Payne
Perlmutter
Peterson
Platts
Reed
Richardson
Roskam
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Smith (WA)
Stark

□ 1128

Messrs. ROTHMAN of New Jersey, TIERNEY, and GEORGE MILLER of California changed their vote from ''nay'' to ''yea.''

Mr. AMASH changed his vote from ''nay'' to ''present.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 831, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mr. HIMES. Mr. Speaker, on Friday, November 4, 2011, I was unable to be present for rollcall vote 831 on H.R. 3321. Had I been present, I would have voted "yea."

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2011

The SPEAKER pro tempore (Mr. KINGSTON). Pursuant to House Resolution 455 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2838.

□ 1129

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Washington (Mr. LARSEN) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 1130

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

H.R. 2838 will reauthorize the activities of the Coast Guard through 2014 at levels which are consistent with the House-passed budget resolution.

This bill includes critical provisions that will give the Coast Guard, its servicemembers and dependents greater parity with their counterparts in the Department of Defense, something that is critical and important for these patriotic Americans. Ensuring parity among the armed services has been a top priority for the committee for some time, and I am proud to say this bill makes significant steps and progress towards aligning the Coast Guard's authorities with those granted by DOD.

In addition to the parity issue, the bill contains a title intended to reform and improve Coast Guard administration. The Coast Guard does an outstanding job for our Nation. However, in the current budget environment, it is important for the Coast Guard to review the services authorities and to find ways to improve operations while reducing costs. I believe this bill will do just that.

The bill also amends shipping laws to improve safety and foster job growth throughout the maritime sector and reauthorizes the activities of the Federal Maritime Commission through 2015.

Included in the bill is the text of H.R. 2840, the Commercial Vessel Discharge Reform Act, which will improve current regulation of ballast water and other discharges incidental to the normal operation of a vessel.

Mr. Chairman, this provision is pretty simple. Currently, the Coast Guard and the EPA are making rules and have authority to enforce ballast water. There are currently 29 States and tribes that have their own rules, and it is a regulatory nightmare to be able to do business in. We need one standard operation that reaches the highest level of technology that is available to us. This also allows for us to improve technology, and this is. If we're talking about jobs, and we certainly are hearing an awful lot about that these days, this is an opportunity for us to be able to ensure that maritime jobs will be able to continue to grow.

The current system is simply impossible, and it threatens our international maritime trade.

This legislation eliminates this ridiculous regulatory nightmare and establishes a single uniform national standard.

The EPA, the Coast Guard, the National Academy of Sciences, the EPA Science Advisory Board, the U.S. Flag Industry, every national maritime labor union, manufacturers, farmers, energy producers, and our largest and most strategic international trading partners all endorse our approach to this legislation. It's a commonsense way to be able to move forward, and it helps us be able to accomplish our goals in the long run.

I would urge all of my colleagues to support the legislation, and I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield myself such time as I may consume.

The Coast Guard is a multi-mission agency responsible for a broad range of activities including mariner licensing, emergency oil spill response, vessel inspections, and search and rescue operations. These and many other activities of the Coast Guard are indispensable and ensure that our coasts and ocean resources are protected; that our oceans, the Great Lakes, and inland waterways remain safe and efficient; and that our maritime industries continue to be vibrant sources of jobs and economic opportunity for the American people.

I want to thank Chairman LOBIONDO for his leadership in developing this legislation, H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011, to reauthorize the activities of the Coast Guard for fiscal year 2012 through fiscal year 2014.

Although I have reservations that the authorized funding levels in this bill are not sufficient to meet the many well-documented needs of the Coast Guard, at least this bill provides for roughly level funding for the next 3 years. We have had this discussion in committee for the last several months about the Coast Guard, Mr. Chairman, people wanting the Coast Guard to do more with less. The greatest concern that we have is that as we look at funding for the Coast Guard, we're beginning to ask them to do less with less. And that is going to cause future problems for our Coast Guard.

In general, Mr. Chairman, the legislation includes several noncontroversial provisions, especially title II, which addresses issues of disparity in policy and authority between the Coast Guard and other armed services. I want to commend the chairman for his commitment to address this issue.

There are some provisions in this bill, however, which remain problematic, none more so than the provision that would sequentially decommission the Coast Guard's two heavy icebreakers. The administration has expressed its strong opposition to this provision in its statement of administration policy.

At some point, we need to constructively engage the Coast Guard in developing a sound, balanced path forward that realigns our expectations with a level of performance that we can reasonably expect the Coast Guard to deliver, especially for its icebreakers and its polar operations.

With that, Mr. Chairman, I reserve the balance of my time.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, November 3, 2011.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2838—COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2011

(Rep. LoBiondo, R–New Jersey, and Rep. Mica, R–Florida)

The Administration strongly opposes House passage of H.R. 2838 because it includes a provision that would require the Coast Guard to decommission the icebreaker USCGC POLAR STAR. The administration has requeted, and Congress has appropriated, funds to reactivate the USCGC POLAR STAR by December 2012 and extend that vessel's service life for seven to 10 years. This effort will stabilize the United States' existing polar fleet until long-term icebreaking capability requirements are finalized. By directing the Commandant to decommission the USCGC POLAR STAR within three years, the bill would effectively reduce the

vessel's service life to two years and create a significant gap in the Nation's icebreaking capacity. The Administration supports Title II (Coast Guard and Servicemember Parity), which would promote parity between the Coast Guard and the other branches of the armed forces. The Administration looks forward to working with the Congress to improve H.R. 2838 as the bill moves through the legislative process.

Mr. LoBIONDO. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. I rise in strong support of H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011 and, in particular, title VII of the bill, the Commercial Vessels Discharge Reform Act of 2011.

Ballast water, while a necessity to maintain the stability of large vessels during water-borne navigation, has always been recognized as one of the ways invasive aquatic nuisance species are transported globally and introduced into coastal waters where they did not live before. Numerous invasive species have been introduced in U.S. waters through ballast water discharges. One of the most well-known is the zebra mussel in the Great Lakes, which has caused millions of dollars in damage in infrastructure.

Current efforts to reduce the risk of invasive species being introduced through ballast water discharges are haphazard, contradictory, and ineffective. The management of ballast water currently is governed differently by the Coast Guard, the Environmental Protection Agency, as well as an assortment of international, State, and territorial regulations.

As a result, vessels engaged in interstate and international commerce are required to meet several different standards for the management of ballast water, some of which are not technologically achievable or verifiable. Complying with this patchwork of regulations is burdensome and unacceptable. Commercial shippers are at the heart of our Nation's interstate and foreign commerce.

As we all know, interstate and foreign commerce involving navigation is the heart of the Federal jurisdiction under the commerce clause of the Constitution. If we subject vessels visiting ports in more than one State to different permit requirements in each State that they visit, they will be forced to either violate State laws or cease making port calls in those States with requirements that are inconsistent with the technology that the vessel has installed in response to an earlier enacted regulation from another State.

Vessels involved in interstate and foreign commerce are mobile and cannot be expected to comply with potentially scores of inconsistent State requirements as they navigate from one jurisdiction to the next. These inconsistent State requirements will impose serious economic burdens on interstate and foreign commerce. There simply is no reason to interfere with interstate and foreign commerce in such ways, particularly in more sensible, uniform, and environmentally protective approaches available under this bill.

Title VII of H.R. 2838 aims to address both the needs for standards to reduce the risk of introducing invasive species in our Nation's waters through discharges of ballast water, and the need for vessels that navigate from one jurisdiction to another to have a uniform set of requirements to comply with.

The bill establishes a commonsense approach for regulating ballast water, which will protect the environment, grow maritime jobs, and promote the flow of maritime commerce.

I urge passage of H.R. 2838.

Mr. LARSEN of Washington. Mr. Chairman, I yield such time as he may consume to the ranking member of the full committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the subcommittee ranking member, the gentleman from Washington, for yielding me the time.

In recognition of the tradition of the Committee on Transportation and Infrastructure to annually move bills to reauthorize the Coast Guard and the indispensable services it provides to the Nation, I am inclined to support this effort if it will improve the condition and readiness of the Coast Guard.

My home State of West Virginia may not be a coastal State; but our many stakeholders who use our inland waterways, such as shippers, tug and barge operators, and recreational boaters, appreciate the services provided by the Coast Guard, our guardians of the sea.

For example, the Coast Guard's National Maritime Center in Martinsburg, West Virginia, handles the processing and approval of all mariner credentials for roughly a quarter million mariners. Additionally, the Coast Guard's Marine Safety Unit Huntington, located in Barboursville, West Virginia, inspects vessels, conducts casualty investigations, and ensures port security along the Ohio River and other navigable waterways.

These and other vital services provided by the Coast Guard directly support our maritime commerce, which is critical to the future economic health of our country. Yet despite widespread acknowledgment of its importance, the Coast Guard has rarely received sufficient resources to accomplish its many complex missions.

I am disappointed that the authorized funding levels in this legislation again fall short of the services' needs.

Just this week, we learned during the Coast Guard and Maritime Transportation Subcommittee's hearing concerning the Deepwater Horizon disaster that the Coast Guard's marine environmental response capabilities have dwindled due to a lack of funding.

□ 1140

We cannot expect the men and women of the Coast Guard to put their lives at risk to save the lives of others if they are forced to operate from inadequate facilities and to utilize equipment that has long since passed its expected lifetime. If we expect our ports and waterways to remain safe and secure and if we want our maritime economy to be vibrant and growing, adequate investment in the Coast Guard is not an option but a requirement.

I also wish to express my concern about the ballast water provisions, a separate title—in fact, a wholly separate bill—stitched into this legislation, but not seamlessly and not without consequence.

Numerous State and local economies have had to deal with the immense costs associated with the invasion of plants and animals that hitch a ride into our country through dumped ballast water. Coastal States are spending millions each year to control invading species, and each year, more and more invaders threaten to become established in our waters.

For these reasons, I support the provisions that call for the adoption of stringent national standards for ballast water treatment technologies. These advances would help to prevent the introduction and spread of these invaders and ensure the efficient flow of critical commodities through waterborne transportation. But, unfortunately, tucked within the appealing treatment technology provisions of this added title lies a poison pill that this House would be foolish to swallow.

All this year, this Congress has been advocating an enhanced role for the States in protecting their economies and environment. The mantra has been: Back off the States. Remove the heavy hand of the Federal Government and allow the States the space to oversee their own programs. But now, tucked into the folds of this bill is a complete about-face. Rather than respecting State powers and allowing them the freedom to, in limited circumstances, set higher standards to protect their own waters and their own residents, this bill imposes a down-from-on-high, one-size-fits-all approach.

I find it ironic that, on an issue on which the States have taken a leading role in the absence of Federal action, this legislation would prohibit States from having any role in protecting their local resources. So I say to my colleagues that we have a choice to support the benefits provided by this bill without also swallowing the bitter anti-States' rights pill.

An amendment offered by my colleague from New York (Mr. BISHOP) would protect the States. The Bishop amendment represents a surgical fix that enables the States to nominate ''no discharge zones'' to protect important State waters.

Contrary to some claims, the amendment would not allow a State to shut down vital shipping zones or exempt all its waters from ballast discharges. The amendment specifically addresses these concerns, preventing a State

from taking such action. It provides for limited exemptions just like those available to the States in section 312 of the Clean Water Act for sanitary discharges—an exemption, I would point out, that has been used only 26 times. The Bishop amendment would restore the historic balance between the States and the Federal Government intended by the Clean Water Act.

If the Members of this body believe that States' rights must be protected from Federal overreach, this bill begs the question: Are you with the States or against the States?

I support the amendment offered by the gentleman from New York (Mr. BISHOP), and I urge its adoption as a critical fix to an otherwise worthy bill. I urge my colleagues to join me in voting to make that critical fix and to pass this legislation.

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

I would just like to take a moment and reiterate our thanks to the men and women of the Coast Guard—unsung heroes who are underrecognized and underappreciated, who put their lives on the line every day. They're a critical component of our armed services. They conduct critical missions to interdict illegal drugs. They provide fishery law enforcement as well as the Homeland Security component. We want to make sure that we recognize and appreciate their efforts on an everyday basis.

I would also like to, once again, thank Mr. LARSEN for his cooperation overall on the committee and especially with this legislation.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the ranking member for yielding. I also thank both the ranking member and the chairman for their work on this important bill.

I have some concerns about the bill, but I'm going to focus my remarks on title VII, which deals with commercial vessel discharge reform and deals, more specifically, with ballast water discharge and the concern about nonindigenous invasive species. These nonindigenous species cost taxpayers and businesses hundreds of millions of dollars every year.

In the Great Lakes alone, approximately $500 million is spent every year in dealing with invasive species that clog municipal water systems and that damage infrastructure, such as electric power plants, levees, and aqueducts. In California, over $7 million was spent to eradicate the Mediterranean green seaweed from two small embayments in southern California, and $12 million had to be spent in San Francisco Bay to control the Atlantic cordgrass. Most of these invasive species arrive in our waters via the ballast water of commercial vehicles.

Unfortunately, in my view—and, I believe, in the view of a great many of my colleagues—the bill before us does not do enough to protect our communities and businesses from the avoidable costs of dealing with invasive species.

This week the State of California sent Members of Congress a letter saying that title VII of the underlying bill ''will set a Federal ballast water discharge standard that does not provide a significant improvement over existing management strategies and would eliminate the ability of States to regulate vessel discharges in their own waters.'' I would like to enter into the RECORD the letter from the California State Lands Commission to which I am referring.

In my home State of New York we've been working with Michigan and other States to develop standards that are achievable with the technology that is available today but that would still protect sensitive State waters more than would today's underlying bill. Unfortunately, this bill does not incorporate these science-based suggestions nor the jurisdictional concerns of the States.

I also want to enter into the RECORD, Mr. Chairman, a letter from the Environmental Council of the States which urges that the States be able to maintain a role in making determinations with respect to their water quality.

While I think that most parties—and I'm one of them—agree that a uniform national standard is necessary to protect our water resources, one of my largest concerns is that this bill completely erases any role for States to protect waters within their jurisdictions. So, as the gentleman from West Virginia said, I will be offering an amendment later today that will allow States to petition the Federal Government under a set of criteria that protects international and domestic commerce to identify and protect highly sensitive water resources within a State's existing jurisdiction.

My amendment does not add or change any technological requirements in the bill. This is an issue of extreme importance for the industry, understandably so, and for that reason my amendment simply does not affect in any way the technological requirements. It also does not give States carte blanche to prevent ships from releasing ballast water, which is another important issue for the industry. There is ample precedent for the amendment that I am offering and for the policy that my amendment would embody.

In 1996 the then-Republican-controlled Congress amended the Clean Water Act, requiring the Department of Defense to work with the Environmental Protection Agency to regulate ballast water from military vessels through the Uniform National Discharge Standards program. Through this program, the Republican Congress acknowledged a deep respect for the rights of States, including a residual authority for States to establish ''no discharge zones,'' which is similar to what my amendment would establish.

Another precedent is that section 312 of the Clean Water Act, which is the closest analogy to ballast water discharges from commercial vessels, establishes uniform standards for discharges of marine sanitation devices. Section 312 specifically reserves a role for States to create ''no discharge zones'' for important State waters, provided that these zones will not adversely impact vessels from operating within the States. In the past, ballast water legislation has included a role for the States, and industry was on board with those provisions.

□ 1150

There's an irony to what we're doing here today, and that is, during this Congress, much of the debate has centered on how States should be allowed to take the lead on managing different programs within their jurisdiction, be they educational programs or environmental protection programs or eliminating regulations and so on; and yet, in this instance, we are saying the exact opposite. We are saying that the Federal Government knows best how to protect local waters, and States are not given any say in protecting their waters.

Just a few months ago, this Congress passed H.R. 2018, the Cooperative Federalism Act of 2011, which eliminates any Federal role in setting baseline water quality standards, giving full discretion for the setting of those standards to the States. Title VII of today's bill says that States should have no say in what happens in their waters whatsoever, the exact opposite of what this Congress passed with pretty broad support several months ago.

We also have heard a great deal from our friends in the Tea Party about the 10th Amendment and how rights need to be reserved to the States under that amendment. Well, I would contend that the ability to protect waters of the State and to set standards for waters of the State would fall within at least the spirit of the 10th Amendment, and I would hope that my colleagues would agree with that.

So I just want to say that I believe my amendment, as the gentleman from West Virginia referred to it, is a surgical attempt to fix what I believe is a significant problem for States.

The gentleman from New Jersey (Mr. LOBIONDO) and I worked very hard to try to come up with a sweet spot where we could agree. We were unable to get there. It was not for a lack of trying. I am very grateful to the gentleman from New Jersey for his willingness to work with me on this; but later we will be offering this amendment, and I hope my colleagues will support it.

CALIFORNIA STATE
LANDS COMMISSION,
Sacramento, CA, November 2, 2011.

Rep. JOHN MICA,
Chairman, House Committee on Transportation and Infrastructure, Washington, DC.
Rep. NICK RAHALL,
Ranking Member, House Committee on Transportation and Infrastructure, Washington, DC.
Rep. DAVID DREIER,
Chairman, House Committee on Rules, Washington, DC.
Rep. LOUISE SLAUGHTER,
Ranking Member, House Committee on Rules, Washington, DC.

DEAR REPRESENTATIVES: The staff of the California State Lands Commission (Commission) is writing to express our concern with bill H.R. 2840, the Commercial Vessel Discharges Reform Act of 2011. We have recently learned that this bill may be considered as an amendment to the U.S. Coast Guard Reauthorization bill. Staff has strong concerns that provisions of the H.R. 2840 would cripple California's ongoing efforts to prevent the release of nonindigenous species to state waters, and urge that members consider these concerns before addressing this bill.

In addition to the ecological and human health impacts that nonindigenous species have had, they can also represent a significant and ongoing economic burden once established in a new region. For example, the European zebra mussel attaches to hard surfaces so thickly in the Great Lakes and Lake Mead (AZ), that they clog municipal water systems and electric generating plants, costing over a billion dollars a year to control. In 2008, the mussel arrived in California. Should it spread to areas such as Lake Tahoe or the California Aqueduct, the resultant economic impact could be significant. Between 2000 and 2006, over $7 million was spent to eradicate the Mediterranean green seaweed from two small embayments in southern California. At the end of 2010, over $12 million had been spent in San Francisco Bay to control the Atlantic cordgrass. If left uncontrolled, the buildup of cordgrass can have a substantial impact on shoreline land values.

Since 1999, when California passed the Ballast Water for Control of Nonindigenous Species Act (Chapter 849, Statutes of 1999; Public Resources Code §§ 71200, et seq.), it has been and remains a national and world leader in the development of effective science-based management strategies for preventing species introductions through vessel vectors. The Commission's Marine Invasive Species Program (MISP) pursues aggressive strategies to limit the introduction and spread of nonindigenous species (NIS) via vessels, including establishing strict performance standards for the discharge of ballast water in 2007.

The Commission's staff works cooperatively with the U.S. Environmental Protection Agency (EPA), the United States Coast Guard (USCG), and other states in order to advance a strong, enforceable, funded, national effort that pushes technology development and the science of invasive species management forward, while ensuring that the state's existing, world-leading program be allowed to continue. Additionally, Commission staff has long worked closely with scientific, government, nonprofit and shipping industry representatives through technical advisory groups during the development of its requirements. This is to ensure a well-rounded, diverse array of perspectives are taken into account during the evolution of initiatives to prevent species introductions to the state.

We appreciate the House's attention to the challenge of NIS introductions in U.S. waters as a result of vessel discharges, but as drafted, H.R. 2840 will set a federal ballast water discharge standard that does not provide a significant improvement over existing management strategies and would eliminate the ability of states to regulate vessel discharges in their own waters.

Staff specifically object to the provisions in the bill that:

Would set the International Maritime Organization (IMO) ballast discharge standard as the U.S. federal standard.

There is clear scientific evidence that the IMO ballast water discharge standard is not a significant improvement over ballast water exchange (the current management practice). Studies have shown that some vessels could meet the IMO standards by simply conducting ballast water exchange, and some could meet it without conducting exchange at all. Therefore, adoption of the IMO standard does little to advance the protection of U.S. waters from NIS introductions.

Preempts states from adopting ballast water discharge standards, including standards that are more stringent than those established in H.R. 2840.

A central tenant of the Clean Water Act is that States have the ability to set water quality standards above and beyond those set by the Federal government in order to ensure proper environmental protection of state waters. H.R. 2840, as currently drafted, removes ballast water discharges from Clean Water Act jurisdiction and will cripple state efforts to prevent species introductions from vessel discharges. San Francisco Bay is the most highly invaded estuary in North America, and perhaps the world, and invasive species cost the state millions of dollars each year to control. In addition, recent research shows that California serves as a first entry point ''hotspot'' of invasion on the west coast, and NIS subsequently spread north to Oregon up to Alaska. Thus, California must retain the ability to implement stringent, protective ballast water discharge standards in order to protect its own waters as well as the waters of the rest of the western North America.

Preempts states from adopting any standards or management practices related to any discharge incidental to the normal operation of commercial vessels.

H.R. 2840 not only preempts states from developing ballast water discharge standards, but also preempts states' ability to address any of the 26 discharges included in the Vessel General Permit. The California State Lands Commission is a world leader in the development of strategies to combat species introductions due to vessel biofouling (i.e. the attachment or association of organisms to the underwater surfaces of vessels). There are currently no federal programs in place to manage this important vector of species introductions. Should H.R. 2840 pass as currently drafted, California would be hobbled in its efforts to prevent biofouling introductions within its waters.

Due to the aforementioned Commission staff concerns, please oppose the legislation in its present form. Thank you for consideration of these comments. If you have any questions, please do not hesitate to contact me at (916) 574–1800.

Sincerely,

CURTIS L. FOSSUM,
Executive Officer.

THE ENVIRONMENTAL COUNCIL
OF THE STATES,
Washington, DC, November 2, 2011.

Hon. FRANK LOBIONDO,
Chairman, Subcommittee on Coast Guard and Maritime Transportation, Washington, DC.
Hon. RICK LARSEN,
Ranking Member, Subcommittee on Coast Guard and Maritime Transportation, Washington, DC.
Hon. BOB GIBBS,
Chairman, Subcommittee on Water Resources and Environment, Washington, DC.
Hon. TIM BISHOP,
Ranking Member, Subcommittee on Water Resources and Environment, Washington, DC.

DEAR CONGRESSMEN: I am writing on behalf of the members of the Environmental Council of the States, the state and territorial environmental agencies, about H.R. 2840, and an amendment to it offered by Congressman Bishop.

Our understanding is that the bill seeks to address the regulation of ship ballast waters in order to suppress the spread of exotic species, and that it pre-empts any state regulatory approaches.

With respect to the direction of the bill, ECOS could agree that:

(1) national standards can help to achieve a level playing field for compliance;

(2) the states have a diversity of experience and varying desire for federal regulation in this area;

(3) the states have a role in developing additional requirements based on state-specific conditions, and as a backstop to federal standards that are not yet proven.

ECOS has long held that ''expansion of environmental authority to the states is to be supported, while preemption of state authority is to be opposed.'' The bill as drafted preempts state authority not only for ballast discharges, but also for many other types of vessel discharges. ECOS also ''affirms its support for the concept of flexibility, i.e., that the function of the federal environmental agency is, working with states, to set goals for environmental accomplishment and that, to the maximum extent possible, the means of achieving those goals should be left to the states; this is particularly important in the development of new programs which will impact both states and U.S. EPA.'' [See our resolution entitled Environmental Federalism at www.ecos.org.]

We also encourage Congress to ensure that the United States Coast Guard and the United States Environmental Protection Agency have the resources they need to enforce the act, should it become law.

It seems to us that the amendment offered by Congressman Bishop addresses some of our concerns, and that the bill would be improved by its inclusion, although several of our other concerns would remain.

Regards,

R. STEVEN BROWN.

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the gentleman from New York for dialoguing and for articulating his point. We have tried very hard to reach an accommodation. We are going to continue to try to reach an accommodation, and I guess this is what this process is all about. We have a difference of opinion about the impact of the gentleman from New York's amendment and a couple of these other amendments. We are looking to try to find a way to make sure we have uniform standards, and I pledge we will continue to work to try to do that.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I first would like to inquire how much time is remaining.

The CHAIR. The gentleman from Washington has 14½ minutes remaining.

Mr. LARSEN of Washington. Thank you, Mr. Chairman.

I would like to yield 2 minutes to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. I too am very concerned about the serious threat that the invasive species pose to non-native waters.

As the ranking member of the Natural Resources Water and Power Subcommittee, we have held various hearings on the effects of the invasive quagga mussel, the zebra and quagga mussel in western waterways. I have even traveled to Colorado in order to understand how they are looking at the R&D to be able to see how we can eradicate this invasive species.

It was introduced into the West from the ballast water of vessels coming in from the Great Lakes. This mussel is a dime-sized mussel that clogs water infrastructure. The glue is so potent that nothing can take it off. It's in the pumps. It's in the intake valves and the pipelines, costing water agencies hundreds of thousands—if not millions—of dollars to clean out to allow for the water flow.

The Metropolitan Water District of southern California spent $25 million on fighting quagga mussels since 2007. The Bureau of Reclamation is having a major problem with the mussels, as they are causing funds to be spent to scrape them off those major pipelines instead of on projects needing those funds.

I have seen firsthand the damage the quagga has done to the dams and the water supply plants in southern California. This invasive species will continue to have a devastating impact on the water supply of the West, and we must address the fact that discharges of ballast water carrying invasive species can cause irreversible harm to our Nation's waters, as is already the case in some areas.

We must allow our State regulatory agencies the ability to protect against invasive species, and I will continue to oppose the bill if it includes provisions that hinder the States from protecting their water quality. I hope the chairman and the ranking member can come to some agreement that will help our States.

Mr. LOBIONDO. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. I am honored to represent a district in the St. Louis, Missouri, region near the confluence of the mighty Mississippi and the Missouri Rivers, an area where inland waterway commerce is vital to our economic well-being as well as to recreation, security, and safety.

In a normal year on the inland waterway system, between 500 and 700 million tons of bulk commodities with a current approximate value of nearly $125 billion are moved an average of roughly 500 miles to produce in excess of 300 billion ton-miles of freight transportation. When given a choice, heavy bulk shippers often choose barge transportation on our waterways. It is estimated that barge shippers and their customers save more than $7 billion annually by utilizing inland waterways.

As lawmakers, especially during these difficult economic times, we must do everything in our power to facilitate trade and economic activity. That's why this Coast Guard and Maritime Transportation Reauthorization Act is so critical to get it right. But we also see in this bill, as prior speakers have mentioned, the patchwork of ballast water regulations that have hampered our inland waterways trade and imposed unnecessary cost on business.

I applaud the effort to create a national minimum standard to protect our environment while creating certainty and stability for the industry. But I do support Representative BISHOP's amendment that strikes the right balance. It allows States' rights and unique interests to be protected within no-discharge zones.

I hope that eventually we can work out a compromise. I applaud the efforts of both sides in trying to reach that, and I hope that effort will continue. I hope this bill can find broad support that addresses the needs of the goods movement industry while still protecting our environment. I think we can and need to do both.

I look forward to working with my colleagues on both sides of the aisle on this important work and again urge my colleagues to hit the right balance to be sure we are taking care of the men and women that serve us in the Coast Guard, to be sure they can continue to serve us and the entire country.

Mr. LOBIONDO. I continue to reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. I rise today in support of my amendment to the Coast Guard and Maritime Transportation Act of 2011 on which we are working together to consider as part of the en bloc amendments. This important and timely amendment calls on the Committee on the Marine Transportation System to coordinate with local businesses to promote an efficient marine transportation system.

As many of us know, the marine transportation system is essential to the American economy. It supports millions of American jobs, facilitates trade, moves people and goods, and provides a safe, secure, cost-effective, and energy-efficient transportation system. It's a win-win-win.

Yet, if there are not adequate maintenance resources in place, our MTS will continue to age, and the result will be a worn and decrepit waterfront, badly neglected locks and dams, and harbors with inadequate drafts to accept foreign, deep-draft tonnage.

Our local businesses are on the front lines of commerce every day, and they know where the savings and efficiencies are that could be improved. We must work with our local businesses who know business best. If government is going to be involved in improving the business environment, it only makes sense that government talks to the businesses that we're trying to help.

In my coastal district of North Carolina, marine transportation and commerce is the lifeblood of the Cape Fear region. In understanding the importance of marine transportation and waterway infrastructure, I sought the input of local business leaders to develop the Seventh Congressional District Coastal Compact to outline key priorities for our area's coastal infrastructure, maritime commerce, and a way in which we can get the public and private sector and government agencies to work together.

So this amendment that I have put forth builds on a proven model used to develop our Coastal Compact and one in which we believe that business leaders across this country would like to have a say and involvement and firsthand knowledge to be involved with our marine transportation system.

□ 1200

This is an example for us in Congress, an example that we must follow to improve not only our marine transportation system, but also to create jobs and to sustain an environment in which American business can flourish. Therefore, I urge my colleagues to support this amendment so we can bridge a better partnership with our local businesses to improve the maritime transportation system and put our Nation back on a path of economic vitality.

Mr. LOBIONDO. Mr. Chairman, I am pleased to yield 2 minutes to the gentlelady from Florida (Ms. ROS-LEHTINEN), whom we affectionately refer to as Dr. Illie.

Ms. ROS-LEHTINEN. I thank my good friend from New Jersey for the time.

I rise in strong support of this Coast Guard reauthorization bill that is being considered on the floor today. I have the unique pleasure of representing over 265 miles of pristine coastline, ranging from Miami Beach all of the way down to Key West. In fact, two of the largest Coast Guard sectors in the United States, Sector Miami, commanded by Captain Christopher Scraba, and Sector Key West commanded by Captain Pat DeQuattro, are located in my congressional district. As such, ensuring that the brave men and women of the Coast Guard have the tools they need to effectively patrol our coast is of utmost concern

to me and to all of the residents in my congressional district.

This legislation before us is a fiscally responsible reauthorization of the U.S. Coast Guard and will include practical reforms which will ensure greater efficiency in the replacing of aging assets and improved utilization of all of its resources.

This is particularly important in my district as our two sectors have been working day and night to stop drugs from being smuggled into our country. These drug smugglers are becoming more sophisticated and more brazen in their efforts to bring illicit drugs to our shores. Just last month alone, the U.S. Coast Guard seized and then unloaded over 2,300 pounds of marijuana and nearly 900 pounds of cocaine in Sector Key West. Without providing upgrades to our aging assets, it will become more and more difficult to keep pace with these drug smugglers as their technology attempts to surpass ours.

That is why I rise in strong support of this Coast Guard reauthorization bill, and I thank Dr. FRANK for giving me the time.

Mr. LARSEN of Washington. Mr. Chairman, I would like to yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding, and I want to thank the chairman and our ranking member for the great work that they have done not only this time but over the years.

As a member of the subcommittee, I have had an opportunity to—and earlier in previous sessions as chairman of the subcommittee—I've had an opportunity to visit many Coast Guard facilities. I am so amazed by what I see when I see so many young people who give their lives, their blood, sweat and tears to save other people and to make sure that our waterways are kept safe, and to make sure that our coasts are guarded. I call them the thin blue line at sea.

I do support this legislation because I think it is very important. There are some concerns I have, but I do want to commend the chairman. I understand that we have a manager's amendment that adds a modified version of H.R. 2839, the Piracy Suppression Act, as a title to this bill, and I think that is very, very important. The piracy provisions include those that require the Department of Transportation to establish a training program for U.S. mariners on the use of force against pirates and require a report from DOD within 180 days on actions taken to protect foreign-flag vessels from acts of piracy on the high seas. I will definitely support that because I think it is very, very important.

We've seen, and I know the chairman has spent a lot of time on this, what has happened with regard to these pirates. They feel they can just board our ships and hold our folks hostage, and we cannot allow that to happen. I want to applaud the chairman and the ranking member for bringing that about.

I'm going to have an amendment a little bit later on which addresses an issue which is important to me, and that is the ombudsman. I've said many times that we put this in the last authorization because a lot of the folks at the ports and a lot of our mariners were complaining. They were saying that the Coast Guard would come and want to make changes and say their way or the highway. One of the things that we wanted to do so commerce could freely flow, we wanted to have somebody come along and actually sit down and reason so that things could be worked out in a way that would be less onerous to the mariner community.

The CHAIR. The time of the gentleman has expired.

Mr. LARSEN of Washington. I yield the gentleman 1 additional minute.

Mr. CUMMINGS. I'm hoping that amendment does pass because our Republican friends have constantly said that they want to do away with regulations that might impede the flow of commerce, and I think that my amendment is a step in that direction. I know that the Coast Guard may not like it, but I think an ombudsman would bring about a fair balance so that we can achieve the things that we need to achieve.

With that, again I applaud the chairman and the ranking member for bringing this bill forward.

Mr. LOBIONDO. I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield myself such time as I may consume.

We have no more speakers on the general debate, so I will take a few minutes here to conclude on our side for general debate, and I appreciate the opportunity to close on general debate.

The points that were made earlier, I do want to reemphasize a few points. One is a concern we have about the decommissioning process and the decommissioning of the two icebreakers that are in the U.S. Coast Guard fleet. The administration has a statement of administration policy, which you've allowed to be entered into the RECORD. I think a follow-up to that point would be that we certainly would want to hear from the administration sooner rather than later about a plan for what some would call an organic capability of our icebreaker fleet. That is a U.S. Coast Guard-owned and -operated icebreaker fleet, rather than being left with the potential and real possibility of having to lease icebreakers from other countries to do the work that otherwise we would be doing. That continues to be a major concern.

We have heard, as well, concerns about the ballast water title and are expecting amendments and further debate on that as the afternoon progresses.

Certainly we are going to have an en bloc amendment, and we will have time to discuss those. I just want to underscore one of those from Mr. MCINTYRE and the role that the marine transportation system plays, or the MTS as we call it, which consists of waterways and ports and intermodal land-side connections that allow our various modes of transportation to move people and goods to and from and on the water.

The MTS is vitally important to our economy. It's vitally important to waterborne cargo and the associated activities which contribute more than $649 billion annually to the U.S. gross domestic product, sustaining more than 13 million jobs. Section 401 of this underlying bill would codify the committee on the marine transportation system, a Federal interdepartmental committee chaired by the Secretary of Transportation.

And I think it is just important to underscore further about this MTS, the marine transportation system, and the role that the Coast Guard plays in maintaining that. It can be somewhat invisible to folks if they're not on the water a lot, but the role that the U.S. Coast Guard plays in maintaining that marine transportation system that therefore underlies the economic growth potential that we have from a well-balanced and well-developed marine transportation system is important and is one of the underlying reasons why we even have a Coast Guard authorization bill each year to support the great work of the U.S. Coast Guard.

□ 1210

I would encourage Members to take a hard look at this bill. We've got some amendments coming up that Members will bring up, and we'll have good debate on those. But certainly as far as general debate goes, I'd like to take this time now to yield back the balance of my time and urge people to support the underlying bill.

Mr. LOBIONDO. Mr. Chairman, I would, again, like to thank the gentleman from Washington for his cooperation and remind the Members I think this is, on balance, an excellent bipartisan effort that moves the Coast Guard forward.

I yield back the balance of my time.

Ms. RICHARDSON. Mr. Chair, I rise today in support of H.R. 2838, the Coast Guard and Marine Transportation Act.

However, while I support the underlying legislation, I have serious concerns that this bipartisan-supported bill is combined with the Commercial Vessel Discharges Act.

The Commercial Vessel Discharges Act sets a single nationwide standard for the treatment of ballast water by commercial vessels. This would prevent states, such as California from enacting more stringent ballast water standards.

California has stronger ballast water standards than what is found in the Commercial Vessel Discharges Act. This legislation will cause more invasive species to infiltrate the waters in California and the Great Lakes. This will also increase costs associated with combating invasive species.

Mr. Chair, the Coast Guard and Marine Transportation Act would have been further improved had the Rules Committee made my three amendments in order. Let me briefly explain what my amendments would have done.

My first amendment would have simply allowed grants provided under the Port Security Grant Program to be used to pay a portion of personnel costs.

The Maritime Transportation Security Act and the SAFE Port Act authorize funds to identify vulnerabilities in port security and in order to ensure compliance with mandated port security plans.

The grant funding is provided to port authorities, facility operators, and state and local government agencies so they can provide security services to our ports.

However, currently Port Security Grant Program funds cannot be used to fund statutorily-mandated security personnel costs.

My amendment simply would have corrected this inconsistency between the Port Security Grant Program and other grant funding programs.

Our American ports should not have to bear the burden of protecting our most vital stream of commerce and source of American jobs on their own.

Instead, ports should be allowed to utilize Port Security Grant Program funds to hire and pay security personnel who are used to staff fusion center, emergency operations, and counterterrorism posts.

Also, in order to prevent waste, fraud, and abuse, my amendment would have placed a cap on the amount of Port Security Grant Program funding that can be used to pay security personnel costs.

Payments would have been limited to 50% of the total amount awarded to grant recipients in any fiscal year.

This is consistent with other grant programs, such as the Urban Area Security Initiative.

Last month, I had a similar amendment adopted by unanimous consent by the Homeland Security Committee during the markup of the Department of Homeland Security Authorization Act for Fiscal Year 2012.

My amendment would have allowed grant recipients the flexibility to use a portion of their funds to pay for security personnel expenses.

In short, my amendment would have provided a simple, common-sense change to what has become a complex funding issue for our American ports.

My second amendment would simply have allowed grant funds under the Port Security Grant Program to be used to replace defective security equipment.

Currently, the Port Security Grant Program allows grant funds to be used for maintenance of security equipment, but not the replacement of security equipment.

My amendment would have given grant recipients the flexibility in determining whether it is more cost-effective to replace or repair security equipment.

It doesn't make any sense to require grant recipients to fix security equipment when it may be cheaper to replace it with newer, improved technology.

My amendment didn't increase spending, but would have given Port Security Grant Program recipients the flexibility in determining the best use of their funds.

My third amendment would have ensured that when the Marine Transportation System Assessment and Strategy was drafted it included a plan to identify maritime projects of national significance; the steps taken to implement 100 percent container screening at ports, which was recommended by the 9/11 Commission; and develop a plan for fully utilizing the Harbor Maintenance Trust Fund.

The Committee on the Marine Transportation System is tasked with assessing the adequacy of the marine transportation system including ports, waterways, channels, and their intermodal connections.

Part of this Committee's job is to draft the Marine Transportation System Assessment and Strategy one year after this bill's enactment. This assessment will evaluate the condition of the marine transportation system and the challenges the system faces.

My amendment would have asked the committee to take into consideration three things when drafting its assessment.

First, to identify maritime projects of national significance. I believe identifying these corridors are essential to the goods movement process in this country. Too often we fund projects because of political reasons and not because it is right for the country. Under the advisement of the Marine Transportation System National Advisory Council, interested parties, the public, and the Committee should put forth a list of maritime projects of national significance so that the country can make smart investments that increase the flow of goods, the flow of trade, and create jobs.

Second, to report what steps are being taken to keep our nation safe by ensuring that our ports are secure and not a weak point for terrorists to exploit. Millions of containers are shipped into our country every year and the smallest percentage are thoroughly checked for potential threats against the United States. My amendment would have simply asked the committee to report what is being done to secure our ports as recommended by the 9/11 commission.

Finally my amendment asked the committee to make recommendations that would make the delivery of the Harbor Maintenance Trust Fund more efficient to the users who pay into it. Recently in a T&I subcommittee, members of the port committee expressed their displeasure with the lack of return on the Harbor Maintenance Tax. There are too many projects essential to our nation's goods movement infrastructure going under or unfunded by the Harbor Maintenance Trust Fund. I along with the entire witness panel agreed it is time for reform.

Rest assured, I will continue to be an advocate for our ports, including the Port of Long Beach and the Port of Los Angeles. As a Member of both the Transportation and Infrastructure Committee and the Homeland Security Committee, ensuring the safety of our nation's ports is one of my top priorities.

Again, Mr. Chair while I support the Coast Guard and Marine Transportation Act, I do not support prohibiting states, like California from enacting more stringent ballast water protections. I also feel that had my amendments been made in order, the safety of our ports would have been improved.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in support of this bill and urge my colleagues to join me in supporting it.

The 29th District of Texas that I represent encompasses the Port of Houston—the largest foreign tonnage port in the country. It drives economic activity in region, and is home to one of the largest petro-chemical complexes in the world. Because of this, security on the waterway is critical, and the Coast Guard has been exceptional in providing that security.

The Coast Guard enforces the nation's laws in U.S. waters and on the high seas, and protects the lives and property of those at sea. The Coast Guard's missions include maritime search and rescue, illegal drug and migrant interdiction, oil spill prevention and response in the marine environment, marine safety, maintenance of aids to navigation, enforcement of U.S. fisheries, and other marine environmental laws, and maritime defense readiness.

I know this bill is not perfect, but I support it because it provides the Coast Guard with the resources they need to meet the security and environmental demands they are tasked with. The measure authorizes programs of the Coast Guard in FY 2012.

Passage of the bill will continue today's high levels of offshore safety, ensure important projects are not delayed, and will protect the lives and livelihood of those who live and work around American waterways, such as the Houston Ship Channel.

Mr. Chair, I again thank the Committee for their work on this bill and urge my colleagues to join me in supporting it.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise today to support H.R. 2838, "Coast Guard and Maritime Transportation Act of 2011." This legislation authorizes funding for the Coast Guard through fiscal year 2014, and authorizes service strength of 47,000 active duty personnel.

In 1787, Alexander Hamilton, in Federalist Paper Number 12 laid the foundation for the modern Coast Guard when he noted that "[a] few armed vessels, judiciously stationed at the entrances of our ports, might at a small expense, be made useful sentinels of our laws."

As a senior Member on the Committee on Homeland Security, and the Border and Maritime Security Subcommittee, I understand the importance of protecting our maritime borders. In our post-9/11 climate, homeland security continues to be a top priority for our nation.

I believe protecting our country by air, land, and sea to be critical to our national security interests. The security mission of the Coast Guard is beneficial to our maritime interests, and consequently, our national security.

In the aftermath of September 11, 2001, the role of many agencies, including the Coast Guard, began to focus on Homeland Security. The Homeland Security Act of 2002 allocated a number of security missions to the Coast Guard, the first being the protection of ports, waterways and coastal security. There are more than 350 major ports in the United States, including 23 in Texas, where I represent the 18th Congressional District. The Port of Houston is one of the busiest in the nation. More than 220 million tons of cargo moved through the Port of Houston in 2010, and the port ranked first in foreign waterborne tonnage for the 15th consecutive year. The port links Houston with over 1,000 ports in 203 countries, and provides 785,000 jobs throughout the state of Texas. Maritime ports are centers of trade, commerce, and travel along our nation's coastline, protected by the Coast Guard.

As a Representative from Texas, a border state, I am extremely concerned with curtailing

the flow of illegal drugs into the United States. The Coast Guard is the lead federal agency for maritime drug interdiction. Houston is classified by the Office of National Drug Control Policy (ONDCP) as a High Intensity Drug Trafficking Area, and in a 2009 report, the ONDCP expressed concern that ''the sheer volume of maritime traffic and foreign cargo that passes through the port offers another avenue for drug smuggling.'' The Coast Guard coordinates closely with other federal, state, and local agencies and countries within the region to disrupt and deter the flow of illegal drugs into Houston and other ports, decreasing the supply of illicit substances being transported all over the country.

The Coast Guard protects the interests of American citizens and American commerce abroad. Last year, 73.2 million tons of exports left the Port of Houston to be sold to countries around the world. These exports represented $70.8 billion dollars, and countless American jobs. The international counter-piracy efforts of the Coast Guard focus on preventing attacks of piracy that threaten American commercial vessels and cargo. The Coast Guard also performs vital counter-terrorism measures in ports abroad to ensure the safety of Americans across the globe.

In Houston, the Coast Guard routinely conducts integrated operations with the city, county, state and Federal Law Enforcement partners. The joint agency Houston Area Maritime Operations Center is a prime example of the type of coordination directed in the Maritime Operations Coordination Plan recently signed by the U.S. Coast Guard, U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE).

The Port of Houston is one of the world's busiest ports and the Coast Guard bears the ultimate responsibility for its smooth operation. In terms of maritime traffic and cargo, the Port of Houston ranks first in the United States for number of ship arrivals and second in total cargo tonnage. Houston handles over 50 percent of all containerized cargo arriving at Gulf of Mexico ports.

Additionally, more than 50 percent of the gasoline used in the United States is refined in this area. With more than 100 petrochemical waterfront facilities, Houston is the second largest such complex in the world. Major corporations such as ExxonMobil, Shell, Saudi ARAMCO, Stolt Nielson, Odfjell USA Inc., Sea River and Kirby Marine have national or international headquarters in Houston.

These operations typically involve the Harris County Sheriffs Office and local city Police Department marine divisions as well as CBP, ICE, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives and other Federal partners. Efforts are underway with The Coast Guards processes with neighboring sectors to align and streamline their operations across all jurisdictional boundaries. They need funding to continue to serve our country.

The Coast Guard relies on their port partners to act as both their eyes and ears on the water. With an average of 350 daily tow movements in the Houston Ship Channel and more than 100 waterfront facilities with a vigilant security presence, marine industry stakeholders are well positioned to recognize when things are out of the ordinary and serve as a valuable resource by diligently reporting breaches of security and suspicious activity. We also receive reports on fraudulent use of the Transportation Worker Identification Card, and work closely with our local enforcement and legal agencies such as the Harris County District Attorney to ensure these cases are prosecuted.

In recognition of the significance of Houston's shipping activity, the State of Texas formally established the Houston Ship Channel Security District (HSCSD) in 2010. The HSCSD represents a unique public-private partnership formed to improve security and safety for facilities, employees and communities surrounding the Houston Ship Channel. The Coast Guard played an instrumental role in the formation of the HSCSD, and continues to work closely with the HSCSD to ensure alignment of priorities and unity of effort. As Sector Commander, I am a member of the HSCSD Advisory Council and Sector Port Security specialists attend HSCSD board meetings. The district provides oversight of comprehensive and cost-effective security solutions, leveraging more than $30 million in Federal Port Security grants along with $4 million in annual member assessments to install technology and security infrastructure and provide funds for specific security projects, maintenance and operational services.

The Port of Houston accommodates a large number of tankers carrying crude oil, refined products and chemical cargoes. With approximately 9,600 deep draft ship arrivals each year, the Coast Guard maintains a very extensive Port State Control program in the Houston-Galveston area. The Port State Control program ensures the safe carriage of hazardous materials in bulk. Because over 90 percent of cargo bound for the United States is carried by foreign-flagged ships, this national program prevents operation of substandard foreign ships in U.S. waters.

The Sector also makes excellent use of its robust Vessel Traffic Service (VTS). The VTS's primary role is facilitating safe vessel transits in the waterways and ports along the Houston Ship Channel. The VTS cameras, Automatic Identification System (AIS) feeds, remote radar observation capability, and radio communications also provide an additional layer of security. In addition to the VTS resources in the Houston Ship Channel, Sector Houston-Galveston has access to feeds from three AIS receivers mounted on offshore oil platforms, which provide heightened awareness of activities in the maritime domain.

With a homeland security mission of this magnitude, it is essential that the Coast Guard be fully funded. This bill will authorize $8.49 billion in 2012, $8.6 billion in 2013, and $8.7 billion in 2014. It is certainly the duty of this Congress and the Administration to ensure the brave men and women who serve in the Coast Guard have the resources necessary to perform the wide range of duties assigned to them.

This measure contains a private-sector mandate as defined in Unfunded Mandate Reform Act (UMRA). The bill would require operators to locate a standby vessel within 3 nautical miles of offshore oil and gas facilities when certain activities are being performed and within 12 nautical miles of facilities at all other times. The cost of that mandate would depend on several factors. The bill would allow operators to share one standby vessel among multiple facilities and to use standby vessels for other purposes. For operators that can use those measures, the cost of the mandate would tend to be lower. At the same time, the bill would authorize the Coast Guard to require standby vessels to be located closer than 3 or 12 nautical miles to offshore facilities if necessary to address delays caused by weather or other conditions. Reducing the minimum distance from facilities would increase the number of vessels necessary for compliance and increase the cost of the mandate for some operators. The Congressional Budget Office estimates that the aggregate cost of the mandate would probably exceed the annual threshold established in UMRA for private-sector mandates ($142 million in 2011, adjusted annually for inflation).

However, I do have some reservations about some of the provisions in this legislation. At the request of President Obama's Administration, Congress has appropriated funding to reactivate the USGC *Polar Star*, a heavy icebreaking vessel. The ship is to be reactivated by December 2012 for 7 to 10 years of service. The *Polar Star* is deployed to assist researchers throughout the Polar Regions, and is essential to United States icebreaking capabilities. Ice breaking vessels create pathways through which supply ships can travel, facilitating important research. In its current form, the bill decommissions the *Polar Star* within 3 years, creating a gap in the nation's icebreaking abilities.

As a senior Member on the Homeland Security Committee, I have a deep commitment to creating a stronger and more secure America. I have worked with my colleagues, on both sides of the aisle, to pass legislation that ensures that our nation is receiving the security that our citizens deserve. As the potential threats and vulnerabilities along our coast line may always exist, we rely upon Coast Guard and their active involvement with hundreds of partners who are directly involved with or impacted by the maritime industry in the Houston-Galveston area of responsibility. This sector is committed to deterring incidents before they happen and is well-prepared to respond to them should they occur. The Coast Guard is vital to the protection of our national security.

Both sides of the aisle have a strong respect for the Coast Guard as well as for the men and women who work on manned stations off of our shores. I understand that Representative MICA has agreed to honor the purpose of an amendment offered by Representative OLSON that would have required the Commandant of the Coast Guard, in consultation with appropriate representatives of industry, to conduct a feasibility study to determine the capability, cost, and benefits of requiring the owner or operator of a manned facility, installation, unit, or vessel to locate a standby vessel nearby. I would have supported this amendment because although a properly designed and equipped standby vessel in the immediate vicinity of manned outer continental shelf facilities may, in some cases, improve safety on the outer continental shelf.

In the event of a major casualty to an offshore installation, the immediate presence of a properly designed and equipped standby vessel, manned by a specially trained crew, might in some cases increase the chances of survival of the installation's crew members. We must not, however, forget the fact that historically the main cause of rig and platform abandonment has been due to severe weather. Unless these standby vessels are designed to

withstand those severe conditions, requiring them to remain on scene could place the vessels and their crews in jeopardy. In addition, it is severely risky to board a standby vessel in severe weather conditions. For these reasons I would support a feasibility study to determine the effectiveness of using standby vessels for manned stations.

In addition, I support the amendment offered by Representative THOMPSON that would add a new section to the end of Title II in the bill to open admissions to the U.S. Coast Guard Academy to eligible candidates nominated by Congress.

Specifically, the amendment would require the U.S. Coast Guard to ensure that, beginning in academic year 2014, half of the incoming class is composed of eligible candidates nominated by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate; Senators; Representatives; and Delegates to the House of Representatives. This will help to ensure that the Coast Guard has an even more diverse pool of candidate from across the United States.

The Coast Guard has a proud legacy and their role in our national strategy is vital to keep our homeland secure. The safety and security of our nations and its citizens must be our highest priority, despite difficult economic circumstances. We need to make sure the Coast Guard is fully funded, and have the resources they need.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated October 28, 2011. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2838

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Coast Guard and Maritime Transportation Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD AND SERVICEMEMBER PARITY

Sec. 201. Academy emoluments.
Sec. 202. Policy on sexual harassment and sexual violence.
Sec. 203. Appointments of permanent commissioned officers.
Sec. 204. Minor construction.
Sec. 205. Treatment of reports of aircraft accident investigations.
Sec. 206. Acquisition workforce expedited hiring authority.
Sec. 207. Coast Guard housing report.
Sec. 208. Advance procurement funding.

TITLE III—COAST GUARD REFORM

Sec. 301. Repeals.
Sec. 302. Interference with Coast Guard transmissions.
Sec. 303. National security cutters.
Sec. 304. Major acquisitions report.
Sec. 305. Environmental compliance and restoration backlog.
Sec. 306. Coast Guard auxiliarist enrollment eligibility.
Sec. 307. Decommissionings.
Sec. 308. Assessment of needs for additional coast guard presence in high latitude regions.
Sec. 309. Limitation on expenditures.
Sec. 310. Restriction on the use of aircraft.

TITLE IV—SHIPPING AND NAVIGATION

Sec. 401. Committee on the Marine Transportation System.
Sec. 402. Report on determinations.
Sec. 403. Dockside examinations.
Sec. 404. Recourse for noncitizens.
Sec. 405. Maritime liens on fishing permits.
Sec. 406. Short sea transportation.
Sec. 407. Mission of the Maritime Administration.
Sec. 408. Limitation on liability for non-Federal vessel traffic service operators.

TITLE V—FEDERAL MARITIME COMMISSION

Sec. 501. Authorization of appropriations.

TITLE VI—MISCELLANEOUS

Sec. 601. Technical corrections.
Sec. 602. Report on Coast Guard merchant mariner medical evaluation program.
Sec. 603. Notice of arrival.
Sec. 604. Technical corrections to title 14.
Sec. 605. Distant water tuna fleet.
Sec. 606. Waivers.
Sec. 607. Report on options to improve integration of U.S. Coast Guard and Canadian Coast Guard Great Lakes icebreaking operational information.
Sec. 608. Standby vessels.
Sec. 609. Cap on penalty wages.
Sec. 610. Report on impediments to the U.S.-flag registry.
Sec. 611. Report on drug interdiction in the Caribbean basin.

TITLE VII—COMMERCIAL VESSEL DISCHARGES REFORM

Sec. 701. Short title.
Sec. 702. Discharges from commercial vessels.
Sec. 703. Discharges incidental to the normal operation of a covered vessel.
Sec. 704. Conforming and technical amendments.
Sec. 705. Regulation of ballast water and incidental discharges from a commercial vessel.
Sec. 706. Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for each of the fiscal years 2012, 2013, and 2014 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard—

(A) $6,819,505,000 for fiscal year 2012;
(B) $6,922,645,000 for fiscal year 2013; and
(C) $7,018,499,000 for fiscal year 2014;

of which $24,500,000 is authorized for each of the fiscal years 2012, 2013, and 2014 to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including related equipment thereto—

(A) $1,503,980,000 for fiscal year 2012;
(B) $1,505,312,000 for fiscal year 2013; and
(C) $1,506,549,000 for fiscal year 2014;

to remain available until expended, of which $20,000,000 for each of the fiscal years 2012, 2013, and 2014 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services—

(A) $136,778,000 for fiscal year 2012;
(B) $138,111,000 for fiscal year 2013; and
(C) $139,311,000 for fiscal year 2014.

(4) For environmental compliance and restoration of Coast Guard vessels, aircraft, and facilities (other than parts and equipment associated with operation and maintenance)—

(A) $16,699,000 for fiscal year 2012;
(B) $16,699,000 for fiscal year 2013; and
(C) $16,700,000 for fiscal year 2014;

to remain available until expended.

(5) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) $19,779,000 for fiscal year 2012;
(B) $19,848,000 for fiscal year 2013; and
(C) $19,913,000 for fiscal year 2014;

of which $650,000 for each of the fiscal years 2012, 2013, and 2014 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for each of the fiscal years 2012 through fiscal year 2014.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads for the each of the fiscal years 2012 through fiscal year 2014 as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

TITLE II—COAST GUARD AND SERVICEMEMBER PARITY

SEC. 201. ACADEMY EMOLUMENTS.

Section 195 of title 14, United States Code, is amended—

(1) in subsection (c)—

(A) in the first sentence—

(i) by striking ''person'' and inserting ''foreign national''; and

(ii) by striking ''pay and allowances,'' and inserting ''pay, allowances, and emoluments,''; and

(B) in the second sentence—

(i) by striking ''A person'' and inserting ''A foreign national''; and

(ii) by striking ''pay and allowances,'' and inserting ''pay, allowances, and emoluments,''; and

(2) in subsection (d), by striking ''A person'' and inserting ''A foreign national''.

SEC. 202. POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE.

(a) POLICY REQUIREMENT.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

''§200. Policy on sexual harassment and sexual violence

''(a) REQUIRED POLICY.—The Commandant shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Coast Guard Academy.

''(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

''(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

''(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

''(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

''(B) a specification of any other person whom the victim should contact; and

''(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

''(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

''(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

''(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

''(c) ANNUAL ASSESSMENT.—

''(1) The Commandant shall direct the Superintendent of the Academy to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

''(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey of Academy personnel—

''(A) to measure—

''(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

''(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

''(B) to assess the perceptions of Academy personnel of—

''(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

''(ii) the enforcement of such policies;

''(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

''(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

''(d) ANNUAL REPORT.—

''(1) The Commandant shall direct the Superintendent of the Academy to submit to the Commandant a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

''(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

''(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

''(B) The policies, procedures, and processes implemented by the Commandant and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

''(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

''(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

''(4)(A) The Commandant shall transmit to the Board of Visitors of the Academy each report received by the Commandant under this subsection, together with the Commandant's comments on the report.

''(B) The Commandant shall transmit each such report, together with the Commandant's comments on the report, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.''.

(b) CONFORMING REPEAL.—Section 217 of the Coast Guard Authorization Act of 2010 (14 U.S.C. 93 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

(c) TECHNICAL AND CLERICAL AMENDMENTS.—The analysis at the beginning of such chapter is amended by adding at the end the following:

''200. Policy on sexual harassment and sexual violence.''.

SEC. 203. APPOINTMENTS OF PERMANENT COMMISSIONED OFFICERS.

Section 211 of title 14, United States Code, is amended by adding at the end the following:

''(d) For the purposes of this section, the term 'original', with respect to the appointment of a member of the Coast Guard refers to that member's most recent appointment in the Coast Guard that is neither a promotion nor a demotion.''.

SEC. 204. MINOR CONSTRUCTION.

(a) IN GENERAL.—Section 656 of title 14, United States Code, is amended by adding at the end the following:

''(d) MINOR CONSTRUCTION AND IMPROVEMENT.—

''(1) Subject to the reporting requirements set forth in paragraph (2), the Secretary may expend not more than $1,500,000 from amounts available for the operating expenses of the Coast Guard for minor construction and improvement projects at any location.

''(2) No later than 90 days after the end of each fiscal year, the Secretary shall submit, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report on each project undertaken during the course of the preceding fiscal year, for which the amount expended under paragraph (1) exceeded $500,000.''.

(b) CLERICAL AMENDMENT.—

(1) Section 656 of title 14, United States Code, is further amended in the heading by adding at the end the following: ''**; use of moneys appropriated for operating expenses for minor construction and improvement**''.

(2) The analysis at the beginning of chapter 17 of such title is amended in the item relating to section 656 by striking ''waters.'' and inserting ''waters; use of moneys appropriated for operating expenses for minor construction and improvement.''.

SEC. 205. TREATMENT OF REPORTS OF AIRCRAFT ACCIDENT INVESTIGATIONS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

''§678. Treatment of reports of aircraft accident investigations

''(a) IN GENERAL.—Whenever the Commandant conducts an accident investigation of an accident involving an aircraft under the jurisdiction of the Commandant, the records and report of the investigation shall be treated in accordance with this section.

''(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.—

''(1) Subject to paragraph (2), the Commandant, upon request, shall publicly disclose unclassified tapes, scientific reports, and other factual information pertinent to an aircraft accident investigation.

''(2) The Commandant shall not disclose the information requested in paragraph (1) unless the Commandant determines—

''(A) that such tapes, reports, or other information would be included within and releasable with the final accident investigation report; and

''(B) that release of such tapes, reports, or other information—

''(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

''(ii) would not compromise national security.

''(3) A disclosure under paragraph (1) may not be made by or through officials with responsibility for, or who are conducting, a safety investigation with respect to the accident.

''(c) OPINIONS REGARDING CAUSATION OF ACCIDENT.—Following an aircraft accident referred to in subsection (a)—

''(1) if the evidence surrounding the accident is sufficient for the investigators who conduct the accident investigation to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall set forth the opinion of the investigators as to the cause or causes of the accident; and

''(2) if the evidence surrounding the accident is not sufficient for the investigators to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall include a description of those factors, if any, that, in the opinion of the investigators, substantially contributed to or caused the accident.

''(d) USE OF INFORMATION IN CIVIL PROCEEDINGS.—For purposes of any civil or criminal proceeding arising from an aircraft accident referred to in subsection (a), any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such report be considered an admission of liability by the United States or by any person referred to in such report.

''(e) REGULATIONS.—The Commandant shall prescribe regulations to carry out this section.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'accident investigation' means any form of investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), other than a safety investigation; and

''(2) the term 'safety investigation' means an investigation by Coast Guard personnel of an aircraft accident referred to in subsection (a), that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

''678. Treatment of reports of aircraft accident investigations.''.

SEC. 206. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950) is amended—

(1) in subsection (a)(1), by striking ''as shortage category positions;'' and inserting ''as positions for which there exists a shortage of candidates or there is a critical hiring need;''; and

(2) in subsection (b)—

(A) by striking ''paragraph'' and inserting ''section''; and

(B) by striking ''2012.'' and inserting ''2015.''.

SEC. 207. COAST GUARD HOUSING REPORT.

In conjunction with the transmittal by the President of the budget of the United States for fiscal year 2013, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of Coast Guard servicemember housing, including—

(1) a statement of the Coast Guard's housing needs requirements;

(2) an assessment of the condition of the Coast Guard's current housing inventory, including both leased and owned property;

(3) an assessment of housing available for Coast Guard use from surrounding communities and other government agencies for all duty stations;

(4) a list of housing capacity shortfalls and excess; and

(5) a revised prioritized list of housing maintenance and recapitalization projects.

SEC. 208. ADVANCE PROCUREMENT FUNDING.

(a) IN GENERAL.—Subchapter II of chapter 15 of title 14, United States Code, is amended by adding at the end the following:

''§ 577. Advance procurement funding

''With respect to any Coast Guard vessel for which amounts are appropriated or otherwise made available for vessels for the Coast Guard in any fiscal year, the Commandant, subject to section 569a, may enter into a contract or place an order, in advance of a contract or order for construction of a vessel, for—

''(1) materials, parts, components, and labor for the vessel;

''(2) the advance construction of parts or components for the vessel;

''(3) protection and storage of materials, parts, or components for the vessel; and

''(4) production planning, design, and other related support services that reduce the overall procurement lead time of the vessel.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to such subchapter the following:

''577. Advance procurement funding.''.

TITLE III—COAST GUARD REFORM

SEC. 301. REPEALS.

(a) DISTRICT OMBUDSMAN.—Section 55 of title 14, United States Code, and the item relating to such section in the analysis for chapter 3 of such title, are repealed.

(b) FAA AIR AIDS TO NAVIGATION.—Section 82 of title 14, United States Code, and the item relating to such section in the analysis for chapter 5 of such title, are repealed.

(c) OCEAN STATIONS.—Section 90 of title 14, United States Code, and the item relating to such section in the analysis for chapter 5 of such title, are repealed.

(d) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—Section 149(a) of title 14, United States Code, is amended by striking the second and third sentences.

(e) ADVISORY COMMITTEE.—Section 193 of title 14, United States Code, and the item relating to such section in the analysis for chapter 9 of such title, are repealed.

(f) HISTORY FELLOWSHIPS.—Section 198 of title 14, United States Code, and the item relating to such section in the analysis for chapter 9 of such title, are repealed.

(g) ACQUISITION AWARDS.—Section 563 of title 14, United States Code, and the item relating to such section in the analysis for chapter 15 of such title, are repealed.

SEC. 302. INTERFERENCE WITH COAST GUARD TRANSMISSIONS.

Section 88 of title 14, United States Code, is amended by adding the following:

''(e) An individual who knowingly and willfully operates a device that interferes with the broadcast or reception of a radio, microwave, or other signal (including a signal from a global positioning system) transmitted, retransmitted, or augmented by the Coast Guard for the purpose of maritime safety is—

''(1) guilty of a class E felony; and

''(2) subject to civil penalty of not more than $1,000 per day for each violation.''.

SEC. 303. NATIONAL SECURITY CUTTERS.

(a) IN GENERAL.—Subchapter I of chapter 15 of title 14, United States Code is amended by adding at the end the following new section:

''§ 569a. National security cutters

''(a) SIXTH NATIONAL SECURITY CUTTER.—The Commandant may not begin production of a sixth national security cutter on any date before which the Commandant—

''(1) has acquired a sufficient number of Long Range Interceptor II and Cutter Boat Over the Horizon IV small boats for each of the first three national security cutters and has submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to provide such boats upon the date of delivery of each subsequent national security cutter;

''(2) has achieved the goal of 225 days away from homeport for each of the first two national security cutters; and

''(3) has submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a program execution plan detailing increased aerial coverage to support national security cutter operations.

''(b) SEVENTH NATIONAL SECURITY CUTTER.—The Commandant may not begin production of a seventh national security cutter on any date before which the Commandant has selected an offshore patrol cutter that meets at least the minimum operational requirements set out in the Operational Requirements Document approved by the department in which the Coast Guard is operating on October 20, 2010.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to such subchapter the following:

''569a. National security cutters.''.

SEC. 304. MAJOR ACQUISITIONS REPORT.

(a) IN GENERAL.—Subchapter I of chapter 15 of title 14, United States Code, is further amended by adding at the end the following:

''§ 569b. Major acquisitions report

''(a) MAJOR ACQUISITION PROGRAMS IMPLEMENTATION REPORT.—In conjunction with the transmittal by the President of the budget of the United States for fiscal year 2013 and every two fiscal years thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of all major acquisition programs.

''(b) INFORMATION TO BE INCLUDED.—The report shall include for each major acquisition program—

''(1) a statement of Coast Guard's mission needs and performance goals for such program, including a justification for any change to those needs and goals from any report previously submitted under this subsection;

''(2) a justification for how the projected number and capabilities of each planned acquisition program asset meets those mission needs and performance goals;

''(3) an identification of any and all mission hour gaps, accompanied by an explanation on how and when the Coast Guard will close those gaps;

''(4) an identification of any changes to such program, including—

''(A) any changes to the timeline for the acquisition of each new asset and the phase out of legacy assets; and

''(B) any changes to the costs of new assets and legacy assets for that fiscal year, future fiscal years, or the total acquisition cost;

''(5) a justification for how any change to such program fulfills the mission needs and performance goals of the Coast Guard;

''(6) a description of how the Coast Guard is planning for the integration of each new asset acquired under such program into the Coast Guard, including needs related to shore-based infrastructure and human resources;

''(7) an identification of how funds in that fiscal year's budget request will be allocated, including information on the purchase of specific assets;

''(8) a projection of the remaining operational lifespan and lifecycle cost of each legacy asset that also identifies any anticipated resource gaps;

''(9) a detailed explanation of how the costs of the legacy assets are being accounted for within such program;

''(10) an annual performance comparison of new assets to legacy assets; and

''(11) an identification of the scope of the anticipated acquisitions workload for the next fiscal year; the number of officers, members, and employees of the Coast Guard currently assigned to positions in the acquisition workforce; and a determination on the adequacy of the current acquisition workforce to meet that anticipated workload, including the specific positions that are or will be understaffed, and actions that will be taken to correct such understaffing.

''(c) CUTTERS NOT MAINTAINED IN CLASS.—Each report under subsection (a) shall identify which, if any, Coast Guard cutters that have been issued a certificate of classification by the American Bureau of Shipping have not been maintained in class with an explanation detailing the reasons why they have not been maintained in class.

''(d) DEFINITION.—For the purposes of this section, the term 'major acquisition program' means an ongoing acquisition undertaken by the Coast Guard with a life-cycle cost estimate greater than or equal to $300,000,000.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end of the items relating to such subchapter the following:

''569b. Major acquisitions report.''.

(c) REPEAL.—

(1) Section 408 of the Coast Guard and Maritime Transportation Act of 2006 (120 Stat. 537) is amended by striking subsection (a).

(2) Title 14, United States Code, is amended—

(A) in section 562, by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and

(B) in section 573(c)(3), by striking subparagraph (B).

SEC. 305. ENVIRONMENTAL COMPLIANCE AND RESTORATION BACKLOG.

(a) IN GENERAL.—Section 693 of title 14, United States Code, is amended to read as follows:

''§ 693. Annual report to Congress

''The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year concurrent with the President's budget submission for that fiscal year.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 19 of such title is amended by striking the item for such section and inserting the following:

''693. Annual report to Congress.''.

SEC. 306. COAST GUARD AUXILIARIST ENROLLMENT ELIGIBILITY.

Section 823 of title 14, United States Code, is amended by striking ''citizens of the United

States and its territories and possessions,'' and inserting ''nationals of the United States (as such term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) and aliens lawfully admitted for permanent residence (as such term is defined in section 101(a)(20) of such Act (8 U.S.C. 1101 (a)(20))),''.

SEC. 307. DECOMMISSIONINGS.

(a) POLAR SEA.—Not later than 6 months after the date of enactment of this Act, the Commandant of the Coast Guard shall decommission the USCGC POLAR SEA (WAGB 11).

(b) POLAR STAR.—Not later than 3 years after the date of enactment of this Act, the Commandant of the Coast Guard shall decommission the USCGC POLAR STAR (WAGB 10).

SEC. 308. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH LATITUDE REGIONS.

Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives assessing the need for additional Coast Guard prevention and response capability in the high latitude regions. The assessment shall address needs for all Coast Guard mission areas, including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce. The Secretary shall include in the report—

(1) an assessment of the high latitude operating capabilities of all current Coast Guard assets other than icebreakers, including assets acquired under the Deepwater program;

(2) an assessment of projected needs for Coast Guard operations in the high latitude regions; and

(3) an assessment of shore infrastructure, personnel, logistics, communications, and resources requirements to support Coast Guard operations in the high latitude regions, including forward operating bases and existing infrastructure in the furthest north locations that are ice free, or nearly ice free, year round.

SEC. 309. LIMITATION ON EXPENDITURES.

Section 149(d) of title 14, United States Code, is amended by adding at the end the following:

''(3) The amount of funds used under this subsection may not exceed $100,000 in any fiscal year.''.

SEC. 310. RESTRICTION ON THE USE OF AIRCRAFT.

(a) RESTRICTION.—Except as provided in subsection (b), the Secretary of the department in which the Coast Guard is operating and the Commandant of the Coast Guard may not travel aboard any Coast Guard owned or operated fixed-wing aircraft if the Secretary has not provided the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all of the following:

(1) A cost-constrained Fleet Mix Analysis.

(2) The study of Coast Guard current and planned cutters conducted by the Office of Program Analysis and Evaluation of the Department of Homeland Security at the request of the Office of Management and Budget.

(b) EXCEPTION.—The Secretary and the Commandant may travel aboard a Coast Guard owned and operated fixed-wing aircraft—

(1) to respond to a major disaster or emergency declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(2) to respond to a discharge classified as a spill of national significance under part 300.323 of title 40, Code of Federal Regulations; or

(3) for evacuation purposes including for a medical emergency.

TITLE IV—SHIPPING AND NAVIGATION

SEC. 401. COMMITTEE ON THE MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—Chapter 555 of title 46, United States Code, is amended by adding at the end the following:

''§ 55502. Committee on the Marine Transportation System

''(a) ESTABLISHMENT.—There is established a Committee on the Marine Transportation System (in this section referred to as the 'Committee').

''(b) PURPOSE.—The Committee shall—

''(1) assess the adequacy of the marine transportation system (including ports, waterways, channels, and their intermodal connections);

''(2) develop and implement policies to promote an efficient marine transportation system; and

''(3) coordinate policies among Federal agencies to promote an efficient marine transportation system.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall consist of the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Attorney General, the Secretary of Labor, the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Chairman of the Federal Maritime Commission, and the head of any other Federal agency that the Committee Chair, with the approval of a majority of the voting members of the Committee, determines can further the purpose and activities of the Committee.

''(2) EX-OFFICIO MEMBERS.—The Committee may also consist of so many nonvoting members as the Committee Chair, with the approval of a majority of the voting members of the Committee, determines is appropriate to further the purpose and activities of the Committee.

''(3) CHAIRMAN.—The Chair of the Committee shall rotate each year among the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce. The order of rotation shall be determined with the approval of a majority of the voting members of the Committee.

''(d) SUPPORT.—

''(1) COORDINATING BOARD.—Each member of the Committee may select a senior level representative to serve on a coordinating board which shall assist the Committee in carrying out its purpose and activities.

''(2) EXECUTIVE DIRECTOR.—The Secretary of Transportation, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce, shall select an executive director to assist the Committee in carrying out its purpose and activities.

''(e) MARINE TRANSPORTATION SYSTEM ASSESSMENT AND STRATEGY.—Not later than one year after the date of enactment of this Act and every 5 years thereafter, the Committee shall provide a report to Congress which includes—

''(1) steps taken to implement actions recommended in the July 2008 'National Strategy for the Marine Transportation System: A Framework for Action';

''(2) an assessment of the condition of the marine transportation system;

''(3) a discussion of the challenges the system faces in meeting user demand;

''(4) a plan with recommended actions for improving the marine transportation system to meet current and future challenges; and

''(5) steps taken to implement actions recommended in previous reports required under this subsection.

''(f) CONSULTATION.—In carrying out its purpose and activities, the Committee may consult with the Marine Transportation System National Advisory Council, interested parties, and the public.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 55501 the following:

''55502. Committee on the Marine Transportation System.''.

SEC. 402. REPORT ON DETERMINATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) the loss of United States shipyard jobs and industrial base expertise as a result of rebuild, conversion, and double-hull work on United States-flag vessels eligible to engage in the coastwise trade being performed in foreign shipyards;

(2) enforcement of the Coast Guard's foreign rebuild determination regulations; and

(3) recommendations for improving the transparency in the Coast Guard's foreign rebuild determination process.

SEC. 403. DOCKSIDE EXAMINATIONS.

(a) IN GENERAL.—Section 4502(f) of title 46, United States Code, is amended—

(1) in paragraph (2) by striking ''at least once every 2 years'' and inserting ''at least once every 5 years'';

(2) by striking ''and'' after the semicolon at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(4) by adding at the end the following:

''(3) shall complete the first examination of a dockside vessel under this section no later than October 15, 2015.''.

(b) DATABASE.—Section 4502(g)(4) of title 46, United States Code, is amended by striking ''a publicly accessible'' and inserting ''an''.

SEC. 404. RECOURSE FOR NONCITIZENS.

Section 30104 of title 46, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(2) by adding at the end the following new subsection:

''(b) RESTRICTION ON RECOVERY FOR NONRESIDENT ALIENS EMPLOYED ON FOREIGN PASSENGER VESSELS.—A claim for damages or expenses relating to personal injury, illness, or death of a seaman who is a citizen of a foreign nation, arising during or from the engagement of the seaman by or for a passenger vessel duly registered under the laws of a foreign nation, may not be brought under the laws of the United States if—

''(1) such seaman was not a permanent resident alien of the United States at the time the claim arose;

''(2) the injury, illness, or death arose outside the territorial waters of the United States; and

''(3) the seaman or the seaman's personal representative has or had a right to seek compensation for the injury, illness, or death in, or under the laws of—

''(A) the nation in which the vessel was registered at the time the claim arose; or

''(B) the nation in which the seaman maintained citizenship or residency at the time the claim arose.''.

SEC. 405. MARITIME LIENS ON FISHING PERMITS.

(a) IN GENERAL.—Subchapter I of chapter 313 of title 46, United States Code, is amended by adding at the end the following:

''§ 31310. Limitation on maritime liens on fishing permit and permit description

''(a) IN GENERAL.—This chapter—

''(1) does not establish a maritime lien on a permit that—

''(A) authorizes a person or use of a vessel to engage in fishing; and

''(B) is issued under State or Federal law; and

''(2) does not authorize any civil action to enforce a maritime lien on such a permit.

''(b) FISHING PERMIT DESCRIBED.—A fishing permit—

''(1) is governed solely by the State or Federal law under which it was issued; and

''(2) is not included in the whole of a vessel or as an appurtenance or intangible of a vessel for any purpose.

''(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsections (a) and (b) shall be construed as imposing any limitation upon the authority of the Secretary of Commerce to modify, suspend, revoke, or sanction any Federal fishery permit issued by the Secretary of Commerce or to bring a civil action to enforce such modification, suspension, revocation, or sanction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 31309 the following:

''31310. Limitation on maritime liens on fishing permit and permit description.''.

SEC. 406. SHORT SEA TRANSPORTATION.

(a) PURPOSE OF PROGRAM AND PROJECTS; REAUTHORIZATION; TERMINATION.—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''landside congestion.'' and inserting ''landside congestion and to promote increased use of the navigable waters of the United States for transportation of passengers or freight (or both).'';

(2) in subsection (c), by inserting ''and to promote waterborne transportation between ports within the United States'' after ''coastal corridors'';

(3) in subsection (d), by striking ''that the project may—'' and all that follows through the end of the subsection and inserting ''that the project uses documented vessels and—

''(1) mitigates landside congestion; or

''(2) promotes waterborne transportation between ports of the United States.'';

(4) by striking subsection (f) and redesignating subsection (g) as subsection (f);

(5) in subsection (f), as so redesignated, by adding at the end the following—

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $5,000,000 for each of the fiscal years 2012 through fiscal year 2017 for grants under this subsection.''; and

(6) by adding at the end the following:

''(g) TERMINATION OF AUTHORITY.—Authority granted to the Secretary under this section shall terminate September 30, 2017.''.

(b) SHORT SEA TRANSPORTATION DEFINITION.—Section 55605 of title 46, United States Code, is amended by striking ''means the carriage by vessel of cargo—'' and inserting ''means the carriage of passengers or freight (or both) by a vessel documented under the laws of the United States—''.

SEC. 407. MISSION OF THE MARITIME ADMINISTRATION.

Section 109(a) of title 49, United States Code, is amended—

(1) in the subsection heading by striking ''ORGANIZATION'' and inserting ''ORGANIZATION AND MISSION''; and

(2) by inserting at the end the following: ''The mission of the Maritime Administration is to foster, promote, and develop the domestic merchant maritime industry of the United States.''.

SEC. 408. LIMITATION ON LIABILITY FOR NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.

(a) IN GENERAL.—Section 2307 of title 46, United States Code, is amended—

(1) by inserting ''(a) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS'' before ''Any pilot''; and

(2) by adding at the end the following:

''(b) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any person acting in accordance with operational procedures approved by the Coast Guard at such a non-Federal service, shall not be liable for damages caused by or related to information, advice, or communication assistance provided by such entity or person while so operating or acting unless the acts or omissions of such entity or person constitute gross negligence or willful misconduct.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 23 of such title is amended by striking the item relating to section 2307 and inserting the following:

''2307. Limitation on liability for Coast Guard Vessel Traffic Service pilots and non-Federal vessel traffic service operators.''.

TITLE V—FEDERAL MARITIME COMMISSION

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

Section 501 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1049) is amended by striking ''Commission—'' and all that follows through the period at the end of the section and inserting ''Commission for each of the fiscal years 2012 through 2015, $24,000,000.''.

TITLE VI—MISCELLANEOUS

SEC. 601. TECHNICAL CORRECTIONS.

(a) TITLE 14.—Title 14, United States Code, is amended—

(1) in section 564, by striking subsection (d); and

(2) in section 569(a), by striking ''and annually thereafter,''.

(b) STUDY OF BRIDGES.—Section 905 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 3012) is amended to read as follows:

''SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

''The Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive study on the construction or alteration of any bridge, drawbridge, or causeway over the navigable waters of the United States with a channel depth of 25 feet or greater that may impede or obstruct future navigation to or from port facilities, for which a permit under the Act of March 23, 1906 (chapter 1130; 33 U.S.C. 491 et seq.), popularly known as the Bridge Act of 1906, was requested on or after January 1, 2006 and on or before August 3, 2011.''.

SEC. 602. REPORT ON COAST GUARD MERCHANT MARINER MEDICAL EVALUATION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the Coast Guard National Maritime Center's merchant mariner medical evaluation program and alternatives to the program.

(b) CONTENTS.—The report required under subsection (a) shall include the following:

(1) An overview of the adequacy of the program for making medical certification determinations for issuance of merchant mariners' documents.

(2) An analysis of how a system similar to the Federal Motor Carrier Safety Administration's National Registry of Certified Medical Examiners program, and the Federal Aviation Administration's Designated Aviation Medical Examiners program, could be applied by the Coast Guard to make medical fitness determinations for issuance of merchant mariners' documents.

(3) An explanation of how the amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, that enter into force on January 1, 2012, will require changes to the Coast Guard's merchant mariner medical evaluation program.

SEC. 603. NOTICE OF ARRIVAL.

The regulations required under section 109(a) of Public Law 109–347 (33 U.S.C. 1223 note) on notice of arrival for foreign vessels on the Outer Continental Shelf shall not apply to a vessel documented under section 12105 of title 46, United States Code, unless such vessel arrives from a foreign port or place.

SEC. 604. TECHNICAL CORRECTIONS TO TITLE 14.

Chapter 1 of title 14, United States Code, is amended to read as follows:

''CHAPTER 1—ESTABLISHMENT AND DUTIES

''Sec.

''1. Establishment of Coast Guard.

''2. Primary duties.

''3. Department in which the Coast Guard operates.

''4. Secretary defined.

''§ 1. Establishment of Coast Guard

''The Coast Guard shall be a military service and a branch of the armed forces of the United States at all times.

''§ 2. Primary duties

''The Coast Guard shall—

''(1) enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States;

''(2) engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States;

''(3) administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department;

''(4) develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States;

''(5) pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States;

''(6) engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States; and

''(7) maintain a state of readiness to function as a specialized service in the Navy in time of war, including the fulfillment of Maritime Defense Zone command responsibilities.

''§ 3. Department in which the Coast Guard operates

''(a) The Coast Guard shall be a service in the Department of Homeland Security, except when operating as a service in the Navy.

''(b) Upon the declaration of war if Congress so directs in the declaration or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by Executive order, transfers the Coast Guard back to the Department of Homeland Security. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy, who may order changes in Coast Guard operations to render them uniform, to the extent such Secretary deems advisable, with Navy operations.

''(c) Whenever the Coast Guard operates as a service in the Navy:

''(1) applicable appropriations of the Navy Department shall be available for the expense of the Coast Guard;

''(2) applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department;

''(3) precedence between commissioned officers of corresponding grades in the Coast Guard and the Navy shall be determined by the date of rank stated by their commissions in those grades;

''(4) personnel of the Coast Guard shall be eligible to receive gratuities, medals, and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy; and

''(5) the Secretary may place on furlough any officer of the Coast Guard and officers on furlough shall receive one half of the pay to which they would be entitled if on leave of absence, but officers of the Coast Guard Reserve shall not be so placed on furlough.

''§ 4. Secretary defined

''In this title, the term 'Secretary' means the Secretary of the respective department in which the Coast Guard is operating.''.

SEC. 605. DISTANT WATER TUNA FLEET.

Section 421 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241; 120 Stat. 548) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) LICENSING RESTRICTIONS.—

''(1) IN GENERAL.—Subsection (a)(1) only applies to a foreign citizen that holds a credential that is equivalent to the credential issued by the Coast Guard to a United States citizen for the position, with respect to requirements for experience, training, and other qualifications.

''(2) TREATMENT OF LICENSE.—An equivalent credential under paragraph (1) shall be considered as meeting the requirements of section 8304 of title 46, United States Code, but only while a person holding the credential is in the service of the vessel to which this section applies.''; and

(2) in subsection (d) by striking ''on December 31, 2012'' and inserting ''on the date the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America ceases to have effect for any party under Article 12.6 or 12.7 of such treaty, as in effect on the date of enactment of the Coast Guard and Maritime Transportation Act of 2011''.

SEC. 606. WAIVERS.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).

(2) MACY-RENEE (United States official number 1107319)

(3) OCEAN VERITAS (IMO number 7366805).

(4) LUNA (United States official number 280133).

(5) IL MORO DI VENEZIA IV (United States official number 1028654)

(b) DOCUMENTATION OF LNG TANKERS.—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) LNG GEMINI (United States official number 595752).

(B) LNG LEO (United States official number 595753).

(C) LNG VIRGO (United States official number 595755).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(3) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) OPERATION OF A DRY DOCK.—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

SEC. 607. REPORT ON OPTIONS TO IMPROVE INTEGRATION OF U.S. COAST GUARD AND CANADIAN COAST GUARD GREAT LAKES ICEBREAKING OPERATIONAL INFORMATION.

Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on options to improve the integration of the Great Lakes icebreaking operational information of the United States Coast Guard and Canadian Coast Guard to improve the safety, economic security, and efficiency of Great Lakes icebreaking activities of both services.

SEC. 608. STANDBY VESSELS.

(a) IN GENERAL.—Subtitle VIII of title 46, United States Code, is amended by adding at the end thereof the following new chapter:

''CHAPTER 807—STANDBY VESSELS

''Sec.

''80701. Standby vessels.

''§ 80701. Standby vessels

''(a) IN GENERAL.—The owner or operator of a manned facility, installation, unit, or vessel shall locate a standby vessel—

''(1) not more than 3 nautical miles from such manned facility, installation, unit, or vessel while it is performing drilling, plugging, abandoning, or workover operations; and

''(2) not more than 12 nautical miles from such manned facility, installation, unit, or vessel while it is performing operations other than drilling, plugging, abandoning, or workover operations.

''(b) IMPROVED STANDBY VESSEL RESPONSE TIME.—

''(1) IN GENERAL.—A Coast Guard District Commander may reduce the distances prescribed in subsection (a) for the area of command of the District Commander if the District Commander determines the reduction is necessary to address delays in standby vessel response times caused by inclement weather, high seas, or other conditions that prolong standby vessel response time or lessen the time survivors of an accident can remain in the water.

''(2) APPROXIMATION OF NORMAL RESPONSE TIME.—Any reduction under paragraph (1) shall be made to a distance that, in weather conditions necessitating the reduction, ensures that a standby vessel's response time approximates that of a standby vessel covering the distance prescribed in subsection (a) during normal weather conditions.

''(3) PREVENTION OF HYPOTHERMIA.—Any reduction under paragraph (1) made due to water temperature or other factors that reduce the time survivors of an accident can remain in the water shall be made to a distance at which a standby vessel can be assumed to reach the survivor before the onset of hypothermia.

''(4) NOTICE TO OWNERS AND OPERATORS.—Before exercising the authority in paragraph (1), a District Commander shall provide 72 hours notice to the owners and operators of standby vessels and owners and operators of manned facilities, installations, units, and vessels operating in the District Commander's area of command.

''(c) MULTIPLE PLATFORMS AND USES.—Nothing in this section shall be construed to prohibit—

''(1) use of one standby vessel for more than one manned facility, installation, unit, or vessel; or

''(2) use of a standby vessel for other purposes.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of such subtitle is amended by adding at the end the following:

''807. Standby vessels ..... 80701''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of enactment of this Act.

(d) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may promulgate regulations to implement the amendments made by this section.

(2) EXISTING REGULATIONS.—Until such time as the Secretary promulgates regulations to implement the amendments made by this section, the requirements of subpart E of part 143 of title 33, Code of Federal Regulations, as in effect on the date of enactment of this Act, including the requirements that must be met by a standby vessel, shall apply to standby vessels required under the amendments.

SEC. 609. CAP ON PENALTY WAGES.

(a) FOREIGN AND INTERCOASTAL VOYAGES.—Section 10313(g) of title 46, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking ''all claims in a class action suit by seamen'' and inserting ''each claim by a seaman''; and

(B) by striking ''the seamen'' and inserting ''the seaman''; and

(2) in paragraph (3), by striking ''class action''.

(b) COASTWISE VOYAGES.—Section 10504(c) of such title is amended—

(1) in paragraph (2)—

(A) by striking ''all claims in a class action suit by seamen'' and inserting ''each claim by a seaman''; and

(B) by striking ''the seamen'' and inserting ''the seaman''; and

(2) in paragraph (3), by striking ''class action''.

SEC. 610. REPORT ON IMPEDIMENTS TO THE U.S.-FLAG REGISTRY.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on factors under the authority of the Coast Guard that impact the ability of vessels documented in the United States to effectively compete in international transportation markets.

(b) CONTENT.—The report shall include—

(1) a review of differences in Coast Guard policies and regulations governing the inspection of vessels documented in the United States and the policies and regulations of the International Maritime Organization governing the inspection of vessels not documented in the United States;

(2) a statement on the impact such differences have on operating costs for vessels documented in the United States; and

(3) recommendations on whether to harmonize any differences in the policies and regulations governing inspection of vessels by the Coast Guard and the International Maritime Organization.

(c) CONSULTATION.—In preparing the report, the Commandant may consider the views of representatives of the owners or operators of vessels documented in the United States and the organizations representing the employees employed on such vessels.

SEC. 611. REPORT ON DRUG INTERDICTION IN THE CARIBBEAN BASIN.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee

on Commerce, Science, and Transportation of the Senate a report on drug interdiction in the Caribbean basin.

(b) CONTENT.—The report shall include—

(1) a statement of the Coast Guard mission requirements for drug interdiction in the Caribbean basin;

(2) the number of maritime surveillance hours and Coast Guard assets used in each of fiscal years 2009 through 2011 to counter the illicit trafficking of drugs and other related threats throughout the Caribbean basin; and

(3) a determination of whether such hours and assets satisfied the Coast Guard mission requirements for drug interdiction in the Caribbean basin.

TITLE VII—COMMERCIAL VESSEL DISCHARGES REFORM

SEC. 701. SHORT TITLE.

This title may be cited as the ''Commercial Vessel Discharges Reform Act of 2011''.

SEC. 702. DISCHARGES FROM COMMERCIAL VESSELS.

Title III of the Federal Water Pollution Control Act (33 U.S.C. 1311 et seq.) is amended by adding at the end the following:

''SEC. 321. DISCHARGES FROM COMMERCIAL VESSELS.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) AQUATIC NUISANCE SPECIES.—The term 'aquatic nuisance species' means a nonindigenous species (including a pathogen) that threatens the diversity or abundance of native species or the ecological stability of navigable waters or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

''(2) BALLAST WATER.—

''(A) IN GENERAL.—The term 'ballast water' means any water (including any sediment suspended in such water) taken aboard a commercial vessel—

''(i) to control trim, list, draught, stability, or stresses of the vessel; or

''(ii) during the cleaning, maintenance, or other operation of a ballast water treatment system of the vessel.

''(B) EXCLUSION.—The term 'ballast water' does not include any pollutant that is added to water described in subparagraph (A) that is not directly related to the operation of a properly functioning ballast water treatment technology certified under subsection (e).

''(3) BALLAST WATER PERFORMANCE STANDARD.—The term 'ballast water performance standard' or 'performance standard' means a numerical ballast water performance standard specified under subsection (c) or established under subsection (d).

''(4) BALLAST WATER TREATMENT SYSTEM.—The term 'ballast water treatment system' means any equipment on board a commercial vessel (including all compartments, piping, spaces, tanks, and multi-use compartments, piping, spaces, and tanks) that is—

''(A) designed for loading, carrying, treating, or discharging ballast water; and

''(B) installed and operated to meet a ballast water performance standard.

''(5) BALLAST WATER TREATMENT TECHNOLOGY.—The term 'ballast water treatment technology' or 'treatment technology' means any mechanical, physical, chemical, or biological process used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of aquatic nuisance species within ballast water.

''(6) BIOCIDE.—The term 'biocide' means a substance or organism, including a virus or fungus, that is introduced into, or produced by, a ballast water treatment technology as part of the process used to comply with a ballast water performance standard under this section.

''(7) COMMERCIAL VESSEL.—The term 'commercial vessel' means every description of watercraft, or other artificial contrivance used or capable of being used as a means of transportation on water, that is engaged in commercial service (as defined under section 2101 of title 46, United States Code).

''(8) CONSTRUCTED.—The term 'constructed' means a state of construction of a commercial vessel at which—

''(A) the keel is laid;

''(B) construction identifiable with the specific vessel begins;

''(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

''(D) the vessel commences a major conversion.

''(9) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.—

''(A) IN GENERAL.—The term 'discharge incidental to the normal operation of a commercial vessel' means—

''(i) a discharge into navigable waters from a commercial vessel of—

''(I)(aa) graywater (except graywater referred to in section 312(a)(6)), bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater pumping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber washwater, or stern tube packing gland effluent; or

''(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a commercial vessel;

''(II) weather deck runoff, deck wash, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

''(III) any effluent from a properly functioning marine engine; or

''(ii) a discharge of a pollutant into navigable waters in connection with the testing, maintenance, and repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the commercial vessel is waterborne.

''(B) EXCLUSION.—The term 'discharge incidental to the normal operation of a commercial vessel' does not include—

''(i) a discharge into navigable waters from a commercial vessel of—

''(I) ballast water;

''(II) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

''(III) oil or a hazardous substance within the meaning of section 311; or

''(IV) sewage within the meaning of section 312; or

''(ii) an emission of an air pollutant resulting from the operation onboard a commercial vessel of a vessel propulsion system, motor driven equipment, or incinerator.

''(10) EXISTING COMMERCIAL VESSEL.—The term 'existing commercial vessel' means a commercial vessel constructed prior to January 1, 2012.

''(11) GEOGRAPHICALLY LIMITED AREA.—The term 'geographically limited area' means an area—

''(A) with a physical limitation that prevents a commercial vessel from operating outside the area, as determined by the Secretary; or

''(B) that is ecologically homogeneous, as determined by the Administrator, in consultation with the Secretary.

''(12) MAJOR CONVERSION.—The term 'major conversion' means a conversion of a commercial vessel that—

''(A) changes its ballast water capacity by 15 percent or more; or

''(B) prolongs the life of the commercial vessel by 10 years or more, as determined by the Secretary.

''(13) MANUFACTURER.—The term 'manufacturer' means a person engaged in the manufacturing, assembling, or importation of a ballast water treatment technology.

''(14) NAVIGABLE WATERS.—The term 'navigable waters' includes the exclusive economic zone, as defined in section 107 of title 46, United States Code.

''(15) NONINDIGENOUS SPECIES.—The term 'nonindigenous species' means a species or other viable biological material that enters an ecosystem beyond its historic range.

''(16) OWNER OR OPERATOR.—The term 'owner or operator' means a person owning, operating, or chartering by demise a commercial vessel.

''(17) SECRETARY.—The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating.

''(18) VESSEL GENERAL PERMIT.—The term 'Vessel General Permit' means the Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels issued by the Administrator under section 402 for ballast water and other discharges incidental to the normal operation of vessels, as in effect on December 19, 2008, for all jurisdictions except Alaska and Hawaii, and February 6, 2009, for Alaska and Hawaii.

''(b) GENERAL PROVISIONS.—

''(1) BALLAST WATER DISCHARGE REQUIREMENTS FOR COMMERCIAL VESSELS.—An owner or operator may discharge ballast water from a commercial vessel into navigable waters only if—

''(A) the discharge—

''(i) meets the ballast water performance standard;

''(ii) is made pursuant to the safety exemption established by subsection (c)(2);

''(iii) meets the requirements of an alternative method of compliance established for the commercial vessel under subsection (f); or

''(iv) is made pursuant to a determination that the commercial vessel meets the requirements relating to geographically limited areas under subsection (g); and

''(B) the owner or operator discharges the ballast water in accordance with a ballast water management plan approved under subsection (i).

''(2) APPLICABILITY.—

''(A) COVERED VESSELS.—Paragraph (1) shall apply to the owner or operator of a commercial vessel that is designed, constructed, or adapted to carry ballast water if the commercial vessel is—

''(i) documented under the laws of the United States; or

''(ii) operating in navigable waters on a voyage to or from a point in the United States.

''(B) EXEMPTED VESSELS.—Paragraph (1) shall not apply to the owner or operator of—

''(i) a commercial vessel that carries all of its ballast water in sealed tanks that are not subject to discharge;

''(ii) a commercial vessel that continuously takes on and discharges ballast water in a flow-through system;

''(iii) any vessel in the National Defense Reserve Fleet that is scheduled to be disposed of through scrapping or sinking;

''(iv) a commercial vessel that discharges ballast water consisting solely of water—

''(I) taken aboard from a municipal or commercial source; and

''(II) that, at the time the water is taken aboard, meets the applicable regulations or permit requirements for such source under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and section 402 of this Act; or

''(v) a commercial vessel that is 3 years or fewer from the end of its useful life, as determined by the Secretary, on the date on which

the regulations issued under paragraph (3) become effective for the vessel pursuant to the implementation schedule issued under paragraph (3)(B).

''(C) LIMITATION.—An exemption under subparagraph (B)(v) shall cease to be effective on the date that is 3 years after the date on which the regulations under paragraph (3) become effective for the commercial vessel pursuant to the implementation schedule issued under paragraph (3)(B).

''(3) ISSUANCE OF REGULATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Administrator, shall issue final regulations to implement the requirements of this section.

''(B) PROPOSED RULE.—For the purposes of chapter 5 of title 5, United States Code, the proposed rulemaking published by the Coast Guard on August 28, 2009 (74 Fed. Reg. 44632; relating to standards for living organisms in ships' ballast water discharged in U.S. waters), shall serve as a proposed rule for the purposes of issuing regulations under this section.

''(4) COMPLIANCE SCHEDULES.—

''(A) INITIAL PERFORMANCE STANDARD COMPLIANCE DEADLINES.—

''(i) IN GENERAL.—An owner or operator shall comply with the performance standard established under subsection (c) on or before the deadline that applies to the commercial vessel of the owner or operator, as specified in clause (ii).

''(ii) DEADLINES.—The deadlines for compliance with the performance standard established under subsection (c) are as follows:

''(I) For a commercial vessel constructed on or after January 1, 2012, the date of delivery of the vessel.

''(II) For an existing commercial vessel with a ballast water capacity of less than 1,500 cubic meters, the date of the first drydocking of the vessel after January 1, 2016.

''(III) For an existing commercial vessel with a ballast water capacity of at least 1,500 cubic meters but not more than 5,000 cubic meters, the date of the first drydocking of the vessel after January 1, 2014.

''(IV) For an existing commercial vessel with a ballast water capacity of greater than 5,000 cubic meters, the date of the first drydocking of the vessel after January 1, 2016.

''(iii) REGULATIONS.—In issuing regulations under paragraph (3), the Secretary shall include a compliance schedule that sets forth the deadlines specified in clause (ii).

''(B) REVISED PERFORMANCE STANDARD COMPLIANCE DEADLINES.—

''(i) IN GENERAL.—Upon revision of a performance standard under subsection (d), the Secretary, in consultation with the Administrator, shall issue a compliance schedule that establishes deadlines for an owner or operator to comply with the revised performance standard.

''(ii) FACTORS.—In issuing a compliance schedule under this subparagraph, the Secretary—

''(I) shall consider the factors identified in subparagraph (C)(iv); and

''(II) may establish different compliance deadlines based on vessel class, type, or size.

''(iii) VESSELS CONSTRUCTED AFTER ISSUANCE OF REVISED PERFORMANCE STANDARDS.—A compliance schedule issued under this subparagraph with respect to a revised performance standard shall require, at a minimum, the owner or operator of a commercial vessel that commences a major conversion or is constructed on or after the date of issuance of the revised performance standard to comply with the revised performance standard.

''(C) EXTENSION OF COMPLIANCE DEADLINES.—

''(i) IN GENERAL.—The Secretary may extend a compliance deadline established under subparagraph (A) or (B) on the Secretary's own initiative or in response to a petition submitted by an owner or operator.

''(ii) PROCESSES FOR GRANTING EXTENSIONS.—In issuing regulations under paragraph (3), the Secretary shall establish—

''(I) a process for the Secretary, in consultation with the Administrator, to issue an extension of a compliance deadline established under subparagraph (A) or (B) for a commercial vessel (or class, type, or size of vessel); and

''(II) a process for an owner or operator to submit a petition to the Secretary for an extension of a compliance deadline established under subparagraph (A) or (B) with respect to the commercial vessel of the owner or operator.

''(iii) PERIOD OF EXTENSIONS.—An extension issued under this subparagraph shall—

''(I) apply for a period of not to exceed 18 months; and

''(II) be renewable for an additional period of not to exceed 18 months.

''(iv) FACTORS.—In issuing an extension or reviewing a petition under this subparagraph, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline, the following factors:

''(I) Whether the treatment technology to be installed is available in sufficient quantities to meet the compliance deadline.

''(II) Whether there is sufficient shipyard or other installation facility capacity.

''(III) Whether there is sufficient availability of engineering and design resources.

''(IV) Vessel characteristics, such as engine room size, layout, or a lack of installed piping.

''(V) Electric power generating capacity aboard the vessel.

''(VI) Safety of the vessel and crew.

''(v) CONSIDERATION OF PETITIONS.—

''(I) DETERMINATIONS.—The Secretary shall approve or deny a petition for an extension of a compliance deadline submitted by an owner or operator under this subparagraph.

''(II) DEADLINE.—If the Secretary does not approve or deny a petition referred to in subclause (I) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

''(c) BALLAST WATER PERFORMANCE STANDARD FOR COMMERCIAL VESSELS.—

''(1) IN GENERAL.—To meet the ballast water performance standard, an owner or operator shall—

''(A) conduct ballast water treatment before discharging ballast water from a commercial vessel into navigable waters using a ballast water treatment technology certified for the vessel (or class, type, or size of vessel) under subsection (e); and

''(B) ensure that any ballast water so discharged meets, at a minimum, the numerical ballast water performance standard set forth in the International Convention for the Control and Management of Ships' Ballast Water and Sediments, as adopted on February 13, 2004, or a revised numerical ballast water performance standard established under subsection (d).

''(2) SAFETY EXEMPTION.—Notwithstanding paragraph (1), an owner or operator may discharge ballast water without regard to a ballast water performance standard if—

''(A) the discharge is done solely to ensure the safety of life at sea;

''(B) the discharge is accidental and the result of damage to the commercial vessel or its equipment and—

''(i) all reasonable precautions to prevent or minimize the discharge have been taken; and

''(ii) the owner or operator did not willfully or recklessly cause such damage; or

''(C) the discharge is solely for the purpose of avoiding or minimizing discharge from the vessel of pollution that would otherwise violate an applicable Federal or State law.

''(d) REVIEW OF PERFORMANCE STANDARD.—

''(1) IN GENERAL.—Not later than January 1, 2016, and every 10 years thereafter, the Administrator, in consultation with the Secretary, shall complete a review to determine whether revising the ballast water performance standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

''(2) CONSIDERATIONS.—In conducting the review, the Administrator shall consider—

''(A) improvements in the scientific understanding of biological and ecological processes that lead to the introduction or establishment of aquatic nuisance species;

''(B) improvements in ballast water treatment technology, including—

''(i) the capability of such technology to achieve a revised ballast water performance standard;

''(ii) the effectiveness and reliability of such technology in the shipboard environment;

''(iii) the compatibility of such technology with the design and operation of commercial vessels by class, type, and size;

''(iv) the commercial availability of such technology; and

''(v) the safety of such technology;

''(C) improvements in the capabilities to detect, quantify, and assess the viability of aquatic nuisance species at the concentrations under consideration;

''(D) the impact of ballast water treatment technology on water quality; and

''(E) the costs, cost-effectiveness, and impacts of—

''(i) a revised ballast water performance standard, including the potential impacts on shipping, trade, and other uses of the aquatic environment; and

''(ii) maintaining the existing ballast water performance standard, including the potential impacts on water-related infrastructure, recreation, the propagation of native fish, shellfish, and wildlife, and other uses of navigable waters.

''(3) REVISION OF PERFORMANCE STANDARD.—

''(A) RULEMAKING.—If, pursuant to a review conducted under paragraph (1), the Administrator, in consultation with the Secretary, determines that revising the ballast water performance standard would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species, the Administrator shall undertake a rulemaking to revise the performance standard.

''(B) SPECIAL RULE.—The Administrator may not issue a revised performance standard pursuant to this paragraph that applies to a commercial vessel constructed prior to the date on which the revised performance standard is issued unless the revised performance standard is at least 2 orders of magnitude more stringent than the performance standard in effect on the date that the review is completed.

''(4) STATE PETITION FOR REVIEW OF PERFORMANCE STANDARDS.—

''(A) IN GENERAL.—The Governor of a State may submit a petition requesting that the Administrator review a ballast water performance standard if there is significant new information that could reasonably indicate the performance standard could be revised to result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species.

''(B) TIMING.—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of a review under paragraph (1).

''(C) REQUIRED INFORMATION.—A petition submitted to the Administrator under subparagraph (A) shall include the scientific and technical information on which the petition is based.

''(D) REVIEW AND REPORTING.—Upon receipt of a petition from a Governor under subparagraph (A), the Administrator shall make publicly available a copy of the petition, including the scientific and technical information provided by the Governor under subparagraph (C).

''(E) REVIEW AND REVISION OF PERFORMANCE STANDARDS.—

''(i) IN GENERAL.—If, after receiving a petition submitted by a Governor under subparagraph (A) for review of a performance standard, the Administrator, in consultation with the Secretary, determines that the petition warrants additional action, the Administrator may—

''(I) in consultation with the Secretary, initiate a review of the performance standard under paragraph (1); and

''(II) in consultation with the Secretary, revise the performance standard through a rulemaking under paragraph (3)(A), subject to the limitation in paragraph (3)(B).

''(ii) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Administrator may treat more than one petition as a single petition for review.

''(e) TREATMENT TECHNOLOGY CERTIFICATION.—

''(1) CERTIFICATION REQUIRED.—

''(A) CERTIFICATION PROCESS.—

''(i) EVALUATION.—Upon application of a manufacturer, the Secretary shall evaluate a ballast water treatment technology with respect to—

''(I) whether the treatment technology meets the ballast water performance standard when installed on a commercial vessel (or a class, type, or size of commercial vessel);

''(II) the effect of the treatment technology on commercial vessel safety; and

''(III) any other criteria the Secretary considers appropriate.

''(ii) CERTIFICATION.—If, after conducting the evaluation required by clause (i), the Secretary determines the treatment technology meets the criteria established under such clause, the Secretary may certify the treatment technology for use on a commercial vessel (or a class, type, or size of commercial vessel).

''(iii) SUSPENSION AND REVOCATION OF CERTIFICATION.—The Secretary shall, by regulation, establish a process to suspend or revoke a certification issued under this subparagraph.

''(B) CERTIFICATES OF TYPE APPROVAL.—

''(i) ISSUANCE OF CERTIFICATES TO MANUFACTURER.—If the Secretary certifies a ballast water treatment technology under subparagraph (A), the Secretary shall issue to the manufacturer of the treatment technology, in such form and manner as the Secretary determines appropriate, a certificate of type approval for the treatment technology.

''(ii) CONDITIONS TO BE INCLUDED IN CERTIFICATES.—A certificate of type approval issued under clause (i) shall include any conditions that are imposed by the Secretary under paragraph (2).

''(iii) ISSUANCE OF COPIES OF CERTIFICATES TO OWNERS AND OPERATORS.—A manufacturer that receives a certificate of type approval under clause (i) for a ballast water treatment technology shall furnish a copy of the certificate to any owner or operator of a commercial vessel on which the treatment technology is installed.

''(iv) INSPECTIONS.—An owner or operator who receives a copy of a certificate under clause (iii) for a ballast water treatment technology installed on a commercial vessel shall retain a copy of the certificate onboard the commercial vessel and make the copy of the certificate available for inspection at all times that such owner or operator is utilizing the treatment technology.

''(C) TREATMENT TECHNOLOGIES THAT USE OR GENERATE BIOCIDES.—The Secretary may not certify a ballast water treatment technology that—

''(i) uses a biocide or generates a biocide that is a 'pesticide', as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136), unless the biocide is registered under such Act or the Administrator has approved the use of such biocide in such treatment technology; or

''(ii) uses or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under section 303 of this Act.

''(D) PROHIBITION.—

''(i) IN GENERAL.—Except as provided by clause (ii), an owner or operator may not use a ballast water treatment technology to comply with the requirements of this section unless the Secretary has certified the treatment technology under subparagraph (A).

''(ii) EXCEPTIONS.—

''(I) COAST GUARD SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.—An owner or operator may use a ballast water treatment technology that has not been certified by the Secretary to comply with the requirements of this section if the technology is being evaluated under the Coast Guard Shipboard Technology Evaluation Program.

''(II) BALLAST WATER TREATMENT TECHNOLOGIES CERTIFIED BY FOREIGN ENTITIES.—An owner or operator may use a ballast water treatment technology that has not been certified by the Secretary to comply with the requirements of this section if the technology has been certified by a foreign entity and the certification demonstrates performance and safety of the treatment technology equivalent to the requirements of this subsection, as determined by the Secretary.

''(2) CERTIFICATION CONDITIONS.—

''(A) IMPOSITION OF CONDITIONS.—In certifying a ballast water treatment technology under this subsection, the Secretary, in consultation with the Administrator, may impose any condition on the subsequent installation, use, or maintenance of the treatment technology onboard a commercial vessel as is necessary for—

''(i) the safety of the vessel, the crew of the vessel, and any passengers aboard the vessel;

''(ii) the protection of the environment; and

''(iii) the effective operation of the treatment technology.

''(B) FAILURE TO COMPLY.—The failure of an owner or operator to comply with a condition imposed under subparagraph (A) is a violation of this section.

''(3) USE OF BALLAST WATER TREATMENT TECHNOLOGIES ONCE INSTALLED.—

''(A) IN GENERAL.—Subject to subparagraph (B), an owner or operator who installs a ballast water treatment technology that the Secretary has certified under paragraph (1) may use the treatment technology, notwithstanding any revisions to a ballast water performance standard occurring after the installation so long as the owner or operator—

''(i) maintains the treatment technology in proper working condition; and

''(ii) maintains and uses the treatment technology in accordance with—

''(I) the manufacturer's specifications; and

''(II) any conditions imposed by the Secretary under paragraph (2).

''(B) LIMITATION.—Subparagraph (A) shall cease to apply with respect to a commercial vessel after the first to occur of the following:

''(i) The expiration of the service life of the ballast water treatment technology of the vessel, as determined by the Secretary.

''(ii) The expiration of service life of the vessel, as determined by the Secretary.

''(iii) The completion of a major conversion of the vessel.

''(4) TESTING PROTOCOLS.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with the Secretary, shall issue guidelines specifying land-based and shipboard testing protocols or criteria for—

''(A) certifying the performance of ballast water treatment technologies under this subsection; and

''(B) certifying laboratories to evaluate such treatment technologies.

''(5) PROHIBITION.—Following the date on which the requirements of subsection (b)(1) apply with respect to a commercial vessel pursuant to the implementation schedule issued under subsection (b)(3)(B), no manufacturer of a ballast water treatment technology shall sell, offer for sale, or introduce or deliver for introduction into interstate commerce, or import into the United States for sale or resale, a ballast water treatment technology for the commercial vessel unless the technology has been certified under this subsection.

''(f) ALTERNATIVE METHODS OF COMPLIANCE.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Administrator, shall establish an alternative method of compliance with this section for a commercial vessel having a maximum ballast water capacity of less than 8 cubic meters.

''(2) FACTORS FOR CONSIDERATION.—In establishing an alternative method of compliance under paragraph (1), the Secretary shall consider—

''(A) the effectiveness of the alternative method in reducing the risk of the introduction or establishment of aquatic nuisance species relative to the performance standard; and

''(B) any other factor the Secretary considers appropriate.

''(3) BEST MANAGEMENT PRACTICES.—The Secretary may establish as an alternative method of compliance appropriate ballast water best management practices to minimize the introduction or establishment of aquatic nuisance species.

''(g) GEOGRAPHICALLY LIMITED AREAS.—

''(1) IN GENERAL.—Subsections (c), (e), and (i) shall not apply to a commercial vessel that—

''(A) operates exclusively within a geographically limited area, as determined by the Secretary, in consultation with the Administrator; or

''(B) operates pursuant to a geographic restriction issued for the commercial vessel under section 3309 of title 46, United States Code.

''(2) PETITION FOR DETERMINATION BY THE SECRETARY.—

''(A) SUBMISSION OF PETITIONS.—Following the date of issuance of final regulations under subsection (b), an owner or operator may petition the Secretary for a determination under paragraph (1).

''(B) DETERMINATIONS.—The Secretary shall approve or deny a petition submitted by an owner or operator under subparagraph (A).

''(C) DEADLINE.—If the Secretary does not approve or deny a petition submitted by an owner or operator under subparagraph (A) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

''(3) NOTIFICATION.—The Secretary shall notify the Administrator and the Governor of each State the waters of which could be affected by the discharge of ballast water from a commercial vessel for which a petition has been granted under paragraph (2) of the granting of any such petition.

''(4) BEST MANAGEMENT PRACTICES.—For a commercial vessel for which a petition is granted under paragraph (2), the Secretary shall require the owner or operator to implement appropriate ballast water best management practices to minimize the introduction or establishment of aquatic nuisance species.

''(h) RECEPTION FACILITIES.—

''(1) IN GENERAL.—An owner or operator shall discharge ballast water in compliance with subsection (c) or (f) unless discharging ballast water into—

''(A) an onshore facility for the reception of ballast water that meets standards issued by the Administrator, in consultation with the Secretary; or

''(B) an offshore facility for the reception of ballast water that meets standards issued by the Secretary, in consultation with the Administrator.

''(2) ISSUANCE OF STANDARDS.—Not later than 2 years after the date of enactment of this section—

''(A) the Administrator, in consultation with the Secretary, shall issue the standards referred to in paragraph (1)(A); and

''(B) the Secretary, in consultation with the Administrator, shall issue the standards referred to in paragraph (1)(B).

''(3) SOLE METHOD OF DISCHARGE.—The Secretary, in consultation with the Administrator, and upon petition by an owner or operator, may issue to an owner or operator a certificate stating that a commercial vessel is in compliance with the requirements of subsection (b)(1)(A) if discharging ballast water into a facility meeting the standards issued under this subsection is the sole method by which the owner or operator discharges ballast water from the commercial vessel.

''(4) BALLAST WATER MANAGEMENT PLANS.—An owner or operator discharging ballast water under this subsection shall discharge such water in accordance with a ballast water management plan approved under subsection (i).

''(i) COMMERCIAL VESSEL BALLAST WATER MANAGEMENT PLAN.—

''(1) IN GENERAL.—An owner or operator shall discharge ballast water in accordance with a ballast water management plan that—

''(A) meets requirements prescribed by the Secretary; and

''(B) is approved by the Secretary.

''(2) FOREIGN COMMERCIAL VESSELS.—The Secretary may approve a ballast water management plan for a foreign commercial vessel on the basis of a certificate of compliance issued by the country of registration of the commercial vessel if the requirements of the government of that country for a ballast water management plan are substantially equivalent to regulations issued by the Secretary.

''(3) RECORDKEEPING.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), an owner or operator shall maintain in English and have available for inspection by the Secretary a ballast water record book in which each operation of the commercial vessel involving a ballast water discharge is recorded in accordance with regulations issued by the Secretary.

''(B) ALTERNATIVE MEANS OF RECORDKEEPING.—The Secretary may provide for alternative methods of recordkeeping, including electronic recordkeeping, to comply with the requirements of this paragraph.

''(j) REGULATION OF BALLAST WATER DISCHARGES.—Effective on and after the date of enactment of this section—

''(1) the Administrator (or a State in the case of a permit program approved under section 402) shall not require any new permit or permit condition under section 402 for any discharge of ballast water from a commercial vessel into navigable waters; and

''(2) except as provided by subsection (k), a State or political subdivision thereof shall not adopt or enforce any law or regulation of the State or political subdivision with respect to such a discharge.

''(k) STATE AUTHORITY.—

''(1) STATE PROGRAMS.—The Governor of a State desiring to administer its own inspection and enforcement authority for ballast water discharges within its jurisdiction may submit to the Secretary a complete description of the program the Governor proposes to establish and administer under State law. In addition, the Governor shall submit a statement from the State attorney general that the laws of the State provide adequate authority to carry out the described program.

''(2) APPROVAL.—The Secretary, with the concurrence of the Administrator, may approve a program of a State submitted under paragraph (1) providing for the State's own inspection and enforcement authority for ballast water discharges within its jurisdiction, if the Secretary determines that the State possesses adequate resources to—

''(A) inspect, monitor, and board a commercial vessel at any time, including the taking and testing of ballast water samples, to ensure the commercial vessel's compliance with this section;

''(B) ensure that any ballast water discharged within the waters subject to the jurisdiction of the State meets the requirements of this section;

''(C) establish adequate procedures for reporting violations of this section;

''(D) investigate and abate violations of this section, including the imposition of civil and criminal penalties consistent with subsection (o); and

''(E) ensure that the Secretary and the Administrator receive notice of each violation of this section in an expeditious manner.

''(3) COMPLIANCE.—Any State program approved under paragraph (2) shall at all times be conducted in accordance with this subsection.

''(4) WITHDRAWAL OF APPROVAL.—Whenever the Secretary, in consultation with the Administrator, determines, after providing notice and the opportunity for a public hearing, that a State is not administering a program in accordance with the terms of the program as approved under paragraph (2), the Secretary shall notify the State, and, if appropriate corrective action is not taken within a period of time not to exceed 90 days, the Secretary, with the concurrence of the Administrator, shall withdraw approval of the program. The Secretary shall not withdraw approval of a program unless the Secretary has first notified the State and made public, in writing, the reasons for the withdrawal.

''(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Administrator or the Secretary to carry out inspections of any commercial vessel under subsection (n).

''(6) STATE LAWS.—Notwithstanding any other provision of this section, a State may enact such laws as are necessary to provide for the implementation of the State ballast water inspection and enforcement program provided under this subsection. The requirements for a ballast water inspection and enforcement program contained in such State law shall be substantively and procedurally equivalent to those required in this section, and any requirements relating to recordkeeping, reporting, and sampling or analysis contained in such State law shall be substantively and procedurally equivalent to the requirements of this section and its implementing regulations and guidance.

''(l) DISCHARGES INCIDENTAL TO THE NORMAL OPERATIONS OF A COMMERCIAL VESSEL.—

''(1) EVALUATION OF INCIDENTAL DISCHARGES.—

''(A) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the Administrator, in consultation with the Secretary, shall complete an evaluation of discharges incidental to the normal operation of a commercial vessel.

''(B) FACTORS.—In carrying out the evaluation, the Administrator shall analyze—

''(i) the characterization of the various types and composition of discharges incidental to the normal operation of a commercial vessel by different classes, types, and sizes of commercial vessels;

''(ii) the volume of such discharges for representative individual commercial vessels and by classes, types, and sizes of commercial vessels in the aggregate;

''(iii) the availability and feasibility of implementing technologies or best management practices for the control of such discharges;

''(iv) the characteristics of the receiving waters of such discharges;

''(v) the nature and extent of potential effects of such discharges on human health, welfare, and the environment;

''(vi) the extent to which such discharges are currently subject to and addressed by regulations under existing Federal laws or binding international obligations of the United States; and

''(vii) any additional factor that the Administrator considers appropriate.

''(2) REGULATION OF INCIDENTAL DISCHARGES.—Effective on and after the date of enactment of this section—

''(A) the Administrator (or a State in the case of a permit program approved under section 402) shall not require any new permit or permit conditions under section 402 for any discharge incidental to the normal operation of a commercial vessel; and

''(B) a State or political subdivision thereof shall not adopt or enforce any law or regulation of the State or political subdivision with respect to such a discharge.

''(m) EFFECT ON VESSEL GENERAL PERMIT.—

''(1) EXPIRATION.—Notwithstanding the expiration date set forth in the Vessel General Permit, the Vessel General Permit shall expire as follows:

''(A) The terms and conditions of section 6 of such permit or any law of a State regulating the discharge of ballast water or any discharge incidental to the normal operation of a commercial vessel, upon the date of enactment of this section.

''(B) For each commercial vessel, the terms and conditions of such permit (except the terms and conditions referred to in subparagraph (A)) applicable to a discharge of ballast water—

''(i) on the date on which—

''(I) a ballast water treatment technology certified under subsection (e) is installed on the commercial vessel;

''(II) an alternative method of compliance established for the commercial vessel under subsection (f) is implemented for the commercial vessel;

''(III) a petition is granted for the commercial vessel under subsection (g); or

''(IV) a certificate is issued for the commercial vessel under subsection (h); or

''(ii) in any case not described in clause (i), on December 18, 2013.

''(2) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF COMMERCIAL VESSELS.—Notwithstanding the expiration date set forth in the Vessel General Permit, the terms and conditions of such permit (except the terms and conditions referred to in paragraph (1)(A)) applicable to discharges incidental to the normal operation of a commercial vessel shall remain in effect.

''(n) INSPECTIONS AND ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) COAST GUARD ENFORCEMENT.—The Secretary shall enforce the requirements of this section and may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Administrator, other Federal agencies, and the States.

''(B) ENVIRONMENTAL PROTECTION AGENCY ACTIONS.—Notwithstanding any enforcement decisions of the Secretary under subparagraph (A), the Administrator may use the authorities provided in sections 308, 309, 312, and 504 whenever required to carry out this section.

''(2) COAST GUARD INSPECTIONS.—The Secretary may carry out inspections of any commercial vessel at any time, including the taking of ballast water samples, to ensure compliance with this section. The Secretary shall use all appropriate and practical measures of detection and environmental monitoring of such commercial vessels and shall establish adequate procedures for reporting violations of this section and accumulating evidence regarding such violations.

''(o) COMPLIANCE.—

''(1) DETENTION OF COMMERCIAL VESSEL.—The Secretary, by notice to the owner or operator, may detain the commercial vessel if the Secretary has reasonable cause to believe that the commercial vessel does not comply with a requirement of this section or is being operated in violation of such a requirement.

''(2) SANCTIONS.—

''(A) CIVIL PENALTIES.—

''(i) IN GENERAL.—Any person who violates this section shall be liable for a civil penalty in an amount determined under clause (ii). Each day of a continuing violation constitutes a separate violation. A commercial vessel operated in violation of this section is liable in rem for any civil penalty assessed for that violation.

''(ii) PENALTY AMOUNTS.—The amount of a civil penalty assessed under clause (i) shall be determined as follows:

''(I) For vessels with a ballast water capacity less than 1500 cubic meters, not to exceed $25,000 for each violation.

''(II) For vessels with a ballast water capacity of 1500 cubic meters but not more than 5,000 cubic meters, not to exceed $28,750 for each violation.

''(III) For vessels with a ballast water capacity greater than 5,000 cubic meters, not to exceed $32,500 for each violation.

''(B) CRIMINAL PENALTIES.—Any person who knowingly violates this section shall be punished by a fine of not less that $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

''(C) REVOCATION OF CLEARANCE.—Upon request of the Secretary, the Secretary of Homeland Security shall withhold or revoke the clearance of a commercial vessel required by section 60105 of title 46, United States Code, if the owner or operator is in violation of this section.

''(3) ENFORCEMENT ACTIONS.—

''(A) ADMINISTRATIVE ACTIONS.—If the Secretary finds that a person has violated this section, the Secretary may assess a civil penalty for the violation. In determining the amount of the civil penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

''(B) CIVIL ACTIONS.—At the request of the Secretary, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this section. Any court before which such an action is brought may award appropriate relief, including temporary or permanent injunctions and civil penalties.

''(4) EXCLUSION.—No person shall be found in violation of this section whose commission of prohibited acts is found by the Secretary to have been in the interest of ensuring the safety of life at sea.

''(p) REGULATION UNDER OTHER SECTIONS OF THIS ACT.—This section shall not affect the regulation of discharges from a commercial vessel pursuant to section 311 or 312.''.

SEC. 703. DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COVERED VESSEL.

(a) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COVERED VESSEL.—

(1) NO PERMIT REQUIRED.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COVERED VESSEL.—No permit shall be required under this Act by the Administrator (or a State, in the case of a permit program approved under subsection (b)) for a discharge incidental to the normal operation of a covered vessel (as defined in section 312(p)).''.

(2) BEST MANAGEMENT PRACTICES FOR COVERED VESSELS.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(p) BEST MANAGEMENT PRACTICES FOR COVERED VESSELS.—

''(1) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) COVERED VESSEL.—The term 'covered vessel' means every description of watercraft, or other artificial contrivance used or capable of being used as a means of transportation on water, that is engaged in commercial service (as defined under section 2101 of title 46, United States Code), and—

''(i) is less than 79 feet in length; or

''(ii) is a fishing vessel (as defined in section 2101 of title 46, United States Code), regardless of length of the vessel.

''(B) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A COVERED VESSEL.—The term 'discharge incidental to the normal operation of a covered vessel' means a discharge incidental to the normal operation of a commercial vessel (as defined in section 321), insofar as the commercial vessel is a covered vessel.

''(2) DETERMINATION OF DISCHARGES SUBJECT TO BEST MANAGEMENT PRACTICES.—

''(A) DETERMINATION.—

''(i) IN GENERAL.—The Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating, shall determine the discharges incidental to the normal operation of a covered vessel for which it is reasonable and practicable to develop best management practices to mitigate the adverse impacts of such discharges on the waters of the United States.

''(ii) PROMULGATION.—The Administrator shall promulgate the determinations under clause (i) in accordance with section 553 of title 5, United States Code.

''(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator shall consider—

''(i) the nature of the discharge;

''(ii) the environmental effects of the discharge, including characteristics of the receiving waters;

''(iii) the effectiveness of the best management practice in reducing adverse impacts of the discharge on water quality;

''(iv) the practicability of developing and using a best management practice;

''(v) the effect that the use of a best management practice would have on the operation, operational capability, or safety of the vessel;

''(vi) applicable Federal and State law;

''(vii) applicable international standards; and

''(viii) the economic costs of the use of the best management practice.

''(C) TIMING.—The Administrator shall—

''(i) make initial determinations under subparagraph (A) not later than 1 year after the date of enactment of this subsection; and

''(ii) every 5 years thereafter—

''(I) review the determinations; and

''(II) if necessary, revise the determinations based on any new information available to the Administrator.

''(3) REGULATIONS FOR THE USE OF BEST MANAGEMENT PRACTICES.—

''(A) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall promulgate regulations on the use of best management practices for discharges incidental to the normal operation of a covered vessel that the Administrator determines are reasonable and practicable to develop under paragraph (2).

''(B) REGULATIONS.—

''(i) IN GENERAL.—The Secretary shall promulgate the regulations under this paragraph as soon as practicable after the Administrator makes determinations pursuant to paragraph (2).

''(ii) CONSIDERATIONS.—In promulgating regulations under this paragraph, the Secretary may—

''(I) distinguish among classes, types, and sizes of vessels;

''(II) distinguish between new and existing vessels; and

''(III) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

''(4) EFFECT OF OTHER LAWS.—This subsection shall not affect the application of section 311 to a covered vessel.

''(5) PROHIBITION RELATING TO COVERED VESSELS.—After the effective date of the regulations promulgated by the Secretary of the department in which the Coast Guard is operating under paragraph (3), the owner or operator of a covered vessel shall neither operate in, nor discharge any discharge incidental to the normal operation of the vessel into navigable waters, if the owner or operator of the vessel is not using any applicable best management practice meeting standards established under this subsection.''.

SEC. 704. CONFORMING AND TECHNICAL AMENDMENTS.

(a) EFFLUENT LIMITATIONS.—Section 301(a) of the Federal Water Pollution Control Act (33 U.S.C. 1311(a)) is amended by inserting ''312, 321,'' after ''318,''.

(b) REVIEW OF ADMINISTRATOR'S ACTIONS.—The first sentence of section 509(b)(1) of such Act (33 U.S.C. 1369(b)(1)) is amended—

(1) by striking ''and (G)'' and inserting ''(G)''; and

(2) by inserting after ''section 304(l),'' the following: ''and (H) in issuing any regulation or otherwise taking final agency action under section 312 or 321,''.

SEC. 705. REGULATION OF BALLAST WATER AND INCIDENTAL DISCHARGES FROM A COMMERCIAL VESSEL.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the following discharges shall not be regulated in any manner other than as specified in section 312 or 321 of the Federal Water Pollution Control Act (as added by this title):

(1) A discharge incidental to the normal operation of a commercial vessel.

(2) A discharge of ballast water from a commercial vessel.

(b) DEFINITIONS.—In this section, the terms ''ballast water'', ''commercial vessel'', and ''discharge incidental to the normal operation of a commercial vessel'' have the meanings given those terms in section 321(a) of the Federal Water Pollution Control Act (as added by this title).

SEC. 706. NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990.

(a) AQUATIC NUISANCE SPECIES IN WATERS OF THE UNITED STATES.—Effective on the date of issuance of final regulations under section 321(b) of the Federal Water Pollution Control Act (as added by this title), section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) is repealed.

(b) RELATIONSHIP TO OTHER LAWS.—Effective on the date of enactment of this Act, section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4725) is repealed.

The CHAIR. No amendment to the amendment in the nature of a substitute made in order as original text shall be in order except those printed in House Report 112–267 and amendments en bloc described in section 3 of House Resolution 455.

Each amendment other than amendments en bloc may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chair of the Committee on Transportation and Infrastructure or his designee to offer amendments en bloc consisting of amendments printed in House Report 112–267 not earlier disposed of.

Amendments en bloc offered pursuant to section 3 shall be considered read, shall be debatable for 10 minutes equally divided and controlled by the chair and ranking minority member of

the Committee on Transportation and Infrastructure or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

AMENDMENTS EN BLOC OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, I have an en bloc amendment at the desk.

The CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendment Nos. 1, 2, 11, 12, 14, 16, 17, and 18 printed in House Report 112–267:

AMENDMENT NO. 1 OFFERED BY MR. LOBIONDO OF NEW JERSEY

Page 18, line 13, strike ''section 569a'' and insert ''section 569a(a) for the sixth national security cutter and section 569a for the seventh national security cutter''.

Page 40, before line 7, insert the following:

SEC. 409. AUTHORITY TO EXTEND THE DURATION OF MEDICAL CERTIFICATES.

(a) IN GENERAL.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7508. Authority to extend the duration of medical certificates

''(a) GRANTING OF EXTENSIONS.—Notwithstanding any other provision of law, the Secretary may extend for not more than one year a medical certificate issued to an individual holding a license, merchant mariner's document, or certificate of registry if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for medical certificates or in response to a national emergency or natural disaster.

''(b) MANNER OF EXTENSION.—An extension under this section may be granted to individual seamen or a specifically identified group of seamen.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

''7508. Authority to extend the duration of medical certificates.''.

Page 56, after line 3, insert the following:

SEC. 612. REPORT ON SURVIVAL CRAFT.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the carriage of survival craft that ensures no part of an individual is immersed in water.

(b) CONTENT.—The report shall include information on—

(1) the number of casualties as the result of immersion in water by vessel type and area of operation reported to the Coast Guard for each of fiscal years 1991 through 2011;

(2) the effect the carriage of such survival craft has on vessel safety, including stability and safe navigation;

(3) the efficacy of alternative safety systems, devices, or measures; and

(4) the cost and cost-effectiveness of requiring the carriage of such survival craft on vessels.

Page 58, line 15, after ''technology'' insert ''to reduce or eliminate aquatic invasive species''.

Page 62, line 2, strike ''or'' at the end.

Page 62, line 7, strike the period at the end and insert ''; or''.

Page 62, after line 7, insert the following:

''(iii) a discharge into navigable waters from a commercial vessel when the commercial vessel is operating in a capacity other than as a means of transportation on water.

Page 64, line 3, strike ''December 19, 2008,'' and all that follows through the period at the end of line 5 and insert ''February 6, 2009.''.

Page 65, line 12, strike ''point'' and insert ''port or place''.

Page 65, line 22, insert '', if such system does not introduce aquatic nuisance species into navigable waters, as determined by the Secretary in consultation with the Administrator'' before the semicolon at the end.

Page 71, line 11, strike ''this subparagraph'' and insert ''clause (ii)(II)''.

Page 86, line 8, strike ''guidelines specifying'' and insert ''requirements for''.

Page 87, beginning on line 6, strike ''this section for'' and all that follows through the period at the end of line 8 and insert the following: ''this section for—

''(A) a commercial vessel having a maximum ballast water capacity of less than 8 cubic meters; and

''(B) a commercial vessel that is 3 years or fewer from the end of its useful life, as determined by the Secretary pursuant to subsection (b)(2)(B)(v).

Page 87, line 24, strike ''Subsections (c), (e), and (i)'' and insert ''Subsection (c)''.

Page 88, beginning on line 2, strike '', as determined by the Secretary, in consultation with the Administrator''.

Page 88, line 7, insert '', or an equivalent restriction, as determined by the Secretary, issued by the country of registration of the commercial vessel'' before the period.

Page 107, line 10, insert '', in consultation with the Administrator,'' before ''shall promulgate''.

Page 110, after line 18, add the following:

TITLE VIII—PIRACY

SEC. 801. SHORT TITLE.

This title may be cited as the ''Piracy Suppression Act of 2011''.

SEC. 802. REPORT ON ACTIONS TAKEN TO PROTECT FOREIGN-FLAGGED VESSELS FROM PIRACY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, shall provide to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Service and the Committee on Commerce, Science, and Transportation of the Senate a report on actions taken by the Secretary of Defense to protect foreign-flagged vessels from acts of piracy on the high seas. The report shall include—

(1) the total number of incidents for each of the fiscal years 2008 through 2011 in which a member of the armed services or an asset under the control of the Secretary of Defense was used to interdict or defend against an act of piracy directed against any vessel not documented under the laws of the United States; and

(2) the total cost for each of the fiscal years 2008 through 2011 for such incidents.

SEC. 803. TRAINING PROGRAM FOR USE OF FORCE AGAINST PIRACY.

(a) IN GENERAL.—Chapter 517 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 51705. Training program for use of force against piracy

''The Secretary of Transportation shall establish a training program for United States mariners on the use of force against pirates. The program shall include—

''(1) information on waters designated as high-risk waters by the Commandant of the Coast Guard;

''(2) information on current threats and patterns of attack by pirates;

''(3) tactics for defense of a vessel, including instruction on the types, use, and limitations of security equipment;

''(4) standard rules for the use of force for self defense as developed by the Secretary of the department in which the Coast Guard is operating under section 912(c) of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 46 U.S.C. 8107 note), including instruction on firearm safety for crewmembers of vessels carrying cargo under section 55305 of this title; and

''(5) procedures to follow to improve crewmember survivability if captured and taken hostage by pirates.''.

(b) DEADLINE.—The Secretary of Transportation shall establish the program required under the amendment made by subsection (a) by no later than 180 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

''51705. Training program for use of force against piracy.''.

SEC. 804. SECURITY OF GOVERNMENT IMPELLED CARGO.

Section 55305 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(e) SECURITY OF GOVERNMENT IMPELLED CARGO.—

''(1) In order to assure the safety of vessels and crewmembers transporting equipment, materials, or commodities under this section, the Secretary of Transportation shall direct each department or agency (except the Department of Defense) responsible for the carriage of such equipment, materials, or commodities to provide armed personnel aboard vessels of the United States carrying such equipment, materials, or commodities while transiting high-risk waters.

''(2) The Secretary of Transportation shall direct each such department or agency to reimburse, subject to the availability or appropriations, the owners or operators of such vessels for the cost of providing armed personnel.

''(3) For the purposes of this subsection, the term 'high-risk waters' means waters so designated by the Commandant of the Coast Guard in the Port Security Advisory in effect on the date on which the voyage begins.''.

SEC. 805. GAO STUDY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on efforts to track ransom payments paid to pirates operating in the waters off Somalia and improve the prosecution of such pirates. The report shall include—

(1) the status of Working Group 5 of the Contact Group on Piracy Off the Somali Coast, any efforts undertaken by the Working Group, and recommendations for improving the Working Group's effectiveness;

(2) efforts undertaken by the United States Government to implement and enforce Executive Order 13536, including recommendations on how to better implement that order to suppress piracy;

(3) efforts undertaken by the United States Government to track ransom payments made to pirates operating off the coast of Somalia, the effectiveness of those efforts, any

operational actions taken based off those efforts, and recommendations on how to improve such tracking;

(4) actions taken by the United States Government to improve the international prosecution of pirates captured off the coast of Somalia; and

(5) an update on the United States Government's efforts to implement the recommendation contained in General Accountability Office report GAO–10–856, entitled ''Maritime Security: Actions Needed to Assess and Update Plan and Enhance Collaboration among Partners Involved in Countering Piracy off the Horn of Africa'', that metrics should be established for measuring the effectiveness of counter piracy efforts.

AMENDMENT NO. 2 OFFERED BY MR. SHULER OF NORTH CAROLINA

Page 18, line 10, insert ''(a) IN GENERAL.—'' before ''With respect to''.

Page 18, line 24, strike the closing quotation marks and the final period.

Page 18, after line 24, insert the following:

''(b) USE OF MATERIALS, PARTS, AND COMPONENTS MANUFACTURED IN THE UNITED STATES.—In entering into contracts and placing orders under subsection (a), the Commandant shall give priority to persons that manufacture materials, parts, and components in the United States.''.

AMENDMENT NO. 11 OFFERED BY MR. MCINTYRE OF NORTH CAROLINA

Page 30, line 18, strike ''; and'' and insert a semicolon.

Page 30, line 21, strike the period and insert ''; and''.

Page 30, after line 21, insert the following:

(4) coordinate with local businesses to promote an efficient marine transportation system.

AMENDMENT NO. 12 OFFERED BY MR. CUMMINGS OF MARYLAND

At the end of title IV of the committee print, add the following:

SEC. 409. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

(a) IDENTIFICATION OF ACTIONS.—Section 501(b) of title 46, United States Code, is amended—

(1) by inserting ''(1)'' before ''When the head''; and

(2) by adding at the end the following:

''(2) The Administrator of the Maritime Administration shall—

''(A) in each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

''(B) provide each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

''(C) publish each such determination on the Internet site of the Department of Transportation within 48 hours after it is provided to the Secretary of Transportation.

''(3)(A) The Administrator of the Maritime Administration shall notify the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate—

''(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving the request; and

''(ii) of the issuance of any waiver of compliance of such a law not later than 48 hours after such issuance.

''(B) The Administrator shall include in each notification under subparagraph (A)(ii) an explanation of—

''(i) the reasons the waiver is necessary; and

''(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.''.

AMENDMENT NO. 14 OFFERED BY MR. MCCAUL OF TEXAS

At the end of title IV of the committee print, add the following:

SEC. 409. CLASSIFICATION SOCIETIES.

Section 3316 of title 46, United States Code, is amended—

(1) in subsection (b)(2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by adding at the end the following:

''(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.'';

(2) in subsection (d)(2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(C) by adding at the end the following:

''(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for a state sponsor of terrorism.''; and

(3) by adding at the end the following:

''(e) The Secretary shall revoke an existing delegation made to a foreign classification society under subsection (b) or (d) if the Secretary of State determines that the foreign classification society provides comparable services in or for a state sponsor of terrorism.

''(f) In this section, the term 'state sponsor of terrorism' means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law.''.

AMENDMENT NO. 16 OFFERED BY MR. MURPHY OF CONNECTICUT

Page 56, after line 3, insert the following (and conform the table of contents accordingly):

SEC. 612. CONSIDERATION OF INFORMATION RELATING TO EMPLOYMENT WHEN AWARDING CONTRACTS.

(a) IN GENERAL.—Subchapter I of chapter 15 of title 14, United States Code, is further amended by adding at the end the following:

''§ 569c. Consideration of information relating to employment when awarding contracts

''(a) JOBS IMPACT STATEMENTS.—The Secretary, in issuing a solicitation for competitive proposals with respect to a Coast Guard contracting opportunity, shall state in the solicitation that the Secretary may consider information (in this section referred to as a 'jobs impact statement')—

''(1) that the offeror may include in its offer; and

''(2) that relates to the effect of the contract on employment in the United States if the contract is awarded to the offeror.

''(b) CONTENTS.—The information that may be included in a jobs impact statement may include the following:

''(1) The number of jobs expected to be created in the United States, or the number of jobs to be retained in the United States that otherwise would be lost, if the contract is awarded to the offeror.

''(2) The number of jobs expected to be created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

''(3) A guarantee from the offeror that jobs created or retained in the United States as a result of the contract being awarded to the offeror will not be moved outside the United States after award of the contract.

''(c) USE IN EVALUATION.—The Secretary may consider information in a jobs impact statement in the evaluation of an offer relating to a Coast Guard contracting opportunity and may request further information from the offeror in order to verify the accuracy of any such information submitted.

''(d) ASSESSMENT.—With respect to a contract awarded to an offeror that submitted a jobs impact statement, the Secretary shall track the number of jobs created or retained in the United States as a result of the contract. If the number of jobs estimated to be created or retained in the jobs impact statement significantly exceeds the number of jobs created or retained as a result of the contract, the Secretary may evaluate whether the contractor should be proposed for debarment.

''(e) REPORTS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall submit to Congress a report describing the use by the Secretary of jobs impact statements in evaluating offers relating to Coast Guard contracting opportunities.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end of the items relating to such subchapter the following:

''569c. Consideration of information relating to employment when awarding contracts.''.

AMENDMENT NO. 17 OFFERED BY MS. BROWN OF FLORIDA

At the end of title VI, add the following:

SEC. 612. REQUIREMENT OF CORPS.

The Secretary of the Army, acting through the Chief of the Corps of Engineers, shall continue to study the project related to the Jacksonville Port Authority in Jacksonville, Florida, without applying any additional peer reviews described by section 2034 of the Water Resources Development Act of 2007 (33 U.S.C. 2343).

AMENDMENT NO. 18 OFFERED BY MR. RIBBLE OF WISCONSIN

Page 58, strike lines 18 through 24 and insert the following:

''(7) COMMERCIAL VESSEL.—The term 'commercial vessel' means every description of watercraft, or other artificial contrivance used or capable of being used as a means of transportation on water—

''(A) that is engaged in commercial service (as defined under section 2101 of title 46, United States Code); or

''(B) that is owned or operated by the United States, other than a vessel of the Armed Forces (as defined under section 312 of this Act).

The CHAIR. Pursuant to House Resolution 455, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Washington (Mr. LARSEN) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I urge all Members to support the en bloc amendment, and I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of Mr. LOBIONDO's manager's amendment and appreciate its consideration en bloc with other amendments.

In general, the amendment provides helpful technical and clarifying changes to the underlying committee print which will improve the bill. In particular, the provision that grants the Coast Guard discretionary authority to extend the duration of medal certificates is important because it will help ensure that mariners are not left on the dock simply because of administrative backlogs within the Coast Guard preventing the timely issuance of new certificates.

Also I support the inclusion of the amended version of Chairman LOBIONDO's piracy legislation, H.R. 2039, the Piracy Suppression Act of 2011, and expect that it will help to strengthen our efforts abroad to address the growing threat piracy poses to maritime commerce.

In regards to additional amendments in the en bloc, Mr. SHULER's Amendment No. 2 is an important one and encourages all federal agencies certainly to enter into contracts and buy products produced in the U.S., creating jobs for Americans, and the Coast Guard should be no exception.

With regards to Mr. CUMMINGS' amendment, I am certainly supportive of that. It mirrors H.R. 3202. Waivers granted by the Maritime Administration this past summer to allow foreign-flagged vessels to transport oil from the Strategic Petroleum Reserve to other areas in U.S. territorial waters raised legitimate concerns that the administrative waiver process lacked transparency and accountability. This amendment would establish new notice and justification requirements for waivers of our Coast Guard's laws and would help to ensure that our merchant fleet is not unnecessarily disadvantaged in the future.

With regards to Mr. MURPHY's amendment, the gentleman from Connecticut, I can think of no reason why it would not be appropriate for the Coast Guard, when it is soliciting for competitive proposals, to also seek optional job impact statements from these companies bidding on the contract. This will allow the contract officer to assess not only cost comparisons, but also job creation comparisons when making an award and would serve the interests of both the Federal Government and the offerer. This would appear to me to be a good way at little or not cost to better leverage the job-creating potential of contracts awarded by the Coast Guard. And certainly I want to thank the chairman for including Mr. MURPHY's amendment into the en bloc amendment.

Mr. Chair, certainly there are a few other amendments that folks can speak to at the time that they wish, but we have no objection to the en bloc, and we encourage its support and its passage.

With that, I yield back the balance of my time.

Mr. LOBIONDO. I urge support of the amendment, and I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in support of the McCaul Amendment to the Coast Guard and Maritime Transportation Act.

For over 75 years, the Jones Act allowed only one non-governmental organization, the American Bureau of Shipping (ABS), a not-for-profit marine classification society located in my district in Houston, the authority to review and inspect U.S. flagged vessels on behalf of the U.S. Coast Guard.

In 1996, Congress expanded this authority to allow foreign-based classification societies to perform similar tasks.

Today, five foreign classification societies act as Agents of our government on behalf of the Coast Guard.

Unfortunately, four of these foreign organizations also act as Agents of the Islamic Republic of Iran in the review and inspection of Iranian flagged vessels.

These foreign-based classification societies also continue to have business interest with, and often operate within, other rogue nations and state sponsors of terrorism.

I support the McCaul Amendment, which would close this loophole in our laws and send a clear message to foreign-based classification societies that you must choose to work with the United States or work with state sponsors of terrorism, such as Iran.

I ask my colleagues on both sides of the aisle to support the word and spirit of the Iranian sanctions regime that this Chamber has supported time and again, and vote in favor of this amendment.

The CHAIR. The question is on the amendments en bloc offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendments en bloc were agreed to.

AMENDMENT NO. 3 OFFERED BY MR. CUMMINGS

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–267.

Mr. CUMMINGS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, beginning on line 7, strike subsection (a) (and redesignate the succeeding subsections accordingly).

The CHAIR. Pursuant to House Resolution 455, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the work of Chairman LOBIONDO and Chairman MICA and, of course, our ranking member, Mr. LARSEN, and the ranking member, Mr. RAHALL. I appreciate the effort that they put into this Coast Guard reauthorization.

I also appreciate the close working relationship I have with the chairman, Mr. LOBIONDO. During my tenure as chairman of the Coast Guard and Maritime Transportation Subcommittee, he served as my ranking member, and now that he is chair, I appreciate the commitment to diligent oversight that characterizes his leadership of the subcommittee.

I wish we had been able to reach an agreement on the issue at hand, but as that has not been possible, I'm offering this amendment to strike section 301(a) of the bill. Section 301(a) would eliminate provisions included in the Coast Guard authorization of 2010 that I authored to establish an ombudsman in each Coast Guard district. The district ombudsmen are intended to serve as liaisons between the Coast Guard and ports, terminal operators, ship owners, and labor representatives. The ombudsmen will enable these stakeholders to seek further review of disputes regarding the application of the Coast Guard regulations.

Let me be clear that the provisions creating the ombudsman specifically provide that ''the district ombudsman shall not provide assistance with respect to a dispute unless it involves the impact of Coast Guard requirements on port business and the flow of commerce.''

The provisions further clarify that in providing such assistance, the district ombudsman shall give priority to complaints brought by petitioners who believe they will suffer a significant hardship as a result of implementing the Coast Guard requirement.

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I authored the provisions creating the ombudsman at the request of the port community, which approached me seeking another mechanism to engage with the Coast Guard to ensure that the application of regulations achieves critical safety and security objectives while having the least possible impact on commerce.

Many Members of Congress, and particularly those on the other side of the aisle, profess that limiting the power of government and ensuring that businesses are not burdened by inappropriate regulations are among their top priorities. Given these priorities and given the need to ensure that regulations do not threaten commerce or jobs, I am frankly quite deeply surprised that the majority would seek to eliminate a provision that specifically provides businesses with an avenue through which they can seek changes in regulatory decisions in an effort to improve their businesses.

Let me also be clear that I understand that the Coast Guard has not yet appointed any ombudsman—and I know that the service would probably prefer never to appoint an ombudsman because they would prefer that their regulatory decisions not be challenged. That said, rather than eliminating the requirement that the Coast Guard appoint an ombudsman, I believe that this authority should be implemented quickly to give businesses the opportunity to improve the application of Coast Guard regulations.

Finally, let me also explain that this provision does not require any new personnel to be hired. The statutory language is clear, and staff have reconfirmed with the Coast Guard that the position of ombudsman could be a collateral duty that a qualified staff member performs in addition to their other duties. This is not my ideal arrangement, but I raise this point so that it is clear that the implementation of this provision does not require the Coast Guard to hire new staff members.

I urge all Members who are concerned about the impact that undue regulatory burdens may have on commerce to join me in supporting this amendment.

I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. LOBIONDO. I want to thank the gentleman from Maryland for his kind comments. And it is correct, we've had an outstanding working relationship. We've been able to come together on many issues and share a lot of information that has helped us both come to a better conclusion.

Unfortunately, in even great relationships sometimes there is some disagreement. It's an honest disagreement on how we should proceed. I understand the gentleman's argument, but I believe that the provision is duplicative and costly. The implementation of this language I think will worsen the challenges for the Coast Guard at a time when they're facing very difficult money constraints. We've heard the talk about how they don't have the resources to do what they need to do, and we have to worry about their critical missions being able to be conducted.

The Coast Guard does not support the adoption of this provision; they did not last year. I, once again, want to thank the gentleman from Maryland for working so closely with me, but, unfortunately, I have to oppose this particular amendment.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. LARSEN), the ranking member of the subcommittee.

Mr. LARSEN of Washington. I support Mr. CUMMINGS' amendment striking the provision in the underlying bill that would eliminate the requirement for the Coast Guard to establish ombudsmen in Coast Guard districts around the country.

In committee, Mr. CUMMINGS offered and subsequently withdrew his amendment in the hope that some compromise could be reached. Because the program is little more than a year old, I suggest that it might be premature for Congress to repeal this new program. But I certainly do want to recognize the work that Mr. CUMMINGS and Mr. LOBIONDO did to try to find some accommodation.

But I do encourage people to support this amendment to allow the ombudsman program to continue so that we might be better able to get a fair evaluation of the program in the future.

Mr. CUMMINGS. I yield back the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. CUMMINGS).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CUMMINGS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–267.

Mr. THOMPSON of Mississippi. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title II, add the following:

SEC. 2___. ACADEMY NOMINATIONS.

(a) APPOINTMENT.—Subsection (a) of section 182 of title 14, United States Code, is amended to read as follows:

''(a) NOMINATIONS.—

''(1) Half of each incoming class, beginning with academic year 2014, shall be composed of cadets nominated by:

''(A) The Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

''(B) A Senator.

''(C) A Representative in Congress.

''(D) The Delegate to the House of Representatives from the District of Columbia, the Delegate in Congress from the Virgin Islands, the Resident Commissioner from Puerto Rico, the Delegate in Congress from Guam, the Delegate in Congress from American Samoa, or the Resident Representative from the Commonwealth of the Northern Mariana Islands.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner and the Resident Representative, is entitled to nominate 3 persons each year. Cadets who do not graduate on time shall not count against the allocations pursuant to subparagraphs (A) through (D).

''(2) An individual shall be qualified for nomination, selection, and appointment as a cadet at the Academy only if the individual—

''(A) is a citizen or national of the United States; and

''(B) meets such minimum requirements that the Secretary may establish.

''(3) The Superintendent shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.''

(b) TRANSITION.—With respect to the nomination of individuals, pursuant to section 182 of title 14, United States Code, who will matriculate in academic program year 2013, not less than 25 percent of the class shall be from nominations made pursuant to subparagraphs (A) through (D) of subsection (a)(1) of such section 182 (as amended by subsection (a) of this section).

The Secretary is hereby authorized to take any additional action the Secretary believes necessary and proper to provide for the transition to the nomination, selection, and appointment process provided under this section.

The CHAIR. Pursuant to House Resolution 455, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

My amendment would allow Members of Congress to nominate qualified candidates for admission to the U.S. Coast Guard Academy.

Located in New London, Connecticut, the Coast Guard Academy is one of the five prestigious U.S. service academies. The others are the Military Academy in West Point, New York; the Naval Academy in Annapolis, Maryland; the Air Force Academy in Colorado Springs, Colorado; and the Merchant Marine Academy in Kings Point, New York.

These service academies provide 4-year undergraduate educations on a tuition-free basis to help mold talented young people into the Nation's future leaders. Upon graduation, service academy cadets become commissioned officers in active or reserve components of the military, the Merchant Marines, or the U.S. Coast Guard.

Under current law, Members of Congress are authorized to nominate candidates to all U.S. service academies except the U.S. Coast Guard Academy. The Coast Guard Academy uses an admissions process similar to the processes used at traditional civilian colleges and universities.

On an average, the Coast Guard accepts almost 400 applicants each academic year. Of those 400 applicants, a disproportionate number hail from States that border the Atlantic and Pacific Oceans. The rest of the country is largely underrepresented. My amendment seeks to foster greater geographic diversity in the Coast Guard Academy's applicant pool by allowing each Member of Congress to nominate up to three qualified candidates. Similar language that I offered with the gentleman from Maryland, Representative CUMMINGS, was accepted by voice vote during consideration of the 2012 Coast Guard authorization bill. I want to recognize Representative CUMMINGS as a cosponsor of my amendment and a true partner in this effort.

Under my amendment, for academic year 2013, the Coast Guard would be required to allocate a quarter of the slots in the incoming class to qualified candidates submitted through the congressional nomination process. In subsequent academic years, half of the slots would be filled through the congressional nomination process.

My amendment does not require the Coast Guard to alter or lower its selection criteria. To the contrary, it anticipates that the Coast Guard will utilize its criteria to select the best candidates from the pool of Member-nominated candidates to fill half of the slots in the incoming class, just as it will do in filling the remaining slots in the other half of the class.

Additionally, my amendment does not require the Coast Guard to increase class sizes; that's a decision for the Coast Guard. At its essence, it seeks to ensure that the Coast Guard attracts the best candidates from all over the country by increasing the applicant pool.

Each of us has experienced the disappointment of having a talented young person that we nominated to one of the four other service academies rejected. We all understand that it's a very competitive process and slots are scarce. I, for one, would welcome the opportunity to bring that person to the attention of the Coast Guard Academy and help put him or her on a path to accomplishing much for themselves, their families, and the Nation.

With that, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. LOBIONDO. I appreciate what the gentleman from Mississippi is attempting to do here; however, I don't think this is workable. Every Member of Congress would, every 4 years, get to nominate someone to the Coast Guard Academy. I send a number of qualified young people in that direction every year. And the Coast Guard strongly opposes this amendment.

I yield such time as he may consume to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise in opposition to this amendment.

First of all, I just want to salute the amazing effort by Representative CUMMINGS and Representative THOMPSON over the last 4 or 5 years to really, I think, profoundly change behavior at the Academy's admissions office in terms of forcing them to widen the scope of their search for qualified students all across America. In the incoming class this year, we have students who hail from 48 States. We have 31 percent female cadets starting this year and 21 percent minority.

□ 1230

As both of the gentlemen who are the proponents of this amendment know, that is a stark contrast to the situation that existed a short time ago. And I think, again, it is partly due to their external pressure, but also the fact that the Coast Guard Academy's leadership took the challenge and has really been, I think, actively recruiting all across the country to achieve, again, what I think is a goal that the gentleman from Mississippi has well spoken, that we can draw from a wider pool rather than just the bi-coastal parts of the United States of America.

What I would just say, why I stand today in opposition is just that the incoming class is also a small class. It's 288 cadets. If you sort of just try and do the math in terms of a body of 435 Members of the House, 100 in the Senate, and even with the 25 percent safeguard that Mr. THOMPSON thoughtfully added to this amendment, I think it really would just be a cumbersome add-on to a process that really, again, is actively engaged.

Admiral Sandra Stotz is the new superintendent at the academy, the first female superintendent of a military academy in American history. And I can just attest to the fact, having met with her on a number of occasions since she just started this past fall, she is focused like a laser beam in terms of making sure that the great work that was started over the last 2 years or so is going to continue.

And Members can be part of that. We can all, again, go out and talk to high schools, put it on our Web sites, have Coast Guard cadets act as interns in our office, do what we can to make sure that this amazing institution that, again, is just producing great leaders for the future of our country, will draw on, again, the great diversity of our Nation, both geographical and socially.

So, again, I support the goal of this amendment. It's just the mechanics that, again, I would just respectfully rise in opposition and, again, pledge that as someone who represents the New London district, will continue to work with the proponents to make sure that the good progress that's been made over the last couple of years or so will continue.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank the gentleman from Mississippi. Thank you for your leadership and thank you for your kind words.

I'm truly amazed by what the Coast Guard is able to accomplish, particularly given the limits of its budget. But I remain the Coast Guard's biggest supporter.

During my tenure as chairman, I also had the opportunity to be the service's most constructive critic. Among the many areas where I pushed the Coast Guard to set and achieve higher goals was the area of diversity. Data presented to the subcommittee showed that minorities comprised approximately 12 percent of the class of 2012 and just 16 percent of the class of 2013.

By comparison, approximately 35 percent of the Naval Academy's class of 2013 is comprised of minorities. And the tremendous gains in diversity achieved by the United States Naval Academy suggested that the Coast Guard Academy's outreach had been too limited. And as a result, many students across the country from a wide variety of communities and backgrounds simply were not made aware either of the education that they could receive for free at the Coast Guard Academy or the unique service opportunities available in the Coast Guard.

I'm very proud to say that the Coast Guard has begun making that effort, and they are now beginning to realize the promise that our Nation's diversity represents. As a result of what I know has been a tremendous effort, 34 percent of the Coast Guard's Academy's class of 2015 is comprised of minority students, nearly triple the percentage of minorities in the class of 2012.

I believe that implementing a nominations process at the Coast Guard Academy, something that I proposed along with Mr. THOMPSON during our consideration of previous Coast Guard authorizations, will help continue and advance the achievements of the Coast Guard.

Mr. LOBIONDO. Mr. Chairman, I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Chair, I support Mr. THOMPSON's amendment to insert a congressional nomination process for admission to the United States Coast Guard.

This provision, which was included in Coast Guard legislation that passed the House during the 111th Congress, would establish the same process to allow Members of Congress the opportunity to nominate individuals for entrance into the Coast Guard Academy.

I realize that the Coast Guard does not support the Congress imposing a nomination process on the agency, but if it does result in a more diverse workforce within the Coast Guard, we will all be better for it, including the Coast Guard, too.

CONGRESSIONAL NOMINATIONS AT THE COAST GUARD ACADEMY

VOTE ''YES'' ON THE THOMPSON AMENDMENT TO H.R. 2838

The following list is of States and Territories where no applicants were accepted for the incoming Coast Guard Academy Class of 2015—Arkansas, Delaware, Louisiana, Mississippi, Montana, North Dakota, Oregon, South Dakota, Vermont, American Samoa, Puerto Rico, U.S. Virgin Islands.

Prepared by the House Committee on Homeland Security, Democratic Staff, November 4, 2011.

The CHAIR. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. THOMPSON of Mississippi. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. PALAZZO

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112–267.

Mr. PALAZZO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 303 (and redesignate subsequent sections, and conform the table of contents, accordingly).

Page 22, strike lines 10 through 14 and insert the following:

SEC. 303. MAJOR ACQUISITIONS REPORT.

(a) IN GENERAL.—Subchapter I of chapter 15 of title 14, United States Code, is amended by adding at the end the following:

"§ 569a. Major acquisitions report

Page 25, strike line 12 and all that follows before line 16 and insert the following:

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end of the items relating to such subchapter the following:

''569a. Major acquisitions report.''.

The CHAIR. Pursuant to House Resolution 455, the gentleman from Mississippi (Mr. PALAZZO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. PALAZZO. Mr. Chairman, I yield myself such time as I may consume.

My amendment would strike section 303 of the bill, which places harmful restrictions on the future contracting and construction of the United States Coast Guard national security cutter.

The national security cutter is a much needed and extremely cost-effective ship for the Coast Guard, and it has actively proven its value through highly successful counterdrug and other missions while replacing an aging Coast Guard fleet. This is a ship the Coast Guard desperately needs and replaces the 378-foot endurance cutters, most of which are 40 to 50 years old.

Just recently, the commandant of the Coast Guard told the press, we can't the get rest of those out soon enough. On average, the Coast Guard's legacy high-endurance cutters are able to achieve approximately 140 of their programmed 185 days under way a year.

Maintenance costs continue to escalate, and further delay of the transition to national security cutters will only exacerbate challenges we are already facing meeting fleet readiness and mission requirements. This ship represents the centerpiece of the Coast Guard fleet.

The first two national security cutters are enabling the Coast Guard to meet a wide range of missions now. During initial deployment, the national security cutters have netted hundreds of millions of dollars in drug busts. In fact, the street value of cocaine seized in the NSC's first two deployments alone exceeds the total cost of building a national security cutter. It is easy to see that this ship is an exceptional investment in our national security.

As it currently stands, H.R. 2838 would prohibit the Coast Guard from moving forward on NSC 6 and NSC 7. The $77 million pending in FY12 will enable the Coast Guard to contract for long lead time materials and transition to a planned construction contract in fiscal year '13. This is the most cost-effective method of procuring and building any ship, whether it's for the Coast Guard, Navy or the Marine Corps.

As you delay shipbuilding contracts, labor costs and material costs go up as a result of standard inflation. As these costs go up, the costs to the taxpayers go up, called escalation.

Simply put, by continuing steady production of this ship, we are saving the taxpayer money and creating a better product for the Coast Guard. This ship is extremely important to our Nation's industrial base which already faces a serious challenge in a time of tight budgets.

National security cutters are responsible for 1,300 jobs in over 40 States throughout the industrial base. In a time of deep cuts, this means real American jobs. We can't afford for America to lose more in terms of economic and national security. The continued, uninterrupted production could potentially save the taxpayers millions of dollars per ship and approximately 1,300 jobs across America.

One of my greatest concerns remains the purchase of long lead time materials to ensure that we do not delay production in the future. I have spoken with Mr. LOBIONDO today, and I believe that we can find a solution to this issue before or during the conference process. With the cooperation of the Coast Guard and my friends on the committee, I feel confident we can continue to deliver the best product to the Coast Guard at the best possible price to the taxpayer.

I am willing to withdraw my amendment.

Mr. LOBIONDO. Will the gentleman yield?

Mr. PALAZZO. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. I want to thank the gentleman from Mississippi and assure him that we have discussed and we will continue to work toward a common goal which we both share.

Mr. PALAZZO. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIR. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

AMENDMENT NO. 6 OFFERED BY MRS. NAPOLITANO

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–267.

Mrs. NAPOLITANO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 47, line 10, strike ''and'' at the end.

Page 47, after line 10, insert the following:

(2) in subsection (c) by inserting ''or Guam'' before the period at the end; and

Page 47, line 11, strike ''(2)'' and insert ''(3)''.

The CHAIR. Pursuant to House Resolution 455, the gentlewoman from California (Mrs. NAPOLITANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chairman, I yield myself such time as I may consume.

Our bipartisan amendment gives United States-flagged tuna vessels in the western Pacific Ocean the option of using Guam in addition to American Samoa as their annual required port of call in order to meet U.S. maritime regulations.

This amendment would save the U.S. tuna industry millions of dollars and thousands of man-hours that are needlessly wasted being forced by the U.S. maritime regulations to travel 2,600 miles out of their way to make port visits.

The background is that the 2006 Coast Guard Authorization Act allowed U.S.-flagged tuna vessels in the western Pacific to use internationally licensed officers.

□ 1240

The international officer provision was created because maritime officers in the western Pacific are primarily from western Pacific nations. U.S. maritime unions were not opposed to the provision. In order to meet the requirements of that provision, the bill has required tuna vessels to make an annual port call in American Samoa, some 2,000 miles away.

In 2006, the tuna fleet in the region was very small at 12 boats. American Samoa had a market to process the fish for those boats. Since 2006, however, the tuna fleet in the western Pacific has grown to 38 vessels.

Mr. Chairman, approximately 25 of those vessels supply fish to western Pacific processors and then ship the fish product to California, to Georgia, to Illinois, to Puerto Rico for canning. These canneries provide thousands of U.S. jobs. These 25 vessels are still required to travel over 2,600 miles to American Samoa and waste 7 days at sea. This costs each boat more than half a million to make this unnecessary trip.

The purpose of this amendment is to give these tuna boats the option of stopping in Guam in order to meet the requirement of visiting a U.S. port once a year, while receiving marine inspection by the largest Coast Guard sector station in the region.

And, of course, Guam is very close to the tuna fishing grounds. Guam's Coast Guard infrastructure and personnel are excellently equipped to provide these tuna vessels with proper marine inspection and safety review on a timely basis.

I urge all of my colleagues to support this commonsense amendment which will save our U.S. tuna industry millions of dollars. The U.S. House of Representatives is already on record supporting this provision. The provision was part of the Coast Guard authorization of 2009 that overwhelmingly passed this House.

Mr. Chairman, I reserve the balance of my time.

Mr. LARSEN of Washington. I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. LARSEN of Washington. I yield my time to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. I rise respectfully in opposition to the gentlelady's proposed amendment.

Mr. Chairman, perhaps unknown to many of my colleagues of the House, for more than 50 years my little district of American Samoa has been the backbone of the U.S. tuna fishing and processing industries, just like Puerto Rico and the U.S. Virgin Islands have been the backbone of the rum industry.

Today, the U.S. tuna processing industry includes three major brands of canned tuna, namely, Bumble Bee, Chicken of the Sea, and StarKist.

Bumble Bee was formerly owned by a Canadian company, then purchased by U.S. investors and is now resold to an investment group from Great Britain.

Chicken of the Sea continues and has always been a subsidiary company of Thai Union, which currently is the world's largest producer of canned tuna.

StarKist was formerly a subsidiary company of Heinz Foods Corporation out of Pittsburgh, Pennsylvania, then was sold to Del Monte out of San Francisco, and it was purchased by the Dongwon Company out of South Korea.

All three of these major tuna processor companies have corporate offices in Pittsburgh and in San Diego. However, their methods of processing and canning of tuna are quite different, along with the manner in which our U.S. tuna fishing fleet has been operating given the tremendous change now taking place in the entire global tuna industry.

I want to say that I have the utmost respect for my good friend, the gentlelady from California, and out of principle, I just want to respectfully say there are some very unique features of the situation and why I respectfully oppose the amendment.

Eighty percent of the entire economy of my district depends on the tuna industry, and if something happens in terms of the balance between the processors and our fishing fleet, this is where the problems and the complications have come about.

To the extent that the South Pacific Tuna Corporation, which owns about 25 of the 30 or 40 vessels that make up the U.S. tuna fishing fleet, the problem here is that we've got a problem of outsourcing, where two of these companies, Chicken of the Sea and Bumble Bee, do not process the whole fish.

As far as tuna is concerned, 90 percent of the value of the tuna comes in the gutting and the processing. The canning is only about 10 percent. What has happened is that Chicken of the Sea and Bumble Bee have chosen not to buy the whole fish but to simply buy the loins of the fish, as it was cleaned in foreign countries where workers there are paid only 60 cents an hour, as opposed to the only company that currently buys the whole fish, which is StarKist. They buy the whole fish, and it provides jobs for my district.

Because of the global economic recession that we have experienced, and because of the terrible tsunami and earthquake that was subjected to my people 2 years ago, one of the processing companies, Chicken of the Sea, just took off after making billions of dollars worth of canned tuna in my little district, leaving the economy of my territory a disaster.

What has happened is that there is another added feature of this whole problem with the tuna industry. We have what is now pending, the U.S. Regional Tuna Fishing Treaty with 16 other Pacific island countries. Part of the problem that came out of this treaty arrangement was, because the tuna fishing fleet at the time felt that because tuna was a highly migratory fish, they could go anywhere in the world and fish regardless of what the EEZ zones of these countries are. Well, they tried that in Latin America and we had our vessels confiscated. So what happens? Our tuna fishing fleet moved on to the western Pacific; and it was in that one incident that one of our vessels was confiscated by this little island country called the Solomon Islands, and the whole thing went up in the air.

It was necessary that then-Secretary of State George Shultz and Mr. Negroponte came in and this was how we started having this regional tuna fishing treaty for and on behalf of the benefit of our tuna fishing fleet. And this is how we tried to do to make sure that there is a constant supply of tuna that could be brought in to be processed, the whole fish, by the two processing plants that we have in American Samoa. This is no longer the case.

I respectfully ask my colleagues, vote down this proposed amendment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 2011.

Re Docket No. *USCG–2010–1146*
DOCKET MANAGEMENT FACILITY (M–30)
U.S. Department of Transportation, West Building Ground Floor, New Jersey Avenue, SE, Washington, DC.

DEAR SIR OR MADAM: I am writing in support of the USCG's Draft Policy Letter (CG–543) on ''Safety Requirements and Manning Exemption Eligibility on Distant Water Tuna Fleet Vessels'' published in the Federal Register on January 20, 2011.

I am also writing to rebut misinformation put forward by the South Pacific Tuna Corporation (SPTC) in response to USCG–2010–1146.

Legislative Background

In 2005, as a Member of Congress representing the U.S. Territory of American Samoa, I was involved with the enactment of the initial 2006 foreign officer provision. At the time, I was visited by many of the individuals now on the (SPTC) team, as well as Mr. Dave Burney, now deceased, who served as the Executive Director of the U.S. Tuna Foundation.

Due to a shortage of licensed U.S. citizens willing to serve as officers on U.S. tuna vessels, Mr. Burney and many of the individuals now on the SPTC team sought my support for a provision which would allow the U.S.-flag distant water tuna fleet to employ internationally licensed personnel to serve as officers (except for the master). These individuals informed my office that this exemption was necessary to keep American Samoa's economy stable and our canneries operational given that the Territory's private sector economy is more than 80% dependent, directly or indirectly, on the U.S. fishing and processing industries.

I was also informed that this provision was necessary to build up the fishing fleet which had dwindled to about 12 or 14 boats. No boats meant no fish to American Samoa's canneries and no fish meant no canneries.

So, for the benefit of American Samoa, language was inserted in the Senate to accommodate an exemption. However, because Congress intended the provision to help American Samoa's canneries and economy, the provision stipulated that the exemption would only apply to tuna vessels home-ported in American Samoa.

Because of the uniqueness of the provision, Congress also limited the provision to 48 months and set an expiration date of July 10, 2010. Within that 48-month time period, it was my understanding that the U.S. Tuna Foundation and the individuals who are now part of the SPTC team would work to establish a program to train U.S. citizens and Nationals to serve as officers but this promise was not kept.

Also, last year, without consultation, SPTC's lobbyist sought to broaden the exemption to allow tuna vessels home-ported in Guam or CNMI to receive the same crew exemption as tuna vessels home-ported in American Samoa. Although SPTC failed in its attempt, it called into question SPTC's motive for broadening an exemption since neither CNMI nor Guam have a tuna industry. I believe SPTC's motive is easily explained by a brief overview of the U.S. tuna fishing fleet.

The U.S. Tuna Fishing Fleet

The U.S. tuna fishing fleet is currently made up of about 39 vessels, with one license still available. About 14 of these vessels are 100% U.S. owned. The other 25 tuna boats are newer vessels, built in foreign countries, with 51% U.S. ownership, and 49% foreign-ownership. Most of the foreign-built boats are part of a company known as the South Pacific Tuna Corporation (SPTC).

Mr. Chris Lischewski, CEO and former President of Bumble Bee, is a part-owner of South Pacific Tuna Corporation. Chicken of the Sea and/or its parent company, Thai Union, is also a part-owner of the foreign-built tuna boats.

Whether U.S. or foreign-built, all 39 tuna boats, or the entire U.S. tuna fishing fleet, fishes under the auspices of the South Pacific Tuna Treaty, a treaty between the United States and 16 Pacific Island nations. Under the terms of the Treaty, the U.S. government pays out $18 million annually to the Pacific Island parties in return for the right of our U.S. tuna boats to fish in the exclusive economic zones (EEZ) of the 16 Pacific Island parties to the Treaty. The U.S. tuna boats also pay the Pacific Island parties about $3 million or more per year, depending on the amount of tuna they catch.

According to the U.S. Department of State, the landed value of the catch in 2008 was in excess of $200 million but the value of the tuna as it moves through the processing and distribution chain may be as much as $400 to $500 million.

Of the approximate 300,000 metric tons of tuna that is caught, which is referred to as

whole fish, about 120,000 metric tons is direct-delivered to American Samoa per year. Direct delivery means the tuna boats actually pull into American Samoa's port and offload their catch. Given Chicken of the Sea's closure, the amount of tonnage direct-delivered to American Samoa is now less but with the presence of a new cannery, Tri-Marine, we expect to be operating again at full capacity.

Contrary to SPTC's claims, American Samoa has the capacity to process up to 280,000 metric tons with room for growth. Nonetheless, for purposes of this statement, I want to point out what happens to the other 180,000 metric tons which American Samoa is not processing right now.

What happens is that the foreign-built tuna boats owned by SPTC, which Chicken of the Sea and/or Thai Union have part ownership in, are transshipping their catch to foreign nations where the tuna is cleaned, or loined, by workers who are paid $0.75 cents and less per hour.

In other words, 25 members of our very own U.S. tuna fishing fleet sell off their catch to foreign nations and then send the cleaned tuna loin back to Bumble Bee and Chicken of the Sea so that these two tuna canneries can maximize their corporate profits while offshoring American jobs. These 25 members of the U.S. tuna fishing fleet do this despite the fact that they fly the U.S. flag and are subsidized by the American taxpayer to the tune of $18 million per year to fish in the South Pacific Tuna Treaty Area. And what does the American taxpayer get in return? We get a depleted tuna stock not to mention the safety threat these new boats pose.

In the time it takes to make 3 direct-deliveries, the new SPTC foreign-built tuna boats can make 5 transshipment deliveries by offloading their catch to a big mother ship meaning that they can return more quickly to the South Pacific Tuna Treaty fishing grounds where they can catch more and more tuna at a more maddening pace, with very little U.S. Coast Guard oversight because of SPTC's unwillingness to pull into American Samoa's port, once a year.

Disregarding U.S. interests was never the Congressional intent of a crew exemption provision.

S. 3607

While SPTC would have the USCG believe that the U.S. House of Representatives supported a permanent exemption, this is not the case. What happened is SPTC had language inserted in H.R. 3619 without the knowledge of Guam, CNMI or American Samoa. But, last year, during conference, the U.S. House of Representatives and Senate agreed with my position and put a halt to SPTC's request to make this provision permanent.

House and Senate also agreed to require the DWTF to undergo a safety inspection in American Samoa once a year in order to accommodate my request for an annual call on the Territory's port.

On the evening before the bill went for a vote, SPTC's representatives visited my office and begged for an as-is two-year extension conditioned on the promise that SPTC would work to do right by American Samoa and honor its original commitments. In good-faith, I agreed to work with SPTC.

Conclusion

Regrettably, I have reviewed SPTC's statement submitted to the USCG and I am disappointed that once more, SPTC, has misrepresented the facts surrounding this manning provision or American Samoa's capabilities.

The original intent of a crew exemption provision was to bolster American Samoa's economy, not increase SPTC profits. This is why the exemption was only granted to vessels operating in and out of American Samoa. No other boats were provided this exemption and I am hopeful that the USCG will hold to Congressional intent and move forward with its Draft Policy Letter.

Sincerely,

ENI F.H. FALEOMAVAEGA,
Member of Congress.

U.S. SENATE,
HART SENATE OFFICE BUILDING,
Washington, DC, April 1, 2011.

Hon. ENI F.H. FALEOMAVAEGA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN FALEOMAVAEGA: Thank you for your letter regarding the U.S. Coast Guard's draft policy on the ''Safety Requirements and Manning Exemption Eligibility on Distant Water Tuna Fleet Vessels.'' I am in full agreement with you that our intent in passing the original exemption was to support a U.S.-flag fleet that operated in and out of American Samoa. Accordingly, I am pleased the Coast Guard is making an effort to define this requirement in a meaningful way. Please be assured that I will notify the Coast Guard of my support for the proposed policy.

Aloha,

DANIEL K. INOUYE,
United States Senator.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 28, 2011.

Hon. DANIEL K. INOUYE,
Chairman, Senate Committee on Appropriations,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request your support in increasing funding for the South Pacific Tuna Treaty and for the Treaty to be renegotiated in a way that would distinguish between U.S. tuna boats that direct-deliver their fish to American Samoa, or another U.S. port, and those that do not.

When the Treaty was first negotiated, it was negotiated for purposes of providing U.S. foreign assistance to the Pacific Island Parties while also providing a tangible benefit to the U.S. By the time the Treaty was renewed in 2002 until now, the U.S. provided the Pacific Island Parties about $18 million annually in exchange for our U.S. tuna boats to fish in the Treaty area. The U.S. tuna boats also paid a collective, not individual, fixed rate of about $3 million per year, and above that amount depending on the amount of fish caught and the value of it.

We have since learned that according to the Congressional Research Service (CRS) the U.S. tuna boats harvest about $250 million worth of tuna annually but the value of the tuna as it moves through the processing and distribution chain may be as much as $500 million or more. Given that the PNA controls about 25–30% of the world's supply of tuna which is primarily in the Treaty Area, I believe that the Pacific Island Parties to the Treaty deserve a more equitable distribution of this wealth. $18 million plus the small contribution of the U.S. tuna boat owners is not enough.

Regarding U.S. interests, when the Treaty first went into effect, all three major brands of canned tuna in the U.S., including StarKist, Chicken of the Sea and Bumble Bee, purchased their tuna from U.S. tuna boats authorized to fish in the Treaty Area. The fish was then cleaned in the U.S., including American Samoa which was home to the largest cannery in the world because of our close proximity to the fishing grounds.

About a decade ago, Bumble Bee adopted a new model of doing business and began outsourcing American resources and jobs, which is contrary to the principles upon which the Treaty was founded. Chicken of the Sea followed suit. Both Chicken of the Sea and Bumble Bee now have their fish cleaned by low-wage workers in Thailand, Fiji and Papua New Guinea. Then they send their pre-cleaned fish to canneries in California, Georgia and Puerto Rico where they hire skeletal crews to put the fish into cans as a means of taking advantage of U.S. duty-free laws.

The USDA has caught on to this un-American way of doing business and this is why canned tuna processed by Bumble Bee and Chicken of the Sea does not qualify for the Buy America program. To date, StarKist is the only remaining tuna company that qualifies for the Buy America program because it is the only company that still cleans its tuna in the U.S.A., making StarKist the only tuna company that upholds the intent of the Treaty which is in place to also provide tangible benefits to the U.S.

As a result of this transformational shift which has taken place in the U.S. tuna industry during the past decade, foreign nations like Thailand are making billions at the expense of the U.S. taxpayer and Pacific Island Parties. Thailand, which has no fishing fleet of its own, has become the world's largest producer of canned tuna and controls about 30% of the private-label canned tuna business in the U.S.A. I attribute Thailand's success, in part, to a loophole in the South Pacific Tuna Treaty.

When the Treaty was first negotiated, all U.S. tuna boats off-loaded their fish in U.S. ports. Today, tuna boats that are 51% U.S. owned like those of the South Pacific Tuna Corporation trans-ship the majority of the fish they catch in the Treaty Area to Thailand. Thailand then buys the tuna that comes out of the South Pacific Tuna Treaty Area and puts workers in America out of jobs because Thailand's fish cleaners, which are paid 75 cents and less per hour, directly compete against workers in American Samoa who are paid in accordance with federal minimum wage laws.

While it is true that boats from the South Pacific Tuna Corporation at one time indirectly supplied tuna to Chicken of the Sea/Samoa Packing in American Samoa, this has not been the case since Chicken of the Sea left American Samoa and set up a skeletal crew in Lyons, Georgia. In fact, according to the Congressional Research Service, of the approximately 300,000 metric tons of tuna that is caught by the U.S. tuna fishing fleet in the South Pacific Tuna Treaty Area, more than 180,000 metric tons is transshipped and outsourced to foreign nations, like Thailand, and I believe this un-American practice of outsourcing U.S. and Pacific Island resources must stop.

This is why I am hopeful that the U.S. State Department will make a distinction between tuna boats that directly off-load in American Samoa, and those that do not. For boats like those of the South Pacific Tuna Corporation which outsource, I believe their fishing days should be limited, that they should pay increased fees to fish, and that they should be required to pull into U.S. ports once a year for the privilege of the fishing in the Treaty Area. I also believe U.S. tuna boats that direct-deliver to U.S. ports, including American Samoa, should be given preferential treatment for licenses if the U.S. is not able to secure licenses for the entire fleet.

I would appreciate your support of these changes, and I will do everything I can to also garner support from the U.S. Department of State. As always, I thank you for

the good work you are doing and continue to wish you the very best.

Sincerely,

ENI F.H. FALEOMAVAEGA,
Ranking Member, Subcommittee on Asia and the Pacific.

U.S. DEPARTMENT OF STATE,
Washington, DC, August 9, 2011.

Hon. ENI. F.H. FALEOMAVAEGA,
House of Representatives.

DEAR MR. FALEOMAVAEGA: Thank you for your letter of June 28 regarding the 1987 South Pacific Tuna Treaty and for your interest in the ongoing negotiations to amend and extend that arrangement.

We recognize the vital importance of sustainable tuna fisheries to the Pacific and the significant contribution that the U.S. industry supported by the Treaty makes to the U.S. economy, particularly in American Samoa. We also recognize that there have been important changes in the Pacific since the Treaty was last extended. Under these circumstances, changes to the Treaty will be necessary to ensure that it remains an effective and viable agreement that promotes responsible and sustainable tuna fisheries, provides satisfactory economic returns to the Pacific Island Parties and contributes to the development of the small-island developing States. We are currently working to address these and other issues in the renegotiations, including at our most recent meeting in Samoa in July.

We appreciate your views on the issues of off-loading and the allocation of days or licenses among the U.S. fleet. We are sensitive to the need to negotiate an agreement that does not put the United States at a competitive disadvantage.

As the negotiations proceed, we will continue to keep you apprised of their progress. Please do not hesitate to contact us if we may be of assistance in this or any other manner.

Sincerely,

DAVID S. ADAMS
Assistant Secretary, Legislative Affairs.

Mrs. NAPOLITANO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. I've got to say, quite frankly, I appreciate the gentleman from American Samoa and his position. If I represented that island, I would be wanting to defend the monopoly that island has in the western Pacific today.

But the fact is, as a Nation, we've got to look at not only the great economic impact of this monopoly of forcing boats to travel for thousands of miles to get back to one centralized location because of a political decision here in Washington, but we've also got to look at this fact that the lady from California has an amendment that will address not just the economic impact but what about the environmental.

And I would ask my colleagues on both sides of the aisle, consider the fact that we talk about greenhouse gasses and emissions, but, as a law, we're requiring these fishing boats to travel for 6 to 7 days over thousands of miles because of our laws here. If we truly want to say we want to reduce emissions, we should reduce the emissions forced by regulation by supporting the gentlelady's amendment.

Mr. LARSEN of Washington. Mr. Chairman, is there any time left on this side?

The CHAIR. The time of the gentleman from Washington has expired.

Ms. NAPOLITANO. Mr. Chairman, I yield the balance of my time to the gentlewoman from Guam (Ms. BORDALLO).

The CHAIR. The gentlewoman is recognized for 1½ minutes.

Ms. BORDALLO. I rise today in support of the amendment offered by my colleague from California, GRACE NAPOLITANO.

While I am sympathetic to and recognize the concerns of my friend and colleague from American Samoa, I have received significant support from my constituents to include Guam as an eligible port of call for annual safety inspections only to the U.S. distant water tuna fleet. Permitting the fleet to call on Guam in addition to American Samoa will create additional economic opportunities for my constituents.

□ 1250

The fleet can utilize Guam's Coast Guard sector, our port, our ship repair facilities, and can service their helicopters. It is a commonsense approach to enforce the safety inspection requirements for the U.S. flag vessels.

I want it to be very clear, Mr. Chairman, that I would like better assurance from the administration, industry, and stakeholders that this will not harm the tuna industry in American Samoa. That industry is critically important to their economy, and its competitive advantages must not be undermined.

I am committed to working with my friend to ensure that the American Samoa tuna industry remains strong. In fact, I am staunchly opposed to the distant water tuna fleet fishing in Guam's waters. The fleet is, in fact, prohibited from fishing in Guam's economic zone, and if it were to do so, it would threaten the livelihoods of our own local fishermen.

If this amendment passes, I would strongly urge the Coast Guard, the National Marine Fishery Services, and all relevant agencies to aggressively enforce existing regulations and to prevent any illegal opportunist harvest in Guam's waters.

Again, I support this amendment.

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FALEOMAVAEGA. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. BISHOP OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–267.

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 95, after line 14, insert the following:

''(7) STATE OPERATIONAL REQUIREMENTS.—

''(A) IN GENERAL.—If any State determines that the protection and enhancement of the quality of waters within the State require greater environmental protection than would be achieved through the application of a standard specified under subsection (c) or established under subsection (d), the State may impose operational requirements that are more protective than such standards, except that a State operational requirement imposed under this paragraph may not—

''(i) require the installation of a ballast water treatment technology that differs from that required by the standard specified under subsection (c) or established under subsection (d); or

''(ii) apply until the Administrator and the Secretary determine that the waters of the State require greater environmental protection and such greater environmental protection can be achieved by the State operational requirement.

''(B) FACTORS FOR DETERMINATION.—

''(i) DETERMINATIONS BY ADMINISTRATOR.—In making the determination under subparagraph (A)(ii), the Administrator shall consider—

''(I) whether the receiving waters have been afforded special protection under Federal or State law;

''(II) the benefits to human health, welfare, or the environment of the additional protection for the receiving waters;

''(III) the reduction in risk to human health, welfare, or the environment resulting from the additional protection;

''(IV) the propagule pressure to be addressed by the additional protection;

''(V) applicable Federal and State law;

''(VI) applicable international standards; and

''(VII) the costs and benefits of providing the additional protection.

''(ii) DETERMINATIONS BY SECRETARY.—In making the determination under subparagraph (A)(ii) the Secretary shall consider—

''(I) the effect that the use of the State operational requirement for additional protection would have on the operation, operational capability, and safety of the crew and vessel;

''(II) the potential impacts on shipping, trade, and other uses of the aquatic environment;

''(III) applicable Federal and State law;

''(IV) applicable international standards; and

''(V) the costs and benefits of providing the additional protection.

''(C) DEADLINE.—Upon application of the State, the Administrator and the Secretary shall make the determination within 180 days of the date of the completed application.

''(D) APPROVAL OF STATE OPERATIONAL REQUIREMENTS.—

''(i) IN GENERAL.—If the Administrator and the Secretary determine upon application by a State that the protection and enhancement of the quality of waters within that State require more environmental protection and that such greater protection can be achieved by the operational requirement, the Administrator and the Secretary shall approve the application for the State operational requirement.

''(ii) LIMITATION.—The Administrator and the Secretary may not approve a State operational requirement if the requirement—

''(I) would have an unreasonable impact on the use of traditional shipping lanes; or

''(II) would prohibit the discharge of ballast water in all the waters of the State.

''(iii) REGULATIONS.—Following the approval of a State operational requirement by the Administrator and the Secretary under this paragraph, the Secretary shall by regulation implement the State operational requirement for the waters of the State.

The CHAIR. Pursuant to House Resolution 455, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, my amendment amends title VII of the Coast Guard reauthorization bill to recognize the importance of both Federal and State efforts to protect the waters of individual States by retaining a limited, surgical role for States to provide additional operational limitations to protect important State resource waters from the introduction of invasive species and other pollutants.

In concept, I agree with Chairman LOBIONDO that we should enact a stringent uniform national standard for ballast water treatment technologies for commercial vessels. It makes sense to set a high standard that is technologically achievable and reduces the likelihood of introducing invasive species into our native waters.

My amendment does not add or change any technological requirements in the bill. Let me say that again. My amendment does not add or change any technological requirements in the bill. This is an issue of extreme importance to industry for understandable reasons. Nor does it give States carte blanche to prevent ships from releasing ballast water. It simply provides for the ability of States to petition the Federal Government, under a set of criteria that protects international and domestic commerce, to identify and protect highly sensitive water resources within a State's existing jurisdiction.

My amendment is not without precedent. In 1996, Congress amended the Clean Water Act to require the Department of Defense to work with the EPA to regulate ballast water from military vessels through the Uniform National Discharge Standards program. In providing for these uniform national standards, the then-Republican-led Congress acknowledged a deep respect for the rights of States, including a residual authority for States to establish ''no discharge zones'' similar to those that would be allowed under my amendment if it were to pass.

Section 312 of the Clean Water Act, which is probably the closest analogy to the issue of ballast water discharges from commercial vessels, establishes uniform standards for discharges of marine sanitation devices. Section 312 specifically reserves a role for States to create ''no discharge zones'' for important State waters, provided that those zones will not adversely impact vessels from operating within the States.

The issue really boils down to this:

If you believe that States have a role to play, however limited, in determining if some of their State waters deserve additional protections while maintaining a uniform national standard, then you should vote for the Bishop amendment. If, on the other hand, you believe that States should have absolutely no say whatsoever in protecting particularly sensitive waters within their jurisdictions, then you should oppose the Bishop amendment. Given what we've done thus far in this Congress, I would hope that Members would continue to assert that States have a role.

Earlier this year, we passed H.R. 2018, the Cooperative Federalism Act of 2011. This bill would eliminate any Federal role in setting baseline water quality standards, giving full discretion to the States. The bill that is before us flips that precisely. It would provide no role for the States and give 100 percent of the role to the Federal Government.

I would ask that the House continue to recognize the role of States in setting standards for water quality in waters that they control, so I would urge the adoption of my amendment.

Before I close, I do, though, want to thank Chairman LOBIONDO. We worked very hard over the last several weeks in trying to come to a resolution of this matter. We were unable to get there, but it was not for lack of trying. I thank the chairman and the ranking member for their efforts to bring this matter to a bipartisan resolution. I'm sorry we couldn't get there, but as I say, it was not for lack of trying.

With that, I reserve the balance of my time.

Mr. LOBIONDO. I claim the time in opposition.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. LOBIONDO. Mr. Chairman, I appreciate what the gentleman from New York is attempting to do. We did give a mighty effort in trying to reach an agreement. It's one of those situations where we just have a different point of view.

It is my opinion that this amendment would make the current situation even worse because it would allow States to completely prohibit the discharge of ballast water, if they chose, regardless of what technology was installed on a vessel. So here is the situation:

You could have a vessel owner install technology worth millions of dollars, technology that would treat ballast water to 1 million times the standard in the bill, and you could still have a State come in and say, We're going to prohibit the vessel from discharging.

It completely undermines the uniform standards that we are attempting to accomplish. The amendment would also allow States to dictate how much ballast water could be discharged, the depth of the water where the discharge is permitted, and even at what hours of the day.

I think—and, again, my opinion is—that this amendment would completely undermine our efforts to put in place a single uniform national ballast water standard and that, if this amendment were to go forward, it would actually gut this portion of it.

So I urge all Members to oppose the amendment, and I reserve the balance of my time.

Mr. BISHOP of New York. May I inquire as to how much time I have left?

The CHAIR. The gentleman has 1 minute remaining.

Mr. BISHOP of New York. Respectfully, I believe that my colleague and friend from New Jersey has mischaracterized pieces of the amendment.

Let me be clear. I quote:

The amendment would not allow States to require the installation of ballast water treatment technology that differs from that required by the standards specified under subsection (c)—in other words, what the underlying bill provides—and they could not impose standards until they had applied to the administrator and the Secretary, and they would have to determine that the waters of the State required greater environmental protection.

So this would be a State request to the EPA.

Finally, the administrator and the Secretary, by the language of this amendment, could not approve a State operational requirement if that requirement, A, would have an unreasonable impact on the use of traditional shipping lanes or, B, would prohibit the discharge of ballast waters in all waters of the State.

This is a very narrowly crafted effort to provide at least some role for the States, subject to the approval of the Federal Government.

With that, I yield back the balance of my time.

Mr. LOBIONDO. I yield 1 minute to the gentleman from Indiana (Mr. BUCSHON).

Mr. BUCSHON. I rise today in opposition to the amendment of the gentleman of New York (Mr. BISHOP) and, subsequently, to that of the gentleman from Michigan (Mr. DINGELL), which also affects the uniform national standard of ballast water discharge.

This legislation creates a national standard that we desperately need. Currently, each State is able to create its own rules and regulations for ballast water discharge. The State of New York recently enacted extreme new ballast water requirements that are 100 times more stringent than international standards. After an extensive study, the Wisconsin Department of Natural Resources determined that the technology does not exist to meet this standard. If allowed to go into effect, these regulations would cost Indiana approximately 8,800 jobs while doing little to protect the Great Lakes from invasive species.

□ 1300

On September 7, Governor Daniels of Indiana joined Wisconsin Governor

Walker and Ohio Governor Kasich in submitting a letter to New York Governor Cuomo opposing New York's extreme new ballast requirements.

I urge all my colleagues to save maritime jobs not only in Indiana but across the Great Lakes and vote against these two amendments.

SEPTEMBER 7, 2011.

Hon. ANDREW CUOMO,
Governor of New York State, NYS State Office Building, Albany, NY.

DEAR GOVERNOR CUOMO: We are writing to share our concerns regarding regulations adopted by the New York Department of Environmental Conservation (NYDEC) that could seriously impede maritime commerce in the Great Lakes States to the west of New York.

In late 2008, NYDEC issued rules intended to prevent the introduction of aquatic nuisance species into New York waters via the ballast water of commercial vessels. While we share NYDEC's concern regarding the impact of invasive species on the ecology of the Great Lakes, we note that the International Maritime Organization (IMO) has coordinated a global treaty to require all ships to install environmental technology by 2016 to clean ballast water to a specific water quality standard. The IMO is the maritime arm of the United Nations and it coordinates international shipping policy. Many Great Lakes states have incorporated the IMO ballast water treatment standard into their own rules. Likewise, the U.S. Coast Guard (USCG) has embraced these same requirements for new federal regulations to be issued later this year.

Under New York's regulations, shipowners must install technology on existing vessels by August 1, 2013, to treat ballast water to a level 100 times more stringent than the IMO standard. Any vessels built after January 1, 2013, must include technology to treat ballast water to a level 1,000 times more stringent than the IMO standard. These rules not only apply to ships visiting New York ports, but also extend to ships in passage through New York waters destined for the ports of neighboring states and provinces. The rules apply to ships whether or not they discharge ballast water.

Today, there is no technology approved by the USCG to meet New York's regulatory requirements. In fact, the USCG has yet to establish a ballast water treatment technology approval process. Shipowners will not install ballast water treatment systems unless USCG approved, because they are unable to obtain insurance otherwise.

We also note that in February 2010, the Wisconsin Department of Natural Resources (WDNR) established ballast water treatment regulations similar to the NYDEC; i.e., 100 times the IMO standard. Wisconsin's ballast water discharge general permit required the WDNR to conduct a feasibility determination of this standard, which it completed in December 2010. After considerable analysis, and in consultation with the Ballast Water Collaborative, a group of leading environmental scientists, vendors, naval architects and other experts in the U.S. and Canada, including New York DEC staff, the WDNR concluded that treatment technologies do not exist today to meet the 100 times IMO standard. The WDNR ballast water general permit was subsequently modified to require the IMO standards.

Ohio and Indiana employ the Vessel General Permit (VGP) under the National Pollutant Discharge Elimination System (NPDES)—which has gone through each state's 401 review process and includes conditions that do not exceed IMO standards to regulate ballast waters. Further, USEPA has a Memorandum of Understanding with the US Coast Guard to, when inspecting vessels, ensure they are complying with the VGP.

We know the U.S. Environmental Protection Agency tasked its Science Advisory Board (SAB) to address the question of whether ballast water treatment technology exists now, or in the foreseeable future, to meet a standard greater than IMO. In the SAB's recently issued final report, it emphatically stated that no such technology exists.

The State of New York is now the only jurisdiction in the Great Lakes that still regulates ballast water treatment technology more stringently than the IMO standard, and New York's standards are technologically impossible to meet. Unless the NYDEC regulations are amended, they will possibly force the closure of the St. Lawrence Seaway, and imperil thousands of maritime-related jobs in the Great Lakes States and Canada. Fortunately, the final USCG ballast water regulations will be published in the next few months. We have always supported a strong, consistent—standard that covers all U.S. waters.

NYDEC regulations are already having an effect on maritime commerce in the Great Lakes as shippers, ports, industry and labor unions look to establish long-term business agreements and plan future investments. Preventing the spread of invasive species continues to be a top priority for all of us, but waterborne shipping is critical to our economies, and we must work together toward controlling invasive species while also protecting the commerce of our nation's waterways. We urge New York to take prompt action and amend its ballast water regulations to align with the IMO and USCG standards.

Sincerely,

GOV. SCOTT WALKER,
Wisconsin.
GOV. MITCH DANIELS,
Indiana.
GOV. JOHN KASICH,
Ohio.

Mr. LOBIONDO. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the chairman for yielding.

I rise with great affection for my friends from New York, both Mr. BISHOP and Ms. SLAUGHTER; but I have to set the table on what this is about.

The Coast Guard has been promulgating a Federal standard in line with the international maritime standard for the discharge of ballast water. And despite what people say—they say a new invasive species comes into the lakes every 28 days. That's true; but they don't come in in the ballast water of ships because industry, governments—both American and Canadian—and the States have worked hard to make sure that that does not occur.

But in the face of that, an organization called the New York Department of Environmental Conservation proposed regulations, as Mr. BUCSHON said, that when fully implemented would be a thousand times more stringent than the IMO standards. And what that effectively means is—and when you talk to these folks they say, Well, that's the great mother of invention. If we put these standards out there, the great mother of invention, they're going to invent something. But sadly for New York, their vendor—the one that they were counting on for this technology—said they are not even willing to have it be tested by a third party for verification that it works. So this amendment and those proposals would basically shut down waterborne commerce in the United States of America.

Mr. BISHOP of New York. Will the gentleman yield?

Mr. LATOURETTE. I will yield to you in just a second.

But here's the skinny: New York's regulations are more obnoxious because they cover just passage. You don't have to take a drop of ballast water in if you're in New York waters, and you don't have to discharge a drop. Just the mere fact of sailing through New York waters—which you have to do in the Great Lakes—would cause these regulations to come into effect.

Now, I had to go to the extraordinary length of offering an amendment in the Interior appropriations bill that said if New York continues on this crazy course, that they get no money out of the Interior appropriations bill. Now, that wasn't designed to cheat our friends in New York out of funds. That was designed to get their attention. We have their attention. We have to work together to solve this in a bipartisan way. This amendment and the next amendment are not going to do that.

I am happy to yield to my friend.

Mr. BISHOP of New York. I appreciate my friend from Ohio for yielding.

I want to be clear. What the gentleman from Ohio is describing is the current state of affairs. The underlying bill would change the current state of affairs. And the amendment that I'm seeking to the underlying bill would render the New York State standards moot because it would accept the technological standards imposed in the underlying bill. So the New York standards, as ambitious as they are, would go away.

What this would simply say is that New York and other States that are interested—such as California, such as Michigan—could establish certain operational requirements subject to the approval of the EPA that would allow for the protection of certain waters in the State.

The CHAIR. The time of the gentleman has expired.

Mr. LATOURETTE. I really had something pithy to say, but we will continue this later.

I thank the Chair.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BISHOP of New York. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. SLAUGHTER

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–267.

Ms. SLAUGHTER. Mr. Chair, as the designee of the gentleman from Michigan (Mr. DINGELL), I offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike title VII of the committee print.

The CHAIR. Pursuant to House Resolution 455, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chair, I yield myself such time as I may consume.

I rise today to offer an amendment with my distinguished colleague from Michigan (Mr. DINGELL), which would remove a controversial measure that has been inserted into the underlying Coast Guard reauthorization. The measure forces States to adopt a weak international ballast water standard as a ceiling for regulatory efforts. In doing so, it preempts the right of States to respond to emerging invasive species and provides no incentive for future innovation in critical ballast water technology.

Each minute 40,000 gallons of ballast water containing thousands and millions of foreign bacteria, viruses, animals, and plants are discharged into U.S. waters. That's 21 billion gallons of ballast water annually. Once introduced, invasive species, such as the Asian carp, are exceedingly difficult to control and are often impossible to eradicate.

Having no natural predators, aquatic invasive species easily feed on native fish and other aquatic wildlife, foul beaches, degrade fisheries, clog water intake pipes and other infrastructure, disrupt the food chain, and contaminate our drinking water. We spend more than $1 billion a year simply trying to get rid of zebra mussels which to date we have spent $5 million trying to eradicate and have not even come close.

Ballast water is a serious matter, with far-reaching implications for this Nation. We lose billions of taxpayer dollars every year trying to combat and contain the invasive species brought into our waters by foreign shipping vessels. Many of our Nation's communities and all around the Great Lakes rely on these bodies of water for recreation, drinking, as well as their livelihoods.

The Great Lakes, which face significant challenges from invasive species, contain 20 percent of the freshwater on the planet. And I think those of us on both sides of the aisle who live adjacent to those lakes have always felt an obligation to try to protect that. And we must also remember that those are international waters, and our Canadian friends also have a say here. Unfortunately, the ballast water provisions in this measure protect the foreign shipping magnates rather than the Great Lakes and the people who live there.

The Dingell-Slaughter amendment strikes title VII from this measure, which will remove the damaging ballast water language. This amendment will allow us to pass the important Coast Guard reauthorization while giving Congress an opportunity to come to a responsible and reasonable agreement with respect to ballast water standards.

I urge my colleagues to support the Dingell-Slaughter amendment, and I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR (Mr. BISHOP of Utah). The gentleman from New Jersey is recognized for 5 minutes.

Mr. LOBIONDO. I yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Again, I rise with great affection for both Mr. DINGELL and Ms. SLAUGHTER, who are wonderful colleagues and friends in this House.

But this amendment is the Bishop amendment on steroids. So this amendment, unlike the Bishop amendment, would go back and remove the requirement that's in the bill, and New York would be free to go about its business and shut down waterborne commerce in the Great Lakes.

Now, the sad thing for the State of New York—and I know the people in New York think that they are pretty important and they run the whole place, but they don't. And, sadly, we have five Great Lakes that flow through and touch a number of States, Ohio being included in that. And just a couple of observations.

You know, this isn't a bunch of people that don't like the Great Lakes versus a bunch of environmentalists that want to protect it. The very first piece of legislation I had signed into law by President Clinton—and it's tough to get a bill signed into law by a President of the other party—was the reauthorization of the National Invasive Species Act, coauthored by John Glenn in the United States Senate.

I know invasive species. But I am going to tell you, because of the work of John Glenn and because of the work of a lot of good people, since 1995, I challenge anybody offering this amendment to come up with one invasive species that has gotten into the Great Lakes—and this notion that it's 28 days—yes, they come in on boats; they come in in people's boots; they come in swimming from other places. The biggest threat that we've got is the Asian carp. It's not coming in ballast water. It's swimming up the Mississippi, and we have got to fight with the President about whether or not we have an electronic barrier that keeps these awful fish out of the Great Lakes.

Now, the longshoremen don't like what New York is doing. Labor is not onboard with what Ms. SLAUGHTER and Mr. DINGELL are attempting to do. A July 2011 evaluation by the United States Environmental Protection Agency—so fresh off the charts—determined that the technology does not exist, does not exist. Even if a ship owner had a gazillion dollars and wanted to buy something off the shelf, it doesn't exist to meet the water quality level stipulated by New York.

□ 1310

For this reason, the maritime industry, together with labor, believes that these regulations are unworkable and if left unchanged will cause economic harm when they come into effect, resulting in complete cessation of commercial maritime commerce in New York waters.

Now, at a time when everybody around the country is screaming about jobs, what are we going to do? All the longshoremen, you don't have to work anymore. The guys that drive the boats, you don't need to work anymore. The folks that unload the boats, no, you don't need to work anymore. Why? Because one State out of the eight States that border the Great Lakes has decided to come up with something not passed by their legislature, passed by this New York environmental council. It's crazy.

We, again, in a good bipartisan way need to work together to fix this problem. Let's find the right way to keep the zebra mussel and the round goby and the sea lamprey and the Asian carp out of the Great Lakes. But to allow New York to go down this path with the passage of this amendment is destructive to jobs in the Great Lakes, and I hope that the amendment is defeated.

Ms. SLAUGHTER. Mr. Chair, I am pleased to yield 2 minutes to the gentleman from Michigan, who cares as much as anybody from New York, the dean of the House and the cosponsor of the amendment, Mr. DINGELL.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, this is a very important question. The Great Lakes are 20 percent of the world's freshwater supply. It is endangered, and the fish and the wildlife and the whole ecosystem are endangered by the constant entry of imported species that come in in the ballast water of ships entering the Great Lakes. What we're talking about here is protecting something of enormous value that has been here since geological times and which has provided enormous opportunity for our people—food and all manner of things, including recreation, transportation, fish and wildlife.

This process of trying to give a few bones to a bunch of importers who are bringing these things in from the Black Sea and other places in Europe is a shameful thing if permitted. The United States and the Congress have not done the job that we should have

done to protect our Great Lakes. And already we have a large number of things, including some nasty diseases such as viral hemorrhagic septicemia, sort of the Ebola virus of fish. This is something we have to protect our Great Lakes against, and other waters of the United States.

If foreign shippers are going to be bringing in dirty ballast water, discharging it into our Great Lakes, if the States want to spend the time protecting the States' water and the interest in the Great Lakes, or other bodies of water which are threatened by these practices, they want to do it, the Congress should very well permit them to do it because failure to do it is going to jeopardize 20 percent of the world's freshwater. And more importantly, a resource which is recreational which relates to fish and wildlife values and which provides us with opportunity for transportation, drinking water, and a whole array of other precious and important things. If we don't adopt this amendment, we'll find we're taking care of a bunch of foreign ship owners instead of our people and the future of the United States.

Support the amendment.

My home state of Michigan is blessed with a vast and marvelous natural resource—our Great Lakes. As a steadfast conservationist, I firmly believe that we owe it to future generations to restore and protect this national treasure. In addition to that, however, we also must consider the economic value of our Lakes.

Ballast water, which is used to stabilize freighters, is taken on board before a voyage begins. It can often contain organisms which become invasive species when released in non-native navigable waters. For the reasons outlined above, ballast water represents a significant threat to our Great Lakes.

The language in this bill would restrict states like Michigan from enacting commonsense laws to protect our shores, local economies, and recreation opportunities. The Dingell-Slaughter amendment would strike that language and allow Great Lakes and other coastal states to make the necessary decisions that are in their individual state's best interest in order to keep these invasive species from destroying our waters, fisheries, shorelines, and economies.

Among the invasive species affecting the Great Lakes are the zebra and quagga mussels. On the beaches of Lake Erie and Lake Michigan, we have seen fish and bird kills numbering in the thousands because zebra and quagga mussels have caused massive botulism outbreaks. Zebra and quagga mussels concentrate nutrients along the bottom of the nearshore area and make the water very clear. The extra food and sunlight promotes the growth of algae that coats the lake bottom in thick mats. As it dies, it becomes infected by botulism. The zebra and quagga mussels eat the dead algae and the botulism, which has no effect on them, and in doing so create higher and more deadly concentrations of botulism. When fish eat the zebra mussels, they die of botulism poisoning and wash up on the beach. There, birds eat them, and they too die of botulism poisoning.

Power and water treatment plants are also at risk. Zebra and quagga mussels attach themselves to hard surfaces including water intake pipes. Gradually these invasive species build and build until they clog the pipes, risking shutdown of these facilities.

Other invasive species include the Spiny Water Flea and the Fishhook Water Flea which fish can't digest. The viral hemorrhagic septicemia (VHS) disease is like the ebola virus for fish. While it's mortality rate in the Great Lakes is still relatively low, it has caused thousands of fish deaths, further polluting the waters and shorelines.

Invasive species are costing Federal, State, and local governments as well as businesses billions of dollars every year. I ask that you vote for this amendment to give states the tools they need to fight invasive species.

Mr. LOBIONDO. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman from New Jersey has 2 minutes remaining. The gentlewoman from New York has 30 seconds remaining.

Mr. LOBIONDO. I yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Again, I have nothing but affection for Mr. DINGELL and Ms. SLAUGHTER.

Mr. DINGELL. If the gentleman will yield, let me express my great respect and affection for the gentleman.

Mr. LATOURETTE. I thank the gentleman. It's mutual. And LOUISE likes me too.

But listen, here's the deal: There's not going to be anybody recreating on Great Lakes, fishing, and all the wonderful things we get to do on Lake Erie, Lake Michigan, Lake Superior, and Lake Huron, because nobody's going to be working. And so without jobs, people are not going to have the opportunity to enjoy the splendor of 28 percent of the world's freshwater.

Again, sadly, people in New York have decided they want to come up with a standard that nobody can meet. Now, in 2013 when fully implemented, what does that mean? That means a boat comes down the St. Lawrence Seaway and travels into New York, and if you can't meet their standard, 1,000 times more stringent than the international standard, guess what? You can't sail. The people can't sail on the ship. The people can't put goods on the ship.

Now again, despite my affection for the authors of this amendment, I've talked to the longshoremen. I've talked to the Canadians. I've talked to the people on the St. Lawrence Seaway, and they say that the problem with invasive species today in the Great Lakes isn't ballast water, it's the Asian carp swimming up the Mississippi River, and it's things brought in from other sources. It's not ballast water. It's not ballast water because Republicans and Democrats, since the beginning of my time here, 18 years, have worked together to get this right. This is wrong, and I urge it to be defeated.

I thank the gentleman for yielding to me.

Ms. SLAUGHTER. Mr. Chair, I yield myself the balance of my time.

We have to allow States, as we always have, to have a voice in protecting their ecosystems and economies. As long as we conform to the Federal law, we have always been able in States to enhance them. But if we want to really truly solve this threat of invasive species in our waters, and I personally believe it is quite serious because both in my time in the State legislature and the Federal legislature, that was certainly pointed out to me.

I urge my colleagues to support the Dingell-Slaughter amendment, and I yield back the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I strongly, strongly, strongly oppose this amendment. This current regulatory nightmare will shut down our shipping lanes. It is unworkable, and I hope our colleagues understand the consequences if this amendment were to pass. I urge opposition to the amendment.

I yield back the balance of my time.

Mr. LEVIN. Mr. Chair, I strongly support the Dingell/Slaughter amendment and urge its adoption by the House.

This is not primarily a shipping issue, or a sportsman's issue, or an issue for the environmental community. For me, it's a Great Lakes issue. I believe that all sides of this debate support reasonable and achievable ballast water standards that are protective of our nation's aquatic ecosystems against the spread of invasive species. But we can do better than the standards that have been grafted onto this Coast Guard bill.

I represent Lake St. Clair, which is a small but important lake in the Great Lakes system. The lake is heavily used for fishing, boating, and swimming, and it is a source of drinking water for millions. Lake St. Clair is also ground zero for the invasion of zebra mussels in the United States. In the mid-1980s, a ship that had come from a port in Europe dumped its ballast water into Lake St. Clair. From that moment, we have fought a losing battle against the zebra mussels. They have spread throughout the Great Lakes and gone on to invade the Mississippi and Missouri Rivers and beyond. The zebra mussels have literally changed the very ecology of the Great Lakes. Millions of dollars are spent each year trying to control them.

Unfortunately, the zebra mussels are not an isolated incident. Hundreds of non-indigenous aquatic invaders have made their way into the Great Lakes in the ballast water of ships. At long last, it's time for the United States to adopt strong ballast water discharge standards. It is the failure of the federal government and this Congress to do so that has prompted the states to take action.

The proposed ballast water standards in the bill before the House are inadequate and risk further damage to the Great Lakes and other aquatic ecosystems in the United States. I cannot support them. I urge the House to adopt the Dingell/Slaughter amendment.

Ms. MOORE. Mr. Chair, I understand that some are arguing that maintaining the "status quo" in states can set disparate ballast standards is better than moving any legislation establishing a stronger national ballast water standard, which is widely agreed upon as a necessary tool in our fight against waterborne invasive species.

While I share their concerns about the need to address this issue, I cannot support that stance. We need a national ballast water standard and if the House does not take a position in this bill, I am afraid that this issue will once again fall off the Congressional agenda. I feared a yes vote on the Slaughter-Dingell amendment—which would strip out the ballast water section altogether—would take away the last realistic chance for the House to consider this issue. This concern is relevant given that the ''Super Committee'' is set to dominate the legislative agenda in both Chambers, and after that, the upcoming elections.

The House last passed legislation setting a national ballast water standard in 2007. We can't wait another four years to even begin this discussion. I also recall, at that time, just like now, ballast water legislation was attached to Coast Guard reauthorization legislation.

I hear concerns about the need to protect and improve states' rights to protect their waters and the citizens and industries that depend on them. For this reason, I supported an amendment by Congressman TIM BISHOP that would strengthen the provision of the ballast water section of the bill to allow states' to enact stronger protections, with federal approval, to ensure they meet key standards.

No legislation is perfect. However, we have a legislative process by which we can work to improve and address concerns. I know that a number of my colleagues spoke during the debate about continuing to work together to improve the ballast water provision. I look forward to working with my colleagues and the Senate further on this issue.

I cast my vote on this amendment reluctantly. I am concerned that simply sending the ballast water issue back to Committee, rather than to the Senate, would have likely been a death knell for further action in the 112th Congress. We have waited long enough. The Great Lakes can't wait. Wisconsin can't wait any further.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. HUIZENGA OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112–267.

Mr. HUIZENGA of Michigan. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VII, add the following:

SEC. 707. SPECIAL CONSIDERATION FOR VESSELS OF HISTORICAL SIGNIFICANCE.

(a) IN GENERAL.—Notwithstanding any other provision of this title or the amendments made by this title, a qualified vessel shall operate for the life of the vessel under the terms and conditions of the Vessel General Permit, as in effect on November 1, 2011, without regard to any expiration dates in such permit.

(b) DEFINITIONS.—In this section:

(1) QUALIFIED VESSEL.—A vessel is a qualified vessel for purposes of subsection (a) if the vessel is, as of November 1, 2011—

(A) on, or nominated for inclusion on, the list of National Historic Landmarks; and

(B) subject to part 5.3 of the Vessel General Permit.

(2) VESSEL GENERAL PERMIT.—The term ''Vessel General Permit'' has the definition given such term in section 321(a) of the Federal Water Pollution Control Act, as added by section 702.

The Acting CHAIR. Pursuant to House Resolution 455, the gentleman from Michigan (Mr. HUIZENGA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HUIZENGA of Michigan. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HUIZENGA of Michigan asked and was given permission to revise and extend his remarks.)

Mr. HUIZENGA of Michigan. I rise today in support of my amendment, along with the co-leads, Chairman TOM PETRI from Wisconsin and Congressman DAN BENISHEK of Michigan.

Today we're talking about a particular ship, the *SS Badger* located in Ludington, Michigan. It travels between Ludington and Manitowoc, Wisconsin. This particular ship has been operating on the Great Lakes for over 50 years, most recently coming back into service in 1991, using all private dollars to make that happen.

Its uniqueness is recognized by the designation of the National Register of Historic Places and by both the States of Wisconsin and Michigan. Its propulsion system is recognized as a mechanical engineering landmark by the American Society of Mechanical Engineers.

The *Badger* is currently operating under special rules developed by the EPA in 2008. These rules are set to expire at the end of 2012. Without certainty provided by this amendment, the Badger could very easily, frankly, be forced off the Great Lakes at the end of 2012.

□ 1320

With an annual economic impact of roughly $35 million between two small port cities both in Wisconsin and Michigan, keeping the *Badger* operational is absolutely vital to our communities. I urge all of my colleagues today to join us in recognizing the historic significance of these Great Lake steamships by supporting the Huizenga-Petri-Benishek amendment.

I reserve the balance of my time.

The Acting CHAIR. Who seeks time in opposition?

The Chair recognizes the gentleman from Michigan.

Mr. HUIZENGA of Michigan. Thank you, Mr. Chair.

At this time I yield to my colleague, Chairman TOM PETRI from Wisconsin.

Mr. PETRI. I thank my colleague for offering the amendment, and I rise in support of it.

Mr. Chair, this amendment recognizes the unique and special character of historic ships and would keep in place the current EPA vessel discharge program for historic ferries.

I am particularly interested in this because the SS *Badger*, which operates on Lake Michigan between Ludington, Michigan, and Manitowoc, Wisconsin, in my Congressional district, is believed to be the last coal fired vessel in regular commercial service.

This 50-year-old ship is an important part of our history, culture and tradition. It is currently on the National Register of Historic Places and has been nominated as a National History Landmark as an important part of our heritage.

The economic impact on Manitowoc, a small city of only 34,000 people, is $14 million a year, and the *Badger* is responsible for providing about 250 jobs on both sides of the lake. It attracts about 100,000 visitors to our cities each year.

Under this amendment, historic ferries would continue to operate under the parameters of the current general vessel permit. The Badger management has spent significant resources over the last few years trying to find a way to convert the vessel to a more modern propulsion system. But it is a difficult, complicated, and costly task.

Even with the passage of this amendment, the owners of the *Badger* will continue working with the Maritime Administration and the Great Lakes Maritime Research Institute on a program to repower steamships—with the *Badger* serving as the model vessel for the study.

Congress and the EPA have recognized the special nature of historic steamships before. Just a couple years ago, we exempted more than 50 older and unique Great Lakes steamships from new air emission rules. (I might add that effort was spearheaded by then-Chairmen Dave Obey and Jim Oberstar.) This amendment follows that model, and I urge my colleagues to support it today.

The discharge from the *Badger* has been repeatedly tested and it is non-toxic and NOT hazardous. It uses high quality, low-sulfur coal. The *Badger* operators have taken many steps over the years to reduce discharges and coal use. Some act as if the *Badger* has been out of compliance for decades—but prior to 2008, ''discharges incidental to the normal operation of a vessel'' were excluded from getting discharge permits. It was a 2006 court decision that required the new permits.

The *Badger* serves as an extension of Hwy. 10 across Lake Michigan and carries semi-trucks and large oversized vehicles and other vehicles that otherwise would be driving around the Lake and through the congested Chicago area. By one estimate, that saves one million gallons of fuel each year and reduces air emissions.

The environment will not be saved by shutting down the *Badger*, but you will kill jobs, our local economy and a bit of our history.

Mr. HUIZENGA of Michigan. At this time, Mr. Chair, I yield to my fellow Congressman from Michigan, Representative DAN BENISHEK.

Mr. BENISHEK. I thank the gentleman for yielding.

I appreciate my fellow freshman and colleague from Michigan for his leadership on this issue.

Mr. Chairman, this is a simple amendment that addresses a growing problem with our friends at the EPA—their love of bureaucratic red tape. I represent a district with more Great Lakes coastline than any other. Shipping and ferries are a part of the Great Lakes heritage. The USS *Badger* continues this tradition, transporting travelers, cars, trucks, and equipment across Lake Michigan.

Don't be confused. This amendment does not make the *Badger* exempt from EPA regulations. The EPA will continue to regulate discharge limits and other requirements. It simply keeps in place the current regulations that recognize the *Badger* as a unique and historic vessel. Keeping the *Badger* operational means saving 1 million gallons in fuel a year from vehicles driving around the lake. Passing this amendment is simple and common sense. It allows a national historic place to continue to function on the Great Lakes.

I urge passage.

Mr. HUIZENGA of Michigan. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. HUIZENGA).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. OLSON

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112–267.

Mr. OLSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 608 of the committee print and insert the following:

SEC. 608. STANDBY VESSELS.

(a) STUDY.—The Commandant of the Coast Guard, in consultation with appropriate representatives of industry, shall conduct a feasibility study to determine the capability, costs, and benefits of requiring the owner or operator of a manned facility, installation, unit, or vessel to locate a standby vessel—

(1) not more than 3 nautical miles from such manned facility, installation, unit, or vessel while it is performing drilling, plugging, abandoning, or workover operations; and

(2) not more than 12 nautical miles from such manned facility, installation, unit, or vessel while it is performing operations other than drilling, plugging, abandoning, or workover operations.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to Congress a report on the results of the study conducted under subsection (a).

The Acting CHAIR. Pursuant to House Resolution 455, the gentleman from Texas (Mr. OLSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. OLSON. Mr. Chairman, I yield myself such time as I may consume.

I believe that issuing a mandate of this nature without proper study to determine if it will increase safety would be problematic. No one takes safety more seriously than the companies operating offshore. Since Deepwater Horizon, multiple safeguards have been put in place to ensure worker safety. I simply believe that the Coast Guard should have an opportunity to assess a provision of this nature before we establish an arbitrary mandate that they'll have to comply with.

This amendment does not—does not—prevent us from implementing measures to ensure worker safety. It simply requires a 6-month study first to allow the Coast Guard to analyze the safety benefits so that we can provide the safest environment for our offshore drilling workers.

The Coast Guard may determine that standby vessels should be required. If so, I will work to ensure that happens. I'm just asking that we review this issue thoroughly and prudently before we rush to legislate.

However, at this time, I understand the need to withdraw my amendment and appreciate Chairman MICA's willingness to work with me to address my concerns as we work through the legislative process. I also appreciate the gentleman from Louisiana, whose provision in the bill I sought to improve with my amendment. I am grateful for his commitment to work with me on our differences.

With that, I ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–267, on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. CUMMINGS of Maryland.

Amendment No. 4 by Mr. THOMPSON of Mississippi.

Amendment No. 6 by Mrs. NAPOLITANO of California.

Amendment No. 7 by Mr. BISHOP of New York.

Amendment No. 8 by Ms. SLAUGHTER of New York.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. CUMMINGS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. CUMMINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 227, not voting 32, as follows:

[Roll No. 832]

AYES—174

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—227

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Johnson (IL)
Johnson (OH)

Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—32

Austria
Bachmann
Bishop (GA)
Burton (IN)
Capps
Cardoza
Coble
Davis (IL)
Filner
Gallegly
Giffords
Heinrich
Higgins
Issa
Jenkins
Jones
Murphy (CT)
Owens
Paul
Payne
Pence
Peterson
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Schock
Smith (WA)
Sullivan
Sutton
Velázquez
Young (FL)

□ 1350

Messrs. FORTENBERRY and SCHILLING changed their vote from ''aye'' to ''no.''

Mr. DONNELLY of Indiana, Ms. ZOE LOFGREN of California, and Mr. GENE GREEN of Texas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 832, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 4 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 218, not voting 33, as follows:

[Roll No. 833]

AYES—182

Ackerman
Alexander
Altmire
Amodei
Andrews
Baca
Baldwin
Barrow
Bartlett
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fudge
Garamendi
Gibson
Gonzalez
Goodlatte
Gowdy
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heck
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kingston
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Renacci
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Southerland
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—218

Adams
Aderholt
Akin
Amash
Bachus
Barletta
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gosar
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Hensarling
Herger
Herrera Beutler
Himes
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Myrick
Nadler
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pearce
Perlmutter
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Reichert
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
West
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—33

Austria
Bachmann
Bishop (GA)
Burton (IN)
Capps
Cardoza
Coble
Davis (IL)
Filner
Gallegly
Giffords
Heinrich
Higgins
Issa
Jenkins
Jones
Murphy (CT)
Owens
Paul
Payne
Pence
Peterson
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Smith (WA)
Sullivan
Sutton
Van Hollen
Velázquez
Westmoreland
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1354

Mr. ROTHMAN of New Jersey changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 833, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 6 OFFERED BY MRS. NAPOLITANO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 364, noes 37, not voting 32, as follows:

[Roll No. 834]

AYES—364

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blumenauer
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Capito
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hunter
Hurt
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kaptur
Keating
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olver
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stutzman
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NOES—37

Ackerman
Amash
Berman
Blackburn
Bonner
Brady (TX)
Brooks
Cantor
Clarke (NY)
Crowley
Diaz-Balart
Edwards
Fudge
Gutierrez
Hastings (FL)
Honda
Hultgren
Johnson, E. B.
Kildee
Larsen (WA)
Long
Manzullo
Meeks
Mulvaney
Olson
Rangel
Ribble
Rogers (AL)
Ros-Lehtinen
Roskam
Schmidt
Stivers
Terry
Tiberi
Towns
Walberg
Walsh (IL)

NOT VOTING—32

Austria
Bachmann
Bishop (GA)
Burton (IN)
Capps
Cardoza
Coble
Davis (IL)
Filner
Gallegly
Giffords
Grijalva
Heinrich
Higgins
Issa
Jenkins
Jones
Murphy (CT)
Owens
Paul
Payne
Pence
Peterson
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Smith (WA)
Sullivan
Sutton
Velázquez
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1401

Messrs. HONDA and GUTIERREZ changed their vote from ''aye'' to ''no.''

Mrs. BLACK and Messrs. JOHNSON of Ohio, PALAZZO, and NUNES changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 834, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 7 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 225, not voting 34, as follows:

[Roll No. 835]

AYES—174

Ackerman
Amash
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Benishek
Berkley
Berman
Bishop (NY)
Bishop (UT)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Camp
Campbell
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Critz
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huizenga (MI)
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rogers (MI)
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Upton
Van Hollen
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—225

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Berg
Biggert
Bilbray
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx

Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck
Hensarling
Herrera Beutler
Huelskamp
Hultgren
Hunter
Hurt
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kaptur
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pearce
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Visclosky
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—34

Austria
Bachmann
Bishop (GA)
Burton (IN)
Capps
Cardoza
Cassidy
Coble
Davis (IL)
Filner
Gallegly
Giffords
Heinrich
Herger
Higgins
Issa
Jenkins
Jones
Murphy (CT)
Owens
Paul
Payne
Pence
Peterson
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Smith (WA)
Sullivan
Sutton
Terry
Velázquez
Young (FL)

□ 1405

Mr. CHAFFETZ and Ms. KAPTUR changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 835, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 8 OFFERED BY MS. SLAUGHTER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 237, not voting 35, as follows:

[Roll No. 836]

AYES—161

Ackerman
Amash
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Benishek
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Butterfield
Camp
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Davis (CA)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Forbes
Frank (MA)
Fudge
Garamendi
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Huizenga (MI)
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (MI)
Miller (NC)
Miller, George
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rigell
Rogers (MI)
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Simpson
Sires
Slaughter
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Upton
Van Hollen
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wittman
Wolf
Woolsey
Yarmuth

NOES—237

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cohen
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Cummings
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hirono
Holden
Huelskamp
Hultgren
Hunter
Hurt
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kaptur
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller, Gary
Moore
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Pearce
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Visclosky
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—35

Austria
Bachmann
Berg
Bishop (GA)
Burton (IN)
Capps
Cardoza
Coble
Davis (IL)
Filner
Gallegly
Giffords
Heinrich
Higgins
Issa
Jackson Lee (TX)
Jenkins
Jones
Murphy (CT)
Owens
Paul
Payne
Pence
Peterson
Ross (FL)
Ruppersberger
Rush
Sanchez, Loretta
Shuster
Smith (WA)
Sullivan
Sutton
Terry
Velázquez
Young (FL)

□ 1409

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 836, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. HIGGINS. Mr. Chair, I was in my district today to attend to matters concerning the opening of a new federal courthouse in Buffalo. This is one of the largest federal projects completed in western New York in recent years, supporting hundreds of jobs. This striking structure, standing at the center of Buffalo's business district, is symbolic of Buffalo's rising opportunities in connection to our unique architecture and history.

My presence in Buffalo caused me to miss several votes in the House today. As a strong supporter of both maritime commerce and the