

JURISDICTION AND ACTIVITIES
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION
116TH CONGRESS
February 2019

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I. OVERVIEW

A. SUMMARY

The Subcommittee on Coast Guard and Maritime Transportation has jurisdiction over the U.S. Coast Guard, including its duties, organization, functions, and powers. Within the Committee's broader maritime transportation jurisdiction, the Subcommittee has jurisdiction over the regulation of commercial vessels and merchant seamen; domestic laws and international conventions related to the safe operation of vessels and safety of life at sea; and the regulation of ocean shipping, domestic cabotage requirements (Jones Act), and the merchant marine, except as it relates to national defense.

B. HISTORY OF SUBCOMMITTEE

The Subcommittee on Coast Guard and Maritime Transportation was created in 1995 at the beginning of the 104th Congress. Prior to that, jurisdiction within the Subcommittee was under the jurisdiction of the Committee on Merchant Marine and Fisheries and split between the Subcommittee on Coast Guard and Navigation and the Subcommittee on Merchant Marine. The Subcommittee on Merchant Marine was not reestablished in the 104th Congress. The jurisdiction of the Subcommittee on Coast Guard and Navigation was transferred to the Committee on Transportation and Infrastructure, except for jurisdiction related to interoceanic canals which was transferred to the Committee on National Security, which was later renamed the Committee on Armed Services. Matters under the jurisdiction of the Subcommittee on Merchant Marine were split between the Committee on Transportation and Infrastructure and the Committee on National Security. The Committee on Transportation and Infrastructure received the jurisdiction of the Merchant Marine and Fisheries Committee delegated to the Subcommittee on Merchant Marine related to the merchant marine, except for those aspects of the merchant marine related to national security, and the regulation of common carriers by water.

In the 109th Congress (2005), Congress created the Committee on Homeland Security as a standing committee in the House. The jurisdiction of that committee includes port security, a mission of the Coast Guard.

C. RULE X JURISDICTION

In general, the Subcommittee on Coast Guard and Maritime Transportation is referred bills related to: (1) the U.S. Coast Guard, including lifesaving services, lighthouses, lightships, ocean derelicts, and the Coast Guard Academy; (2) inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels; (3) navigation and laws relating thereto, including pilotage; (4) registering and licensing of vessels and small boats; (5) rules and international arrangements to prevent vessel collisions at sea; and (6) the U.S. merchant marine (except for national security aspects thereof). In addition, the Subcommittee on Coast Guard and Maritime Transportation, in conjunction with the Subcommittee on Water Resources and Environment, is referred bills related to: (1) oil and other pollution of navigable waters, including inland, coastal, and ocean waters; and (2) marine affairs, including coastal zone management as it relates to oil and other pollution of navigable waters, to the extent such legislation addresses Coast Guard prevention and response activities.

The Subcommittee has jurisdiction over several maritime statutes, including:

- Title 14, United States Code (U.S.C.) — Coast Guard
- Title 46, U.S.C. — Shipping, except those provisions dealing with national defense (generally codified in subtitle V of title 46)
- The Jones Act (generally codified in chapter 551 of title 46, U.S.C.)
- Oil Pollution Act of 1990
- Act to Prevent Pollution from Ships
- Deepwater Port Act of 1974
- Marine Debris Act
- Title X of the Coast Guard Authorization Act of 2010 — Clean Hulls Act
- Nonindigenous Aquatic Nuisance Species Prevention and Control Act of 1990
- General bridge statutes, including the Truman-Hobbs Act
- Dingell-Johnson/Wallop-Breaux Sport Fish Restoration Act, as it relates to boating safety and recreational boating infrastructure
- Section 1131 of title 49, U.S.C. — Transportation, as it relates to the investigation of maritime casualties

II. THE UNITED STATES COAST GUARD

A. OVERVIEW

The U.S. Coast Guard (Coast Guard) was established on January 28, 1915, through the consolidation of the Revenue Cutter Service (established in 1790) and the Lifesaving Service (established in 1848). The Coast Guard later assumed the duties of three other agencies: the Lighthouse Service (established in 1789), the Steamboat Inspection Service (established in 1838), and the Bureau of Navigation (established in 1884).

The Coast Guard remained a part of the Department of the Treasury until 1967, when it was transferred to the newly created Department of Transportation (DOT). Under the Homeland Security Act of 2002 (P.L. 107-296), the Congress transferred the Coast Guard to the newly created Department of Homeland Security on March 1, 2003.

Under section 2 of title 14, U.S.C., the Coast Guard has primary responsibility to 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. More specific, the Coast Guard is responsible for the execution of 11 statutory missions: marine safety; search and rescue; aids to navigation; living marine resources (e.g., marine fisheries law enforcement); marine environmental protection; ice operations; ports, waterways, and coastal security; drug interdiction; migrant interdiction; defense readiness, and other law enforcement. Additionally, as one of the five armed military services of the United States, the Coast Guard is authorized to operate as a specialized service in the U.S. Navy upon the declaration of war or when the President so directs.

The Coast Guard is composed of approximately 41,000 active duty military personnel, 7,000 reservists, and 8,500 civilian employees. The Coast Guard also is aided by the Coast Guard Auxiliary, an all-volunteer force of over 31,000 members. The Coast Guard has defended the United States in every war since 1790, including the latest conflicts in the Middle East.

The Coast Guard is directed by a Commandant, who is appointed by the President with the advice and consent of the Senate for a four-year term. In June 2018, President Trump appointed Admiral Karl L. Schultz as the 26th Commandant of the Coast Guard.

B. ACTIVITIES IN THE 115th CONGRESS

Hearings:

- Hearing titled, “Authorization of Coast Guard and Maritime Transportation Programs” (April 4, 2017), to examine issues to be considered in two-year legislation reauthorizing Coast Guard and maritime transportation budgets and program activities.
- Hearing titled, “Maritime Transportation Regulatory Issues” (May 3, 2017), to examine a number of maritime transportation regulatory programs and current regulatory issues affecting the maritime industry.
- Hearing titled, “Building a 21st Century Infrastructure for America: Coast Guard Sea, Land and Air Capabilities” (June 7, 2017), to examine the status of the Coast Guard’s infrastructure and the ability of the infrastructure to meet the Coast Guard’s needs in the 21st Century.
- Hearing titled, “Building a 21st Century Infrastructure for America: Coast Guard Sea, Land and Air Capabilities, Part II” (July 25, 2017), to examine the U.S. Coast Guard’s unfunded infrastructure and acquisition needs and the five and twenty-year Capital Improvement Plans. The hearing also reviewed the National Academy of Science’s report, “Acquisition and Operation on Polar Icebreakers: Fulfilling the Nation’s Needs.”
- Hearing titled, “Building a 21st Century Infrastructure for America: Coast Guard Stakeholder’s Perspectives” (September 12, 2017), to examine the status of the U.S. Coast Guard’s military and civilian workforce and extensive real property infrastructure.
- Hearing titled, “Examination of Reports on the El Faro Marine Casualty and Coast Guard’s Electronic Health Records System” (January 30, 2018), to examine the fatal sinking of the U.S.-flagged cargo ship SS EL FARO and the Coast Guard’s efforts to implement an Electronic Health Record system.
- Hearing titled, “Implementation of Coast Guard Programs” (March 7, 2018), to examine the implementation of certain Coast Guard programs, specifically

- performance monitoring, development of five-year Capital Investment Plans (CIP), and commercial fishing vessel classification requirements for new construction.
- Hearing titled, “Review of Fiscal Year 2019 Budget Request for the Coast Guard and Maritime Transportation Programs” (March 14, 2018), to examine the Fiscal Year 2019 (FY 2019) budget requests for the Coast Guard and maritime transportation programs.
- Hearing titled, “Blue Technologies: Use of New Maritime Technologies to Improve Efficiency and Mission Performance” (May 8, 2018), to examine emerging maritime technologies and how such technologies could improve Coast Guard mission performance.
- Hearing titled, “Maritime Transportation in the Arctic: The U.S. Role” (June 7, 2018), to examine U.S. infrastructure needed to facilitate safe and efficient maritime transportation in the Arctic.
- Hearing titled, “Update on Coast Guard Acquisition Programs and Mission Balance and Effectiveness” (July 24, 2018), to examine and assess the Coast Guard’s integration of their acquisition, manpower, and maintenance plans with their mission needs to assure the Service has the assets, personnel, and expertise it needs to carry out its missions.
- Hearing titled, “Coast Guard Modernization and Recapitalization: Status and Future” (September 26, 2018), to review the status of Coast Guard modernization and recapitalization.
- Hearing titled, “Review of Recent GAO Reports on Icebreaker Acquisition and the Need for a National Maritime Strategy” (November 29, 2018), to review recent Government Accountability Office reports on Coast Guard heavy icebreaker acquisition and the need for a National Maritime Strategy.

Legislation:

The Committee did not formally consider H.R. 468, *Foreign Spill Protection Act of 2017*, but the text of H.R. 468 was included as section 3508 in H.R. 2810, *National Defense Authorization Act of 2018*, which subsequently was enacted as Public Law 115-91.

The Committee did not consider H.R. 619, *legislation to exempt old vessels that only operate within inland waterways from the fire retardant materials requirement if the owners of the vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials and for other purposes*. The Senate Commerce Committee included similar legislation in an amendment to S. 140, a bill to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, which served as the floor vehicle for Senate passage of the *Frank LoBiondo Coast Guard Authorization Act of 2018* on November 14, 2018. The House passed the amended measure on November 27, 2018, and it subsequently became Public Law 115-282.

The Committee did not consider H.R. 1154, *Commercial Vessel Incidental Discharge Act*. The Senate Commerce Committee included compromise language amending title VIII, Vessel Incidental Discharge Act, of S. 1129, *Coast Guard Authorization Act of 2017*, as title IX of the aforementioned S. 140, *Frank LoBiondo Coast Guard Authorization of 2018* (P.L. 115-282).

The Committee reported and the House passed H.R. 1726, *Coast Guard Improvement and Reform Act of 2017*, on June 26, 2017, which was received in the Senate and referred to the Commerce Committee. The Senate Commerce Committee incorporated H.R. 1726 as title I of an amendment to the House-passed version of the aforementioned S. 140, *Frank LoBiondo Coast Guard Authorization of 2018* (P.L. 115-282).

The Committee reported H.R. 2518, *Coast Guard Authorization Act of 2017*, and reported the bill on June 26, 2017. H.R. 2518 was included as Division E of H.R. 2825, *Department of Homeland Security Authorization Act*. The bill passed the House on July 20, 2017. The Senate passed a House amendment to the aforementioned S. 140, *Frank LoBiondo Coast Guard Authorization of 2018* (P.L. 115-282), which included H.R. 2518.

The Committee reported H.R. 2593, *Federal Maritime Commission Authorization Act of 2017* on November 11, 2018. The Senate Commerce Committee included similar legislation as title VII to the House amendment to the aforementioned S. 140, *Frank LoBiondo Coast Guard Authorization Act of 2018* (P.L. 115-282).

The Committee did not formally consider H.R. 2637, *Fishing Safety Training and Research Act*. The Senate included similar legislation as section 504 to the aforementioned S. 140, *Frank LoBiondo Coast Guard Authorization Act of 2018*, (P. L. 115-282).

The Committee did not consider H.R. 2748, *Save Our Seas Act of 2017*. Similar legislation was included in S. 3508, *Save Our Seas Act of 2018*. The bill was enacted as Public Law 115-265 on October 11, 2018.

The Committee reported H.R. 5319, *legislation to transfer Coast Guard property in the Town of Jupiter Island, Florida, for inclusion in the Hobe Sound National Wildlife Refuge*. The Committee worked with the Natural Resources Committee to discharge the bill on November 13, 2018, whereby the bill was placed on the Union Calendar. The bill was included as section 837 of an amendment to the House-passed version of the aforementioned S. 140, *Frank LoBiondo Coast Guard Authorization of 2018* (P.L. 115-282).

The Committee considered H.R. 5326, *Technical Corrections Act of 2018*, and subsequently reported the bill on November 13, 2018, whereby it was placed on the Union Calendar. The bill was included as Subtitle C of title XXXV of H.R. 5515, *John S. McCain National Defense Authorization Act of 2019*, which was enacted as Public Law 115-232 on August 13, 2018.

The Committee reported H.R. 6175, *Maritime Safety Act of 2018*, which was included as title II in S. 3508, *Save Our Seas Act of 2018*, enacted as Public Law 115-265 on October 11, 2018.

The Committee reported H.R. 6206, *Coast Guard Blue Technology Center of Expertise Act*, which was included title III in the aforementioned S. 3508, *Save Our Seas Act of 2018* (P.L. 115-265).

III. MARITIME TRANSPORTATION

A. OVERVIEW

The U.S. Maritime Transportation System consists of waterways, locks, ports and marine terminals and their intermodal connections, vessels, vehicles, and system users, as well as federal maritime navigation systems that are located throughout 3.4 million square nautical miles of ocean area, 95,000 miles of coastline, and 25,000 miles of navigable waterways and channels. Commercial shipping carries more than 95 percent by volume of U.S. overseas trade through these waters and is critical to the economic health of the United States. The system's objective is the safe and secure movement of goods, people, and military assets in the most economic, environmentally sound, and efficient manner possible. The Subcommittee oversees the federal safety, security, environmental, and economic regulation of maritime transportation.

Maritime transportation regulatory activities overseen by the Subcommittee include: regulation of vessels and merchant seamen, including inspection and regulation of commercial vessels; carriage of passengers and cargoes; regulation of uninspected vessels, recreational vessels, and commercial fishing vessels; marine casualties; merchant seaman training and licensing; manning of vessels; pilotage; documentation and measurement of vessels; construction of recreational boats; and recreational boating safety programs.

The Subcommittee also has jurisdiction over certain marine environmental protection activities carried out by the Coast Guard and generally related to the operation of vessels, including oil pollution, air pollution, marine debris pollution, aquatic nuisance species transported by vessels, and related international agreements.

The Subcommittee has jurisdiction over port safety and security activities that impact the operations of the Coast Guard, or are carried out by the Coast Guard, including: vessel and facility vulnerability assessments and security plans, vessel movements at ports, security incident response, maritime safety and security teams, foreign port assessments, maritime security advisory committees, and maritime domain awareness.

Additionally, the Subcommittee has jurisdiction over the regulation of ocean shipping, including international ocean shipping, cruise ship financial responsibility, and unfair foreign shipping practices identified under subtitle IV of title 46, U.S. Code. The Federal Maritime Commission (FMC) regulates ocean shipping in U.S. foreign trade. The Subcommittee also exercises jurisdiction over ocean common carriers engaged in the domestic offshore trades, as well as matters involving maritime liability.

Domestic maritime cabotage, or coastwise trade, also falls under the Subcommittee's jurisdiction. U.S. domestic maritime cabotage laws, chapter 551 – Coastwise Trade, of title 46, U.S. Code, and popularly known as the *Jones Act*, govern shipping of goods and passengers by water between any two points in the United States. Vessels engaged in coastwise trade must be U.S. flagged, built, crewed, and owned. The Coast Guard documents vessels engaged in the Jones Act trade. Customs and Border Protection in the Department of Homeland Security enforces violations of these laws, and the Maritime Administration (MARAD) controls the sale or transfer of U.S. documented vessels to foreign owners.

In addition, the Subcommittee has jurisdiction over the merchant marine, except as it relates to national security. The MARAD administers various programs designed to provide financial assistance and to promote and develop the domestic merchant marine industry. Such programs include Federal Ship Financing Guarantees (known as Title XI); Capital Construction Fund; Construction Reserve Fund; and Assistance to Small Shipyards.

B. ACTIVITIES IN THE 115th CONGRESS

Hearings:

- Hearing titled, “Authorization of Coast Guard and Maritime Transportation Programs” (April 4, 2017), to examine issues to be considered in two-year legislation reauthorizing maritime transportation budgets and program activities administered by the MARAD and the FMC.
- Hearing titled, “Building a 21st Century Infrastructure for America: Coast Guard Stakeholders’ Perspectives and Jones Act Fleet Capabilities” (September 29, 2017), to examine the status of the Coast Guard’s military and civilian workforce and extensive real property infrastructure and the capabilities of the Jones Act fleet to meet the domestic maritime transportation needs of the United States.
- Hearing titled, “The State of the U.S. Flag Maritime Industry” (January 17, 2018), to examine the state of the U.S. flag maritime industry and issues affecting industry stakeholders.
- Hearing titled, “Examination of Reports on the El Faro Marine Casualty and Coast Guard’s Electronic Health Records System” (January 30, 2018), to examine the fatal sinking of the U.S.-flagged cargo ship SS EL FARO and the Coast Guard’s efforts to implement an Electronic Health Record system.
- Hearing titled, “Review of Fiscal Year 2019 Budget Request for the Coast Guard and Maritime Transportation Programs” (March 14, 2018), to examine the Fiscal Year 2019 (FY 2019) budget requests for the MARAD, the FMC, and the U.S. Coast Guard.
- Hearing titled, “Maritime Transportation in the Arctic: The U.S. Role” (June 7, 2018), to examine U.S. infrastructure needed to facilitate safe and efficient maritime transportation in the Arctic.
- Roundtable titled, “Impact of the Jones Act on Consumer Prices in Puerto Rico” (July 25, 2018), to examine a report issued on July 18, 2018, titled, “Impact of the U.S. Jones Act on Puerto Rico” and hear testimony from U.S. flag coastwise carriers and other maritime stakeholders.
- Hearing titled, “Review of Recent GAO Reports on Icebreaker Acquisition and the Need for a National Maritime Strategy” (November 29, 2018), to review recent

Government Accountability Office reports on the need for a National Maritime Strategy and Coast Guard heavy icebreaker acquisition.

Legislation:

The Committee worked on provisions under its jurisdiction relating to the MARAD and maritime transportation with the Armed Services Committee with regard to H.R. 2810, the *National Defense Authorization Act for Fiscal Year 2018*, which subsequently was enacted as Public Law 115-91 on December 12, 2017.

The Committee worked on provisions under its jurisdiction relating to the MARAD and maritime transportation with the Armed Services Committee with regard to H.R. 5515, the *John S. McCain National Defense Authorization for Fiscal Year 2019*, which subsequently was enacted as Public Law 115-232 on August 13, 2018.

