

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2838) TO AUTHORIZE
APPROPRIATIONS FOR THE COAST GUARD FOR FISCAL YEARS 2012
THROUGH 2015, AND FOR OTHER PURPOSES

NOVEMBER 3, 2011.—Referred to the House Calendar and ordered to be printed

Mr. WEBSTER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 455]

The Committee on Rules, having had under consideration House Resolution 455, by a record vote of 8–4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of the Rules Committee Print of H.R. 2838 dated October 28, 2011 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute made in order as original text.

The resolution makes in order only those amendments printed in this report and en bloc amendments described in section 3 of the resolution. Amendments printed in this report may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this 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 in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report.

Section 3 of the resolution permits the chairman of the Committee on Transportation and Infrastructure or his designee to offer

amendments en bloc if those amendments have been printed in this report and not earlier disposed of. Section 4 of the resolution provides one motion to recommit with or without instructions.

Finally, section 5 of the resolution 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 suspend the rules relating to a measure addressing the applicability of the coastwise trade laws.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of H.R. 2838, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against the Rules Committee Print includes a waiver of Clause 7 of rule XVI, which prohibits the consideration of nongermane measures. The waiver is necessary because the Rules Committee Print incorporates the text of H.R. 2840 as reported by the Committee on Transportation and Infrastructure, which is not germane to H.R. 2838 as reported.

Although the rule waives all points of order against the amendments printed in this report and amendments en bloc consisting of such amendments, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 146

Motion by Ms. Slaughter to report an open rule. Defeated: 4–8.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Ms. Slaughter	Yea
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Bishop of Utah	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 147

Motion by Ms. Slaughter to amend the rule to make in order en bloc and provide the necessary waivers for amendment #24, offered by Rep. Baldwin (WI), which would prohibit funds from being used to design, develop or procure Coast Guard Offshore Patrol Cutter ships unless the main diesel engines are manufactured in the United States and made by American workers; amendment #21, offered by Rep. Brown (FL), which would authorize the Corp of Engineer to construct projects critical to navigation safety; amendment #23, offered by Rep. Dingell (MI) and Rep. Slaughter (NY), which would allow a state to enact and enforce such laws as the states deems necessary to develop, implement, and enforce ballast water standards and programs established by the state; amendment #7,

offered by Rep. Farr (CA), which would reauthorize the Marine Debris Programs within the United States Coast Guard and the National Oceanic Atmospheric Administration; amendment #5, offered by Rep. Kissell (NC), which would prohibit the U.S. Coast Guard from procuring items classified as textiles and apparel that are not grown, reprocessed, reused, or produced in the United States; amendment #33, offered by Rep. Lipinski (IL), which would require a report on the country of origin for goods and supplies and to promote acquisitions from domestic suppliers when possible; amendment #25, offered by Rep. Richardson (CA), which would give Port Security Grant recipients the flexibility to use Port Security Grant funds for personnel expenses, which are currently prohibited from being used to fund statutorily-mandated security personnel costs; amendment #26, offered by Rep. Richardson (CA), which would allow recipients of the Port Security Grant program the ability to choose whether it is more cost effective to fix or replace defective security equipment; amendment #27, offered by Rep. Richardson (CA), which would ensure that when the Marine Transportation System Assessment and Strategy is drafted it includes a plan to identify maritime projects of national significance, steps taken to implement actions recommended by the 9/11 Commission regarding 100 percent screening at ports, and a plan with recommended actions for fully utilizing the Harbor Maintenance Trust Fund; amendment #1, offered by Rep. Sanchez (CA), which would require the Commandant to report to Congress about the threat of, vulnerability to, and consequence of an act of terrorism using a small vessel to attack United States vessels, ports, or maritime interests; amendment #15, offered by Rep. Thompson (MS), which would add a new section to the end of Title IV to allow Port Security Grant Program recipients for fiscal years 2007 to 2009 to hold off on expending funds for procurement and installation of biometric readers, as required under 46 U.S.C. 70105, until a year after the regulation for the Transportation Worker Identification Credential biometric readers is issued by the Coast Guard; and amendment #16, offered by Rep. Thompson (MS), which would modify Section 310 to allow the Secretary of Homeland Security to access Coast Guard fixed-wing aircraft in the event of a terrorist incident and would add the Committee on Homeland Security to the list of recipients for the Fleet Mix Analysis and Coast Guard Cutter study required under the section. Defeated: 4–8.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Ms. Slaughter	Yea
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Bishop of Utah	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 148

Motion by Mr. Sessions to report the rule. Adopted: 8–4.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Yea	Ms. Slaughter	Nay
Ms. Foxx	Yea	Mr. McGovern	Nay
Mr. Bishop of Utah	Yea	Mr. Hastings of Florida	Nay
Mr. Woodall	Yea	Mr. Polis	Nay
Mr. Nugent	Yea		
Mr. Scott of South Carolina	Yea		
Mr. Webster	Yea		
Mr. Dreier, Chairman	Yea		

SUMMARY OF AMENDMENTS MADE IN ORDER

1. LoBiondo (NJ): Would add a new section providing the Secretary authority to extend the duration of medical certificates issued to merchant mariners, requires the Coast Guard to study the efficacy of requiring the carriage of certain survival craft, makes several technical and clarifying changes, and adds a new title providing new authorities to suppress the threat of piracy and protect U.S. vessels and mariners transiting high risk waters. (10 minutes)

2. Shuler (NC): Would require the Coast Guard to give priority to persons that manufacture materials, parts, and components in the United States when entering into contracts and placing orders under Sec. 208(a). (10 minutes)

3. Cummings (MD): Would strike a provision that would eliminate an existing statutory requirement that the Coast Guard appoint an ombudsman in each Coast Guard District. (10 minutes)

4. Thompson, Bennie (MS): Would add a new section to the end of title II of H.R. 2838 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. (10 minutes)

5. Palazzo (MS): Would strike section 303 of the bill which places unneeded and 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 is actively proving its value through highly successful counter drug and other missions while replacing an aging coast guard fleet. (10 minutes)

6. Napolitano (CA): Would give distant water tuna vessels in the Western Pacific Ocean the option of using Guam as their required port of call in order to meet U.S. maritime regulations. (10 minutes)

7. Bishop, Tim (NY): Would provide states the authority to impose more protective operational requirements on the discharge of ballast water within state resource waters. (10 minutes)

8. Dingell (MI), Slaughter (NY): Would strike Title VII. (10 minutes)

9. Huizenga (MI), Petri (WI), Benishek (MI): Would freeze the Environmental Protection Agency's current vessel discharge regulatory framework for certain vessels of historic significance. (10 minutes)

10. Olson (TX): Would require 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. (10 minutes)

11. McIntyre (NC): Would add to the purpose section of the establishment of the Committee on the Marine Transportation System (Section 401) that it coordinate with local businesses to promote an efficient marine transportation system. (10 minutes)

12. Cummings (MD), Landry (LA): Would expand the information the Maritime Administration is required to include in the determinations it makes of the availability of qualified United States flag capacity to carry cargo between two points in the United States when a waiver of Jones Act requirements pertaining to such carriage is sought. (10 minutes)

13. Landry (LA): Would clarify Coast Guard guidance regarding the ability of U.S. flagged offshore supply vessels to carry unlimited amounts of Grade D and Grade E cargo (combustible liquid) when said vessel is operating outside of U.S. waters, provided the vessel meets the safety requirements of the International Maritime Organization. (10 minutes)

14. McCaul (TX): Would prohibit the U.S. Coast Guard from delegating vessel inspections from organizations that also provide these services on behalf of any State Sponsor of Terrorism—such as Iran, Sudan and Syria. Companion language has been introduced in the Senate version of this same bill. (10 minutes)

15. Pierluisi (PR): Would clarify the application of the Passenger Vessel Services Act to vessels operating in Puerto Rico that are not otherwise qualified to transport passengers for hire and that are more than 100 gross tons. Would allow such vessels to transport passengers between ports in Puerto Rico—a non-contiguous jurisdiction of multiple islands. (10 minutes)

16. Murphy, Christopher (CT): Would give manufacturers the opportunity to provide information to contracting officers regarding how their bid for a contract will affect domestic employment. Would allow the Coast Guard to take this information into consideration, but would not mandate that the Coast Guard consider this information when awarding the contract. Information regarding the impact on domestic employment is called a “Jobs Impact Statement.” (10 minutes)

17. Brown, Corrine (FL): Would prohibit the Army Corp of Engineers from applying any additional peer review studies to the Jacksonville Port dredging project. (10 minutes)

18. Ribble (WI): Would change the legislative description of a commercial vessel to include all federally owned and operated vessels, exempting military, Department of Defense, and Coast Guard vessels. This amendment would require all federal government vessels, except for those exempted as previously mentioned, to comply with the same ballast water rules and regulations with which the private sector must comply. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOBIONDO OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHULER OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 19, beginning on line 7, strike subsection (a) (and redesignate the succeeding subsections accordingly).

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THOMPSON OF MISSISSIPPI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PALAZZO OF MISSISSIPPI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NAPOLITANO OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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)”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DINGELL OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike title VII of the committee print.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUIZENGA OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OLSON OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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).

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCINTYRE OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.”.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANDRY
OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title IV of the committee print, insert the following:

**SEC. 409. ABILITY FOR U.S.-FLAGGED OFFSHORE SUPPLY VESSELS TO
WORK IN OTHER COUNTRIES.**

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.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCAUL
OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.”.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PIERLUISI OF PUERTO RICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 56, after line 3, insert the following new section:

SEC. 612. TRANSPORTATION OF PASSENGERS BETWEEN PORTS IN PUERTO RICO.

Notwithstanding chapter 551 of title 46, United States Code, a vessel of 100 gross tons or more not qualified to engage in the coastwise trade may transport passengers between ports in Puerto Rico.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY OR CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.”

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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).

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RIBBLE OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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).