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A REVIEW OF THE COAST GUARD'S SEARCH AND RESCUE MISSION

(111–64)

HEARING

BEFORE THE

SUBCOMMITTEE ON
COAST GUARD AND MARITIME TRANSPORTATION

OF THE

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TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

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September 29, 2009

SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Coast Guard and Maritime Transportation

FROM: Subcommittee on Coast Guard and Maritime Transportation Staff

SUBJECT: Hearing on "A Review of the Coast.Guard's Search and Rescue Mission"

PURPOSE OF THE HEARING

The Subcommittee on Coast Guard and Maritime Transportation will convene on Wednesday, September 30, 2009, at 10:00 a.m., in room 2167 of the Rayburn House Office Building to review the Coast Guard's search and rescue (SAR) programs, as well as lessons learned from recent SAR cases.

BACKGROUND

Prior to 1848, rescues of those in distress at sea were performed through private initiatives. In 1848, Congress enacted the Newell Act, which provided funding for the placement of equipment along the coasts of Massachusetts and New Jersey that could be used to aid mariners in distress.

In 1874, Congress adopted legislation to establish formal life-saving stations, life-boat stations, and houses of refuge to aid mariners in distress; the legislation also authorized the Secretary of the Treasury to appoint formal Superintendents at these stations. In 1878, this legislation was expanded to authorize the creation of life-saving stations, life-boat stations, and houses of refuge at specific coastal points. Congress also authorized the appointment of a General Superintendent of the Life-Saving Service (reporting to the Secretary of the Treasury) and authorized the appointment of officers from the Revenue Cutter Service to serve as inspectors assigned to assess the life-saving stations. Life-saving stations were initially staffed with crews at those times of the year when shipwrecks were most likely to occur; as the level of waterborne commerce increased, they were often staffed year-round.

In 1915, the Life-Saving Service and the Revenue Cutter Service were merged to form the modern U.S. Coast Guard.

Today, the Coast Guard is a member of the U.S. National Search and Rescue Committee, whose members also include the following Federal entities:

- Department of Homeland Security (Coast Guard, Federal Emergency Management Agency);
- Department of Defense (U.S. Air Force);
- Department of Commerce (National Oceanic and Atmospheric Administration);
- Department of Transportation (Federal Aviation Administration);
- Department of the Interior (National Park Service, U.S. Geologic Survey);
- Federal Communications Commission; and the
- National Aeronautics and Space Administration.

These entities are signatories to the National Search and Rescue Plan of the United States, which was adopted in its current form in 2007. The National Plan guides the coordination of SAR "services to meet domestic needs and international commitments."[1] The specific implementing guidance outlining the policies and procedures followed by services that participate in the National SAR Plan is provided in a number of supplemental documents produced by those services.

The United States maintains a National SAR School, which the Coast Guard and the U.S. Air Force jointly established in 1966. These two services continue to staff the school, which is now located at the Coast Guard Training Center in Yorktown, Virginia.

The National SAR Plan designates the Coast Guard as the entity that "develops, establishes, maintains and operates civil SAR resources for the promotion of safety on, under and over international waters and waters subject to United States jurisdiction."[2] To meet its operational responsibilities, "the Coast Guard maintains SAR facilities on the East, West and Gulf coasts; in Alaska, Hawaii, Guam, and Puerto Rico, as well as on the Great Lakes and inland U.S. waterways."[3]

The Coast Guard's SAR mission is specifically authorized by 14 U.S.C. § 88, which states, "[i]n order to render aid to distressed persons, vessels, and aircraft on and under the high seas and on and under the waters over which the United States has jurisdiction and in order to render aid to persons and property imperiled by flood, the Coast Guard may: (1) perform any and all acts necessary to rescue and aid persons and protect and save property."

One of the addenda supplementing the National Plan is the "U.S. Coast Guard Addendum to the United States National SAR Supplement," which guides the Coast Guard's implementation of its SAR mission. According to the Coast Guard Addendum, the Coast Guard's SAR program is guided by four objectives:

1. Minimize loss of life, injury, and property loss and damage in the maritime environment;
2. Minimize crew risk during SAR missions;

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[1] *National Search and Rescue Plan of the United States* (2007) at 1.
[2] *Id.*, at 4.
[3] Coast Guard Office of Search and Rescue, *SAR Mission Statement* (2009).

3. Optimize use of resources in conducting SAR; and
4. Maintain a world leadership position in maritime SAR.[4]

The Addendum further states that the "ultimate goal of the Coast Guard's SAR program is to prevent loss of life in every situation where our actions and performance could possibly be brought to bear."[5] Importantly, rescue operations "may . . . be performed for the purpose of preventing or mitigating property loss or damage," but "shall not normally be performed for the purpose of salvage or recovery of property when those actions are not essential to the saving of life."[6]

I. SAR Statistics

The essential benchmark against which the success of the Coast Guard's SAR operations is measured is lives saved compared to lives in distress (with the term "lives in distress" referring to lives "in peril cause by some extraordinary event . . . beyond the inherent danger of the maritime environment").[7]

According to the Coast Guard's Fiscal Year 2008 "U.S. Coast Guard Performance Report," issued in May 2009, the service saved 83.6% of mariners in "imminent danger" in 2008, which was 3.4% below the target of 87%.[8] In 2008, both "the number of cases and the number of lives saved declined" compared to the previous year; in 2007, the Coast Guard conducted 26,940 SAR cases and saved 4,574 lives, while in 2008, the service conducted 24,229 cases and saved 4,044 lives.[9] Assessing this data, the Coast Guard has stated that, "[t]he significant drop in cases mirrors closely the economic downturn and may be a result of fewer mariners on the water, including those who would otherwise be available to assist in search and rescue efforts."[10]

Importantly, the Coast Guard's reported measure of lives saved did not previously reflect "lives unaccounted for," meaning "persons still missing when Search and Rescue operations cease".[11] In 2009, the Coast Guard will introduce a new SAR performance measure called "Percent of People Saved from Imminent Danger in the Maritime Environment" that will include "lives unaccounted for" – i.e., people still missing when a SAR operation is ended. The Coast Guard has collected, but did not previously report, data on this measure; these data show that in 2008, when "lives unaccounted for" are included in SAR statistics, the Coast Guard saved 76.8% of individuals in imminent distress.[12]

According to statistics compiled by the Coast Guard, 95 percent of SAR cases occur within 20 nautical miles of shore – and only about 10 percent of cases in which the Coast Guard renders

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[4] *U.S. Coast Guard Addendum to the United States National SAR Supplement* (2004), at PPO-3.
[5] *Id.*
[6] *Id.*, at PPO-2.
[7] *Id.*
[8] U.S. Coast Guard, *Fiscal Year 2008 U.S. Coast Guard Performance Report* (2009), at 13.
[9] *Id.*
[10] *Id.*
[11] *Id.*
[12] *Id.*, at 14.

assistance or conducts a rescue operation involve an active search.[13] Only two percent of cases involve a search that lasts for more than 24 hours.[14]

The chart below details the total Coast Guard resource hours expended by the identified type of asset in the conduct of SAR operations for fiscal years 2007 and 2008.

Coast Guard SAR Resource Hours

Resource Type	SAR Resource Hours	
	Fiscal year 2007	Fiscal Year 2008
Aircraft	17,694	19,096
Boats	33,508	33,352
Cutters	9,101	10,265
TOTAL	**60,303**	**62,713**

Source: U.S. Coast Guard

II. Rescue 21

The Coast Guard is currently acquiring the Rescue 21 command, control, and communications system. Rescue 21 is intended to replace the Coast Guard's National Distress Response System (which was activated in the 1970s) with an upgraded Very High Frequency-Frequency Modulated (VHF-FM) communications system that will improve the service's ability to locate mariners in distress, coordinate with Federal/State/local first responders, and reduce communication coverage gaps in coastal areas.

Rescue 21 has been plagued by a number of cost-overruns; its current acquisition baseline now stands at nearly $1.1 billion and the projected completion date is fiscal year 2017. According to the Coast Guard, Rescue 21 covered 28,016 miles of coastline as of June 1, 2009.[15] Rescue 21 represents a significant enhancement in technology, because it can more quickly plot the location of calls from mariners in distress than previous technologies could; the system can also provide instant replays of distress calls.

III. Emergency Phases

There are three emergency phases to a SAR operation; these phases are defined in the Coast Guard Addendum.

1. **Uncertainty:** The uncertainty phase exists when the Coast Guard has knowledge of a situation that needs to be monitored – or regarding which more information must be gathered – but that does not require a response that involves the mobilization of response assets.

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[13] *U.S. Coast Guard Addendum to the United States National SAR Supplement* (2004), at 3-3.
[14] *Id.*
[15] U.S. Coast Guard, *Rescue 21 Deployment/Acceptance Schedule* (2009).

2. **Alert:** The alert phase exists when a person or a watercraft is experiencing a difficulty and may eventually need assistance but is not in immediate danger and is not in need of an immediate response involving response assets.

3. **Distress:** The distress phase exists when a person or craft is in grave or imminent danger and is in need of immediate assistance from response assets.[16]

One of the central challenges that the Coast Guard faces when dealing with any call for assistance from a mariner is determining the extant emergency phase for that case, and thus whether and when response assets should be launched.

According to the Addendum, the Coast Guard's response to a call for assistance involves four key processes:

1. Distress monitoring and communications;
2. Search planning;
3. Search coordination; and
4. Search and rescue operations.[17]

Distress monitoring/communications and search planning are conducted within Sector Command Centers; the search coordination function also rests predominantly within the Sector Command Center – but will involve significant input from those assets conducting a search. SAR operations can encompass any of the Coast Guard's assets, including both air and surface assets.

Under current Coast Guard standards, once the decision to launch a SAR operation is made, operational units are to be ready to proceed within 30 minutes of notification of a distress. Operational units are expected to be able to arrive at any location within their area of responsibility (AOR) within two hours (this two-hour standard includes the 30 minutes required to prepare an asset to begin the search and rescue operation).[18]

IV. Organization of Sectors

In 2006, the Coast Guard reorganized its various field units – including Marine Safety Offices, Groups, Activities, Vessel Traffic Services, and some Air Stations – into Sector commands.[19] Each Sector exercises authority over an assigned AOR. There are currently 35 Sectors divided among 9 districts – which in turn fall under either the Atlantic Area command or the Pacific Area command.

On March 9, 2008, the Coast Guard released Commandant Instruction M5401.6, the Sector Organization Manual, which provides detailed instructions on how Sectors are to be organized. According to this manual, "[t]he organizational architecture of Sectors represents a transformation from a Coast Guard traditionally organized around its operational programs, to one that is organized

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[16] *U.S. Coast Guard Addendum to the United States National SAR Supplement* (2004), at 4-3.
[17] *Id.*, at PPO-1.
[18] *Id.*, at PPO-4 & 5.
[19] *U.S. Coast Guard Sector Organizational Manual*, COMDTINST M5401.6 (2008) at 1-2.

around the preparedness continuum of prevention, protection, response and recovery with programmatic and functional areas of responsibility embedded as sub-elements."[20]

Sectors are commanded by a Sector Commander – typically an officer with the rank of Captain – who exercises the authorities that correspond to the various operational elements combined into Sectors, typically including serving as Captain of the Port; Federal Maritime Security Coordinator; Federal On-Scene Coordinator (in charge of responding to pollution incidents etc.); Officer in Charge, Marine Inspection; and Search and Rescue Mission Coordinator (SMC).[21]

As the SMC, the Sector Commander is specifically responsible for overseeing SAR preparations (including directing SAR-related training exercises), overseeing SAR responses, and making the decision to suspend active SAR searches.[22]

Every Sector is required to have three separate departments, which are described below.[23]

1. **Prevention Department:** The Prevention Department is responsible for managing all waterways within the Sector's AOR (including managing aids-to-navigation); exercising port state control responsibilities; conducting inspections of vessels, port facilities, etc.; ensuring all port-related activities comply with applicable environmental regulations; and investigating marine casualties.

2. **Response Department:** The Response Department is responsible for planning and executing all SAR cases, responding to oil spills and other environmental pollution incidents, interdicting illegal drugs and migrants, and overseeing response units (including air and surface assets).

3. **Logistics Department:** The Logistics Department is responsible for overseeing personnel-related issues, finance, supply, and engineering/facility management tasks.

Regarding SAR missions, the Sector Operations Manual states that the Chief of the Response Department (typically a mid-level officer), is responsible for "[d]irecting the execution of all of the Sector's SAR," including "serving as SAR Mission Coordinator (SMC) (if designated by the Sector Commander)."[24] To that end, the Chief of the Response Department (or that person's designee as applicable) is "responsible for the direction and employment of all assigned Coast Guard response forces" and is required to "[p]rovide on-call assistance and response as needed to all after-hours matters relating to the employment of any response force or sub-unit assigned to the Sector."[25]

Reporting to the Chief of the Response Department and serving on the Department's staff is the Chief of the Incident Management Division. The responsibilities of that position regarding SAR operations are characterized by the Sector Operations Manual as "[d]irecting and/or

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[20] *Id.*, at 1-3.
[21] *Id.*, at 1-1, 1-2.
[22] *Id.*, at 2-11.
[23] *Id.*, at 3-1.
[24] *Id.*, at 3-13.
[25] *Id.*, at 4-2.

coordinating the execution of all Sector SAR."[26] (However, at some Sectors, this responsibility is handled by the Sector Command Center Supervisor.) Working under the direction of the Chief of the Incident Management Division are Incident Management Division duty staff members, who are responsible for "[e]xecuting all Sector SAR," including "[p]reparing for incident response, assessing on-scene situation, initiating action to resolve/mitigate loss of life and/or damage to property, and preparing and submitting reports."[27]

Within each Sector, the Sector Duty Officer on duty at any given time "represents the command in all matters pertaining to the Sector and serves as the Sector Commander's direct representative after hours, maintaining a 24x7 watch;" this individual "has overall responsibility for the entire watch."[28]

Each Sector maintains a Sector Command Center, which "serves an operations integration and coordination function and is located organizationally to support Response and Prevention Departments equally."[29] The Command Center is staffed around the clock every day of the year by a command and control watch; the watch "has sole responsibility for monitoring and coordinating all Coast Guard operations across the entire mission spectrum" within the Sector.[30]

The provisions of 14 U.S.C. § 676 establish standards for Coast Guard SAR centers. Specifically, this section states that the Coast Guard "shall establish, implement, and maintain the minimum standards necessary for the safe operation of all Coast Guard search and rescue center facilities, including with respect to the following:

1. The lighting, acoustics, and temperature in the facilities.
2. The number of individuals on a shift in the facility assigned search and rescue responsibilities (including communications), which may be adjusted based on seasonal workload.
3. The length of time an individual may serve on watch to minimize fatigue, based on the best scientific information available.
4. The scheduling of individuals having search and rescue responsibilities to minimize fatigue of the individual when on duty in the facility.
5. The workload of each individual engaged in search and rescue responsibilities in the facility.
6. Stress management for the individuals assigned search and rescue responsibilities in the facilities.
7. The design of equipment and facilities to minimize fatigue and enhance search and rescue operations.
8. The acquisition and maintenance of interim search and rescue command center communications equipment.
9. Any other requirements that the Secretary believes will increase the safe operation of the search and rescue centers."

The Sector Organization Manual prescribes the specific titles that are used in the watchstanding positions and outlines the positions that may be created; the Manual also provides

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[26] *Id.*, at 3-16.
[27] *Id.*, at 3-17.
[28] *Id.*, at 4-2.
[29] *Id.*, at 2-21.
[30] *Id.*, at 4-3.

"general descriptions of the duties and responsibilities of each watch position."[31] Importantly, however, each Sector Commander has the discretion to staff the Command Center watch with those specific positions that the Sector Commander feels are necessary to keep the watch in that Sector. Thus, the Sector Organization Manual states, "[d]ue to varying sizes, staffing, mission requirements, and local conditions of individual Sectors, Sector Commanders shall use their discretion to determine the watch positions needed for their Sectors."[32] Sector Commanders must also "promulgate unit instructions outlining the specific policies, procedures, and watch routine for their Sector."[33] As a result of the discretion allowed to Sector Commanders and the unique circumstances of the AORs served by each Sector, there is some variation in how the Sector Command Centers are staffed and supervised. Each Sector must meet performance standards, and each person assigned to stand watch as a SAR controller must be fully qualified as a SAR controller; however, some supervisory position titles and responsibilities can vary among Sectors.

Within every Sector Command Center, there are two basic positions with which every Command Center is staffed:

1. **Communications Unit (CU):** The Communications Unit position is typically a single watchstander position responsible for monitoring all communications between the Coast Guard and mariners, including receiving calls for assistance from mariners. Individuals in this position must be qualified to stand this watch. This position is typically staffed with E4s or E5s (3rd or 2nd class Petty Officers, respectively).

2. **Operations Unit (OU):** The Operations Unit position is "responsible for coordinating or supervising the command and control aspects of all Coast Guard and interagency operations including, but not limited to SAR, Maritime Law Enforcement (MLE), Marine Environmental Response (MER), and Ports, Waterways, and Coastal Security (PCWS) missions."[34] Individuals in this position must be qualified to stand this watch – and must have completed the SAR controller qualification. This position is typically staffed by E5s or E6s (2nd or 1st class Petty Officers, respectively); each Sector also typically has two civilian employees assigned to stand OU watches (who are generally retired Coast Guard SAR controllers).[35]

   Sector Command Centers may also have a third watchstanding position.

3. **Situation Unit (SU):** The Situation Unit position is responsible for "supervising the command and control aspects of active waterways management and monitoring functions."[36] This watch position is typically staffed by E5s or E6s (2nd or 1st class Petty Officers, respectively) or trained civilians. Individuals standing this watch are required to be qualified for this watch, but are not required to have the SAR controller qualification.

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[31] *Id.*, at 4-1.
[32] *Id.*
[33] *Id.*
[34] *Id.*, at 4-4.
[35] *Id.*
[36] *Id.*

Sectors that have a particularly heavy caseload of SAR or law enforcement incidents can add multiple CU, OU, or SU positions as needed – either on a full-time basis or as a "surge" to meet a temporary caseload increase.

The Coast Guard requires that those who stand watches and perform the OU, SU, and CU functions be qualified in those functions; the required qualifications vary by position. Typically, individuals enter the Command Center in the CU position, and then move up to the SU position, and finally to the OU position as they complete the training required for these positions and advance in seniority. These positions are structured to create a "career path" through the Command Center for enlisted personnel in the Operations Specialist rating.

Anyone standing the OU watch must be qualified as a SAR controller. To obtain that qualification, the person must attend the National SAR School and complete extensive on-the-job training.[37] The Coast Guard Addendum requires that all SAR units "implement a formal program to qualify members of the command that are part of the SAR system."[38] Throughout their on-the-job training period, trainees complete an extensive checklist to show that they have mastered a variety of specific skills that are part of the SAR management process (mastery of each required skill is confirmed by a qualified controller involved in the training process). Trainees are then formally examined by a "qualification board," which typically consists of senior Command Center leadership and other qualified SAR controllers. Only individuals who have successfully passed the qualification board and been granted the SAR controller qualification can stand the SAR controller watch.[39]

To maintain qualifications, a SAR controller must stand at least two watches per month; controllers must also demonstrate proficiency by completing an on-line problem set on an annual basis.[40] Additionally, the Coast Guard Addendum states that the "SAR Program encourages, and would like to see, initially certified SAR Controllers and Assistant Controllers return to Search Planning and Coordination and SAR Program assignments throughout their careers."[41]

Reservists rarely maintain the qualifications needed to stand the OU watch. Members of the Coast Guard Reserve are required to drill two weekends per month and two weeks per year. The Coast Guard has indicated that Reservists' training periods are focused on ensuring that they have the qualifications they need to be deployable, rather than on maintaining specific Coast Guard job function qualifications. The chart below identifies the number of Reservists who hold the qualifications required to stand the OU and CU watches.

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[37] *U.S. Coast Guard Addendum*, at PPO-5.
[38] *Id.*, at 1-15.
[39] *Id.*
[40] *Id.*, at 1-17.
[41] *Id.*

SAR Qualified Reservists as of 21 August, 2009

Reservist Qualification	Operations Unit	Communications Unit	Total SAR Qualified Reservists
Districts	0	0	0
Sectors	6	30	36
TOTAL	**6**	**30**	**36**

Source: U.S. Coast Guard

As to hours of service, 14 U.S.C. § 676 includes a sense of Congress that states, "[i]t is the sense of the Congress that the Secretary should establish, implement, and maintain minimum standards necessary to ensure that an individual on duty or watch in a Coast Guard search and rescue command center facility does not work more than 12 hours in a 24-hour period, except in an emergency or unforeseen circumstance." Further, the section requires the Coast Guard to report to the Committee on Transportation and Infrastructure on a quarterly basis whether the hours-of-service recommendations provided in the sense of Congress have been met at each SAR facility.

The Coast Guard has implemented this section to apply to the three watchstander positions identified above (CU, OU, and SU). In a report dated July 2, 2009, the Coast Guard reported that during the third quarter of fiscal year 2009, all SAR facilities met the 12-hour watch policy throughout the entire quarter for these positions.

The Coast Guard has indicated to the Subcommittee that there is no policy specifying the number of watches one watchstander keeping 12-hour watches may perform during the course of a week or a month. Rather, the service indicates that the number of watches will vary based on the number of qualified personnel available to stand the watch positions.

At the Sector level, the Coast Guard's policy is to assign six watchstander billets plus one supervisor billet for each of the CU and OU positions. Typically, of the six individuals assigned to the OU billets, four will have the SAR controller qualification, while two will be training to achieve the controller qualification. However, the mix of qualified and unqualified personnel assigned to these billets will fluctuate given seasonal transfers. When an SU position is assigned at a Command Center, the "six plus one" staffing pattern is the ideal, but is not always achieved given constraints on the availability of personnel and other service needs.

The enlisted personnel who fill the OU, SU, and CU positions serve in the Operations Specialist (OS) rating. The OS rating was introduced on July 1, 2003.[42] Previously, the Command Centers were staffed by enlisted personnel in the Boatswains Mate (BM) and Quartermasters Mate (QM) ratings (which were merged into the BM rating in 2002) or, less frequently, by radio or telecommunications specialists. The BMs and QMs typically came to the Command Centers with experience operating small boats (as coxswains or boat crew members); through these experiences, they conducted actual searches and rescued mariners in distress and developed extensive familiarity with local areas of operation (including water conditions and local geography).[43] However, BMs and QMs assigned to the Command Centers typically served only one or two tours at the Command

[42] OSCM Richard Hughes, *Dawn of a New Era: The Operations Specialists commence taking of the Group Operations Center Watches*, Coast Guard SAR Magazine, (2003) at 4.
[43] *Id.*

Centers and then returned to cutters or small boat operations where they served the majority of their careers.

Individuals in the OS rate do not typically serve in small boat operations (unless they have brief tours at a small boat station before beginning a career in the OS rating); their tours outside the Sector Command Centers typically involve standing watches in Command Centers on cutters or at Vessel Traffic Service centers (or similar facilities).[44] As OSs transfer from one Sector to another Sector, they are required to attain and demonstrate familiarity with the AOR of the new Sector before they can stand the watch in that Sector. However, the standardization of the watchstanding positions and of the qualifications required of each individual assigned to a watchstanding position is intended to ensure that OSs can move into a new Sector Command Center and immediately understand its operations and practices.

Hour-to-hour supervision of the watchstanders and of the conduct of SAR operations can vary among Sectors. Some Sectors have the position of Command Duty Officer (CDO) which would be a fourth watchstander position as envisioned in the organization of Sector Command Centers (albeit not every Sector has a DO). Typically, Sectors that have billeted CDO positions are assigned four military officers and one civilian to fill these positions. Personnel assigned to billeted CDO positions are SAR qualified and have the CDO position as their primary duty. Other Sectors have created the CDO position as a function at their Sector but do not have billeted positions assigned to this function. Individuals who perform the CDO function at those Sectors in which the position is not a permanent billet generally have the CDO function as a collateral duty – meaning that their actual billet assignment at the Sector is in some other position and in addition to completing those assigned duties, they also stand a watch as a CDO. Individuals who perform the CDO function as a collateral duty do not necessarily have the SAR controller qualification; if the individual fulfilling the CDO function is not SAR qualified, the individual will be briefed about SAR issues but will not be in the chain of command making decisions about the prosecution of SAR cases.

According to the Coast Guard, in the Atlantic Area, there are 79 individuals who have the CDO position as their primary billet and 119 individuals who perform the CDO function as a collateral duty (albeit these numbers are in constant flux due to transfers and etc.). The Coast Guard further indicates that 31 of the primary CDOs are assigned to permanent District Command Center billets, while 21 of the primary CDOs are assigned to permanent Sector Command Center billets. The remaining 27 primary CDOs have been temporarily assigned away from other duties to a primary CDO duty at the discretion of individual Sector Commanders.

Other Sectors have created the Response Duty Officer (RDO) position to supervise the hour-to-hour operations of the Command Center and oversee the management of SAR cases. In Sectors that have this position, the Command Center Supervisor typically performs this function; the function may also be performed by a Senior SAR controller (OU position), who is at the (enlisted) rank of Chief Petty Officer or above.

The CDO and RDO positions are not considered "alert" watchstander positions; instead, they are considered "duty" watchstander positions. Alert positions are those watchstander positions limited to 12-hour shifts (e.g., OU, SU, CU). Duty watches may be 24 hours in length – and

[44] *Id.*

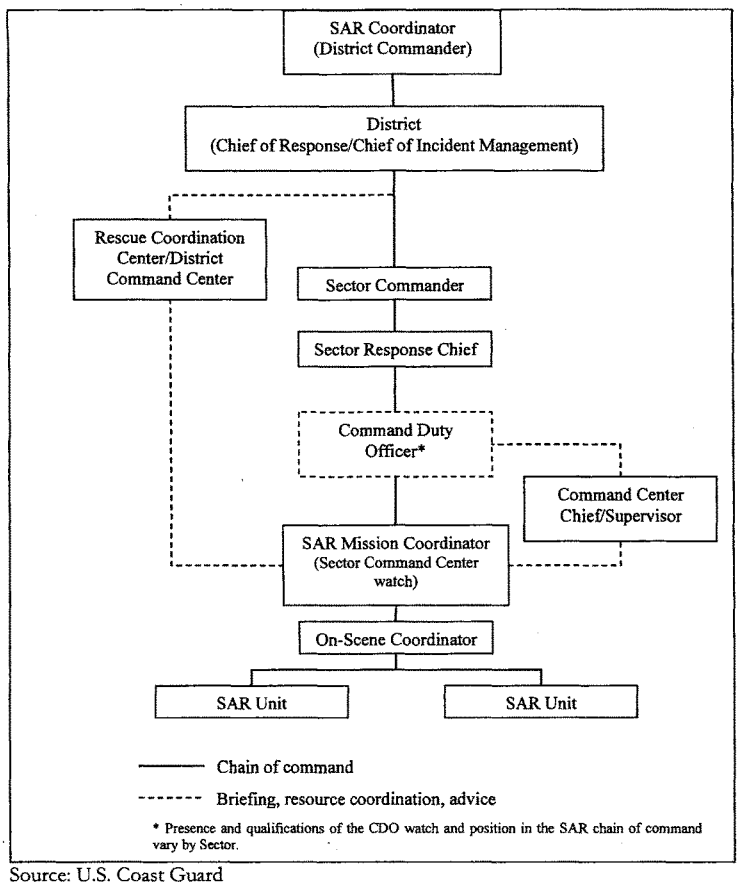
individuals who keep these watches may sleep during some of the watch period. CDOs will typically be in or near the Sector Command Center at all times (even if asleep); RDOs may advise on SAR cases from home during off-duty hours. As with the alert watchstander positions, there is no Coast Guard policy specifying how many duty watches a person may perform during the course of a week or a month; the number of watches to which a person is assigned will vary depending on the number of qualified personnel available to stand the watch.

The daily operations of each Sector Command Center are directly supervised by a Sector Command Center Chief/Supervisor; this position is typically filled by a junior or mid-level officer. Individuals assigned to this position must meet the qualifications required to stand the SAR controller (OU) watch.[45] The responsibilities of this position include supervising the watchstanders and maintaining operational command and control. The Sector Command Center Chief also ensures that the Sector Command Center "dispatches, monitors, and tasks all assigned resources" to conduct all prevention and response missions, including SAR cases.[46]

The SAR Chain of Command – which can involve many different positions – is depicted in the chart below.

[45] *U.S. Coast Guard Addendum to the United States National SAR Supplement*, (2004) at 1-16.
[46] *U.S. Coast Guard Sector Organizational Manual*, (2008), at 2-21.

Coast Guard SAR Chain of Command



Source: U.S. Coast Guard

To enable the Coast Guard to evaluate the performance of Command Center personnel, the service has created the Command Center Standardization Team (CCST), which conducts periodic site visits at Command Centers throughout the Coast Guard to ensure that personnel assigned to each Command Center meet all qualification standards and that each Command Center is being managed according to applicable policy and instructions. The CCSTs also assess the proficiency of the Command Centers in managing SAR cases and are responsible for "disseminat[ing] new

standard procedures, techniques, and solutions to common problems encountered relating to SAR planning and coordination in operations centers."[47]

V. SAR Case Studies and SAR Administrative Investigations

To ensure that it can document and disseminate lessons learned as appropriate, the Coast Guard develops formal case studies on some SAR cases. The Coast Guard Addendum indicates that these case studies "are to be used primarily as a means of improving the SAR system."[48] Case studies are required by Coast Guard policy to be conducted whenever:

- Survivors are found inside the search area, after a search has been suspended;
- Survivors are found by someone not involved in the search, outside the search area; or
- As directed by the Commandant or other authority in the chain of command.[49]

The Addendum also notes that case studies should be conducted "whenever a SAR coordinator believes there may be benefit to the SAR System to share lessons learned and best practices."[50] The Addendum indicates that if the case study develops recommendations with "Coast Guard wide, national or international SAR system implications," the study should be "routed via the chain of command to Commandant . . . for action;" if the case study develops recommendations relevant to a unit, Sector, or District, it should be routed to the command structure for those entities.[51] The National SAR School should also receive a copy of each case study.

The Coast Guard also periodically convenes administrative investigations of specific SAR cases. According to the Administrative Investigations Manual, COMDTINST M5830.1A, such investigations are "fact-finding bodies that are necessary or desirable in administering the Coast Guard, but are not specifically authorized or required by law or other regulations, such as the Uniform Code of Military Justice, the Code of Federal Regulations, or other Commandant instructions."[52]

There are certain incidents that are required by the Administrative Investigations Manual to be investigated, including ship collisions, groundings, fires, and etc. involving Coast Guard vessels, environmental violations involving Coast Guard personnel or installations, and the death of Coast Guard personnel on active duty.[53] Other incidents can be investigated at the discretion of senior Coast Guard leadership, including, "[a]ny incidents involving unusually high levels of public, media or governmental interest in, or criticism of, the Coast Guard's actions."[54]

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[47] *U.S. Coast Guard Addendum*, at 1-17 and 1-18.
[48] *Id.*, at 3-51.
[49] *Id.*, at 3-50.
[50] *Id.*
[51] *Id.*
[52] U.S. Coast Guard, *Administrative Investigations Manual*, (2007) at 1.
[53] *Id.*, at 21 and 2-2.
[54] *Id.*, at 2-5.

VI. Hoaxes

Each year, the Coast Guard spends hundreds of thousands of dollars responding to distress calls that are hoaxes. Responding to false distress calls interferes with the Coast Guard's response to legitimate SAR cases and places Coast Guard personnel, and other local, State, and Federal responders at risk. It costs the Coast Guard more than $4,000 an hour to fly an aircraft, more than $1,500 an hour to operate a cutter, and $300 to $400 an hour to operate small boats.[55] If these assets are launched in response to a hoax, the costs associated with their operations are wasted expenditures. According to the Coast Guard, from October 2008 to April 2009, 15 percent of the 114 rescue cases handled by just one Sector – Coast Guard Sector Baltimore – were probable hoaxes.[56]

The most common types of hoax sources include boaters trying to obtain a radio check as "mayday" calls receive instant feedback from the Coast Guard and/or other concerned boaters and unsupervised children improperly using or accidental activating an automatic SOS feature on VHF marine band radios. If a child is found to have made a false distress call, the parents or guardians are typically held responsible. Per 14 U.S.C. § 88(c), it is a felony, under Federal law, to knowingly and willfully make false distress calls.

VII. Recent SAR Cases

Presented below are brief reviews of two recent SAR cases that were the subjects of Coast Guard administrative investigations.

FISHING VESSEL *Buona Madre*

The Coast Guard convened a board of investigation to examine the collision of the Motor Vessel *(M/V) Eva Danielsen* and the Fishing Vessel *(F/V) Buona Madre* that occurred on July 13, 2007. The Coast Guard's Final Action Memorandum on this case was issued on November 4, 2008, and was signed by Rear Admiral Paul F. Zukunft, commander of the Coast Guard's 11th District.

According to the Memorandum, at 5:12 p.m. Pacific Standard Time, the Coast Guard's Vessel Traffic System (VTS) in San Francisco received a call from the master of the *Eva Danielsen* indicating that the vessel may have collided with a fishing vessel. According to the Memorandum, the VTS supervisor "immediately relayed the collision report to the Sector San Francisco Command Center."[57]

The *Eva Danielsen* had made passing arrangements with the fishing vessel *Marja* shortly before 5:00 p.m. *Eva Danielsen's* crew initially believed and reported to the VTS that it had collided with this vessel; importantly, *Eva Danielsen* incorrectly reported the name of the vessel as "*Martha*" when in fact it was *Marja*.

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[55] U.S. Coast Guard Press Release, *Hoax Distress Calls Cost Lives, Resources* (2009).
[56] *Id.*
[57] U.S. Coast Guard, *Final Action on Board of Investigation of Coast Guard Response to the Collision of F/V Buona Madre and the M/V Eva Danielsen* (2008), at 1.

The VTS began conducting callouts for the *Martha* – and then "queried the *Eva Danielsen* and the fishing community to determine whether there were any other vessels in the area."[58] The Sector San Francisco Command Center notified Air Station San Francisco of the possible collision and instructed the Station to prepare to conduct SAR operations.

During continued discussion with the master of the *Eva Danielsen*, the VTS determined that the master had not been on the bridge at the time that he believed the vessel collided with the fishing boat. Subsequent marine broadcasts by VTS were answered by an unknown fishing vessel indicating that *Marja* might be the correct name of the vessel sought by VTS. The fishing vessel *Marja* itself then contacted VTS and confirmed it had successfully implemented passing arrangements with the *Eva Danielsen*.

The VTS continued its discussions with the *Eva Danielsen*, and learned from the vessel that it could not find any damage on its hull and did not experience a shudder or other motion indicating that a collision may have occurred; VTS relayed this information to the San Francisco Sector Command Center. VTS also continued discussions with the *Marja*, which reported that another fishing vessel called *Rogue* had been in the area.

At 5:36 p.m., a motor lifeboat from Coast Guard Station Bodega Bay got underway in the direction of the reported possible collision. At 5:41 p.m., an unidentified fishing vessel confirmed contact with the *Rogue* and reported that the vessel had not been involved in a collision.[59]

The report indicates that at this point, the "master of the *Eva Danielsen* then told VTS that it looked like everybody was fine and that they probably just rang a 'false alarm.' He reiterated that he felt no shudder and found no traces of paint on *Eva Danielsen's* hull."[60] The fishing vessel *Marja* also "agreed that they thought it was a false alarm and that everybody was fine."[61]

The Sector Duty Officer at Coast Guard Sector San Francisco then "concluded, with the concurrence of VTS and SCC [Sector Command Center] watch personnel, that no collision had occurred" and "stood down the Air Station and informed the SCC Supervisor that *Marja* had been located along with two other fishing vessels in the area;" the Sector Command Center Supervisor "concurred with standing down the responding units."[62] The assets that had been alerted to the possible need to respond to this collision were stood down between 5:46 p.m. and 5:50 p.m.[63]

Unbeknownst to the Coast Guard at the time the decision to stand down this SAR effort was made, the fishing vessel *Buona Madre* – a 28-foot wooden-hull vessel – operated by Mr. Paul Wade had in fact collided with the *Eva Danielsen*. The discovery of his body in the water was reported to Station Bodega Bay at 8:39 a.m. on the morning of July 14, 2007.[64] The autopsy conducted on Mr. Wade's body identifies the cause of death as "'Drowning (minutes)'."[65] The Coast Guard Memorandum indicates that "[w]hile the circumstances surrounding Mr. Wade's death

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[58] *Id.*, at 2.
[59] *Id.*, at 3.
[60] *Id.*
[61] *Id.*
[62] *Id.*
[63] *Id.*
[64] *Id.*, at 4.
[65] *Id.*

are uncertain, he almost certainly survived the initial collision as the manually-activated light on his life jacket was still illuminated."[66] Modeling data developed by the Coast Guard indicate that in the weather conditions he experienced and wearing the apparel he had on, a person of Mr. Wade's size "could have been expected to survive up to 6.9 hours in the water, presuming no other injury."[67]

The Coast Guard Memorandum indicates that the "premature and incorrect conclusion" that no collision had occurred "limited further investigation that might have resulted in earlier discovery of Mr. Wade or debris from *Buona Madre*."[68] The Memorandum goes on to identify several shortcomings in the Coast Guard's response to this case. Thus, the Memorandum states that, "[e]ven with misleading information, the timeliness of the SCC's [Sector Command Center] initial response actions fell short of meeting the Search and Rescue (SAR) policy standards expected for distress or potential distress incidents."[69] Thus, the Memorandum notes that Coast Guard personnel failed to "'appropriately respond without delay to any notification of distress, even if suspected to be a false alert or hoax'" as required by the SAR Addendum.[70] Additionally, the Sector San Francisco Command Center watchstanders inappropriately relied on the VTS personnel "to conduct an in-depth inquiry before initiating a response, rather than recognizing the potential SAR aspects of the case and assuming control of the on scene investigation"; similarly, the Sector Command Center personnel called off the search on the basis of the information gathered by VTS personnel indicating that a collision had not occurred and therefore there was no one in need of assistance.[71]

The Memorandum indicates that Coast Guard personnel in the Sector San Francisco Command Center failed to properly brief other personnel. Specifically, the Command Center staff failed to properly brief the Chief of the Sector's Response Department as required by the Sector's Standard Operating Procedure; Sector Command Center personnel also failed to alert the Sector's Prevention Department to a possible collision. The Memorandum also notes that the Sector Command Center personnel should have directly queried the *Eva Danielsen* personnel on the bridge at the time the collision was believed to have occurred – rather than leaving the VTS personnel to gather information from the *Eva Danielsen's* master, who was in turn relaying information provided to him by the second mate (who was on the bridge at the time of the incident).[72]

Finally, the Memorandum indicates that – as per standard Coast Guard policy – the Sector Duty Officer "acted without authority when she concluded that no collision had occurred and stood down the Air Station" and other units; the authority to make such a decision rests solely with the Sector Commander.[73]

The Memorandum indicates that had all assets that were alerted to the possible need to respond to this incident continued to the scene of the collision at the time they were stood down, the nearest asset was about 34 minutes away.[74] The Memorandum indicates that given the time of

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[66] *Id.*
[67] *Id.*
[68] *Id.*, at 5.
[69] *Id.*
[70] *Id.*
[71] *Id.*
[72] *Id.*, at 6.
[73] *Id.*
[74] *Id.*, at 3.

sunset that day, there would have been "just over 2 hours of daylight for a search by the earliest arriving units" had they been dispatched to the scene.[75]

The Coast Guard Memorandum lists a number of remedial actions implemented by Sector San Francisco and the 11th District following the *Buona Madre* incident. The Memorandum also lists a number of actions ordered by Commander of the 11th District. These remedial actions are listed below:

Actions taken by the District and Sector

- Conduct of all-hands training to "reiterate guidelines for assuming control of a case" and to ensure personnel were aware of the "Sector Commander's sole authority to stand down SAR units;"
- Cross-training of Command Center watchstanders in all Command Center positions;
- Institution of a requirement for all Command Center personnel "to read and acknowledge the recently updated U.S. Coast Guard Command Center Manual;"
- Promulgation of a standard format for the briefing of SAR cases "requiring the briefer to include concurrence or other recommendations from senior staff and watchstanders;"
- Issuance of instructions for Sector Duty Officers to use a "Passdown Log" for all cases; and
- Issuance of a proposal that the San Francisco VTS add remote radar sites at Point Reyes and Pillar Point (endorsed by the 11th District).[76]

Actions Ordered by the District Commander for the 11th District (and all Sectors and units within that District)

- Examine feasibility of co-locating the VTS and the Sector Command Center;
- Provide basic SAR training to VTS operators;
- Establish a method to allow for retrieval of .wav files in the VTS and Command Center;
- Evaluate the development of a proactive protocol for notifying Vessel Movement Reporting System users of areas of fishing vessel activity;
- Establish a process through which the Sector Command Center could transmit, receive, and monitor radio traffic on VTS-specific channels;
- Utilize conference calls or "virtual briefs" to speed the briefing process among the Command Cadre and to ensure that accurate information is conveyed; and
- Modify Sector San Francisco standard operating procedures to ensure they are consistent with 11th District procedures regarding the handling of distress information. The Memorandum notes that "Sector policy discusses using all investigatory tools upon receiving an initial report whereas District policy places proper emphasis on obtaining only the most critical information before dispatching resources and notifying the vessel in distress of Coast Guard response actions."[77]

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[75] *Id.*, at 4.
[76] *Id.*, at 7.
[77] *Id.*

The Coast Guard also completed a casualty report on the *Buona Madre* incident, which included additional information about the incident as well as recommendations for enforcement actions for violations of navigation and safety rules.

According to information provided by the Coast Guard to the Subcommittee, the casualty investigation into the *Buona Madre/Eva Danielsen* collision was initiated at approximately 12:15 p.m. local time on July 14, 2007 (i.e., shortly after Mr. Wade's body was found in the water). However, the *Eva Danielsen* was not boarded by casualty investigators until 10:45 p.m. local time on July 16, 2007 – i.e., after the vessel arrived in Portland, Oregon. There were two units involved in the casualty investigation, including four investigators from Sector San Francisco (one of whom was a fully qualified Investigating Officer [IO] and three of whom were IOs in training) and one investigator from Sector Portland, who was a fully qualified IO.

The casualty report indicates that "[b]ased upon this investigation, it appears that the *M/V Eva Danielsen* failed to comply with Navigational Rule 5 (failure to post a lookout [sic.], Rule 6 (Safe speed), Rule 7 (Risk of collision), Rule 19 (Conduct of Vessels in Restricted Visibility), and Rule 35 (Sound Signals in Restricted Visibility)."[78] As a result of the investigation into the *Buona Madre* incident, the Report indicates that the Coast Guard referred a civil penalty enforcement action against K/S Aries Shipping for violations of 46 U.S.C. § 2302(a), 33 U.S.C. § 1602 (Rule 5 bridge operations-shiphandling) and 33 U.S.C. § 1602 (Rule 7 collision).[79]

The casualty report on the *Buona Madre* also states, "[t]he Master of the *Eva Danielsen* was accountable from when the pilot arrived on board on July 13th until the vessel departed for Portland, OR. The prior time can not be accounted for due to the fact that during the preliminary investigation the 96 hour Work-Rest History was not looked into and when the informal investigation commenced, both parties had obtained legal counsel which precluded this information from being obtained."[80] Nonetheless, the report does indicate that "[t]he 2nd Mate had a work/rest history log sheet for the month of July entered by the Master who had falsified official documents of the vessel."[81]

Following the casualty investigation, Sector San Francisco developed a civil penalty case against K/S Aries Shipping – the *Eva Danielsen's* operating company – seeking a total civil penalty of $55,000. This case was "dismissed without prejudice" by a Coast Guard Hearing Officer after review of the enforcement case presented by the Coast Guard, and was returned to Sector San Francisco in November 2008. According to the Coast Guard, the Sector has the option of further developing the enforcement case to overcome any shortcomings that led to the dismissal of the case by the Hearing Officer.

The casualty report further notes that "Mr. Wade operated the *F/V Buona Madre* alone on the day of the incident. It is unknown if he sounded fog signals, but it is believed that as sole person onboard, he would have had difficulty maneuvering the vessel, maintaining a proper lookout and sounding fog signals in reduced visibility, using all means possible for safe navigation (i.e.

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[78] U.S. Coast Guard, *Report of the Investigation Into the Circumstances Surrounding the Incident involving the F/V Buona Madre and the M/V Eva Danielsen/Collision/[WORD BLACKED OUT] On 7/13/2007*, (2007) at 3.
[79] *Id.*, at 54.
[80] *Id.*, at 25.
[81] *Id.*

monitoring VHF radio traffic and monitoring the radio), and potentially be engaged in commercial fisheries all at the same time" [sic.].[82]

Currently, under 46 C.F.R. § 25.26-5, fishing vessels less than 36 feet in length (as the *Buona Madre* was) operating on the high seas are allowed to carry either a manually activated Emergency Position-indicating Radio Beacon (EPIRB) or a float-free EPIRB (which activates itself upon contact with the water if a vessel sinks). Vessels that are 36 feet or more in length must carry a self-activating EPIRB. The Report on the *Buona Madre* recommended that "Commandant should make a regulatory change to 46 C.F.R. 25.26-5" to require that commercial fishing vessels less than 36 feet in length carry only the automatically activated (free-float) EPIRB because these vessels "are at least as likely to suffer catastrophic damage and rapid sinking as the larger vessels."[83]

The Coast Guard has indicated that the Sector Duty Officer on duty at the time of the *Buona Madre* incident had been qualified for six months and was a member of the SAR Chain of Command. The person filling the Sector Duty Officer position had that position as a collateral responsibility. The individual's primary duty assignment at the time of the *Buona Madre* was as Assistant Chief, Incident Management Division – a position that has oversight of SAR as a primary responsibility.

FISHING VESSEL *Patriot*

The Coast Guard conducted an administrative investigation of the circumstances surrounding its response to the case of the F/V *Patriot*. This investigation was concluded with a Final Action Memorandum dated June 11, 2009. The Memorandum was signed by Vice Admiral Robert J. Papp, Commander of the Atlantic Area. The Memorandum includes the results of a case study that was being conducted by the Coast Guard on the *Patriot* case; although the case study was not finalized, the Memorandum indicates it was provided as an enclosure "to ensure transparency in light of the extraordinary circumstances of this case."[84]

According to information reported by the Coast Guard in the Final Action Memorandum, the *F/V Patriot* sank approximately 14 nautical miles off the coast of Gloucester, Massachusetts, with two persons on board between 1:17 a.m. and 1:30 a.m. on January 3, 2009.[85]

At approximately 1:17 a.m. on the morning of January 3, 2007, the fire alarm on the *Patriot* activated and alerted the alarm company, Wayne Alarm Systems. At the time, the vessel was on a fishing voyage. Wayne Alarm, unaware that the vessel was on a fishing voyage, dispatched the fire department to the *Patriot's* home pier – but the vessel could not be located there. When Wayne Alarm was notified that the vessel could not be found, the company called the contact number for the vessel and reached Ms. Josie Russo and informed her of the situation. Ms. Russo's husband (Matteo Russo) and her father (John Orlando) were underway on the vessel at the time.

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[82] *Id.*, at 27.
[83] U.S. Coast Guard, *Report of the Investigation Into the Circumstances Surrounding the Incident involving the F/V Buona Madre and the M/V Eva Danielsen/Collision/[WORD BLACKED OUT] On 7/13/2007* (2007), at 5.
[84] Coast Guard, *Final Action on Administrative Investigation of the Coast Guard Response to the Sinking of the F/V Patriot that Occurred on 3 January 2009* (2009), at 2.
[85] *Id.* at 1.

At 1:35 a.m., 20 minutes after the notification to Wayne Alarm of the activation of the fire alarm, Ms. Russo called Coast Guard Station Gloucester to report the firm alarm on the *Patriot*, which she indicated was underway, and was expected to return later on the morning of January 3. The Coast Guard Memorandum indicates that Ms. Russo did not mention that the fire department had responded and had been unable to locate the vessel. The Coast Guard Memorandum also indicates that this initial call was fielded by a Seaman at the Station, who did not recognize the call as concerning a possible SAR case and "did not use an Initial SAR Check Sheet to obtain reporting source information."[86]

Five minutes after receiving the initial call, the Seaman notified the Station's Officer of the Day, a Second Class Boatswains Mate, who attempted but failed to established contact with the *Patriot* on a VHF-FM radio (albeit it was later determined that this radio did not have the capability of transmitting to the location where the *Patriot* sank).[87]

The Memorandum notes that while the fire alarm system had activated, no mayday calls were received and no EPIRB on the vessel had transmitted a distress signal.[88] At this point, the Memorandum indicates that "Station Gloucester personnel continued to investigate, attempting to resolve the ambiguity of the situation."[89] The Station Officer of the Day dispatched two Station personnel to check piers in Gloucester for the vessel; these pier-side searches continued for one and a half hours.

At 1:50 a.m., Station Gloucester contacted the OU Controller at Sector Boston about the situation. Sector Boston attempted to track the *Patriot* using the Vessel Monitoring System maintained by the National Oceanic and Atmospheric Administration and used to track commercial fishing vessels but was unable to log in to the system and requested the data from the First District; at the time the Sector requested the data from the District, the Sector provided the first notification to the District about the *Patriot's* situation.[90] Believing that "the Station was gathering the pertinent information outlined in the Initial SAR Check Sheet," the Sector OU also "did not use an Initial SAR Check Sheet in obtaining the information from the Station."[91]

It took 10 minutes for the District to provide to Sector Boston the Vessel Monitoring System data on *Patriot*, which had recorded the last available position data on the vessel at 12:30 a.m. Sector Boston began plotting the *Patriot's* position based on that available data – and, believing the case had moved from the Uncertainty to the Alert phase, at 2:40 a.m., initiated radio call-outs for the *Patriot*. The District SU had already asked the company servicing the *Patriot's* Vessel Monitoring System to email the vessel.

During this period, Station Gloucester, Sector Boston, and the First District were all attempting to contact or locate the *Patriot*. Unaware that Station Gloucester had contact with Ms. Russo – the *Patriot's* co-owner – Sector Boston also spent 15 minutes trying to locate the *Patriot's* owner (even calling the individual who had sold the vessel to the Russo family). Discussion was also

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[86] *Id.*, at 3.
[87] *Id.*
[88] *Id.*
[89] *Id.*
[90] *Id.*, at 4.
[91] *Id.*

held about the fact that the last known position was more than two hours old. Ms. Russo was eventually contacted by Sector Boston's OU Controller (OUC); she informed the Sector that the burglar alarm on *Patriot* had activated the day before and also that her husband's cell phone was going straight to voice mail which was unusual for him.

At this point, Sector Boston's OUC "did not believe he had a reasonable search area to allow for the launching of Search and Rescue Units," but the District SUC "stated he believed they did have a reasonable search area and that Sector Boston should consider launching an aircraft from Air Station Cape Cod."[92] However, the "Sector Boston OUC stated he wanted to make a few more phone calls prior to directing a launch."[93]

At 3:17 a.m., the Sector issued an Urgent Marine Information Broadcast. The Memorandum indicates that "Sector Boston OUC still did not believe the case had moved into the distress phase because there was no indication that the vessel was in distress."[94]

Between 3:30 a.m. and 3:35 a.m., the Sector and District OUs discussed what was then known about the case – including the failure of the email to elicit a response and the fact that the *Patriot* was the only vessel on the Vessel Monitoring System whose position was not updating. The District OU at this point "recommended briefing the Chain of Command, and recommended launching aircraft;" the Sector and District OUs then "discussed the proper search object for the search patterns."[95]

At 3:34 a.m., the Sector Boston OU "woke the Command Duty Officer and asked the CDO to come to the watch floor."[96] At 3:43 a.m., the Sector and District personnel "briefed their respective CDOs regarding the case."[97] Between 3:50 a.m. and 3:57 a.m., a number of briefings were held throughout the Chain of Command at both the Sector and the District levels. The Memorandum indicates that when the acting Command Center Supervisor (a civilian) at the First District was briefed about the case, the Supervisor "recommended immediate launch of assets" – which was "approximately 45 minutes after the first recommendation by the D1CC (First District Command Center) to launch an aircraft."[98] A number of assets were launched beginning at 3:57 a.m., including both air and surface assets; good Samaritan vessels also began responding to the Urgent Marine Information Broadcast and indicated that they were underway toward the *Patriot's* last known position.

At 4:40 a.m., a helicopter was launched from Air Station Cape Cod; launch time had been slowed to 42 minutes (12 minutes slower than the standard 30-minute launch time) due to poor weather conditions. At 4:34 a.m., the First District received an alert from a 121.5 MHz EPIRB.

The helicopter launched from Station Cap Cod homed in on the EPIRB signal at 5:08 a.m.; at 5:17 a.m., the helicopter's crew reported seeing a person in the water from whom no signs of life were seen. The body was eventually recovered by the Coast Guard Cutter *Flyingfish*; no pulse or

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[92] *Id.*, at 5.
[93] *Id.*
[94] *Id.*, at 6.
[95] *Id.*.
[96] *Id.*, at 7.
[97] *Id.*
[98] *Id.*

breath sounds were recorded and rigor mortis had begun to occur. The deceased was not wearing any type of immersion (survival) suit or life jacket. The deceased proved to be Mr. Orlando; his official cause of death was listed as "drowning, approximate interval – seconds."[99]

The second person on the *Patriot*, Mr. Russo, was located at 12:14 p.m.; he was also not wearing an immersion (survival) suit or life jacket. His cause of death was identical to Mr. Orlando's cause of death.[100]

According to the Memorandum, based on the facts known about the case, the *Patriot* likely sank between 1:17 a.m. and 1:30 a.m. – "prior to the first Coast Guard notification at 1:35 a.m."[101] As neither victim was wearing any survival or cold weather gear and no distress signals were made, the Memorandum concludes that the *Patriot* likely "sank quickly with little advance warning" and the deaths likely "occurred before Station Gloucester was first informed of the firm alarm activation at 1:35 a.m."[102]

The Memorandum details the staffing at both the Sector and District Command Centers and provides some information on the qualifications of each of the individuals staffing the Command Centers. Additional information has been provided by the Coast Guard to the Subcommittee further detailing the qualification levels of the personnel in the Sector and District Command Centers during the prosecution of the *Patriot* case.

Sector Boston

- **Command Duty Officer:** Lieutenant Junior Grade for whom the assignment at Sector Boston was the first assignment out of the Coast Guard Academy. The individual had two years of experience as a CDO; the individual had attended SAR school but had not received the SAR qualification.

- **Operations Unit Controller:** First Class Petty Officer with the OS rating who transferred to the Sector after four years at the Communications Area Master Station Atlantic (which manages day-to-day operational communications for the Coast Guard's Atlantic Area) and had 23 months of experience as a qualified SAR OUC watchstander.

- **Situation Unit Controller:** First Class Petty Officer with the OS rating who transferred to the Sector after three years aboard the Coast Guard Cutter *Rush* and who had two months experience as a non-SAR SUC qualified watchstander.

- **Communications Unit Controller:** Second Class Petty Officer with OS rating who transferred to the Sector after two years aboard the Coast Guard Cutter *Gallatin* and who had two months of experience as a qualified communications watchstander.

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[99] *Id.*, at 9.
[100] *Id.*
[101] *Id.*, at 11.
[102] *Id.*

Commenting on the Sector Command Center's staff, the Memorandum indicates that "the Sector Communications watchstander and the SUC had limited experience and thus limited ability to assist the Sector OUC."[103]

First District

- **Command Duty Officer:** Lieutenant Junior Grade who transferred to the First District Command Center after serving two years as a Deck Watch Officer aboard the Coast Guard Cutter *Munro*. This person had a number of qualifications earned concurrently, including 15 months experienced as a qualified non-SAR SUC, 11 months as a qualified OUC, and five months as a qualified CDO.

- **Operations Unit Controller:** Chief Petty Officer with the OS rating who was a reservist on active duty. This individual had been at the First District Command Center for five years of active duty time and also had a number of qualifications earned concurrently, including five years of experience as a non-SAR SUC and four years and five months of experience as a qualified OUC.

- **Situation Unit Controller:** First Class Petty Officer with the OS rating who had been at the First District Command Center for eight months, including seven months as a non-SAR qualified SUC and two months qualified as an OUC. This individual transferred to the First District Command Center after one year aboard the Coast Guard Cutter *Adak*; the individual also had five years of experience at Group/Sector Boston as a Communication Unit watchstander and SAR controller.

The Memorandum indicates that "[t]his case was particularly difficult to process and classify as one involving distress, or the potential for distress, because the usual indications of distress were not present until SRUs (Search and Rescue Units) arrived on scene."[104] Importantly, the Memorandum also notes that "[u]nder Coast Guard policy, vessel fire alarm systems are not considered distress signals that would trigger an immediate launch of SAR assets."[105] The Memorandum continues, noting that the *Patriot* case was a "unique and ambiguous case" comprised of individual occurrences that "could be explained away individually as a not uncommon occurrence."[106] However, the Memorandum notes that "[i]t is just this type of case . . . which required experience to be brought to bear as soon as possible so that the potential for distress could be identified early on."[107] The Memorandum concludes that "the Coast Guard's response to this incident was inefficient and revealed several procedural, training, and judgment short-falls."[108]

The Memorandum also criticizes the failure to launch SAR assets until two hours and 23 minutes of "fact finding and analysis of information" had been undertaken by a variety of Coast Guard personnel located at a small boat station, Coast Guard Sector Boston, and Coast Guard First District.[109]

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[103] *Id.*, at 13.
[104] *Id.*, at 12.
[105] *Id.*, at 4.
[106] *Id.*, at 12.
[107] *Id.*
[108] *Id.*, at 11.
[109] *Id.*, at 1.

The Memorandum indicates that there was "inefficient information flow and processing at the Sector and Station Level, which ultimately led to a delayed launch of SRUs (search and rescue units)."[110] By the time the first asset was launched from Air Station Cape Cod, the "Sector Boston OUC had participated in approximately 20 phone calls over the previous two hours amounting to approximately one phone call every six minutes. The total time spent on these calls was 53 minutes."[111]

The Memorandum also notes that the Sector deferred to an "inexperienced watchstander at the Station Gloucester to handle the important process of interviewing a reporting source" and also "relied on the interpretation of facts from Station Gloucester personnel who had less training in SAR case prosecution."[112]

The Memorandum further states that "[t]he fact that both the Sector and District CDOs were asleep at the time of the incident may have played a role in the relatively inefficient processing and analysis of case information."[113] By requiring the CDOs to stand a 24-hour watch that includes sleep time, "potentially, the most experienced watchstander won't be available when time critical decisions have to be made." The Memorandum also notes that the failure of watchstanders "to notify the CDOs or other senior members of the SAR response chain in a timely manner further contributed to launch delays."[114]

The Memorandum clearly states that the "actions and judgment exhibited by both the First District and Sector Boston CC (Command Center) watchstanders call into question the qualification and staffing procedures at both the Sector and District levels for the command center."[115]

Given the high level of concern about the qualifications of Command Center personnel, the Final Action Memorandum directs several actions to be taken specifically regarding Command Center staffing issues.

The Memorandum instructs, "Atlantic Area Operations Division shall direct all Districts within Atlantic Area to determine which Sectors are operating with 24 hour watches in any Command Center position and whether CDOs are required to be SAR qualified. Once this is determined, Area Operations staff shall coordinate with District Response staffs to determine which 24 hour watch positions, if any, can be converted to 12 hour watch positions. Every effort shall be made to convert 24 hour watch positions to 12 hour watch positions where dedicated watchstander staffing permits a 42 hour workweek in accordance with the Staffing Standards Manual."[116]

According to information provided to the Subcommittee by the Coast Guard, all Districts within the Atlantic Area have now reported whether their Command Centers are staffed with CDOs, and whether they keep the 12-hour watch or the 24-hour watch. Seven Command Centers have SAR qualified CDOs standing 12-hour watches, while seven Command Centers have SAR-

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[110] *Id.*
[111] *Id.*, at 7.
[112] *Id.*, at 11-12.
[113] *Id.*, at 12.
[114] *Id.*, at 13.
[115] *Id.*, at 14.
[116] *Id.*, at 15.

qualified CDOs standing 24-hour watches. According to the Coast Guard, five of the seven Command Centers in which the CDOs are standing 24-hour watches do not have adequate staffing to support 12-hour watches. The Coast Guard is in the process of evaluating the possibility of converting the other two Command Center CDO positions to the 12-hour watch.

The Memorandum also instructs, "Atlantic Area Operations Division shall prepare for my approval a memorandum to Coast Guard Headquarters detailing the concerns regarding the experience level of Command Center watchstanders raised by this incident and the need to review the need for dedicated CDO billets at District and Sector Command Centers that fully meet the Command Center Manual requirements for CDOs." It continues, "[t]he memorandum shall ask for the creation of a working group or similar mechanism to rapidly address the issue of inexperienced Command Center personnel and request the development of methods to counteract this trend." The Subcommittee on Coast Guard and Maritime Transportation understands that the memorandum is under development and that upon its receipt by Headquarters, a working group will be chartered to review the issue of the placement of inexperienced personnel in Command Centers.[117]

VIII. Recreational Boating Safety

Prior to 2003, the Coast Guard tracked the number of SAR cases that involved recreational vessels, commercial vessels, other types of vessels, and that did not involve vessels (e.g., persons in the water from sources other than vessels). From 1986 to 1999, before a change in the data collection method was made, between 9.5 percent and 15 percent of SAR cases involved commercial vessels in any given year; the vast majority of cases (between approximately 55 percent and 75 percent of cases in any given year) involved recreational vessels. The remaining cases involved other types of vessels and incidents in which no vessel was present (or in which the vessel type was not marked). Beginning in 2003, the Coast Guard has tracked only whether SAR cases involved vessels or did not involve vessels. In 2008, 67.4 percent of cases involved vessels and 32.6 percent of cases did not involve vessels.

Under 46 U.S.C. § 4302, the Coast Guard is authorized to "prescribe regulations establishing minimum safety standards for recreational vessels and associated equipment."

Under 46 U.S.C. § 13102, the Coast Guard is required to "carry out a national recreational boating safety program." As part of this program, the Coast Guard "shall make contracts with, and allocate and distribute amounts to, eligible States to assist them in developing, carrying out, and financing State recreational boating safety programs." Funding for these grants is provided through the Sport Fish Restoration and Boating Trust Fund (SFRBTF). The SFRBTF receives funds from motorboat fuel taxes, the fuel tax receipts attributable to small engines used in outdoor power equipment, an excise tax on sport fishing equipment, import duties on fishing tackle, and the interest generated by these funds. The SFRBTF expends 18.5 percent of its annual receipts to fund the boating safety programs authorized under title 46.

46 U.S.C. § 13103 specifies the criteria that State boating safety programs must meet to be eligible to receive a Federal boating safety grant. Specifically, this section states that a program is eligible if it includes:

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[117] *Id.*, at 15.

- a vessel numbering system;
- a cooperative boating safety assistance program with the Coast Guard;
- sufficient patrols and other activities to ensure adequate enforcement of applicable State boating safety laws and regulations;
- an adequate State boating safety education program, that includes the dissemination of information concerning the hazards of operating a vessel when under the influence of alcohol or drugs; and
- a system for reporting marine casualties.

The States vary widely in their specific boating education requirements. According to the Coast Guard, 45 states currently require some type of boater education. Four states (Maine, Idaho, Utah, and Hawaii) require education only for some operators of personal watercraft (generally based on age). The other states have varying requirements for boater education, many of which apply based on an operator's date of birth. Maryland, for example, requires all individuals born on or after July 1, 1972 to complete a boating education class.

33 C.F.R. 175.15 requires children under 13 years of age on a recreational vessel that is underway to wear personal flotation devices (PFD) – commonly known as life jackets – unless the children are located below decks or in an enclosed cabin. This Federal life jacket requirement took effect on December 23, 2002. Importantly, however, the Federal life jacket requirement applies only in those States that have not adopted a PFD requirement. Thus, 33 CFR 175.25 states that, "[o]n waters within the geographical boundaries of any State that has established by statute or rule a requirement under which each child must wear an appropriate PFD approved by the Coast Guard while aboard a recreational vessel, no person may use such a vessel in violation of that statute or rule." Even in States where the State PFD requirement is less stringent than the Federal PFD requirement, the State requirement is the requirement that is enforced.

IX. Recreational Boating Deaths

In 1997, there were 821 recreational boating deaths resulting among more than 8,000 accidents; there were more than 12.3 million state-registered boats in 1997.[118] In recent years, the total number of boating deaths has been in the range of 685 to 710 and the total number of boating accidents has significantly decreased. However, in recent years, the total number of recreational boating deaths has no longer shown any clear downward trend. The chart below details recreational boating casualties between 2005 and 2008.

[118] U.S. Coast Guard, *Recreational Boating Statistics 2006* (2007) at 9.

Recreational Boating Deaths

Year	Total Number of Recreational Boating Deaths	Total Number of Boating Accidents	Total Number of State-Registered Boats
2008	709	4,789	12,692,892
2007	685	5,191	12,875,568
2006	710	4,967	12,746,126
2005	697	4,969	12,942,414

Source: U.S. Coast Guard

According to the Coast Guard's *Recreational Boating Statistics 2008*, more than two-thirds of those who died in boating accidents in 2008 drowned – and 90 percent of those who drowned were not wearing a life jacket.[119] The Coast Guard also reported that only 10 percent of the recreational boating deaths that occurred in 2008 occurred on boats whose operator had completed a boating safety course.[120] In 2008, alcohol "was listed as the leading factor in 17%" of recreational boating deaths.[121]

On March 31, 2009, the Coast Guard issued the "2008 Life Jacket Wear Rate Observation Study" report, which compared life jacket wear rates over the preceding decade. This Study shows that the life jacket wear rate among adult recreational boaters (excluding personal watercraft) was 11 percent in 1998 and had fallen to 8.1 percent in 2008.[122] Life jacket wear rates among recreational boaters 17 years old or younger increased from 56.4 percent in 1998 to 64.5 percent in 2008.[123]

PREVIOUS COMMITTEE ACTION

The Subcommittee has not held a hearing in recent years to examine the Coast Guard's SAR mission area.

On April 10, 2008, the Subcommittee on Coast Guard and Maritime Transportation convened a hearing entitled "*Cosco Busan* and Marine Casualty Investigation Program." During that hearing, the Subcommittee met to receive a report from the Department of Homeland Security's Office of the Inspector General (DHS IG) entitled "Allision of the M/V COSCO BUSAN with the San Francisco-Oakland Bay Bridge." This report was completed pursuant to a request made by Speaker of the House Nancy Pelosi and Subcommittee Chairman Elijah E. Cummings on December 4, 2007.

The DHS IG was very critical of the Coast Guard's investigation of this marine casualty. The DHS IG found that five of the six individuals assigned to marine casualty investigator billets were not qualified for those positions; all three of the individuals who responded to the *Cosco Busan* were not qualified as marine casualty investigators. Likely as a result of inadequate training and

[119] U.S. Coast Guard, *Recreational Boating Statistics 2008* (2009), at 6.
[120] *Id.*
[121] *Id.*
[122] U.S. Coast Guard, *2008 Life Jacket Wear Rate Observation Study* (2009), at 5.
[123] *Id.*, at 6.

experience – and the use of inadequate manuals – the investigators who responded to the *Cosco Busan* failed to identify, collect, and secure perishable evidence related to this casualty. Additionally, the Coast Guard incorrectly classified the investigation of the *Cosco Busan* casualty as an informal investigation rather than a formal investigation.

On May 20, 2008, the Subcommittee on Coast Guard and Maritime Transportation met to receive a report from the office of DHS IG entitled "United States Coast Guard's Management of the Marine Casualty Investigation Program" (OIG-08-51, May 2008). The Subcommittee also received testimony from the National Transportation Safety Board (NTSB) and the Coast Guard regarding which agency should exercise primacy in the conduct of marine casualty investigations.

The DHS IG's office testified that its examination of the Coast Guard's marine safety program had found that there were significant deficiencies in the operations of the program. Specifically, DHS IG stated that the Coast Guard's marine casualty investigation program is "hindered by unqualified personnel," by "investigations conducted at inappropriate levels," and by "ineffective management of a substantial backlog of investigations needing review and closure."

WITNESSES

Rear Admiral Sally Brice-O'Hara
Deputy Commandant for Operations
U.S. Coast Guard

A REVIEW OF THE COAST GUARD'S SEARCH AND RESCUE MISSION

Wednesday, September 30, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The Subcommittee met, pursuant to call, at 10:07 a.m., in Room 2167, Rayburn House Office Building, Hon. Elijah E. Cummings [Chairman of the Subcommittee] presiding.

Mr. CUMMINGS. The Committee will come to order.

The Subcommittee convenes today to examine the Coast Guard's search and rescue mission, in other words known as ″SAR.″

The SAR mission is one that the Coast Guard performs on a daily basis, and it is a mission central to what our Coast Guard is: a service of guardians willing to risk their own lives to save those in peril.

The SAR mission is also a mission that the Coast Guard generally performs with great efficiency and with exceptional distinction. Every year, the service responds to tens of thousands of persons in distress and saves thousands of lives. I often speak of their role in Katrina, when they saved well over 30,000 people, many of whom would not be with us today if it were not for their heroic efforts.

In fact, in 2007, I joined the service in celebrating the one-millionth life saved since the formation of the Revenue Cutter Service in 1790. This is an astounding milestone and one of which the Coast Guard and, indeed, the entire Nation are rightfully proud.

That said, there have been several recent cases in which, by the Coast Guard's own account, avoidable failures occurred in the prosecution of SAR cases. And these cases point to problems that appear to echo problems we have seen in other mission areas, particularly marine safety.

Having, in particular, the SAR cases involving Buona Madre and the Patriot in great detail, it appears that, in the most general terms, the failures associated with these cases occurred not because policies that clearly direct how a response should be conducted and that clearly call for a, quote, ″bias toward action,″ unquote, were not in place, but because, for a variety of reasons and in the face of cases that were admittedly complex and ambiguous, these policies were not implemented.

In the case of the Buona Madre, a 28-foot wooden hull fishing vessel was essentially run over by the motor vessel, Eva Danielsen,

on July 13, 2007. At the time the incident occurred, the Eva Danielsen reported to the Vessel Traffic Service in San Francisco that it may have collided with a fishing vessel. However, subsequent investigation by the VTS, which actually should not have been involved in prosecuting what was even then a potential SAR case, and the Sector San Francisco's command center concluded on the 13th of July that no collision had occurred. Therefore, assets that were within 34 minutes of arriving at the scene of the collision were called off, and no further investigations were conducted until the morning of July 14th, when the body of the operator who had been onboard the fishing vessel was discovered dead in the water.

In the case of the fishing vessel Patriot, the first Coast Guard district, Sector Boston, and Station Gloucester, spent 2 hours and 23 minutes examining a potential SAR case before launching assets. The circumstances of this case were, indeed, very complex. However, even as facts suggesting a possible distress began to accumulate and even though a launch of assets was recommended at several different points, Coast Guard personnel continued to investigate rather than to launch. In this case, it is likely that both of the individuals on the Patriot probably died and the vessel had sunk before the Coast Guard was even alerted to the possible crisis. However, the subsequent investigation uncovered what the Coast Guard, itself, calls an ″inefficient response″ that revealed several procedural training and judgment shortfalls. Those are the Coast Guard's words.

While the administrative investigation into this case highlights these individual shortfalls, the one issue on which the investigation's final memorandum spends considerable time and which is probably the most troubling is the lack of experienced watchstanders on duty at the time of the Patriot incident.

In plain language, the final action memorandum concluding the investigation of this case, signed by Vice Admiral Robert Papp, commander of the Atlantic Area Command, states, and I quote, ″The actions and judgments exhibited by both the First District and Sector Boston Command Center watchstanders call into question the qualifications and staffing procedures at both the sector and district levels for the command center,″ end of quote. That is a very, very troubling statement.

This finding is particularly troubling because it eerily recalls the findings of the National Transportation Safety Board in its safety recommendation report concerning the Morning Dew accident that occurred in December of 1997. In that recommendation, the safety board wrote, and I quote, ″In order to appropriately assess the situation and respond correctly in atypical situations, watchstanders must have the ability to skillfully apply judgment and analytical thinking to the watchstanding task,″ end of quote.

The Patriot case was clearly an atypical case, as to some degree was the Buona Madre case. And the administrative investigation into the Patriot case makes clear that, when confronted with an atypical situation, the First District and Sector Boston's prosecution of the incident exhibited significant failures at critical portions of the case.

The investigation into the Buona Madre highlighted a number of failures on the part of the Sector San Francisco command center

but, frankly, didn't examine whether these were due to the inexperience of command center staffers. This would be important to know.

The memorandum on the Patriot case also harkens back to the NTSB report on the Morning Dew on another point. Today, as at the time of the Morning Dew accident more than a decade ago, individuals in supervisory capacities often stand 24-hour watches and can sleep during portions of those watches. In some cases, supervisory personnel can even consult from home.

In the Morning Dew, the communications watchstander on duty at the time did not awaken the duty officer who was sleeping nearby. The watchstander stated that he did not feel, quote, ″negative pressure or reluctance to awaken the duty officer. He simply did not think it was necessary,″ end of quote.

In the Patriot incident, there was a long delay in waking duty officers. According to administrative investigations, the command duty officer at Sector Boston was not awakened by watchstander personnel until 1 hour and 44 minutes after the sector received notification of this case, a case that we now know as the Patriot case.

The administrative investigation into the matter notes that, and I quote, ″The fact that both the sector and district command duty officer, CDO, were asleep at the time of the incident may have played a role in the relatively inefficient processing and analysis of case information,″ end of quote. The investigation notes that failure to notify the CDOs and other senior members of the SAR chain of command contributed to launch delays.

The Patriot investigation also notes that requiring CDOs to stand a 24-hour watch that includes sleep time means that, potentially, the most experienced watchstander won't be available when time-critical decisions have to be made. Responding to this finding, Admiral Papp ordered units in the Atlantic Area to identify those sectors in which duty officers were keeping 24-hour watches and to convert 24-hour watches to 12-hour watches where staffing permits.

Finally, according to information provided to the Subcommittee, this review has found that there is not adequate staffing to allow all of the 24-hour positions to be converted to 12-hour positions.

The longer I am Chairman of this Subcommittee, the more I begin to see similar patterns repeat themselves. And the one pattern that I see over and over and over again is how stretched the Coast Guard is and how, at times, despite its best intentions, gaps inevitably appear. It was just the other day that Ranking Member LoBiondo talked about this and how it is so important that we make sure—and I agree with him totally—that we have the personnel that we need for this stretched mission.

The issues before us today are very complex and subtle, and I look forward to a detailed examination of them. I also commend the Coast Guard for its thorough examination of these cases, its candor, and for laying bare the problems that it has found. There is no way that we can be the great Coast Guard that we are, and are becoming, unless we have honesty, integrity, and forthrightness.

That said, the question now becomes, are SAR operations and, frankly, sector command centers organized and staffed in the best possible manner? If the answer to that question is ″no″—I fear

that, at least at some times, in some sectors, that is the answer—we must then understand what needs to be done to ensure that SAR operations and command centers are organized as efficiently as possible.

To put it simply, each SAR case represents a life on the line. Each SAR case represents a family member—a father, a sister, a brother, a mother. And we must ensure that the hand extended to those in distress is as strong as it can possibly be. And I say that we can do better, and we will.

With that, I am going to yield to our distinguished Ranking Member, Mr. LoBiondo.

Mr. LOBIONDO. Well, thank you, Mr. Chairman, very much for holding this hearing.

Of the Coast Guard's many missions, search and rescue, I think, is the one that the public most closely associates with the service. From the coverage during Hurricane Katrina to the countless television programs and films that we have seen, especially in recent years, Americans regularly see images of Coast Guardsmen responding to urgent calls for help at sea, often in the most challenging of conditions. These first responders are true professionals, and I commend the Coast Guard for this incredible service to the American public.

However, while the vast majority of the Coast Guard's search and rescue missions are carried out with great success, the Subcommittee will be looking this morning for a few instances where the Coast Guard's response was faulted. The underlying connection between many of these cases seems to be due to inadequate training or experience among the search and rescue personnel at Coast Guard command centers and a failure of those personnel to comply with standard procedures governing search and rescue missions. While these cases are rare, they do point to a need for continued efforts to improve mission performance and capabilities.

The Coast Guard is in the process of acquiring new tools and assets that will enhance the search and rescue mission. The Rescue 21 communication system is already in place in 17 Coast Guard sectors and is providing direction-finding capabilities to command centers monitoring more than 28,000 miles of U.S. coastline.

The service is also acquiring new small boats and coastal patrol boats under the Response Boat-Medium and Deepwater projects, which will provide servicemen enhanced and more reliable platforms to respond to calls for help. Both of these programs have had their setbacks, however. It is of the utmost importance for these new, more capable assets to be added to the Coast Guard's fleet as soon as possible and at the best price to the American taxpayer.

Professional mariners and recreational boaters are aware of the potential dangers that they face each time they leave port, but they do this with the knowledge that the Coast Guard is prepared to respond to any future calls of distress. I hope this hearing will provide the Subcommittee with the information and recommendations necessary to further improve mission performance.

I want to thank Admiral Brice-O'Hara for appearing this morning and for taking on the new job of coordinating the Coast Guard planning, policies, and procedures as the new deputy commandant

of operations. I look forward to discussing your plans to enhance the service's mission execution in this newly created position.

And, finally, I want to note that Coast Guard crews are responding to the tsunami in American Samoa as we speak. While information regarding the situation in the territory is pretty spotty at the moment, the Coast Guard, in conjunction with other Federal agencies, has dispatched emergency management, law enforcement, pollution investigators, and other qualified personnel to restore basic governmental functions. This, again, demonstrates the service's capabilities to quickly respond to emerging situations, and I want to commend them for their rapid response.

Mr. CUMMINGS. Thank you very much.

Mr. McMahon?

Mr. MCMAHON. Thank you, Chairman Cummings and Ranking Member LoBiondo. And a special welcome and a thank you to Rear Admiral Brice-O'Hara for your testimony this morning.

I represent Staten Island and Brooklyn, New York, which certainly have a long history with the Coast Guard, having been an original base of the Light House Service now since 1997 and hosting the Coast Guard's main facility for New York Harbor.

And through that time, we have had great experiences with the bravery and expertise of the members of the Coast Guard, whether it was just recently with the downing of Flight 1549 in the Hudson River and the way that lives were saved there thanks to your expertise; and also with the crash of the Staten Island Ferry, which is near and dear to our hearts, and the work that you have done in making sure that that fleet of ships now, if you will, operates in a much more professional manner. And certainly, with the events of 9/11 and the heightened level of security that we have in the port, the role that the Coast Guard takes in doing that is something that we are very grateful for.

So we are grateful for your work, Rear Admiral, and for all of that of the men and women of the Coast Guard. And we look forward to your important testimony today in terms of the search and rescue procedures that are in place, what needs to be done in the future, and how it will affect our harbor back in New York.

Thank you, Mr. Chairman. I yield the remainder of my time and will submit more formal remarks for the record. Thank you, sir.

Mr. CUMMINGS. Thank you, Mr. McMahon.

Mr. Coble?

Mr. COBLE. Thank you, Mr. Chairman. I have a very brief opening statement.

I want to associate myself with the remarks of the gentleman from New Jersey. I think, of all of the duties the Coast Guard performs, search and rescue is the one that probably most people synonymously associate with the Coast Guard.

Each of us, Mr. Chairman and Mr. LoBiondo, holds the Coast Guard and their service to our Nation in the highest regard. I believe our mutual goal is to provide effective oversight to assure that the service maintains its high standards.

For this reason, I appreciate the Chairman calling this hearing, because, despite some of our best efforts, there is always room for improvement. I hope it will provide an opportunity for constructive

feedback and dialogue to ensure the safety and security of the hundreds of mariners and of our Coast Guard men and women.

And, finally, Admiral, good to have you with us today.

And, Mr. Chairman, I yield back.

Mr. CUMMINGS. Thank you very much, Mr. Coble.

Mr. Bishop?

Mr. BISHOP. Thank you, Mr. Chairman.

And thank you.

I am sorry I have arrived a little late, but I represent New York 1, which is the eastern half of Long Island, so I represent a great deal of coastline. And I have to say that my interactions with the Coast Guard since I have come to office have been uniformly superior. The Coast Guard is an entity that is one that does great service to our area.

And I look forward to your testimony, and I will have a few questions for you when you are done. Thank you very much.

Mr. CUMMINGS. Thank you very much, Mr. Bishop.

We now welcome our panelist, Rear Admiral Sally Brice-O'Hara, who is the deputy commandant for operations with the United States Coast Guard.

Rear Admiral, thank you very much for being with us, and we look forward to your testimony.

TESTIMONY OF REAR ADMIRAL SALLY BRICE-O'HARA, DEPUTY COMMANDANT FOR OPERATIONS, UNITED STATES COAST GUARD

Admiral BRICE-O'HARA. Good morning, Mr. Chairman and distinguished Members of the Subcommittee. Thank you for your comments, and thank you for the opportunity to provide a written statement, which you already have. It is certainly an honor to appear before you to discuss the Coast Guard's search and rescue program.

As a Coast Guardsman with more than three decades of service, I have dedicated much of my career to our search and rescue mission. I have served as a station commanding officer, as a group commander in a group that was a precursor to the sectors that we now have deployed across the Nation. More recently, I have commanded two of our districts: the Fifth District in the mid-Atlantic coastal region and the 14th District in the Pacific.

And, certainly, this morning, my heart and prayers are with those in American Samoa, where we have Coast Guard members stationed, as well as many friends, associates, and other citizens there who are at great risk.

I am incredibly proud of the Coast Guard's rich heritage as a humanitarian service dedicated to rescuing those in peril on the sea. Our motto, ″Semper Paratus,″ is a constant reminder that we must retain a bias for action. Our success demands readiness that is founded on good training and good equipment, blended with courage, dedication, and vigilance of our men and women.

Let me start by citing a few figures.

In 2008 alone, the Coast Guard prosecuted more than 24,000 search and rescue cases. We saved 4,910 lives, assisted an additional 31,628 people in distress, and we protected property worth in excess of $158 million. I attribute these remarkable outcomes to

our relentless pursuit of search and rescue mission excellence and to our continual investment in our people, in our equipment, and in our infrastructure.

In recent years, we have significantly improved our ability to detect, locate, and respond to mariners in distress. Rescue 21 is replacing our antiquated National Distress and Response System to enable superior communications and to help us take the ″search″ out of search and rescue. The Search and Rescue Optimal Planning System, better known as SAROPS, has proven to be one of the most advanced search and rescue planning tools in the world. The Response Boat-Medium will bring us speed, better sea-keeping and integrated navigation capabilities that will enable better response operations. We have introduced direction-finding equipment on our search aircraft.

These are but a few of many investments that will more accurately direct our waterborne and aviation assets, which ultimately will save time, money, and, most importantly, lives. And I want to thank you, Members of Congress, for your support of these enhancements.

At the core of our search and rescue mission performance are the men and women who stand the watch at the command centers in our nine districts and 35 regional sectors. They are always ready for the call. It is a combination of highly trained military and civilian professionals who staff these command centers around the clock. They manage distress communications, plan and coordinate searches, and oversee the operations.

The Coast Guard is wholly committed to building the competence of this critical cadre. Sound training and education, a formal qualification process, combined with standardized policies and procedures, will help maintain their edge.

Additionally, in 2003, the Coast Guard established the Operations Specialist Rating. That is the backbone of our search and rescue command and control workforce. They bring operational savvy to our command centers, as well as broad perspectives gained from serving across the Coast Guard. That diversity of experience hones their judgment and decision-making.

We have incorporated dedicated civilian employees into standing the watch with leadership, continuity, and invaluable expertise. Every segment of our workforce fulfills key roles in the SAR program.

We continue to augment our watches with additional positions—218 new positions in fiscal year 2009. Policy and procedural compliance is essential. To that end, we have a Command Center Standardization Team which visits our units. They spend 3 days on-site to conduct a thorough and independent review of performance and then to report that back to the sector and district leadership.

Today, I can unequivocally state that we are better equipped, better organized, and better trained to meet the public's expectations for world-class SAR performance. But even with improved systems, enhanced training, and our very best efforts, mariners will continue to be lost at sea. Despite sophisticated technology, search and rescue remains a mixture of art and science. A SAR case is impacted by human factors that range from the sketchy initial reports that come in from panicked mariners to our own Coast

Guard members making judgment calls under the most pressing of circumstances. The sea is a dangerous and unforgiving place.

We will never be satisfied with our efforts until we study and learn why a life was lost. That is why we aggressively review our actions for potential systemic improvements. That is why we continually review the SAR system and individual performance. That is why we undertake rigorous self-examination so that we may continuously learn, so that every distressed mariner has the best chance of rescue.

Before I close, let me also note that we also must take every forum to educate and encourage boaters, fishermen, and commercial mariners to also adopt prudent safety/self-help measures so that they, too, are doing all that they can to be prepared in the event of an emergency.

Mr. Chairman and distinguished Members, I thank you for supporting the Coast Guard as you do. And I stand ready to answer your questions. Thank you.

Mr. CUMMINGS. Thank you very much, Rear Admiral.

I want to go back to something that Mr. Coble said a moment ago, and I want to make it very clear—because he is absolutely right; there is nothing that he said that I disagree with—but I want to make it clear that this hearing is about making sure that we are the best that we can be. This is not one of these sessions where we are trying to just tear apart. We are just trying to see where the possible gaps are so that we can do what we need to do to help you accomplish everything that you have to accomplish.

And I want to thank you, Mr. Coble, for your statement.

Admiral, you wrote in your testimony, ″Our command and control organization, improved by the creation of Coast Guard sectors, places officers with demonstrated experience and sound judgment in critical leadership positions.″

In your statement just now, I think you sort of reiterate this. But, as I discussed in my opening statement, the administrative investigation into the Patriot case would not seem to demonstrate that claim.

On duty at the time of the case in the sector command center was a lieutenant, junior grade, as the command duty officer, for whom this was the first assignment outside of the academy, who had attended SAR school but not received a SAR qualification and who, because of the length of the watch to which that person was assigned, was asleep at the time the initial calls on what became the Patriot case came to the command center.

The operations unit controller did have 23 months of experience as a SAR-qualified watchstander, but the communications watchstander and the situation unit watchstander had a combined total of 4 months of experience in their positions, and neither of them had the SAR qualification.

In fact, Admiral Papp's memo notes that these two individuals had limited experience and, thus, limited ability to assist the sector OUC. Now, those are Admiral Papp's words, not mine. The memo also notes he at times felt overwhelmed by the sheer volume of calls he was handling with the district and other actors during the management of this case.

My question is this: Did the staffing in the Sector Boston command center during the Patriot case really represent the placement of officers with demonstrated experience and sound judgment in critical leadership positions?

Admiral Papp's memorandum would suggest that, at the time of the Patriot case, Sector Boston was not staffed with the watchstanders who had the ability to skillfully apply judgment and analytical thinking to the watchstanding task.

And I was just wondering what—I mean, could you answer that, in light of what you have said?

Admiral BRICE-O'HARA. Mr. Chairman, as somebody who has overseen SAR operations at multiple levels within the Coast Guard, I will tell you, first and foremost, that we have to instill within our watchstanders a complete sense that any question, any need for assistance in standing their watch tautly and properly should never be considered something embarrassing. They should always have the understanding that they should call someone else as they become immersed in situations that may be out of the ordinary, something different than what they have prosecuted before.

Mr. CUMMINGS. You are saying that that is part of their training?

Admiral BRICE-O'HARA. I am saying that that is something that we need to ensure every district commander and sector commander discusses forthrightly with all of their watchstanders.

In my own experiences, I have spent a lot of time talking with my watch so that I knew what caliber of individual they were, what their background was, where we might need to shore up and improve their abilities, and mentor and guide and appropriately steer them to be able to continually raise their abilities and capabilities. So I think, first and foremost, leadership.

But then, in addition to that, sir, I also want to point out that there are several individuals who can be contacted during the course of a watch. We have talked a lot about the command duty officer as a source of reference. We also have a supervisor of each watch position within the command center. We have a command center chief. Usually, that command center chief is at the lieutenant commander level—very, very experienced in their craft. And then above that person we have the response department head, another individual who is very experienced. Both the response department head and the command center chief must be SAR-qualified to hold those positions.

So we have several other steps in the chain of command that our watchstanders can turn to for advice and assistance in prosecuting the watch. I have never been at a unit, sir, where there was not regular interaction between watchstanders and their chain of command, particularly the command center chief and the ops boss in the group days, now the response department chief under the sector construct.

Mr. CUMMINGS. Well, let me ask you this: How common is it for such a group of, frankly, relatively inexperienced individuals to be placed together in a sector command center, noting that the sectors are where most SAR cases are managed?

And let me just ask you this one, too. I understand all of what you just said. I guess my question is,you know, when we look at

another parallel between the Morning Dew case and the Patriot case, in the Morning Dew case the communications watchstander did not awaken the duty officer, who was sleeping. He stated that he did not feel—and this is his statement—″negative pressure or reluctance to awaken the duty officer. He simply did not think it was necessary,″ unquote.

Now, it is one thing to have all of these experienced people in place. I still want to go back to my first question, too. But is there something that we are missing? I mean, we were running into problems because somebody just didn't think it necessary. I mean, is this a perception problem? I mean, with your experience, I am sure you have seen all kinds of things.

And when you talk about teaching folks that they should not feel ashamed, they should just do what they have to do, as a result of these incidents was there more emphasis placed on those kinds of things? Or is this something that just boils down to judgment?

Admiral BRICE-O'HARA. Mr. Chairman, there were a lot of questions embedded in that.

Mr. CUMMINGS. I know, and I am sorry. I apologize.

Admiral BRICE-O'HARA. Let me go back to the first part, and your question was about the relative experience of one——

Mr. CUMMINGS. Yes, a group of people being together, inexperienced, yes.

Admiral BRICE-O'HARA. Yes, sir. And, as a former commanding officer and commander, I would tell you that there is leadership responsibility on the part of the sector commander to assess who they have and look at anticipated rotations and then to have a frank dialogue with the assignment officers, both officer assignment officers as well as the enlisted assignment officers, to ensure that there is a holistic look each transfer season to then offset, as somebody more experienced is departing, to make sure that that is replaced with an experienced person.

So there needs to be that give and take—we call it ″command concerns″—that are articulated from the sector commander to our personnel command as they prepare for assignment rotations.

Now, the second piece to that, sir: As you know, we have embedded civilian positions across the Coast Guard in both the sector command centers and the district command centers. Those civilians have provided absolutely central support to increasing the experience, the local knowledge, the proficiency of our watches. And those civilian employees do not rotate, so they are there to provide that thread across the military moves.

We have invested in training. We brought a new course online just this past year, 2009. We brought online——

Mr. CUMMINGS. When was that? Do you know what month that was?

Admiral BRICE-O'HARA. I would have to get that question back to you, sir.

[Information follows:]

Page 26, After Line 583
Insert: The Sector Command Center Watchstander Course began in April.

Mr. CUMMINGS. I just want to know how new it is and how many people have been trained. I mean, I assume that some people have completed the training?

Admiral BRICE-O'HARA. Yes, sir.

Mr. CUMMINGS. And I just would like to know a little bit more about it when you get a chance.

Admiral BRICE-O'HARA. Yes, sir.

Mr. CUMMINGS. How many people? How often? How are they selected? Things of that nature.

Admiral BRICE-O'HARA. This is a course that is approximately 3 weeks in length, sir. It is the Command Center Watchstander Course, administered at Training Center Yorktown as part of our Command Center Standardization Team. Those two programs are married together.

We have had one convening this year in April of 2009, and 32 individuals completed that course. We anticipate a throughput of upwards of 64 per year. Quite honestly, we have taken a little bit of a pause. We want to go back and take a look at that curriculum and fine-tune it, so the next class will be delivered in December of this year.

Mr. CUMMINGS. And where is it?

Admiral BRICE-O'HARA. Yorktown, Virginia, at the training center, sir.

Mr. CUMMINGS. Okay. I would like to come down and visit, just to observe, if you don't mind.

Admiral BRICE-O'HARA. Yes, sir. We would welcome that.

I also want to point out that, in addition to the Command Center Standardization Team, which we would like to have visit every command center on a biannual basis—currently, they are on a triennial basis because of some staffing issues—we also want to complement that very rigorous examination with a similar program managed by the district command centers with oversight of their sector command centers.

So, ultimately, as we get our staffing correct and move forward on our planned visit program, every sector would be visited one year by the Command Center Standardization Team and then the next year by a district assessment team at the sector level. So that will help bring us up to a higher level of consistency and standardization.

Now, I am not sure that that gets yet to your question about experience and judgment and analytical thought. Mr. Chairman, what I would like to point out in that regard is that both the maritime search and rescue planner course and the command center watchstander course have extensive scenario-based exercises and drills embedded into those curricula. We purposely extended the maritime search and rescue planner course this last year by several additional days so that we could run them through scenarios. We have embedded 2 weeks' worth of scenarios into the 3-week curriculum of the command center watchstander course.

When our Command Center Standardization Team visits a unit, much of that visit is scenario-based. And that scenario is personalized to the sector, to the types of operations and geographic area and customer base that are within that sector.

So we know that one of the best ways you get better is to be faced with very hard, difficult cases and work through them. And we have brought that into our training and our curriculum and our regular assessment of our sectors and districts, sir.

Mr. CUMMINGS. Just before we go to Mr. LoBiondo, let me ask you this. One of the things that—and this is sort of an analogous situation, but when we have the bar exam in Maryland, normally what they do is they take two or three actual cases and put them on the bar examination. You never knew what cases they were, but they used to do that all the time, so everybody is reading every case that comes up over a year or 2 before the bar.

And I am just wondering, do you use—you talk about really bringing it to real life and personal. Do you use cases in these courses that have actually happened and said, you know, ″This is what happened right here just a year ago,″ a month ago, whatever, and not beating up on anybody but actually showing them exactly what needs to be done so that they know. I mean, this is not some hypothetical. This is real stuff.

I mean, do we use them? Or is it sort of like everybody knows about them, and they sort of talk about them under their breath, but they don't actually put them out there? Do you follow me?

Admiral BRICE-O'HARA. Oh, no, sir. We approach this with the greatest honesty and internal examination and do provide actual cases in our training curricula.

Mr. CUMMINGS. Good.

Admiral BRICE-O'HARA. I cannot tell you today that the Patriot case has embedded itself into our training, but it will be. We are still working through the marine casualty investigation.

Mr. CUMMINGS. I understand.

Admiral BRICE-O'HARA. We are still working through the follow-on from the final action memorandum from Vice Admiral Papp. So it is probably a bit premature, but I will assure you the Patriot case is going to go into our study curricula and be used, discussed, and learned from for future generations.

Mr. CUMMINGS. Thank you very, very much.

And, to the panel, we are going to have a second round of questions.

Mr. LoBiondo?

Mr. LOBIONDO. Thank you, Mr. Chairman.

Admiral, we have talked about the standing duty for not more than 12 hours in a 24-hour period and how that all comes together. Do you believe that the Coast Guard has adequate resources and personnel to transition to the 12-hour watch system for command duty officers?

Admiral BRICE-O'HARA. In direct answer to that, sir, I would tell you that we do not have the resources. As you may know, sir, we do not have a full-time command duty officer at every sector yet. That is our desire, but we don't have a full-time, dedicated command duty officer populating those 35 sectors. And if we were then to require a 12-hour as opposed to the 24-hour watch, we would need additional resources, sir. And that is why we have taken the concept of using collateral duty watchstanders as opposed to the alert watch for that particular position.

Mr. LOBIONDO. This is sort of related. The Coast Guard is authorized at an end-of-year strength of 45,000 active-duty personnel. Do you think that this is adequate to develop service men and women with the specialized skills necessary to direct search and rescue and other programs? Is that 45,000 number enough?

Admiral BRICE-O'HARA. As you know, Mr. LoBiondo, we have many complex missions and demands on the Coast Guard. We will put to best use every position that comes to the Coast Guard. And there are more than enough ways that we could gainfully employ the individuals as new positions come onboard.

I have to be very frank in saying that, as we have brought more than 200 positions onboard this year just for our sectors, we have the whole dilemma of juniority. It is going to take us some while to get those people recruited and hired and in place and experienced. So, as positions come online, it is not like we can immediately have someone ready to go in that new job.

So it is a growing process that has many different aspects. It is very complex to bring people into the Coast Guard.

Mr. LOBIONDO. Admiral, have command centers been instructed to make use of all available positioning and identification tools as part of the search and rescue mission?

Admiral BRICE-O'HARA. Yes, sir. And I think you know how powerful the Rescue 21 system is from some of the very initial work that was done in New Jersey.

And we continue to move forward with the Rescue 21 program. We have not built out all of our sector commands. We have made good progress across the Southeast, in the Gulf region, in the Northwest. We still have build-outs to do in 2009-2010 in New England and in California. And then, the following year, we will focus on the island sectors, the Great Lakes, followed by the Western rivers, and finally Alaska. The Rescue 21 system will not be completely built out until 2017.

But we know from all of our use thus far that it is tremendously capable when it comes to taking the ″search″ out of searching because we have that direction-finding capability. We have much clearer communications. We have the ability to monitor up to five channels of communications. We have the ability to communicate with our partners.

For all of those reasons, Rescue 21 has greatly enhanced our performance, and we look forward to completing that acquisition program.

Mr. LOBIONDO. And my last question for now, Admiral: Do Coast Guard personnel have the capability to e-mail and communicate with fishing vessels through the VMS system?

Admiral BRICE-O'HARA. Yes, sir. There have been a lot of questions about VMS, and let me clarify a couple of things.

It is one tool in our kit bag of tools. It is a system owned by NOAA Fisheries for a very specific purpose that is not search and rescue. However, the VMS plot provides a good snapshot of the vessels that are under way on the fishing grounds at a particular time, if they are required to be outfitted with VMS. Nationally, we estimate we have 85,000 fishing vessels between those that are commercially licensed and State-registered. Only about 7 percent of those vessels are required to carry VMS.

When it is available to us and we do get a feed from NOAA and our watchstanders can pull that up at their desktops on the Common Operational Picture, they can see where a vessel is tracking at a particular time. And the VMS feature does allow for an e-mail to go out to the vessel, but there is not necessarily a mechanism to get a return to know that that e-mail has been acknowledged.

We have proactively used VMS. As a recent example, in the First District, in preparing for hurricanes, in an effort to warn all of those who were out on the high seas as Hurricane Bill was approaching, one of the ways we communicated with the fishing fleet was to send messages to them through VMS that also guided us in our maritime patrol overflights to see where the fishing fleet was accumulated to make sure we overflew and warned them of the pending weather.

We have also been very proactive in using VMS to identify the fishing fleet and then to make sure that we could talk with them and that their EPIRB was properly registered. We learned that not every EPIRB on a fishing vessel in our recent sweep had been properly registered, and we were able to get that corrected. As you know, EPIRBs are another very important tool in saving lives in distress at sea.

Mr. LOBIONDO. Thank you.

Mr. CUMMINGS. Before we get to Mr. Bishop, let me just ask you one real quick question: Of those 218 people, you said those are new billets, is that right?

Admiral BRICE-O'HARA. Yes, sir.

Mr. CUMMINGS. Are these people, most of them, in the pipeline, or are they already assigned? I mean, right now, you said they are in different status. What is the situation? I just want to know where they are, because I think that would help all of us.

Excuse me, Mr. Bishop. I just want to get that one answer.

Admiral BRICE-O'HARA. Sir, when we get the new billets, those positions don't come online until the second half of the fiscal year.

Mr. CUMMINGS. Right.

Admiral BRICE-O'HARA. So we have just gotten the positions.

Mr. CUMMINGS. Okay.

Admiral BRICE-O'HARA. They are in the process of being filled. It is going to take us a while to fill them because those who will be enlisted will need to go through the training system.

Mr. CUMMINGS. Right. When do you expect they will be all up, though? I guess that is what I am trying to get to. Do you have any idea?

Admiral BRICE-O'HARA. We should get back to you with a firm answer. It is going to take us a couple of years, sir, to hire everybody and get them trained.

Mr. CUMMINGS. I am not trying to push you. I am just trying to get an answer. In other words, I am trying to put all the things that we are talking about in some kind of context. That is all.

In other words, I am just trying to figure out—you know, we do things up here, and I want to know, first of all, how long it takes what we do here to affect what you do there, so that we can make sure that we are doing all that we are supposed to do, so that you can be most effective and efficient.

Admiral BRICE-O'HARA. Yes, sir. And it is a recruiting process. It is recruit training for 7 1/2 weeks. It is the Class A school for several more weeks. It is the assignment to the unit. And then it is building the skills and credentials. It is going through the training at the unit, a rigorous performance qualification system. It is the certification. And then it is maintaining currency in the watch.

All of that is going to take many months, if not a few years, to get the people whose positions came online this fiscal year to the point that we would call them ready, able, and very experienced watchstanders.

Mr. CUMMINGS. Thank you very much.

Mr. Bishop?

Mr. BISHOP. Thank you, Mr. Chairman.

And, Admiral, thank you for your testimony.

I want to focus on what might be referred to as, sort of, natural or environmental impediments to the search and rescue mission of the Coast Guard. And, as I said before, I represent a coastal district. And one of the concerns that I have right now is the ability of the Coast Guard to have access to navigable channels, which relates to the work of the Army Corps.

And so I guess my general question revolves around the issue of the coordination between the Coast Guard and the Army Corps and other governmental entities that the Coast Guard would be reliant upon in order to carry out its mission. I mean, my specific concerns—and I don't expect you to be able to deal with these specifically. But the Fire Island Inlet, right now, has sholed over as a result of both natural processes and some storms. That is impairing the Coast Guard's ability to conduct its search and rescue mission. But the Army Corps cannot, given its process, schedule a dredge of that inlet for several months. At Moriches Bay, we are having a hard time maintaining a navigable channel there. Shinnecock Bay, hard time maintaining a navigable channel.

So I guess, as I say, my general question is: A, how would you characterize the interaction between the Coast Guard and the Army Corps? B, should there be a line item for funding in the Coast Guard budget relative to the dredging needs for navigable channels? Are there other impediments, sort of structural impediments, that perhaps the Congress can help with in terms of helping the Coast Guard perform its mission?

Admiral BRICE-O'HARA. Thank you for your question, Mr. Bishop. I am not familiar with that particular geographic area you described.

Mr. BISHOP. As I said, I wouldn't expect you to be.

Admiral BRICE-O'HARA. But I have certainly had much experience on the eastern seaboard and understand the continued problems with silting and constrictions of our waterways.

The Coast Guard has a normal and natural dialogue with the Army Corps of Engineers at the port level through our sector commands, particularly with the area committees that are focused on environmental response, as well as the Area Maritime Security Committee that is focused on the safety and security of the region.

There are ongoing discussions because the Coast Guard frequently has access to stakeholders, understands the needs of the waterway's users, and can help translate and be a voice to the

Army Corps of Engineers as they determine where they will fund projects, where they will place their priorities in managing the dredging and other channel work that has to be accomplished. So I would tell you, at the field level, at the lowest levels, there are regular dialogues that occur with our Army Corps of Engineer professional partners.

That also occurs here in Washington. From a program and policy interaction, there is an open dialogue with the Army Corps of Engineers. As recently as just a couple of weeks ago, Admiral Allen, our commandant, met with his counterpart, and I also have worked regularly with my counterparts within the Army Corps.

You asked a question about funding, sir, and I think that appropriately belongs with the Army Corps of Engineers.

Mr. BISHOP. Well, thank you. I appreciate your response.

But if your rescue mission is compromised, no reasonable person would argue that it is not. So that issue is not in dispute. And if the Army Corps says, ″I am awful sorry, we understand the problem, but we have no funds,″ what is the answer? I mean, where do we go to solve this problem?

And that is why I am asking the question of whether or not there ought to be some provision that allows the Coast Guard to declare, perhaps, some form of exigent circumstance that would either provide funding or would accelerate the Army Corps process or would, perhaps, use Coast Guard funding to take the place of the required local match, whether it is New York State or whether it is a county or whatever.

So I know I am asking a bunch of different questions here, but my concern is that we are in the sort of situations in which the Coast Guard can't do its job because the Army Corps doesn't have the funding to do their job. And yet we are left with a problem that isn't resolved, and leaving the problem unresolved is not acceptable.

So where do we go from here, I guess is my question.

Admiral BRICE-O'HARA. Sir, I think that I would like to go back and talk with our local commanders to determine whether our search and rescue mission has been degraded by the situation you have described.

There are certainly other means of rescuing people in distress. Helicopter rescue would be one alternative if someone is in a waterway that we are not able to access. There routinely might be a situation where duck hunters are in marshes and our boats can't get there anyway, and a helicopter rescue would be appropriate. Or we would turn to one of our many partners. Certainly State and local partners who have assets, sometimes much smaller boats than the Coast Guard has, can trailer and get into those locations. Or we have some smaller, special-purpose craft that might be trailered to access an area.

So I am not aware of any instance where access to channels has not permitted us to do our job effectively, sir.

Mr. BISHOP. I thank you.

And thank you for the extra time, Mr. Chairman.

Mr. CUMMINGS. Thank you very much, Mr. Bishop.

Mr. Coble?

Mr. COBLE. Thank you, Mr. Chairman.

Admiral, good to have you with us.

Admiral, much has been said about Rescue 21, and I want to continue along that line. How many miles of coastline are currently covered by Rescue 21, A? And, B, what areas lack coverage, and when do you anticipate full deployment?

Admiral BRICE-O'HARA. Thank you for your question, Mr. Coble.

We have more than 28,000 miles of coastline that are currently covered by the Rescue 21 system. Our next priorities are the New England area, the two sectors in northern and southern New England. We then will focus on rollout in southern California, followed by the island sectors—San Juan, Guam, and Hawaii; the Great Lakes; then the western regions of river systems off the Mississippi; followed by Alaska.

Mr. COBLE. And when do you anticipate full deployment?

Admiral BRICE-O'HARA. Full deployment will not be completed until 2017, sir.

Mr. COBLE. Oh, I think you said that earlier.

You may have touched on this, Admiral, but let me revisit it. Generally, how is Rescue 21 improving and enhancing the Coast Guard's search and rescue capabilities? And could the system be expanded for application in areas other than search and rescue cases?

Admiral BRICE-O'HARA. Sir, I would point to, first, just generally much clearer, better communications. The old system often was spotty; you would have garbled transmissions. We have great clarity with the tower array and updated, sophisticated equipment that has been installed.

So we also have then the capability to direction-find, and often the array of towers allows us to actually plot a position, so that tells us exactly where the call originates. We can get to that mariner in distress much more quickly.

There are multiple communications channels, so the watchstander can be working multiple cases as necessary at any point in time. We have better interoperability with our partners because of the channels that are available with the Rescue 21 array.

Admiral BRICE-O'HARA. We also have the ability to play back. A lot of times we need to clear up the transmission, so the automatic playback feature is much more manipulable than previously, and allows us to clear out any background noise so that we better understand what the mariner is telling us.

The Rescue 21 system also has provided us with an ability to get coverage out to 20 miles. That is its published coverage, but I will tell you it has proven itself beyond that 20-mile costal range. So we have been very impressed with the Rescue 21 system. And as I mentioned, over the course of the next 3 years we are going to focus on completing the continental United States, the islands, and then the last piece will be Alaska in 2017.

Mr. COBLE. And do you see any other areas other than search and rescue where this can be utilized?

Admiral BRICE-O'HARA. Well, it would help us with all of our missions in terms of the communications capabilities, the playback features, law enforcement cases. Rescue 21 certainly enhances first and foremost our legacy mission, our most critical mission of search and rescue, but it will suit our needs in the coastal regions across

all of the mission sets that are prosecuted by our districts and our sectors.

Mr. COBLE. Thank you, Mr. Chairman. I yield back.

Mr. CUMMINGS. Thank you very much, Mr. Coble.

Ms. Richardson.

Ms. RICHARDSON. Thank you, Mr. Chairman.

I am going to start off, first of all, with a comment following up on Mr. Bishop's question, and then my question for our witness today.

What Mr. Bishop was referring is that the HMT—and I think you are aware that we brought forward legislation, HMT reform—the harbor maintenance tax is collected for port dredging and port maintenance. Currently, we receive from Customs approximately $1.3 billion, and yet the appropriators only spend approximately $600,000. And so currently there is a surplus of over $4.5 billion in that account, HMT, for port maintenance and port dredging. So I hope and would look forward to working with you, Mr. Chairman, and Mr. Bishop, in bringing that forward if that can assist the Army Corps to address some of our longstanding needs that we have.

Mr. CUMMINGS. We will do that.

Ms. RICHARDSON. In terms of my question for our witness here today, I represent the area of the Port of Long Beach and Los Angeles, which are the largest ports in this Nation. And before I say that, let me first of all say, and I apologize, to thank you for all of your work.

In the Los Angeles area, over 415 search and rescue missions are performed annually, and so, despite all the challenges and the things we have talked about today, many lives are being saved, as well as property, and so we thank you for your work.

My question is, in my particular area, the larger ships are beginning to come in and out of those particular ports. Some of them are as high as 10,000 TEU vessels, which means that the ships are basically longer than the Empire State Building is tall. And so my question is, what steps have you taken to prepare for, in the event of a disaster or search and rescue that needs to be done, to be able to deal with these larger ships?

Admiral BRICE-O'HARA. Good morning, and thank you for your question.

The complexity of the waterways users, as we see increasingly greater sized vessels, as you have cited, has prompted the Coast Guard to think about how we prepare ourselves for a mass rescue operation. We plan, we drill and exercise, but I will tell you it is not going to be only a Coast Guard response. When we get to something of that magnitude, it is going to require all of our professional partners.

And so when we drill and practice, we bring our local, other Federal, and certainly the State partners into those exercises so that we know that we have the same protocols in place, that we will respond accordingly, that we have the ability to communicate, and that we understand one another's roles, authorities, and capabilities.

When we have an incident of that nature, we are going to see that move to a Unified Command. Something that large is going to

require us to stand up our Incident Command system and have a very well, nuanced, and deeply integrated response to a situation like that.

Ms. RICHARDSON. Let me be more specific, and I am glad you referenced what you did. In my particular port area, the Port of Los Angeles has the larger fire boats, which can shoot large enough the water over some of these larger vessels. However, the Port of Long Beach, for example, does not have this fire boat and many ports across this Nation do not. Are you aware of which ports do or do not have the larger vessels or the larger crew ships that are coming into port? Have you evaluated, are they properly prepared to be able to work with you to respond?

Admiral BRICE-O'HARA. I am not personally aware, but I can assure you that the sectors commanders, as part of their planning and preparedness, are very much aware of the assets that are available within the port. And one of the things that we have done with fire departments is share our own vessel plans with them and bring the firefighters onto our vessels so that if we were to have a problem, they have walked through, they understand the layout. But more importantly, getting to others who might be in distress, we have worked very closely to improve the maritime proficiency, understanding, knowledge, awareness of firefighters who may not have that depth of experience. Certainly, if they are on the fire boats, they probably do, but a lot of times it is also going to be a shoreside response.

Ms. RICHARDSON. Ma'am, what I am saying and what I would like to ask you to do is to evaluate the ports of entry that you support to determine whether they have sufficient fire boat capability to address and to assist you, if need be. It is my understanding it does not exist, it is not in place, and that many of our ports, if we were to have ships collide, whatever situations were to occur, you would not have the sufficient water support to deal with the situation.

So if you could come back to the Committee or supply in writing for us where those incidents might be the case, and if fire boats need to be recommended from this Committee from a funding perspective.

Admiral BRICE-O'HARA. Yes, ma'am.

[The information follows:]

Page 47, After Line 1103
Insert: Area contingency plans describe known fire fighting capabilities in the principal ports for each Captain of the Port (COTP) Zone. Principal ports include major ports where larger vessels are known to transit for that particular COTP Zone and sub-areas. Municipal resources (e.g. fireboats) do not necessarily provide coverage in each port, nor is there uniform coverage across ports.

Large commercial vessels are required to have organic firefighting capability. Large commercial vessels visiting the United States, including tank ships, passenger vessels and freight ships, maintain an organic firefighting capability. When a ship is at sea, the crew cannot call the local fire department; instead the crew has at its disposal a fire-fighting capability sufficient to address all but the most severe fire scenarios. When in port, the fire-fighting features built into the vessel are often the first capabilities used to combat a marine fire. Commercial vessels (of all types) are typically configured with sufficient equipment to suppress an onboard fire in its incipient stage. If properly deployed, onboard equipment is designed to extinguish/suppress an onboard fire.

When organic capability does not suffice, external support, such as that provided by municipal resources, may be needed. Through the work of the Area Committees and the Area Contingency Planning process, the Coast Guard engages with federal, state and local stakeholders to identify available resources for responding to contingencies, including marine firefighting.

To address known shortfalls in firefighting response capability, the Coast Guard published a final rule on Salvage and Marine Fire Fighting (published December 31, 2008 in the Federal Register / Vol. 73, No. 251 http://www.access.gpo.gov/su_docs/fedreg/a081231c.html). The final rule acknowledges marine fire fighting shortfalls nationally and represents a significant step toward closing national marine fire fighting resource gaps. The final rule requires certain vessels, specified in the applicability section of Title 33 Code of Federal Regulations 155, to plan for firefighting services capable of providing adequate coverage within the response time frames established by the Coast Guard final rule. Vessels required to comply with the rule need only ensure coverage for those ports they may call on.

Required marine firefighting capabilities include remote and on-scene assessment resources, fire suppression services by external firefighting teams, external vessel firefighting systems (i.e. fireboats) among others. The rule provides for the listing of public resources which have provided written consent to be identified in respective vessel plans. This listing is limited to the extent of the public resource's jurisdiction, unless other agreements are in place, and must be agreed to in advance. Public services may be legally bound to respond and the plan must, in any case, provide clear guidelines on the interaction between public and private firefighting resource providers. Vessel plans are required to ensure coverage, especially in cases where no public option exists.

Ms. RICHARDSON. Thank you very much. Thank you, Mr. Chairman.

Mr. CUMMINGS. Thank you very much, Ms. Richardson.

Just a few more questions, Admiral.

What are the specific efficiencies and improvements that have been made in the conduct of SAR cases that you can attribute specifically to the creation of sectors? That is one question. And two, you talked about what we have learned from the cases that I have mentioned in my opening statement and the establishment of these—I guess you call it courses? Are there other things that we have done since these incidents to try to improve our efficiency and effectiveness?

Admiral BRICE-O'HARA. Yes, sir. Mr. Chairman, having the experience of being in a group that then became the activities and very much the model for the sectors, I saw marked differences in the integration and cohesion of Coast Guard operations in the region because of the combining of the legacy Marine Safety Offices with the group offices.

Previously, it was the groups that had the assets, it was the Marine Safety Offices that had relationships, the compliance and prevention aspect of the work. And so by bringing those two together, we have a much better opportunity to provide consistency to our partners to provide integrated operations that look holistically across the mission sets and requirements of our service. So I think that the first thing that I would point to is better cohesion, better integration across our mission sets.

Specifically to search and rescue, as we have brought these communities of experience and background together, we do our jobs better because of the deeper understanding of both prevention and the compliance regimes that the Marine Safety Program has to carry out, and how those can help us raise levels of preventative activities and to guard against accidents happening.

It also has helped us learn better how to dialogue with key stakeholders. We have a number of search and rescue professionals that we have to work with. Whenever we have a search and rescue case, we look for the best provider, and it might not be a Coast Guard asset that is available at that time. So a response organization plans better because of the deeper experience, and we communicate and work with our stakeholders and partners better because of the things we have learned by melding these two distinct cultures into the one sector construct.

Specifically, to the watch standing, because of the consolidation into sector commands, we have had to look very hard at our staffing of these organizations. And that, combined with a series of studies as well as the lessons learned from the Morning Dew case forced us to grapple with how to stand the watch better. And that is what has led us to a sector command center that answers to the deputy sector commander, not to response, not to prevention, recognizing that those two have to both be served by the command center, but this is an important enough entity within the sector that it needs to report directly to that deputy commander.

We then have been able to fine-tune what is expected of the watch that has led us to the operations unit, the communications unit, and the situation unit in each of our sectors. And the billets

that have come on in the last year will help us completely build out those situational units at the sectors.

You talked earlier about the Morning Dew and the watch stander being fearful of not needing to wake someone up. Not only do we have that communications watch stander on the alert 12-hour watch now, we have the operations unit, our SAR-skilled individual on an alert watch now. In Morning Dew, that is the person that was sleeping, but we now have that person standing the alert 12-hour watch at our sectors. Those two are the key positions. They are facilitated by the information that is managed, the situation awareness that occurs in the third unit of 12-hour alert watches at our sectors. So as part of the new organization, it was a fine-tuning and honing of the watch structure that we would imbed within these new organizations.

Mr. CUMMINGS. Let me just move on to another subject very quickly.

I want to look more closely at some of the issues raised by the Buona Madre case. Our focus today is on SAR, but this case does raise a number of questions regarding casualty investigations and other issues that the Subcommittee has examined in some detail in the past. Again, I understand that the Coast Guard is a named party in a legal action arising from the Buona Madre case, but I do want to at least raise some of these issues, and if I am stepping over the line, you just tell me.

The casualty report on this Buona Madre incident indicates that the Eva Danielson ″failed to comply with navigational rule number 5 in its failure to post a lookout, rule number 6, safe speed, rule 7, risk of collision, and rule 19, conduct of vessels in restricted visibility, rule 35, sound signals and restricted visibility.″

As a result of the investigation into the Buona Madre incident, the report indicates that the Coast Guard referred a civil penalty enforcement action against KS Aries Shipping for violations of 46 U.S.C. 2302(a), and it goes on. There was another violation alleged for bridge operation, ship handling, and another one for collision. Are you familiar with all that?

Admiral BRICE-O'HARA. Yes, sir.

Mr. CUMMINGS. What is the status of the civil penalty case now?

Admiral BRICE-O'HARA. Mr. Chairman, that civil case was dismissed without penalty, so the sector has the opportunity to resubmit that. It was returned to Sector San Francisco last November. They are continuing to process that and intend to send that civil penalty forward again, sir.

Mr. CUMMINGS. You know, it is interesting, I was kind of surprised by—I just wondered what happened to the case. I mean, we have a vessel that has allegedly falsified information, run over a fishing vessel and killed a fisherman, allegedly, and yet apparently the civil penalty case pertaining to this matter wasn't developed to the degree where it could withstand certain scrutiny. And as a lawyer, I know all kinds of things happen in cases, but I just want to make sure that we have the kind of personnel we need putting these cases together, I guess. That is what I am trying to get at.

Admiral BRICE-O'HARA. Mr. Chairman, I don't think it was an issue of the substance and content of the civil penalty case that was forwarded recommending that penalty; rather, it was the ques-

tion the hearing officer had as to who should be held accountable as we set that case forward.

Mr. CUMMINGS. Now, I note that this Subcommittee has examined the Casualty Investigation Program at Sector San Francisco previously, and during the Cosco Busan incident. Regarding that incident, the DHS Inspector General found that five of the six individuals assigned to marine casualty investigator billets were not qualified for those positions. All three of the individuals who responded to the Cosco Busan were unqualified as marine casualty investigators. Likely, as a result of the inadequate training and experience and the use of inadequate manuals, the investigators who responded to the Cosco Busan failed to identify, collect and secure perishable evidence related to this casualty.

Additionally, the Coast Guard incorrectly classified the investigation of the Cosco Busan casualty as an informal investigation rather than a formal investigation. Does the apparent failure of the effort to prosecute the Eva Danielson suggest that there are continuing shortfalls with the casualty investigation program in Sector San Francisco? I know what you just said, but I am just curious. And has this situation improved, the one that I just talked about?

Admiral BRICE-O'HARA. Mr. Chairman, we know that we had shortcomings in our Marine Safety program, and we specifically have embarked on a Marine Safety Improvement Plan. The Cosco Busan case, the Buona Madre case are indicators of, again, that rigorous self-examination and the knowledge that we must do better.

With the Marine Safety Improvement Plan, it went into place in May of 2008, so this was after the Buona Madre case had already occurred, we have laid out a course, and we are making progress on that course to return our skills and our proficiencies to the high standards that they need to be.

This is a very deliberative process that is going to take us several years. Our plan stretches between fiscal year 2009 and fiscal year 2014, measured progress as we bring billets on, as we improve skill sets, focusing on all of the marine safety missions. So it is looking at our licensing and documentation program, looking at our compliance and oversight, looking at how we manage investigations and accident follow-on, outreach and partnerships, recreational boating safety. All of that is embedded within the Marine Safety Improvement Plan.

One key piece of that are Centers of Expertise that we are establishing in key locations around the country so that we have a cadre of senior mentors, if you will, who are able to help us. We have established a Marine Safety Center of Expertise in the Miami area that will focus on crew ship issues. We are in the process of standing up our Marine Safety Investigations Center of Expertise in New Orleans. We have picked key locations where there is a lot of that business that occurs naturally. New Orleans we have a plethora of investigative activities that occur within that sector already. We are collocating our Center of Expertise. We are putting in a staff of six experienced investigators who can help us as we develop doctrine, as we assess capabilities. If we have an investigation, they can actually send an investigator to assist.

So those are some of the things that I would cite that are already happening through the Marine Safety Improvement Plan.

Mr. CUMMINGS. Let me ask you this, and this will be my last question; you know, when I listen to all the things that are happening, I am very pleased that we are going in the direction that we are going in because it is about making things better.

As you were speaking, I was just wondering to myself, is it that we had a high standard, and for whatever reason slipped back? Is it that circumstances have changed that where—I mean, in the cases that we have talked about today, have circumstances changed where there is just a different environment? Has the post-9/11 stretching of the Guard and more responsibilities had an impact? I guess what I am trying to figure out—it may be a combination of all of those or none of those, I don't know, but I am trying to get to what you see as having gotten us to the point where we have to do all the things that you talked about, new courses, all the things you just talked about. And they are all good. But I want to make sure that we are on a path where if it is a thing of standards, if it is a thing of personnel, if it is stretched too far—particularly post-9/11—whatever it is, that if we can get off the path of what appears to be a slipping back so that we can fix what we have and stay steady. I want to kind of know what your assessment is. And I know that is kind of a loaded question, but I am sure you have thought about this a lot. The Coast Guard, rightfully so, has earned a phenomenal reputation—I talk about the Coast Guard all the time. I want to make sure that that reputation stays intact and that the Coast Guard has everything it needs.

Admiral BRICE-O'HARA. I thank you for your support, Mr. Chairman. As I was considering the dialogue that we would have today, one of the things that crossed my mind was—you have probably seen the recent article, "First-Class Cadet Jacqueline Fitch: A Regimental Commander of the Coast Guard Academy." I think of individuals like her——

Mr. CUMMINGS. From my district——

Admiral BRICE-O'HARA. Yes, sir. I think of individuals who are young, promising, eager to serve, they have joined the Coast Guard because they want to make a difference. We have not lost that passion. We have not lost that bias for action. But there were periods before 9/11 where we were chronically underfunded, we were underresourced. Even before the Morning Dew case surfaced, we knew that we were stretching our people with the watches they were standing. Unfortunately, it took that crisis to enable us to get the resources to shift to the 12-hour watch that people had been telling us. National Transportation Safety Board studies, our own studies pointed us to those 12-hour watches.

So we have begun to get resources. We have applied those resources as they were intended by Congress. But it has taken us a while to be able to fill all of our positions and to grow the stature and the experience and the wisdom within our workforce for the missions that are becoming increasingly more complex.

I think that the good news here is nobody is diminished in their desire to do well. The Coast Guard has not stepped back from the candid, hard examination of how we are performing, and that we have put interventions in place. And we now must stay the course

and never step back from these very high standards that we have established and continue to push our people so that they are trained, guided, mentored, prepared, equipped, and with the right leadership to do the job that is expected of them by you, by the public, by the world.

Mr. CUMMINGS. Well, I want to thank you very much for your testimony.

I was visiting one of the stations, and a fellow told me that when these hearings come on, that the Coast Guard watches them. I didn't know that. So everybody watches them. But the reason why I raise that is because I want it always to be understood that everybody on this Committee—and particularly this Subcommittee, I know—want the very best for the Coast Guard. We have a phenomenal amount of respect. And I don't think there is one Member of this Committee that does not understand that we as a Congress can do better by the Coast Guard. I know Mr. LoBiondo agrees with me because he talks about it all the time.

We are going to fight with everything we have to try to make sure that you get the resources that you need to do your job. I know you didn't come here complaining. I asked you certain questions, and you just told the truth. But all we want is the very, very best for your personnel so that they can be the best. And so I really thank you very much.

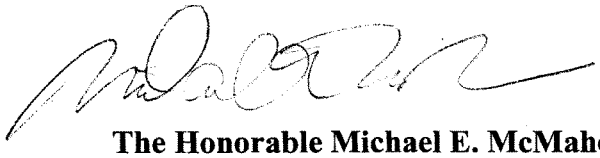
Mr. LoBiondo, did you have anything to add?

Mr. LOBIONDO. Mr. Chairman, I would just like to echo your comments that when we have incidents like this, we are interested in trying to drill down a little bit deeper; but just a remarkable record of service for men and women who have dedicated their lives under incredibly difficult circumstances on many occasions, doing a great service to our Nation in many different respects. And our heartfelt thanks goes out to everyone in the Coast Guard for the tremendous job and the service they are rendering to our Nation.

Mr. CUMMINGS. Thank you very much.

This hearing is adjourned.

[Whereupon, at 11:35 a.m., the Subcommittee was adjourned.]



The Honorable Michael E. McMahon
Statement and Questions
Transportation and Infrastructure Committee,
Subcommittee on Coast Guard and Marine Transportation
Hearing on the Coast Guard's Search and Rescue Mission
September 30, 2009

Thank you Chairman Cummings and Ranking Member Lobiondo, and a special welcome and thank you to Rear Admiral Brice-O'Hara for your testimony this morning.

Mr. Chairman, my district in Staten Island, New York, has a long history with the Coast Guard. In the 1860s, the Lighthouse Service set up headquarters in New York Harbor in a new barracks and Administration building just east of the present location of the St. George Ferry Terminal. The service constructed a series of lighthouses throughout the Island, including the 1912 construction of perhaps the most famous Staten Island Lighthouse – the Ambrose Channel Range Light that still graces Lighthouse Hill and serves as an active aid to navigation.

When the Lighthouse Service was merged into the Coast Guard by President Franklin Roosevelt in 1939 – the depot in St. George became the Coast Guard's Third District Headquarters,

where it remained until the Coast Guard acquired Governor's Island in 1968, and abandoned the old Staten Island depot.

But apparently the Coast Guard just couldn't get enough of our great Borough – and the Coast Guard returned to Staten Island in 1997 after the US sold Governor's Island to NY for 1 dollar in the greatest real estate transaction since Peter Minuit and the Dutch bought Manhattan Island from the Native tribes for 60 guilders in 1626.

Over the years, the Coast Guard has taken on increasing responsibilities – customs enforcement, life saving services, light houses, and maritime inspection. But the original mission of the Coast Guard remains their most important: the search and rescue of those in peril on the sea.

Most recently we were able to see the importance of this mission in the rescue of Flight 1549 in the Hudson River on January 15, 2009. Despite being one of the most crowded waterways in the world, not a single life was lost on that frigid winter afternoon. The bravery and valor of the Coast Guard was instrumental in rescuing the 155 passengers and crew without a single fatality; turning what could have been a major disaster into the "Miracle of the Hudson."

In addition, you responded so well to the 2003 Staten Island Ferry crash of the Gov. *Andrew J. Barberi*, as well as the recent incident with Staten Island Ferryboat *Marchi*.

I would like to commend the Coast Guard on their important search and rescue operations in New York Harbor over the past 230 years.

With that, I have a number of questions:

1) How will consolidation in Sector New York affect search and rescue operations in New York Harbor?

2) What effect will consolidation have on training operations in New York Harbor, one of the busiest waterways in the world?

Congresswoman Laura Richardson
Statement at Subcommittee on Coast Guard and Maritime Transportation
Hearing on "A Review of the Coast Guard's Search and Rescue Mission"
2167 Rayburn House Office Building
Wednesday, September 30, 2009
10:00A.M.

Mr. Chairman, I want to thank you for convening this hearing to review the Coast Guard's Search and Rescue Mission. I first want to commend the Coast Guard on their exceptional record of service and the million plus lives they have saved. Guardsmen stationed in the Los Angeles area perform some 415 search-and-rescue missions annually, many involving recreational boaters, commercial fishermen and amateur divers who find themselves in distress off the Southland's vast coast. Guardsmen routinely risk their lives to save others and for this we all owe them a debt of gratitude.

I can quote one pilot who operates in the Long Beach Port who reported to our office that "The Coast Guard does a great job handling Search and Rescue missions. They really don't get enough credit for all that they do! We have an excellent working relationship with the Coast Guard."

We all know that it would be impossible for the Coast Guard to prevent every fatality at Sea. The majority of at sea fatalities last year occurred before the Coast Guard was even notified. However that does not mean there is not room for improvement, improvement that can save lives. We must ensure that all watch-standers have adequate training and are ready to make life or death decisions at a moments notice, as often a small delay can make the difference between a success story and a tragedy.

We must also ensure that the Coast Guard is working together with other emergency responders to coordinate responses. Virtually every incident is best handled by the cooperation between the Coast Guard and local resources,

such local Baywatchs, fire departments, and sheriff departments.

However I'm concerned that a large scale event could overwhelm even the best coordinated efforts. The Port of Los Angeles and Long Beach combine to form the largest port in America. The largest ships calling at the Port are 10,000 TEU vessels—these ships are longer than the Empire State Building is tall—roughly 12,000 feet in length, 150-160 feet in width, and rise 10-12 stories above the water line. If two of these ships collided, I fear that the combined resources of all responders could be overwhelmed, and I'd like to hear from our witness today about what contingency plans exist place in the event of such a disaster and whether she feels the Coast Guard, combined with local resources, would be able to adequately respond to such a disaster.

Finally, we must ensure we do everything in our power to equip the Coast Guard with the most up to date technology to accurately locate distressed vessels and initiate rescue

operations. I hope to work with my colleagues to ensure the rapid and effective implementation of Rescue 21 while also working to ensure it is not plagued by further cost overruns.

I'd like to thank rear Admiral Sally Brice-O'Hara for appearing before us today and I look forward to hearing her statements.

Thank you, Mr. Chairman

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DEPARTMENT OF HOMELAND SECURITY

U. S. COAST GUARD

STATEMENT OF

REAR ADMIRAL SALLY BRICE-O'HARA

ON

COAST GUARD SEARCH AND RESCUE EFFORTS

BEFORE THE

COAST GUARD AND MARITIME TRANSPORTATION SUBCOMMITTEE

TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

U. S. HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2009

Good morning Mr. Chairman and distinguished members of the Subcommittee. It is my pleasure to appear before you today to discuss the Coast Guard's Search and Rescue (SAR) mission and specialized capabilities. We take great pride in our efforts both to prevent maritime casualties and to respond to incidents when they do occur. Whether inspecting life jackets on commercial passenger vessels or providing waterside security for nearby critical infrastructure, our end goal is to prevent the loss of life on our nation's vast waterways. Our motto, *Semper Paratus*, serves as a constant reminder that we must retain a 'bias for action,' always prepared to go into harm's way in the service of others. We ingrain this expectation in every member of the Coast Guard and reinforce it by continuous training throughout each Guardian's career. Our history is filled with heroes like Ida Lewis, the crew of the Pea Island Station, and countless others who repeatedly risked their lives to come save mariners in distress. We take great pride in our history and the lore of harrowing rescues, but we also recognize that future success stories require preparation for the moment -- founded on good training and good equipment blended with courage, discipline, and vigilance.

In 2007, Coast Guard personnel celebrated our one millionth life saved. In 2008, the Coast Guard prosecuted over 24,000 search and rescue cases, saved 4,910 lives and assisted an additional 31,628 people in distress. Nonetheless, we never lose sight of those circumstances where lives were lost. One life lost is too many; when we lose a person in peril to the sea, we aggressively review our processes and procedures. We want to ensure that problems are quickly addressed by, and lessons learned widely disseminated to, capable Sector leadership.

Our command and control organization, improved by the creation of Coast Guard Sectors, places officers with demonstrated experience and sound judgment in critical leadership positions. Coast Guard Sectors serve as one-stop-shops for execution of mission programs including search and rescue for major seaports and regions. They bring multi-mission capabilities to life on the front lines of the maritime environment. This decentralized construct is the key to our operational success and serves as our model for the future. The Coast Guard Sector's ability to provide an immediate assessment at the onset of any maritime event relies not only on command and control capabilities, but also technological ones.

Taking advantage of rapidly advancing information technology, the Coast Guard has made several significant technological advancements within the past five years that have improved the effectiveness and efficiency of our search and rescue operation. These include the Search and Rescue Optimal Planning System (SAROPS) – one of the most advanced search and rescue planning tools in the world; self locating datum marker buoys (SLDMB): Rescue 21 - the recapitalization and upgrade of the Coast Guard national distress radio communication system; and introduction of 406 Megahertz (MHz) direction finding capabilities on Coast Guard aircraft. These new capabilities have improved the overall performance of our search and rescue response capability.

Even with the best technology, however, search and rescue remains a mixture of art and science. A SAR case is impacted by human factors ranging from initial reports by anxious or panicked mariners to judgment calls by Coast Guard personnel working under the most pressing of circumstances. The sea remains a dangerous and unforgiving place. Given the nature of the environment, unfortunately, lives are going to be lost. I mentioned with pride that in 2008 we saved 4,912 lives; I mention with sadness that 825 lives were lost, 534 of which were lost prior to Coast Guard notification.

So the challenge is this: How do we continue to provide our people with the best training and technology to help mariners survive?

I now turn to further details on some specific actions underway:

Search and Rescue Responsibility, Execution and Staffing

District Commanders, who are Coast Guard flag officers, are designated by international agreement as the search and rescue coordinators for their areas of responsibility. Districts are split into Sectors, each with a Sector Commander and command center, each of which coordinates all Coast Guard missions within the Sector's area of responsibility, including Search and Rescue. The command centers are staffed 24-hours a day, 365-days per year by at least two trained watchstanders. The Coast Guard Sector serves as the single point of contact for the public for all maritime issues; it fuses prevention and response capabilities that enhance our situational awareness and allow us to respond more effectively and efficiently to mission demands.

Our command centers are staffed with trained specialists, both military and civilian, who receive initial distress notifications and then plan and direct appropriate resources to meet the mission demand. Each command center watch has a Command Duty Officer as well as Communications, Operations, and Situation Unit watchstanders. Further, in 2003, the Coast Guard established the Operations Specialist (OS) rating; OSs serve alongside the civilian watchstanders, bringing operational savvy to the Sector command center and broader perspective gained from having served in a variety of Coast Guard units and locations. Command centers offset promotion and transfer cycles through a continuous training process that enables junior watchstanders to move into more senior leadership roles on the watch floor after developing and demonstrating the requisite experience and competence.

Communications Unit watchstanders focus on monitoring and maintaining communications with mariners via radio systems while the Operations Unit watchstanders concentrate on SAR planning and execution. Each Operations Unit watchstander is required to: attend the National Search and Rescue School; complete local Performance Qualification Standards as well as an Area Familiarization Program; stand a required number of supervised watches; and successfully complete a qualification board. The Situation Unit watchstander maintains situational awareness across all port activities and ensures that the Operations Unit watchstander is not overwhelmed by other missions.

The Coast Guard has several civilian positions at command centers to maintain a consistent level of search and rescue expertise and provide continuity through assignment seasons. Many of these civilian watchstanders are former or retired Coast Guard SAR controllers who bring a wealth of knowledge, experience, and judgment to the Coast Guard. Every Coast Guard command center has at least two civilians assigned.

Our Hurricane Katrina response effort demonstrates that this system produces optimal results under the most challenging circumstances. The Coast Guard's Katrina response saved approximately 24,000 lives and evacuated 9,400 medical patients from imminent peril. The overall success of this response was attributable in large measure to our longstanding commitment to training, standardization, and varied-geographical experience. Standardized response procedures, consistent training, and identical equipment enabled Coast Guard responders drawn from around the country to work cooperatively and effectively in the aftermath

of one of the most devastating hurricanes in our nation's history. During our successful Search and Rescue response to Hurricane Katrina, we learned several lessons, and we continue to engage other partner agencies that conduct search and rescue operations to improve coordination during large scale rescue operations. Working with our partners in the National Search and Rescue Committee, most of those lessons learned have been captured in the 2009 Catastrophic Incident SAR addendum update.

The "Search" in Search and Rescue

Despite state-of-the-art technology, during the initial phases of a SAR case, watchstanders often operate in an atmosphere of uncertainty – a "MAYDAY" call is received without a location, a boater is reported as missing, or information is incomplete or incorrect. In these cases, Coast Guard watchstanders draw on investigatory skills and a systematic approach to plan and execute SAR operations.

Upon learning of a case from a "MAYDAY" call or other communication, watchstanders gather data about the case. More often than not, there are many uncertainties in the initial report. The watchstander then develops a search area based upon the information, determines resource availability and capability, promulgates the search plan and deploys the resources. While the assets are conducting the preliminary search, the watchstander continues to gather information, evaluate ongoing search results, develop subsequent searches and deploy resources to follow-on search patterns. This process continues until the survivors are found and rescued or proper authorities suspend the SAR case.

Training and Standardization to Preserve the Edge

The Coast Guard, in a joint effort with the U.S. Air Force, established the National Search and Rescue School in 1966. The school's establishment brought together a staff devoted exclusively to training professionals to plan and conduct search and rescue operations. The school teaches the fundamentals of the craft, acknowledging that the development and honing of the skills required for SAR planning is an ongoing effort. To augment the training provided at the National Search and Rescue School, each Coast Guard command center has developed a formal qualifications process outlined in a detailed Standard Operating Procedures (SOP) document. This SOP includes training requirements and procedures for command center personnel to attain qualifications, certifications, and maintain currency. The SOP builds upon national policy outlined in the Coast Guard Command Center Manual and the U.S. Coast Guard Addendum to the United States National Search and Rescue Supplement to the International Aeronautical and Maritime Search and Rescue Manual. A rigorous training program is used to maintain the highest possible level of proficiency through the use of Personal Qualifications Standards (PQS), case review, SAR mission planning scenarios, and written exams. In addition to initial qualification requirements, command center watchstanders maintain watch currency through Subordinate Unit Visits, Area of Responsibility Familiarization Programs, Watchstanding Frequency Requirements, and Currency Training Requirements. Local unit training and evaluation is augmented on a biennial basis through Command Center Standardization Team (CCST) visits.

The CCST was created in 2001, drawing on the highly successful employment of this concept within the aviation community. The CCST, which is comprised of senior personnel with multiple command center tours and years of SAR experience, visits units to conduct an exhaustive review of their procedures and training, brief the command cadre on their findings, and provide a snapshot of current command center performance. The CCST shares best practices and ensures service-wide standardization through field visit and annual conferences of command center representatives, coordinated through the National SAR School in Yorktown, Va.

Technology Improvements

The Coast Guard has invested in state-of-the art technologies to reduce, to the greatest extent possible, the time between the initial notification of distress and rescue of the affected mariner. These tools aid SAR planners in better estimating the likely location of those in peril on the sea. Providing a more accurate estimate of the victim's location reduces the time spent searching and thereby improves the probability of rescuing the mariner.

Rescue 21, the boating community's equivalent of a "maritime 9-1-1 system," is designed to detect low power communications signals from distressed mariners up to 20 nautical miles offshore and provide Coast Guard watchstanders with one or more directional lines of bearing. This information enables Coast Guard assets (small boats, cutters, helicopters, and aircraft) to respond more quickly to the emergency. When Rescue 21 is fully deployed to all Sectors in 2017, we will be able to more accurately direct our waterborne and aviation assets, saving time, money, and most importantly, lives.

On Aug. 10, 2009, the Coast Guard rescued two teens 30 miles off Sabine Pass, Texas after their boat took on water and sank. Despite the fact the original location reported by the teens was incorrect, Sector Houston-Galveston was able to dispatch a Coast Guard helicopter to rapidly locate and hoist the teens from the water based on one Rescue 21 line of bearing. The SAROPS eliminates the time-intensive 'pen and paper' techniques for SAR planning of the past to focus our rescue efforts. Combined with information gleaned from Rescue 21 command and control systems, this technology enables planners to quickly identify the location of a distress call and launch assets to more specific search areas.

Mass Rescue Operations

One of greatest challenges for the Coast Guard is responding to large scale Mass Rescue Operations in the maritime environment. In such scenarios, a large number of victims, many of whom may be injured and immobile, require immediate assistance. In some cases, the limited number of available Coast Guard assets results in insufficient capacity to rescue the large number in peril. In these circumstances, the Coast Guard relies on support provided by port partners, including other federal, state and local responders, to bring the case to a successful conclusion. Their timely, and carefully coordinated response, occurs in large part through a number of Prevention Programs. As a unifying force within the port, the Sector command cadre works with port partners to schedule joint training, conduct interagency planning and execute exercises, all of which contribute to successful outcomes. The "Miracle on the Hudson" is a prime example.

The "miracle" that day – Jan. 15, 2009 – was performed by the pilot and crew of US Airways flight 1549. The subsequent response efforts of the Coast Guard reflected port-level coordination with other government agencies and the private sector. We practice for these

contingencies on a regular basis and on that day Coast Guard men and women, working side-by-side with our port partners, did their jobs with professionalism and care.

Another example is the fishing vessel (F/V) ALASKA RANGER case that took place outside of Dutch Harbor, Alaska. F/V ALASKA RANGER reported uncontrolled flooding 90 miles west of Dutch Harbor with 47 persons on board. Coast Guard District 17 launched two C-130 aircraft and one H-60 helicopter and diverted the CGC MUNRO, which had an embarked HH-65 helicopter. Both helicopters hoisted survivors from the water and brought them to safety onboard the MUNRO. In addition, the Good Samaritan vessel F/V ALASKA WARRIOR had heard the Urgent Marine Information Broadcast (UMIB) and recovered 25 of the ALASKA RANGER's crew. Within hours of abandoning ship, all 47 crew members had been recovered. Unfortunately three were deceased, having succumbed to the elements. This case highlights not only the challenges of the harsh Alaska weather conditions but also those of Mass Rescue Operations in very remote locations.

International Leadership and Accomplishments

The Coast Guard has played a leadership role on the global stage in the international field of SAR, supporting development of international policy and standards as well as establishing and implementing the global SAR system, procedures, techniques and training as members on the U.S. delegation to the International Maritime Organization's Sub-Committee on Radio Communications and Search and Rescue (COMSAR). The Coast Guard chairs COMSAR's Joint Working Group (JWG) of SAR experts, which is instrumental in providing recommendations to improve the global Search and Rescue system. Of note, the Coast Guard is providing leadership in JWG's major update to the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual.

This year the Coast Guard has begun a modernization effort to upgrade the Automated Mutual-Assistance Vessel Rescue (AMVER) System. AMVER, sponsored by the United States Coast Guard, is a unique, computer-based, and voluntary global ship reporting system used worldwide by search and rescue authorities to arrange for assistance to persons in distress at sea. With AMVER, rescue coordinators can identify participating ships in the area of distress and divert the best-suited ship or ships to respond. AMVER's mission is to quickly provide search and rescue authorities, on demand, accurate information on the positions and characteristics of vessels near a reported distress. In 2007, AMVER celebrated its 50th anniversary as the only global maritime ship reporting system solely dedicated to the saving of lives at sea. AMVER is credited with saving 2,075 lives since 1999. International participation continues to grow with over 19,000 ships from 170 nations participating. The average daily plot has risen to 3,700 ships on the AMVER plot and available to respond, often in areas where an AMVER ship is the only asset available for hundreds of miles.

Prevention programs that enhance the SAR mission

The SAR system is reactive in nature – we activate the system based on information received at a specific point in time and respond accordingly. However, the success of the SAR mission relies heavily on mariners doing their part to ensure they are prepared to survive an accident at sea. When mariners are prepared and can sustain themselves until help arrives, our job of rescuing gets much easier, and the mariner's probability of survival increases considerably. There are many prevention programs that by their very nature support the SAR mission. We would not be as successful in the arena of SAR without the efforts of the National Recreational Boating Safety Program, Commercial Fishing Vessel Safety program, and those members who are involved in

marine safety regulatory and standardization efforts. These programs play a crucial role in ensuring mariners are properly equipped and trained to respond to emergencies in the maritime environment.

Summary

I return to a phrase I used at the beginning of my statement: a bias for action. The action in SAR is, of course, to save a life. As mentioned, we ingrain it in every recruit, officer candidate, and cadet; every Auxiliarist and civilian watchstander; indeed every member of Team Coast Guard.

Recently, we refreshed and reprinted our capstone statement of service doctrine. We call it "Pub One." We expect each of our personnel to read it and be familiar with it. One of the chapters deals with the nature of our service. Allow me to quote a sentiment here. It is a key part that explains why we take search and rescue so seriously - professionally, personally, and throughout our careers:

> "At the heart of the Coast Guard ethos is the belief that every man and woman in our service is a guardian. To guard is to watch over or protect from harm...The Coast Guard is renowned throughout the world for saving lives...Our reputation is based on personal courage and selflessness that goes back to [our] earliest days...Nothing fills us with greater pride than the stories of harrowing rescues in which professional Coast Guard men and women returned would-be victims safely to their families against all odds. It is no accident that these are stories of success. Preparation for the moment - born of excellent training, support, and equipment blended with courage, discipline, and selflessness - is our hallmark."

Mr. Chairman and distinguished members of the Subcommittee, fundamentally - despite our search and rescue successes - we will never be satisfied with our efforts until we study and learn why a life was lost so that we remain always ready for the next distress call.

Thank you for the opportunity to testify today. I look forward to your questions.

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