

Mr. FILNER. Mr. Speaker, on rollcall 830, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

**REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 1380**

Mr. MURPHY of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMERICA'S CUP ACT OF 2011

Mr. LOBIONDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3321) to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "America's Cup Act of 2011".

SEC. 2. DEFINITIONS.

In this Act:

(1) 34TH AMERICA'S CUP.—The term "34th America's Cup"—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA'S CUP RACE MANAGEMENT.—The term "America's Cup Race Management" means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term "Eligibility Certification" means a certification issued under section 4.

(4) ELIGIBLE VESSEL.—The term "eligible vessel" means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term "supporting vessel" means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SEC. 7. 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Washington (Mr. LARSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3321.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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

H.R. 3321 provides a limited waiver of domestic cabotage laws for vessels participating in America's Cup and related races. It also provides waivers of cabotage laws for several other vessels and clarifies that vessels carried on a movable dry dock in Alaska are not considered merchandise under chapter 551 of title 46.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume. I too rise in support of this legislation, which would provide a narrow waiver from the coastwise laws for the vessels competing or supporting the upcoming America's Cup finals to be held in 2013.

The America's Cup, the world's premier international sailing competition, will be held in San Francisco Bay by virtue of the United States' successful challenge to reclaim the cup last year. This legislation is necessary to ensure that the competition can go forward in an expeditious manner for all competitors.

The legislation also includes several other vessel waivers that are included in H.R. 2828, which were cleared by the Committee on Transportation and Infrastructure in September.

I appreciate as well that my request to waive the coastwise laws for the maritime education vessel, LUNA, has been included in this bill, as well as in the Coast Guard bill, and support passage of this legislation.

I reserve the balance of my time.

□ 1100

Mr. LOBIONDO. I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I rise in support of H.R. 3321.

While it may be identified as the America's Cup Act, and the reasons behind it having been clearly articulated by our good friends across the aisle, I want to drive home, as well, the fact that there are some additional issues that will be served by the passage of this bill. And what it relates to is a genuine opportunity today for people from both sides of the aisle to support the creation of genuine, blue-collar jobs immediately.

Mr. Speaker, what this bill will do is allow for a simple process to take place. In my own district of southeastern Pennsylvania, which is adjacent to the Delaware River, we have the opportunity to re-flag three vessels. What that means is three vessels that were built here in the United States, and that because of their service went outside the continent of the United States for a period of time, must now come back into the United States. In order to do that, they have to be able to comply with the Jones Act. With a simple vote today, we will be able to put these three vessels back into service here in the continental United States.

But the significance of this, most importantly, Mr. Speaker, in my backyard is the fact that what they will do is create the opportunity for the creation of new jobs that will relate to the utilization and transportation of the gas that is being developed in this country, 25 good, blue-collar jobs in my district which will sustain themselves, and close to 300 to 400 construction jobs in which people will be put to work as soon as possible building the extension of a pipeline that will go out into western Pennsylvania.

This is an opportunity for people from both sides of the aisle to put hardworking blue-collar workers back to work almost immediately by helping us cure what is a simple, technical issue. I strongly support the passage of this important bill because it will help put people back to work.

Mr. LoBIONDO. Mr. Speaker, I have no further requests for time and am prepared to yield back if the gentleman from Washington is.

Mr. LARSEN of Washington. Mr. Speaker, I have no further requests for time.

In conclusion, let me just say that the America's Cup is the oldest competitive sailing competition. The U.S. held the Cup for over 134 years before losing to Australia off of Newport, Rhode Island. We are very proud to have reclaimed the Cup and look forward to defending it in 2013.

With that, Mr. Speaker, I support the passage of the America's Cup Act of 2011, and I yield back the balance of my time.

Mr. LoBIONDO. On to victory for America.

I yield back the balance of my time.

Mr. DENHAM. Mr. Speaker, I rise today to speak in favor of H.R. 3321, the America's

Cup Act of 2011. This legislation will allow officially competing and support vessels of the America's Cup to have a waiver from the Merchant Marine Act of 1920.

Since 1851 the America's Cup has been one of the sporting world's premier events. Taking place this year in my home state of California, the America's Cup will generate an estimated \$1.2 billion in economic activity and create 8,000 jobs, activity and employment that California sorely needs.

Unfortunately, I was unavoidably detained during the floor vote on this bill and was unable to cast my official vote in support of the measure. If I were present at the time of the vote, I would have proudly cast an "aye" vote to provide race participants the waiver they need to further the excitement, pageantry and traditions of the America's Cup.

The SPEAKER pro tempore (Mr. WOMACK). The question is on the motion offered by the gentleman from New Jersey (Mr. LoBIONDO) that the House suspend the rules and pass the bill, H.R. 3321.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LoBIONDO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 387, nays 2, answered "present" 1, not voting 43, as follows:

[Roll No. 831]
YEAS—387

Ackerman	Capito	Duncan (TN)
Adams	Capuano	Edwards
Aderholt	Carnahan	Ellison
Akin	Carson (IN)	Ellmers
Alexander	Cassidy	Emerson
Altmire	Castor (FL)	Eshoo
Amodei	Chabot	Farenthold
Andrews	Chaffetz	Farr
Baca	Chandler	Fattah
Bachus	Chu	Fincher
Baldwin	Ciilline	Fitzpatrick
Barletta	Clarke (MD)	Flake
Barrow	Clarke (NY)	Fleischmann
Bartlett	Clay	Fleming
Barton (TX)	Cleaver	Flores
Bass (CA)	Coble	Forbes
Bass (NH)	Coffman (CO)	Fortenberry
Becerra	Cohen	Foxx
Benishkek	Cole	Frank (MA)
Berg	Conaway	Franks (AZ)
Berkley	Connolly (VA)	Frelinghuysen
Berman	Conyers	Fudge
Biggert	Cooper	Gallely
Bilbray	Costa	Garamendi
Bilirakis	Costello	Gardner
Bishop (NY)	Courtney	Garrett
Bishop (UT)	Cravaack	Gerlach
Black	Crawford	Gibbs
Blackburn	Crenshaw	Gibson
Blumenauer	Critz	Gingrey (GA)
Bonner	Crowley	Gohmert
Bono Mack	Cuellar	Gonzalez
Boren	Culberson	Goodlatte
Boswell	Cummings	Gosar
Boustany	Davis (CA)	Gowdy
Brady (PA)	Davis (KY)	Graves (GA)
Brady (TX)	DeFazio	Graves (MO)
Brooks	DeGette	Green, Al
Brown (GA)	DeLauro	Green, Gene
Brown (FL)	Dent	Griffin (AR)
Buchanan	DesJarlais	Griffith (VA)
Bucshon	Deutch	Grimm
Buerkle	Diaz-Balart	Guinta
Burgess	Doggett	Guthrie
Butterfield	Dold	Gutierrez
Calvert	Donnelly (IN)	Hahn
Camp	Doyle	Hall
Campbell	Dreier	Hanabusa
Canseco	Duffy	Hanna
Cantor	Duncan (SC)	Harper

Hartzler	McCaul	Sánchez, Linda
Hastings (FL)	McClintock	T.
Hastings (WA)	McCollum	Sarbanes
Hayworth	McCotter	Scalise
Heck	McDermott	Schakowsky
Hensarling	McGovern	Schiff
Herger	McHenry	Schilling
Herrera Beutler	McIntyre	Schmidt
Hinchey	McKeon	Schock
Hinojosa	McMorris	Schrader
Hirono	Rodgers	Schwartz
Hochul	McNerney	Schweikert
Holden	Meehan	Scott (SC)
Holt	Meeks	Scott (VA)
Honda	Mica	Scott, Austin
Hoyer	Michaud	Scott, David
Huelskamp	Miller (FL)	Sensenbrenner
Huizenga (MI)	Miller (MI)	Serrano
Hultgren	Miller (NC)	Sessions
Hunter	Miller, Gary	Sewell
Hurt	Miller, George	Sherman
Inslee	Moore	Shimkus
Israel	Moran	Shuler
Jackson (IL)	Mulvaney	Shuster
Jackson Lee	Murphy (PA)	Simpson
(TX)	Myrick	Sires
Jenkins	Nadler	Slaughter
Johnson (GA)	Napolitano	Smith (NE)
Johnson (IL)	Neal	Smith (NJ)
Johnson (OH)	Neugebauer	Smith (TX)
Johnson, E. B.	Noem	Southerland
Johnson, Sam	Nugent	Speier
Jones	Nunes	Stearns
Jordan	Nunnelee	Stivers
Kaptur	Olson	Stutzman
Keating	Olver	Sullivan
Kelly	Palazzo	Sutton
Kildee	Pallone	Terry
Kind	Pascrell	Thompson (CA)
King (IA)	Pastor (AZ)	Thompson (MS)
King (NY)	Paulsen	Thompson (PA)
Kingston	Pearce	Thornberry
Kissell	Pelosi	Tiberi
Kline	Pence	Tierney
Kucinich	Peters	Tipton
Labrador	Petri	Tonko
Lamborn	Pingree (ME)	Towns
Lance	Pitts	Tsongas
Landry	Poe (TX)	Turner (NY)
Langevin	Polis	Turner (OH)
Lankford	Pompeo	Upton
Larsen (WA)	Posey	Van Hollen
Larson (CT)	Price (GA)	Velázquez
Latham	Price (NC)	Visclosky
Latta	Quayle	Walberg
Lee (CA)	Quigley	Walden
Levin	Rahall	Walsh (IL)
Lewis (CA)	Rangel	Walz (MN)
Lewis (GA)	Rehberg	Wasserman
Lipinski	Reichert	Schultz
LoBiondo	Renacci	Waters
Loeb sack	Reyes	Watt
Long	Ribble	Waxman
Lowe y	Rigell	Webster
Lucas	Rivera	Welch
Luetkemeyer	Roby	West
Lujan	Roe (TN)	Westmoreland
Lummis	Rogers (AL)	Whitfield
Lungren, Daniel	Rogers (KY)	Wilson (FL)
E.	Rogers (MI)	Wilson (SC)
Lynch	Rohrabacher	Wittman
Mack	Rokita	Wolf
Maloney	Rooney	Womack
Manzullo	Ros-Lehtinen	Woodall
Marchant	Ross (AR)	Woolsey
Marino	Rothman (NJ)	Yarmuth
Markey	Roybal-Allard	Yoder
Matheson	Royce	Young (AK)
Matsui	Runyan	Young (FL)
McCarthy (CA)	Ryan (OH)	Young (IN)
McCarthy (NY)	Ryan (WI)	

NAYS—2

Braley (IA)	Richmond
ANSWERED "PRESENT"—1	
Amash	

NOT VOTING—43

Austria	Denham	Higgins
Bachmann	Dicks	Himes
Bishop (GA)	Dingell	Issa
Burton (IN)	Engel	Kinzinger (IL)
Capps	Filner	LaTourette
Cardoza	Giffords	Lofgren, Zoe
Carney	Granger	McKinley
Carter	Grijalva	Murphy (CT)
Clyburn	Harris	Owens
Davis (IL)	Heinrich	Paul

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 requested, 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