



**Legislative Bulletin .....November 4, 2011**

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**Amendments to H.R. 2838 – Coast Guard and Maritime Transportation Act of 2011**

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**H.R. 2838 – Coast Guard and Maritime Transportation Act of 2011  
(LoBiondo, R-NJ)**

**Order of Business:** The legislation is scheduled to be considered on Friday, November 4, 2011, under a structured rule, [H.Res. 455](#), that makes in order the amendments described below. The rule provides each measure one hour of general debate equally divided and controlled by the chairs and ranking minority members of the Committee on Transportation and Infrastructure. The rule provides that the chairman of the Committee on Transportation and Infrastructure or his designee may offer amendments en bloc. Amendments en bloc are debatable for 10 minutes. The rule also provides that it shall be in order at any time on the legislative day of November 4, 2011, for the Speaker to entertain motions that the House suspends the rules relating to a measure addressing the applicability of the coastwise trade laws. Lastly the rule provides each measure a motion to recommit with or without instructions.

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**AMENDMENTS MADE IN ORDER UNDER THE RULE**

**Rep. LoBiondo (R-NJ)** – The amendment would add a new section called piracy that provides for a training program for use of force against piracy. The amendment provides authorization for the Secretary of Transportation to 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. The amendment also provides authorization to 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. The amendment defines ‘high-risk waters’ as 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. Lastly the amendment requires that not later than 1 year after the date of enactment 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:

- 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;
- 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;
- 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;
- actions taken by the United States Government to improve the international prosecution of pirates captured off the coast of Somalia; and
- 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.

The amendment text can be [viewed here](#).

**Rep. Shuler (D-NC):** The amendment directs the Commandant, when entering into contracts and placing orders, to give priority to persons that manufacture materials, parts, and components in the United States. The amendment text can be [viewed here](#).

**Rep. Elijah Cummings (D-MD)** –The base text of the bill repeals a statutory requirement that the Coast Guard appoint an ombudsman in each Coast Guard District. This amendment would keep this statutory requirement in place by striking the provision eliminating this statutory requirement.

**Rep. Thompson (D-MS):** This amendment would amend U.S. Code and would allow half of the Coast Guard Academy’s incoming class (beginning in academic year 2014) to be composed of individuals nominated by:

- The Vice President;
- A Senator;

- A Representative in Congress; and
- A Delegate to the House of Representatives.

Each Senator, Representative or Delegate will be entitled to nominate 3 persons each year. Nominated persons must be citizens of the United States and must meet minimum requirements that the Secretary may establish. The amendment text can be [viewed here](#).

**Rep. Palazzo (R-MI)** – The amendment strikes Section 303 of the bill which places additional production and compliance requirements on future construction of National Security Cutter ships. According to the amendment sponsor, National Security Cutter ships are cost effective tools in the Coast Guard’s counter drug strategy and missions.

**Rep. Napolitano (D-CA)** – The amendment provides that the island of Guam is an eligible port that meets the requirements of U.S. Maritime regulations for distant water tuna vessels in the Western Pacific Oceans.

**Rep. Tim Bishop (D-NY)** – The amendment requires that if any State determines that the protection and enhancement of the quality of waters within the state greater environmental protection than would be achieved through the application of the standard specified under the new law, the State may impose operational requirements that are more protective than the new standards, except that a State operational requirement imposed in cases that:

- require the installation of a ballast water treatment technology that differs from that requirements by the standard specified this bill;
- 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.

The amendment authorizes the Administrator to, in making the determination that the waters of the state require more environmental protection, consider:

- whether the receiving water have been afforded special protection under Federal or State law;
- the benefits to human health, welfare, or the environment of the additional protection for the receiving waters;
- the reduction in risk to human health, welfare, or the environment resulting from the additional protection;
- the propagule pressure to be addressed by the additional protection; “(V) applicable Federal and state law;
- applicable international standards; and
- the costs and benefits of providing the additional protection.

The amendment authorizes the Secretary to, in making the determination that the waters of the state require more environmental protection, to consider:

- 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;
- the potential impacts on shipping, trade, and other uses of the aquatic environment;
- applicable Federal and State law;
- applicable international standards; and
- the costs and benefits of providing the additional protection.

The amendment upon application of state, the Administrator and the Secretary shall make the determination within 180 days of the date of the completed application. 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. The Administrator and the Secretary may not approve a State operational requirement if the requirement:

- would have an unreasonable impact on the use of traditional shipping lanes; or
- would prohibit the discharge of ballast water in all the waters of the State.

The amendment text can be [viewed here](#).

**Reps. Dingell (D-MI) and Slaughter (D-NY)** – The amendment would strike Title VII, which deals with commercial vessel discharges reform.

The amendment text can be [viewed here](#).

**Reps. Huizenga (R-MI), Petri (R-WI), and Benishek (R-MI)** – The amendment freezes the Environmental Protection Agency's current vessel discharge regulatory framework for certain vessels of historic significance. The Historical vessels are vessels that are:

- on, or nominated for inclusion on, the list of National Historic Landmarks;
- and subject to part 5.3 of the Vessel General Permit

The amendment text can be [viewed here](#).

**Rep. Olson (R-TX)**. This amendment would strike section 608 of the underlying text, and would instead direct the Commandant of the Coast Guard to conduct a feasibility study to determine the capability, costs, and benefits of requiring the owner of operator of a facility to locate a standby vessel:

- Within 3 miles from the facility while it is performing drilling, plugging, abandoning, or workover operations; and
- Within 12 miles from the facility while it is performing operations other than drilling, plugging, abandoning, or workover operations.

This report is due to Congress within 180 days after enactment. The amendment text can be [viewed here](#). Additional information from Rep. Olson’s office can be [viewed here](#). Rep. Landry (R-LA) has distributed [this Dear Colleague](#) in opposition to the amendment. The RSC Legislative Bulletin for H.R. 2838 cites Section 608 in the underlying legislation as a mandate on the private-sector. The RSC Legislative Bulletin is [linked here](#).

**Rep. McIntyre (D-NC).** This amendment expands the purpose of the Committee on the Marine Transportation System to include “coordinate with local businesses to promote an efficient marine transportation system.” The amendment text can be [viewed here](#).

**Reps. Cummings (D-MD) & Landry (R-LA).** This amendment directs the Administrator of the Maritime Administration to identify potential actions that could enable qualified U.S. flag capacity to meet national defense requirements. The Administrator would inform the Secretary of Transportation and other agencies of their determinations, and these will be published on the Department of Transportation website within 48 hours.

Additionally, the amendment would direct the Administrator to notify the House Committees on Appropriations and Transportation and Infrastructure, and the Senate Committee on Appropriations and Commerce, Science, and Transportation of

- Any request for a waiver of the navigation or vessel-inspection laws within 48 hours; and
- The issuance of any waiver of compliance of such a law within 48 hours

The amendment text can be [viewed here](#).

**Rep. Landry (R-LA).** This amendment would clarify that any offshore supply vessel that is in compliance with the damage stability requirements of section 1.1.4 of the Guidance on Implementation of IMO Resolution A.673(16) for U.S. Offshore Supply Vessels may carry unlimited amounts of Grade D and E cargoes in addition to the unlimited amounts of drilling fluids outlined in such section 1.1.4 when such vessel is operating seaward of the United States boundary line. The amendment text can be [viewed here](#).

**Rep. McCaul (R-TX).** This amendment would prohibit the U.S. from obtaining vessel inspections from organizations that also provide these services of behalf of state sponsors of terrorism. This amendment is similar to H.R. 2998, also introduced by Rep. McCaul. The amendment text can be [viewed here](#). A Dear Colleague from Rep. McCaul’s office is [linked here](#).

**Del. Pierluisi (D-PR).** This amendment would prohibit vessels of 100 gross tons, or more, that are not qualified to engage in the coastwise trade, from transporting passengers between ports in Puerto Rico. The amendment text can be [viewed here](#).

**Rep. Murphy (R-PA).** When the Secretary is soliciting for competitive proposals, the Secretary shall state that the offeror may include, in their bid, a statement related to domestic employment. This statement is referred to as a “jobs impact statement.” This statement may contain information on the number of jobs expected to be created/retained in the U.S. because of the contract. The amendment text can be [viewed here](#).

**Rep. Brown (D-FL).** This amendment would direct the Secretary of the Army to continue to study the project at the Jacksonville Port Authority, in Jacksonville, FL. This study would be continued without apply any additional peer review described in section 2034 of the Water Resources Development Act of 2007. The amendment text can be [viewed here](#).

**Rep. Ribble (R-WI):** This amendment sets the definition of Commercial Vessel as a watercraft that “is engaged in commercial service (as defined under section 2101 of title 46, United States Code); or 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 amendment text can be [viewed here](#).