THE LEAD AGENCY.

I WILL BE HAPPY TO RESPOND TO YOUR QUESTIONS AT THIS TIME. THANK YOU.