

yacht that goes from one State to another. The problem is trying to comply with different standards in different States.

I think that there should be a specific provision here that a Federal regulation that applies to a vessel, for example, would preempt any regulation of individual States, otherwise we would have a real problem in vessels traveling from State to State.

McCARTHY. Could you supply language for the record along that line?

Admiral TRIMBLE. Yes, sir, we will be glad to.

(The information to be supplied follows:)

DRAFT LANGUAGE TO ESTABLISH FEDERAL PREEMPTION FOR VESSEL STANDARDS AND REQUIREMENTS PROMULGATED UNDER H.R. 15906

"Sec. 20(k) Whenever a Federal standard or requirement established by regulation under this section is in effect, no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to any vessel or associated equipment, any standard or requirement which is not identical to the Federal standard or requirement. The Secretary and the Secretary of the department in which the Coast Guard is operating, with respect to the scope of their respective regulatory authority established by this section, may waive the applicability of this subsection where exceptional circumstances existing within a State warrant the establishment by that State of a standard or requirement more stringent than the Federal standard or requirement."

The substance could be accomplished similarly in S. 2760 and in H.R. 16207 (S. 2525) and similar bills.

ENFORCEMENT PROVISIONS OF H.R. 15906 AND S. 2760

Mr. McEWEN. Is Commander DeWolf your legal officer?

Admiral TRIMBLE. Yes, sir.

Mr. McEWEN. In reviewing the things you are going to submit, will you look at that paragraph on page 5. I am a little confused as to what that means, where it says "anyone authorized by the Secretary of the Department in which the Coast Guard is operating will enforce the provisions of this section, may board and inspect any vessel with or without a warrant, arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view" and it spells out that the arrest may be made with or without a warrant, where the violation occurs in the presence or view of the arresting officer; but I do not understand, what about where the incident occurs not in the presence or view of an officer of the Coast Guard? It leaves me a little bit confused on your provision to enforce it.

Commander DEWOLF. The implications there, if it happens without his presence or view, then a warrant would be required for an arrest.

Mr. McEWEN. That language starting out "with or without a warrant"—let me yield to Mr. Sullivan, our counsel.

Mr. SULLIVAN. Do you not think that the situation where you describe the clarifying language will clearly spell this out in this legislation?

Commander DEWOLF. Well, as the language is written, counselor, it indicates, whether or not he has a warrant, he may arrest if the violation occurs in his presence or view.