

**Statement of
The Honorable Elijah Cummings
Subcommittee on the Coast Guard and Maritime Transportation
Hearing On
“Coast Guard and National Transportation Safety Board
Casualty Investigation Program”
May 20, 2008**

We convene today to receive a report issued by the Department of Homeland Security's Office of Inspector General regarding the Coast Guard's marine casualty investigation program and the legislative proposal made by the National Transportation Safety Board to be the lead investigative agency for those accidents which the Board elects to investigate.

The Subcommittee has been examining the multiple facets of the Coast Guard's marine safety program throughout much of the 110th Congress. We began the examination in August of last year when witnesses from the maritime industry testified regarding a number of troubling concerns they had about a loss of professional expertise among Coast Guard marine inspection personnel, unprofessional treatment, and extreme delays in pending rulemakings.

Many of these problems were subsequently documented in a report developed by retired Coast Guard Vice Admiral James C. Card at the request of the Coast Guard Commandant, Admiral Thad Allen, following the Subcommittee's hearing. Admiral Card's report detailed not only the loss of professional competence among marine inspectors and investigators, it indicated that frequent transfers prevent marine safety personnel from developing technical or geographic expertise and it documented a deterioration in the relationship between the Coast Guard and the maritime industry regarding the achievement of safety goals.

The allision of the COSCO BUSAN with the San Francisco Bay Bridge in November 2007 and the report developed by the Department of Homeland Security's Inspector General on the Coast Guard's response to that incident have demonstrated in a single event many of the challenges the Coast Guard's marine safety program faces, particularly in the casualty investigation mission, which is the cornerstone of all marine safety missions.

With the issuance of today's report, however, we finally have quantifiable assessments of the Coast Guard's challenges in the casualty investigation program, and we have clear and disturbing conclusions: the Coast Guard's marine casualty investigations program is “hindered by unqualified personnel,” by “investigations conducted at inappropriate levels,” and by “ineffective management of a substantial backlog of investigations needing review and closure.”

Just to look at one of these findings – the lack of qualified personnel – I note that this was foreshadowed in the IG's study of the COSCO BUSAN accident, which found that 5 of the 6 individuals assigned as casualty investigators to Sector San Francisco were not qualified.

The report that we receive from the IG today indicates that among a sample of individuals assigned as casualty investigators throughout the Coast Guard, more than half were not qualified as casualty investigators. Perhaps more staggering to me, however, is that

during last month's hearing on the COSCO BUSAN, Admiral Brian Salerno, who is in charge of the Coast Guard's marine safety program, testified that he did not know how widespread the lack of qualifications among casualty investigators was.

We look forward to the testimony of Ms. Anne Richards, DHS' Assistant Inspector General, who will expand on the IG's findings. However, let me note that one of the most troubling findings of the IG's report is that some of the challenges we will discuss today were identified more than 10 years ago by the Coast Guard itself – and even as far back as the seminal oversight report “Semi-Paratus: The United States Coast Guard, 1981” issued during the 97th Congress.

In other words, the Coast Guard's challenges with the marine safety program far pre-date the service's assumption of expanded responsibilities following 9/11. While these new responsibilities make finding balance among all missions that much more challenging, they also make it that much more important.

Frankly, as anyone who follows this Subcommittee knows, I find it to be a disservice to the American people when government kicks around the same issues year after year – or, in this case, decade after decade. The marine safety mission is a critical mission performed by the Coast Guard, and it needs to adequately serve the safety needs of the maritime industry.

While I appreciate the efforts that the Commandant is taking to strengthen the program – including the request of 276 new billets in marine safety – I believe that the only way to ensure that the Coast Guard's marine safety program is staffed by qualified and experienced personnel will be by the enactment of legislation that codifies new processes and procedures to ensure that robust standards are in place and are met by the marine safety program. For that reason, I believe that the enactment of the Coast Guard Authorization Act, H.R. 2830, which passed the House of Representatives by a resounding 395 to 7, is absolutely critical.

Against this backdrop, we will also hear today from the National Transportation Safety Board regarding their proposal to align their relationship with the Coast Guard regarding the investigation of major marine casualties so that it parallels their relationship with the modal administrations of the United States Department of Transportation. The Board's proposal would provide NTSB with the legislative authority to take the lead in important marine casualties – an authority that they already have for all other modes.

Given that the Coast Guard infrequently empanels Marine Boards to investigate major casualties – they have done so only twice in the past 8 years – it would seem that the NTSB, which has conducted 23 marine casualty investigations in the same period, is in many ways already fulfilling this role.