



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 23, 2008
(House)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2830 - Coast Guard Authorization Act of 2008

(Rep. Oberstar (D) Minnesota and two cosponsors)

The Administration strongly opposes House passage of H.R. 2830 in its current form because it would adversely affect homeland security, protection of the marine environment, and maritime safety and would unreasonably intrude upon the Commandant's authority and discretion to command and control the Coast Guard. Cumulatively, these provisions would compromise the organizational efficiency and operational effectiveness of the Coast Guard; ultimately, they could diminish its effectiveness in carrying out its safety, security, and stewardship missions. Notwithstanding the other provisions of the measure that would enhance Coast Guard operations, the Administration strongly opposes House passage of H.R. 2830.

The Administration urges the House to modify the problematic parts of the bill, including the following:

First, the section of the bill that would require the Coast Guard to provide security around liquefied natural gas terminals and vessels should be eliminated because it provides an unwarranted and unnecessary subsidy to the owners of private infrastructure that is contrary to the existing assistance framework and would divert finite Coast Guard assets from other high-priority missions, as determined by the Commandant. If H.R. 2830 were presented to the President with this provision, his senior advisors would recommend that he veto the bill.

Second, the Administration strongly urges the House to adopt the Administration's proposal to introduce organizational flexibility into the Coast Guard command structure and alignment with the other armed forces, rather than the language of Section 210. This section as currently worded would exchange one statutorily-mandated command structure for another, thus defeating the purpose of the Administration's initiative.

Third, the Administration urges the House to substitute the Administration's recently transmitted proposal for the regulation of ballast water treatment for the existing language of title V. The Administration's substitute language would provide for the effective and efficient implementation of ballast water treatment standards and for the development of enforceable national uniform standards to control discharges incidental to the normal operation of vessels without the use of a National Pollutant Discharge Elimination System (NPDES) permit. Absent such language (or a decision of the 9th Circuit Court of Appeals), as of September 30, 2008, discharges incidental to the normal operation of upwards of 13 million vessels—including recreational vessels, towboat vessels, commercial fishing boats, barges, and large ocean-going vessels—will be prohibited by the Clean Water Act unless NPDES permits covering such discharges are in place.

As well, the Administration urges the House to delete those provisions of the bill that would adversely affect Coast Guard missions. Specifically, the Administration urges the House to delete those provisions that would: (1) diminish the authority of the Secretary of Homeland Security or the Commandant concerning how leadership positions within the Service will be graded or placed; (2) reduce or eliminate the Coast Guard's capacity or authority to carry out and adjudicate its merchant mariner licensing mission and support other vital security adjudications of the Department of Homeland Security; (3) establish an interim work authority for a newly hired seaman on an offshore supply vessel or towing vessel, as such authority would open a dangerous security loophole and undermine the security objectives of the Transportation Worker Identification Credential; and (4) prescribe contracting and acquisition practices for the Deepwater program, as these practices would increase the costs of, and add delay to, the Deepwater acquisition process and circumvent review and approval authority of Coast Guard technical authorities. Similarly, while the provision that would alter admission procedures for the U.S. Coast Guard Academy may ultimately be acceptable, this provision has not previously been shared, or even discussed, with the Administration. The Administration, therefore, urges the House to delete this provision.

Finally, the Administration strongly urges the House to adopt the Administration's proposal to protect seafarers who participate in investigations and adjudication of environmental crimes or who have been abandoned in the United States, and thus facilitate the Government's ability to investigate and prosecute environmental crimes. Similarly, the Administration strongly urges the House to restore the much-needed authority to prosecute those who would smuggle undocumented aliens into the United States by sea (Maritime Alien Smuggling Law Enforcement Act).

The Administration looks forward to working with Congress to address these concerns and other problems with the bill previously identified in letters from the Department of Homeland Security.

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