

# Union Calendar No. 133

115TH CONGRESS  
1ST SESSION

# H. R. 2518

[Report No. 115-194]

To authorize appropriations for the Coast Guard for fiscal years 2018 and 2019, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2017

Mr. HUNTER (for himself, Mr. GARAMENDI, Mr. SHUSTER, and Mr. DEFALZIO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

JUNE 26, 2017

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on May 18, 2017]

# **A BILL**

To authorize appropriations for the Coast Guard for fiscal years 2018 and 2019, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5 *“Coast Guard Authorization Act of 2017”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 7 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*TITLE I—AUTHORIZATIONS*

*Sec. 101. Authorizations of appropriations.*

*Sec. 102. Authorized levels of military strength and training.*

*TITLE II—COAST GUARD*

*Sec. 201. Training; public safety personnel.*

*Sec. 202. Commissioned service retirement.*

*Sec. 203. Officer promotion zones.*

*Sec. 204. Cross reference.*

*Sec. 205. Repeal.*

*Sec. 206. Unmanned aircraft system.*

*Sec. 207. Coast Guard health-care professionals; licensure portability.*

*Sec. 208. Incentive contracts for Coast Guard yard and industrial establishments.*

*Sec. 209. Maintaining cutters in class.*

*Sec. 210. Congressional affairs; Director.*

*Sec. 211. Contracting for major acquisitions programs.*

*Sec. 212. National Security Cutter.*

*Sec. 213. Radar refresher training.*

*Sec. 214. Repeal.*

*Sec. 215. Extension of authority.*

*Sec. 216. Authorization of amounts for Fast Response Cutters.*

*Sec. 217. Authorization of amounts for ice trials of icebreaker vessels.*

*Sec. 218. Shoreside infrastructure.*

*TITLE III—PORTS AND WATERWAYS SAFETY ACT*

*Sec. 301. Codification of Ports and Waterways Safety Act.*

*Sec. 302. Conforming amendments.*

*Sec. 303. Transitional and savings provisions.*

*Sec. 304. Rule of construction.*

*Sec. 305. Advisory Committee: Repeal.*

*TITLE IV—MARITIME TRANSPORTATION SAFETY*

*Sec. 401. Clarification of logbook entries.*

*Sec. 402. Technical corrections: licenses, certifications of registry, and merchant  
 mariner documents.*

*Sec. 403. Numbering for undocumented barges.*

- Sec. 404. Drawbridge deviation exemption.  
 Sec. 405. Deadline for compliance with alternate safety compliance programs.  
 Sec. 406. Authorization for marine debris program.  
 Sec. 407. Alternative distress signals.  
 Sec. 408. Atlantic Coast Port Access Route Study recommendations.  
 Sec. 409. Documentation of recreational vessels.  
 Sec. 410. Certificates of documentation for recreational vessels.  
 Sec. 411. Backup global positioning system.  
 Sec. 412. Waters deemed not navigable waters of the United States for certain purposes.  
 Sec. 413. Uninspected passenger vessels in St. Louis County, Minnesota.  
 Sec. 414. Engine cut-off switch requirements.  
 Sec. 415. Analysis of commercial fishing vessel classification requirements.

#### TITLE V—MISCELLANEOUS

- Sec. 501. Repeal.  
 Sec. 502. Reimbursements for non-Federal construction costs of certain aids to navigation.  
 Sec. 503. Corrections to provisions enacted by Coast Guard Authorization Acts.  
 Sec. 504. Ship Shoal Lighthouse transfer: Repeal.  
 Sec. 505. Coast Guard maritime domain awareness.  
 Sec. 506. Towing safety management system fees.  
 Sec. 507. Oil spill disbursements auditing and report.  
 Sec. 508. Land exchange, Ayakulik Island, Alaska.  
 Sec. 509. Vessel response plans in the Arctic.  
 Sec. 510. Assessment of public comments on additional anchorages on the Hudson River.  
 Sec. 511. Public safety answering points and maritime search and rescue coordination.  
 Sec. 512. Documentation of “America’s Finest”.

## 1           **TITLE I—AUTHORIZATIONS**

### 2   **SEC. 101. AUTHORIZATIONS OF APPROPRIATIONS.**

3           Section 2702 of title 14, United States Code, is amend-  
 4 ed:

5                   (1) in the matter preceding paragraph (1), by  
 6 striking “fiscal years 2016 and 2017” and inserting  
 7 “fiscal years 2018 and 2019”;

8                   (2) in paragraph (1), by striking subparagraphs  
 9 (A) and (B) and inserting the following:

10                           “(A) \$7,263,698,328 for fiscal year 2018;

11                           and

1           “(B) \$7,452,554,484 for fiscal year 2019.”;

2           (3) in paragraph (2), by striking subparagraphs

3 (A) and (B) and inserting the following:

4           “(A) \$1,945,000,000 for fiscal year 2018;

5           and

6           “(B) \$1,945,000,000 for fiscal year 2019.”;

7           (4) in paragraph (3), by striking subparagraphs

8 (A) and (B) and inserting the following:

9           “(A) \$134,237,000 for fiscal year 2018; and

10           “(B) \$134,237,000 for fiscal year 2019.”;

11           (5) in paragraph (4), by striking subparagraphs

12 (A) and (B) and inserting the following:

13           “(A) \$16,701,000 for fiscal year 2018; and

14           “(B) \$16,701,000 for fiscal year 2019.”; and

15           (6) in paragraph (5), by striking subparagraphs

16 (A) and (B) and inserting the following:

17           “(A) \$37,263,294 for fiscal year 2018; and

18           “(B) \$38,232,140 for fiscal year 2019.”.

19 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
20 **AND TRAINING.**

21           Section 2704 of title 14, United States Code, is amend-

22 ed—

23           (1) in subsection (a), by striking “for each of fis-

24 cal years 2016 and 2017” and inserting “for fiscal

1        *year 2018 and an end-of-year strength for such per-*  
2        *sonnel of 44,500 for fiscal year 2019”; and*

3                *(2) in subsection (b), by striking “fiscal years*  
4        *2016 and 2017” and inserting “fiscal years 2018 and*  
5        *2019”.*

## 6                **TITLE II—COAST GUARD**

### 7        **SEC. 201. TRAINING; PUBLIC SAFETY PERSONNEL.**

8                *(a) IN GENERAL.—Chapter 7 of title 14, United States*  
9        *Code, is amended by adding at the end the following:*

#### 10        **“§ 155. Training; public safety personnel**

11                *“(a) IN GENERAL.—The Commandant may, on a re-*  
12        *imbursable or a non-reimbursable basis, make training*  
13        *available to public safety personnel whenever the Com-*  
14        *mandant determines that—*

15                        *“(1) a member of the Coast Guard, who is sched-*  
16        *uled to participate in such training, is unable or un-*  
17        *available to participate in such training;*

18                        *“(2) no other member of the Coast Guard, who*  
19        *is assigned to the unit to which the member of the*  
20        *Coast Guard who is unable or unavailable to partici-*  
21        *partate in such training is assigned, is able or available*  
22        *to participate in such training; and*

23                        *“(3) such training, if made available to such*  
24        *public safety personnel, would further the goal of*

1        *interoperability among Federal agencies, non-Federal*  
2        *governmental agencies, or both.*

3        “(b) *DEFINITION.*—*For the purposes of this section, the*  
4        *term ‘public safety personnel’ includes any Federal, State*  
5        *(or political subdivision thereof), territorial, or tribal law*  
6        *enforcement officer, firefighter, or emergency response pro-*  
7        *vider.*

8        “(c) *TREATMENT OF REIMBURSEMENT.*—*Any reim-*  
9        *bursements for training that the Coast Guard receives under*  
10       *this section shall be credited to the appropriation used to*  
11       *pay the costs for such training.*

12       “(d) *STATUS OF TRAINED PERSONNEL; LIMITATION*  
13       *ON LIABILITY.*—

14                “(1) *STATUS.*—*Any public safety personnel to*  
15        *whom training is made available under this section*  
16        *who is not otherwise a Federal employee shall not, be-*  
17        *cause of that training, be considered a Federal em-*  
18        *ployee for any purpose (including the purposes of*  
19        *chapter 81 of title 5 (relating to compensation for in-*  
20        *jury)) and sections 2671 through 2680 of title 28 (re-*  
21        *lating to tort claims).*

22                “(2) *LIMITATION ON LIABILITY.*—*The United*  
23        *States shall not be liable for actions taken by such*  
24        *personnel in the course of training made available*  
25        *under this section.”.*

1           (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*  
 2 *7 of such title is amended by inserting at the end the fol-*  
 3 *lowing:*

*“155. Training; public safety personnel.”.*

4 **SEC. 202. COMMISSIONED SERVICE RETIREMENT.**

5           *For Coast Guard officers who retire in fiscal year 2017*  
 6 *or 2018, the President may reduce the period of active com-*  
 7 *missioned service required under section 291 of title 14,*  
 8 *United States Code, to a period of not less than eight years.*

9 **SEC. 203. OFFICER PROMOTION ZONES.**

10           *Section 256(a) of title 14, United States Code, is*  
 11 *amended by striking “six-tenths.” and inserting “one-half.”.*

12 **SEC. 204. CROSS REFERENCE.**

13           *Section 373(a) of title 14, United States Code, is*  
 14 *amended by inserting “designated under section 371” after*  
 15 *“cadet”.*

16 **SEC. 205. REPEAL.**

17           *Section 482 of title 14, United States Code, and the*  
 18 *item relating to that section in the analysis for chapter 13*  
 19 *of that title, are repealed.*

20 **SEC. 206. UNMANNED AIRCRAFT SYSTEM.**

21           (a) *IN GENERAL.*—*Chapter 3 of title 14, United States*  
 22 *Code, is amended by adding at the end the following:*

23 **“§ 61. Unmanned aircraft system**

24           “(a) *IN GENERAL.*—*Subject to the availability of ap-*  
 25 *propriations and to subsection (b), the Secretary of the de-*



1 *partment in which the Coast Guard is operating shall estab-*  
2 *lish a land-based unmanned aircraft system program under*  
3 *the control of the Commandant of the Coast Guard.*

4 “(b) *LIMITATIONS.—*

5 “(1) *IN GENERAL.—During any fiscal year for*  
6 *which funds are appropriated for the design or con-*  
7 *struction of the Offshore Patrol Cutter, the Com-*  
8 *mandant—*

9 “(A) *may not award a contract for design*  
10 *of an unmanned aircraft system for use by the*  
11 *Coast Guard; and*

12 “(B) *may acquire an unmanned aircraft*  
13 *system only if such a system—*

14 “(i) *has been part of a program of*  
15 *record, procured by, or used by, the Depart-*  
16 *ment of Defense or the Department of*  
17 *Homeland Security, or a component thereof,*  
18 *before the date on which the Commandant*  
19 *acquires the system; and*

20 “(ii) *is acquired by the Commandant*  
21 *through an agreement with such a depart-*  
22 *ment or component, unless the unmanned*  
23 *aircraft system can be obtained at less cost*  
24 *through independent contract action.*

25 “(2) *LIMITATIONS ON APPLICATION.—*

1           “(A) *SMALL UNMANNED AIRCRAFT*.—Para-  
2           *graph (1)(B) does not apply to small unmanned*  
3           *aircraft.*

4           “(B) *PREVIOUSLY FUNDED SYSTEMS*.—Sub-  
5           *section (b) does not apply to the design or acqui-*  
6           *sition of an unmanned aircraft system for which*  
7           *funds for research, development, test, and evalua-*  
8           *tion have been received from the Department of*  
9           *Defense or the Department of Homeland Secu-*  
10          *urity.*

11          “(C) *DEFINITIONS*.—*In this section each of the terms*  
12          *‘small unmanned aircraft’ and ‘unmanned aircraft system’*  
13          *has the meaning that term has in section 331 of the FAA*  
14          *Modernization and Reform Act of 2012 (49 U.S.C. 40101*  
15          *note).’.*

16          (b) *CLERICAL AMENDMENT*.—*The analysis at the be-*  
17          *ginning of such chapter is amended by adding at the end*  
18          *the following:*

          “61. *Unmanned aircraft system*.”.

19          (c) *CONFORMING AMENDMENT*.—*Subsection (c) of sec-*  
20          *tion 564 of title 14, United States Code, is repealed.*

21          **SEC. 207. COAST GUARD HEALTH-CARE PROFESSIONALS; LI-**  
22          **CENSURE PORTABILITY.**

23          (a) *IN GENERAL*.—*Chapter 5 of title 14, United States*  
24          *Code, is amended by adding at the end the following:*

1 **“§ 104. Coast Guard health-care professionals; licen-**  
2 **sure portability**

3 “(a) Notwithstanding any law regarding the licensure  
4 of health-care providers, a health-care professional described  
5 in subsection (b) may practice the health profession or pro-  
6 fessions of the health-care professional at any location in  
7 any State, the District of Columbia, or a Commonwealth,  
8 territory, or possession of the United States, regardless of  
9 where such health-care professional or the patient are lo-  
10 cated, if the practice is within the scope of the authorized  
11 Federal duties of such health-care professional.

12 “(b) A health-care professional described in this sub-  
13 section is an individual—

14 “(1) who is—

15 “(A) a member of the Coast Guard;

16 “(B) a civilian employee of the Coast  
17 Guard;

18 “(C) a member of the Public Health Service  
19 who is assigned to the Coast Guard;

20 “(D) a personal services contractor under  
21 section 1091 of title 10; or

22 “(E) any other health-care professional  
23 credentialed and privileged at a Federal health-  
24 care institution or location specially designated  
25 by the Secretary; and

26 “(2) who—

1           “(A) has a current license to practice medi-  
 2           cine, osteopathic medicine, dentistry, or another  
 3           health profession; and

4           “(B) is performing authorized duties for the  
 5           Coast Guard.

6           “(c) In this section each of the terms ‘license’ and  
 7           ‘health-care professional’ has the meaning that term has in  
 8           section 1094(e) of title 10.”.

9           (b) *CLERICAL AMENDMENT.*—*The analysis for such*  
 10 *chapter is amended by adding at the end the following:*

*“104. Coast Guard health-care professionals; licensure portability.”.*

11 **SEC. 208. INCENTIVE CONTRACTS FOR COAST GUARD YARD**

12 **AND INDUSTRIAL ESTABLISHMENTS.**

13           Section 648 of title 14, United States Code, is amend-  
 14 *ed—*

15           (1) *by inserting before the text the following: “(a)*  
 16 *IN GENERAL.—”;*

17           (2) *in subsection (a), as designated by the*  
 18 *amendment made by paragraph (1) of this section, by*  
 19 *striking the period at the end of the last sentence and*  
 20 *inserting “or in accordance with subsection (b).”;* and

21           (3) *by adding at the end the following:*

22 *“(b) INCENTIVE CONTRACTS.—*

23 *“(1) The parties to an order for industrial work*  
 24 *to be performed by the Coast Guard Yard or a Coast*  
 25 *Guard industrial establishment designated under sub-*

1 *section (a) may enter into an order or a cost-plus-in-*  
2 *centive-fee order in accordance with this subsection.*

3 *“(2) If such parties enter into such an order or*  
4 *a cost-plus-incentive-fee order, an agreed-upon*  
5 *amount of any adjustment described in subsection (a)*  
6 *may be distributed as an incentive to the wage-grade*  
7 *industrial employees who complete the order.*

8 *“(3) Before entering into such an order or cost-*  
9 *plus-incentive-fee order such parties must agree that*  
10 *the wage-grade employees of the Coast Guard Yard or*  
11 *Coast Guard industrial establishment will take action*  
12 *to improve the delivery schedule or technical perform-*  
13 *ance agreed to in the order for industrial work to*  
14 *which such parties initially agreed.*

15 *“(4) Notwithstanding any other provision of law,*  
16 *if the industrial workforce of the Coast Guard Yard*  
17 *or such Coast Guard industrial establishment satisfies*  
18 *the performance target established in such an order or*  
19 *cost-plus-incentive-fee order—*

20 *“(A) the adjustment to be made pursuant to*  
21 *this subsection shall be reduced by such agreed-*  
22 *upon amount and distributed to such wage-grade*  
23 *industrial employees; and*

1                   “(B) the remainder of the adjustment shall  
2                   be credited to the appropriation for such order  
3                   current at that time.”.

4 **SEC. 209. MAINTAINING CUTTERS IN CLASS.**

5                   Section 573(c)(3)(A) of title 14, United States Code,  
6 is amended—

7                   (1) by striking “(A) IN GENERAL.—”; and

8                   (2) by inserting “and shall maintain such cutter  
9                   in class” before the period at the end.

10 **SEC. 210. CONGRESSIONAL AFFAIRS; DIRECTOR.**

11                   (a) IN GENERAL.—Chapter 3 of title 14, United States  
12 Code, as amended by section 206 of this Act, is further  
13 amended by adding at the end the following:

14 **“§ 62. Congressional affairs; director**

15                   “The Commandant shall appoint a Director of Con-  
16 gressional Affairs from among officers of the Coast Guard  
17 who are in a grade above captain.”.

18                   (b) CLERICAL AMENDMENT.—The analysis for such  
19 chapter is amended by adding at the end the following:

“62. Congressional Affairs; Director.”.

20 **SEC. 211. CONTRACTING FOR MAJOR ACQUISITIONS PRO-**  
21 **GRAMS.**

22                   (a) IN GENERAL.—Subchapter II of chapter 15 of title  
23 14, United States Code, is amended by adding at the end  
24 the following:

1 **“§ 580. Contracting for major acquisitions programs**

2       “(a) *IN GENERAL.*—*The Commandant of the Coast*  
3 *Guard may enter into contracts for major acquisition pro-*  
4 *grams.*

5       “(b) *AUTHORIZED METHODS.*—*Such contracts—*

6               “(1) *may be block buy contracts;*

7               “(2) *may be incrementally funded;*

8               “(3) *may include combined purchases, also*  
9 *known as economic order quantity purchases, of—*

10                       “(A) *materials and components; and*

11                       “(B) *long lead time materials; and*

12               “(4) *may be multiyear contracts that comply*  
13 *with section 2306b of title 10.*

14       “(c) *SUBJECT TO APPROPRIATIONS.*—*Any contract en-*  
15 *tered into under subsection (a) shall provide that any obli-*  
16 *gation of the United States to make a payment under the*  
17 *contract is subject to the availability of amounts specifically*  
18 *provided in advance for that purpose in subsequent appro-*  
19 *priations Acts.”.*

20       “(b) *CLERICAL AMENDMENT.*—*The analysis at the be-*  
21 *ginning of such chapter is amended by adding at the end*  
22 *of the items relating to such subchapter the following:*

      “580. *Contracting for major acquisitions programs.*”.

23       “(c) *CONFORMING AMENDMENTS.*—*The following provi-*  
24 *sions are repealed:*

1           (1) *Section 223 of Public Law 113–281 (14*  
2           *U.S.C. 577 note), and the item relating to that section*  
3           *in the table of contents in section 2 of such Act.*

4           (2) *Section 221(a) of Public Law 112–213 (14*  
5           *U.S.C. 573 note).*

6           (3) *Section 207(a) of Public Law 114–120 (14*  
7           *U.S.C. 87 note).*

8   **SEC. 212. NATIONAL SECURITY CUTTER.**

9           (a) *STANDARD METHOD FOR TRACKING.—The Com-*  
10          *mandant of the Coast Guard may not certify an eighth Na-*  
11          *tional Security Cutter as Ready for Operations before the*  
12          *date on which the Commandant provides to the Committee*  
13          *on Transportation and Infrastructure of the House of Rep-*  
14          *resentatives and the Committee on Commerce, Science, and*  
15          *Transportation of the Senate—*

16               (1) *a notification of a new standard method for*  
17          *tracking operational employment of Coast Guard*  
18          *major cutters that does not include time during which*  
19          *such a cutter is away from its homeport for mainte-*  
20          *nance or repair; and*

21               (2) *a report analyzing cost and performance for*  
22          *different approaches to achieving varied levels of oper-*  
23          *ational employment using the standard method re-*  
24          *quired by paragraph (1) that, at a minimum—*



1           (A) compares over a 30-year period the av-  
2           erage annualized baseline cost and performances  
3           for a certified National Security Cutter that op-  
4           erated for 185 days away from homeport or an  
5           equivalent alternative measure of operational  
6           tempo—

7                   (i) against the cost of a 15 percent in-  
8                   crease in days away from homeport or an  
9                   equivalent alternative measure of oper-  
10                  ational tempo for a National Security Cut-  
11                  ter; and

12                  (ii) against the cost of the acquisition  
13                  and operation of an additional National  
14                  Security Cutter; and

15           (B) examines the optimal level of oper-  
16           ational employment of National Security Cutters  
17           to balance National Security Cutter cost and  
18           mission performance.

19       (b) CONFORMING AMENDMENTS.—

20           (1) Section 221(b) of the Coast Guard and Mari-  
21           time Transportation Act of 2012 (14 U.S.C. 573 note)  
22           is repealed.

23           (2) Section 204(c)(1) of the Coast Guard Author-  
24           ization Act of 2016 (130 Stat. 35) is repealed.

1 **SEC. 213. RADAR REFRESHER TRAINING.**

2 *Section 11.480(F) of title 46, Code of Federal Regula-*  
3 *tions, as in effect immediately before the enactment of this*  
4 *Act, shall have no force or effect.*

5 **SEC. 214. REPEAL.**

6 *Section 676a(a) of title 14, United States Code, is*  
7 *amended—*

8 *(1) by striking paragraph (2);*

9 *(2) by striking “(1) IN GENERAL.—”;*

10 *(3) by redesignating subparagraphs (A) and (B)*  
11 *as paragraphs (1) and (2), respectively; and*

12 *(4) in paragraph (2), as so redesignated, by*  
13 *striking “subparagraph (A)” and inserting “para-*  
14 *graph (1)”.*

15 **SEC. 215. EXTENSION OF AUTHORITY.**

16 *Section 404 of the Coast Guard Authorization Act of*  
17 *2010 (Public Law 111–281; 124 Stat. 2950) is amended—*

18 *(1) in subsection (a), in the text preceding para-*  
19 *graph (1), by striking “sections 3304, 5333, and*  
20 *5753” and inserting “section 3304”; and*

21 *(2) in subsection (b), by striking “2017.” and in-*  
22 *serting “2021.”.*

23 **SEC. 216. AUTHORIZATION OF AMOUNTS FOR FAST RE-**  
24 **SPONSE CUTTERS.**

25 *(a) IN GENERAL.—Of the amounts authorized for each*  
26 *fiscal year 2018 and 2019 under section 2702(2) of title*

1 14, *United States Code*, as amended by this Act,  
2 \$165,000,000 is authorized for the acquisition of three Fast  
3 Response Cutters in each such fiscal year.

4 (b) *TREATMENT OF ACQUIRED CUTTERS.*—Any cutters  
5 acquired under subsection (a) shall be in addition to the  
6 58 cutters approved under the existing acquisition baseline.

7 **SEC. 217. AUTHORIZATION OF AMOUNTS FOR ICE TRIALS**  
8 **OF ICEBREAKER VESSELS.**

9 (a) *IN GENERAL.*—Of the amounts authorized for fis-  
10 cal year 2018 under paragraphs (1) and (5) of section 2702  
11 of title 14, *United States Code*, as amended by this Act,  
12 up to \$3,000,000 is authorized for the Commandant of the  
13 Coast Guard to carry out ice trials of icebreaker vessels doc-  
14 umented under section 12111 of title 46, *United States*  
15 *Code*.

16 (b) *ASSESSMENTS.*—Ice trials referred to in subsection  
17 (a) shall—

18 (1) assess the ability of an icebreaker vessel to  
19 carry out the missions of the Coast Guard enumerated  
20 in section 2 of title 14, *United States Code*; or

21 (2) conduct operational tests to produce informa-  
22 tion that could be used in the design and acquisition  
23 of icebreaker vessels by the Coast Guard to carry out  
24 such missions.

1 **SEC. 218. SHORESIDE INFRASTRUCTURE.**

2 *Of the amounts authorized under section 2702(2) of*  
 3 *title 14, United States Code, as amended by this Act, for*  
 4 *each of fiscal years 2018 and 2019 there is authorized to*  
 5 *be appropriated \$165,000,000 to the Secretary of the de-*  
 6 *partment in which the Coast Guard is operating to fund*  
 7 *the acquisition, construction, rebuilding or improvement of*  
 8 *Coast Guard shoreside infrastructure and facilities nec-*  
 9 *essary to support Coast Guard operations and readiness.*

10 **TITLE III—PORTS AND**  
 11 **WATERWAYS SAFETY ACT**

12 **SEC. 301. CODIFICATION OF PORTS AND WATERWAYS SAFE-**  
 13 **TY ACT.**

14 *(a) CODIFICATION.—Subtitle VII of title 46, United*  
 15 *States Code, is amended by inserting before chapter 701 the*  
 16 *following:*

17 **“CHAPTER 700—PORTS AND WATERWAYS**  
 18 **SAFETY**

*“SUBCHAPTER A—VESSEL OPERATIONS*

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1           “SUBCHAPTER A—VESSEL OPERATIONS

2   **“§ 70001. *Vessel traffic services***

3           “(a) *Subject to the requirements of section 70004, the*  
4 *Secretary—*

5                   “(1) *in any port or place under the jurisdiction*  
6 *of the United States, in the navigable waters of the*  
7 *United States, or in any area covered by an inter-*  
8 *national agreement negotiated pursuant to section*  
9 *70005, may construct, operate, maintain, improve, or*  
10 *expand vessel traffic services, that consist of measures*  
11 *for controlling or supervising vessel traffic or for pro-*  
12 *tecting navigation and the marine environment and*  
13 *that may include one or more of reporting and oper-*  
14 *ating requirements, surveillance and communications*  
15 *systems, routing systems, and fairways;*

16                   “(2) *shall require appropriate vessels that oper-*  
17 *ate in an area of a vessel traffic service to utilize or*  
18 *comply with that service;*

1           “(3)(A) may require vessels to install and use  
2           *specified navigation equipment, communications*  
3           *equipment, electronic relative motion analyzer equip-*  
4           *ment, or any electronic or other device necessary to*  
5           *comply with a vessel traffic service or that is nec-*  
6           *essary in the interests of vessel safety.*

7           “(B) Notwithstanding subparagraph (A), the  
8           *Secretary shall not require fishing vessels under 300*  
9           *gross tons as measured under section 14502, or an al-*  
10           *ternate tonnage measured under section 14302 as pre-*  
11           *scribed by the Secretary under section 14104, or rec-*  
12           *reational vessels 65 feet or less to possess or use the*  
13           *equipment or devices required by this subsection solely*  
14           *under the authority of this chapter;*

15           “(4) may control vessel traffic in areas subject to  
16           *the jurisdiction of the United States that the Sec-*  
17           *retary determines to be hazardous, or under condi-*  
18           *tions of reduced visibility, adverse weather, vessel con-*  
19           *gestion, or other hazardous circumstances, by—*

20                   “(A) *specifying times of entry, movement,*  
21                   *or departure;*

22                   “(B) *establishing vessel traffic routing*  
23                   *schemes;*

24                   “(C) *establishing vessel size, speed, or draft*  
25                   *limitations and vessel operating conditions; and*

1           “(D) restricting operation, in any haz-  
2           ardous area or under hazardous conditions, to  
3           vessels that have particular operating character-  
4           istics or capabilities that the Secretary considers  
5           necessary for safe operation under the cir-  
6           cumstances;

7           “(5) may require the receipt of prearrival mes-  
8           sages from any vessel, destined for a port or place  
9           subject to the jurisdiction of the United States, in suf-  
10          ficient time to permit advance vessel traffic planning  
11          before port entry, which shall include any informa-  
12          tion that is not already a matter of record and that  
13          the Secretary determines necessary for the control of  
14          the vessel and the safety of the port or the marine en-  
15          vironment; and

16          “(6) may prohibit the use on vessels of electronic  
17          or other devices that interfere with communication  
18          and navigation equipment, except that such authority  
19          shall not apply to electronic or other devices certified  
20          to transmit in the maritime services by the Federal  
21          Communications Commission and used within the  
22          frequency bands 157.1875–157.4375 MHz and  
23          161.7875–162.0375 MHz.

24          “(b) COOPERATIVE AGREEMENTS.—

1           “(1) *IN GENERAL.*—*The Secretary may enter*  
2           *into cooperative agreements with public or private*  
3           *agencies, authorities, associations, institutions, cor-*  
4           *porations, organizations, or other persons to carry out*  
5           *the functions under subsection (a)(1).*

6           “(2) *LIMITATION.*—

7           “(A) *A nongovernmental entity may not*  
8           *under this subsection carry out an inherently*  
9           *governmental function.*

10           “(B) *As used in this paragraph, the term*  
11           *‘inherently governmental function’ means any*  
12           *activity that is so intimately related to the pub-*  
13           *lic interest as to mandate performance by an of-*  
14           *ficer or employee of the Federal Government, in-*  
15           *cluding an activity that requires either the exer-*  
16           *cise of discretion in applying the authority of the*  
17           *Government or the use of judgment in making a*  
18           *decision for the Government.*

19           “(c) *LIMITATION OF LIABILITY FOR COAST GUARD*  
20           *VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL*  
21           *VESSEL TRAFFIC SERVICE OPERATORS.*—

22           “(1) *COAST GUARD VESSEL TRAFFIC SERVICE PI-*  
23           *LOTS.*—*Any pilot, acting in the course and scope of*  
24           *his or her duties while at a Coast Guard Vessel Traf-*  
25           *fic Service, who provides information, advice, or com-*



1        *munication assistance while under the supervision of*  
2        *a Coast Guard officer, member, or employee shall not*  
3        *be liable for damages caused by or related to such as-*  
4        *sistance unless the acts or omissions of such pilot con-*  
5        *stitute gross negligence or willful misconduct.*

6                *“(2) NON-FEDERAL VESSEL TRAFFIC SERVICE*  
7        *OPERATORS.—An entity operating a non-Federal ves-*  
8        *sel traffic information service or advisory service pur-*  
9        *suant to a duly executed written agreement with the*  
10        *Coast Guard, and any pilot acting on behalf of such*  
11        *entity, is not liable for damages caused by or related*  
12        *to information, advice, or communication assistance*  
13        *provided by such entity or pilot while so operating or*  
14        *acting unless the acts or omissions of such entity or*  
15        *pilot constitute gross negligence or willful misconduct.*

16        **“§ 70002. Special powers**

17                *“The Secretary may order any vessel, in a port or*  
18        *place subject to the jurisdiction of the United States or in*  
19        *the navigable waters of the United States, to operate or an-*  
20        *chor in a manner the Secretary directs if—*

21                *“(1) the Secretary has reasonable cause to believe*  
22        *such vessel does not comply with any regulation*  
23        *issued under this chapter or any other applicable law*  
24        *or treaty;*

1           “(2) *the Secretary determines such vessel does*  
2           *not satisfy the conditions for port entry set forth in*  
3           *section 70021 of this title; or*

4           “(3) *by reason of weather, visibility, sea condi-*  
5           *tions, port congestion, other hazardous circumstances,*  
6           *or the condition of such vessel, the Secretary is satis-*  
7           *fied such direction is justified in the interest of safety.*

8           **“§ 70003. Port access routes**

9           “(a) *AUTHORITY TO DESIGNATE.—Except as provided*  
10          *in subsection (b) and subject to the requirements of sub-*  
11          *section (c), in order to provide safe access routes for the*  
12          *movement of vessel traffic proceeding to or from ports or*  
13          *places subject to the jurisdiction of the United States, the*  
14          *Secretary shall designate necessary fairways and traffic*  
15          *separation schemes for vessels operating in the territorial*  
16          *sea of the United States and in high seas approaches, out-*  
17          *side the territorial sea, to such ports or places. Such a des-*  
18          *ignation shall recognize, within the designated area, the*  
19          *paramount right of navigation over all other uses.*

20          “(b) *LIMITATION.—*

21                  “(1) *IN GENERAL.—No designation may be made*  
22          *by the Secretary under this section if—*

23                          “(A) *the Secretary determines such a des-*  
24                          *ignation, as implemented, would deprive any*  
25                          *person of the effective exercise of a right granted*

1           *by a lease or permit executed or issued under*  
2           *other applicable provisions of law; and*

3           “(B) *such right has become vested before the*  
4           *time of publication of the notice required by*  
5           *paragraph (1) of subsection (c).*

6           “(2) *CONSULTATION REQUIRED.—The Secretary*  
7           *shall make the determination under paragraph (1)(A)*  
8           *after consultation with the head of the agency respon-*  
9           *sible for executing the lease or issuing the permit.*

10          “(c) *CONSIDERATION OF OTHER USES.—Before mak-*  
11          *ing a designation under subsection (a), and in accordance*  
12          *with the requirements of section 70004, the Secretary*  
13          *shall—*

14                 “(1) *undertake a study of the potential traffic*  
15                 *density and the need for safe access routes for vessels*  
16                 *in any area for which fairways or traffic separation*  
17                 *schemes are proposed or that may otherwise be consid-*  
18                 *ered and publish notice of such undertaking in the*  
19                 *Federal Register;*

20                 “(2) *in consultation with the Secretary of State,*  
21                 *the Secretary of the Interior, the Secretary of Com-*  
22                 *merce, the Secretary of the Army, and the Governors*  
23                 *of affected States, as their responsibilities may re-*  
24                 *quire, take into account all other uses of the area*  
25                 *under consideration, including, as appropriate, the*

1 *exploration for, or exploitation of, oil, gas, or other*  
2 *mineral resources, the construction or operation of*  
3 *deepwater ports or other structures on or above the*  
4 *seabed or subsoil of the submerged lands or the Outer*  
5 *Continental Shelf of the United States, the establish-*  
6 *ment or operation of marine or estuarine sanctuaries,*  
7 *and activities involving recreational or commercial*  
8 *fishing; and*

9 *“(3) to the extent practicable, reconcile the need*  
10 *for safe access routes with the needs of all other rea-*  
11 *sonable uses of the area involved.*

12 *“(d) STUDY.—In carrying out the Secretary’s respon-*  
13 *sibilities under subsection (c), the Secretary shall—*

14 *“(1) proceed expeditiously to complete any study*  
15 *undertaken; and*

16 *“(2) after completion of such a study, prompt-*  
17 *ly—*

18 *“(A) issue a notice of proposed rulemaking*  
19 *for the designation contemplated; or*

20 *“(B) publish in the Federal Register a no-*  
21 *tice that no designation is contemplated as a re-*  
22 *sult of the study and the reason for such deter-*  
23 *mination.*

1       “(e) *IMPLEMENTATION OF DESIGNATION.*—*In connec-*  
2 *tion with a designation made under this section, the Sec-*  
3 *retary—*

4               “(1) *shall issue reasonable rules and regulations*  
5 *governing the use of such designated areas, including*  
6 *rules and regulations regarding the applicability of*  
7 *rules 9 and 10 of the International Regulations for*  
8 *Preventing Collisions at Sea, 1972, relating to nar-*  
9 *row channels and traffic separation schemes, respec-*  
10 *tively, in waters where such regulations apply;*

11               “(2) *to the extent that the Secretary finds rea-*  
12 *sonable and necessary to effectuate the purposes of the*  
13 *designation, make the use of designated fairways and*  
14 *traffic separation schemes mandatory for specific*  
15 *types and sizes of vessels, foreign and domestic, oper-*  
16 *ating in the territorial sea of the United States and*  
17 *for specific types and sizes of vessels of the United*  
18 *States operating on the high seas beyond the terri-*  
19 *torial sea of the United States;*

20               “(3) *may, from time to time, as necessary, adjust*  
21 *the location or limits of designated fairways or traffic*  
22 *separation schemes in order to accommodate the needs*  
23 *of other uses that cannot be reasonably accommodated*  
24 *otherwise, except that such an adjustment may not, in*  
25 *the judgment of the Secretary, unacceptably adversely*

1 *affect the purpose for which the existing designation*  
2 *was made and the need for which continues; and*

3 *“(4) shall, through appropriate channels—*

4 *“(A) notify cognizant international organi-*  
5 *zations of any designation, or adjustment there-*  
6 *of; and*

7 *“(B) take action to seek the cooperation of*  
8 *foreign States in making it mandatory for ves-*  
9 *sels under their control to use, to the same extent*  
10 *as required by the Secretary for vessels of the*  
11 *United States, any fairway or traffic separation*  
12 *scheme designated under this section in any area*  
13 *of the high seas.*

14 **“§ 70004. Considerations by Secretary**

15 *“In carrying out the duties of the Secretary under sec-*  
16 *tions 70001, 70002, and 70003, the Secretary shall—*

17 *“(1) take into account all relevant factors con-*  
18 *cerning navigation and vessel safety, protection of the*  
19 *marine environment, and the safety and security of*  
20 *United States ports and waterways, including—*

21 *“(A) the scope and degree of the risk or haz-*  
22 *ard involved;*

23 *“(B) vessel traffic characteristics and*  
24 *trends, including traffic volume, the sizes and*  
25 *types of vessels involved, potential interference*

1           *with the flow of commercial traffic, the presence*  
2           *of any unusual cargoes, and other similar fac-*  
3           *tors;*

4           “(C) *port and waterway configurations and*  
5           *variations in local conditions of geography, cli-*  
6           *mate, and other similar factors;*

7           “(D) *the need for granting exemptions for*  
8           *the installation and use of equipment or devices*  
9           *for use with vessel traffic services for certain*  
10          *classes of small vessels, such as self-propelled*  
11          *fishing vessels and recreational vessels;*

12          “(E) *the proximity of fishing grounds, oil*  
13          *and gas drilling and production operations, or*  
14          *any other potential or actual conflicting activity;*

15          “(F) *environmental factors;*

16          “(G) *economic impact and effects;*

17          “(H) *existing vessel traffic services; and*

18          “(I) *local practices and customs, including*  
19          *voluntary arrangements and agreements within*  
20          *the maritime community; and*

21          “(2) *at the earliest possible time, consult with*  
22          *and receive and consider the views of representatives*  
23          *of the maritime community, ports and harbor au-*  
24          *thorities or associations, environmental groups, and*

1        *other persons who may be affected by the proposed ac-*  
2        *tions.*

3        **“§ 70005. *International agreements***

4        *“(a) TRANSMITTAL OF REGULATIONS.—The Secretary*  
5        *shall transmit, via the Secretary of State, to appropriate*  
6        *international bodies or forums, any regulations issued*  
7        *under this subchapter, for consideration as international*  
8        *standards.*

9        *“(b) AGREEMENTS.—The President is authorized and*  
10       *encouraged to—*

11                *“(1) enter into negotiations and conclude and*  
12                *execute agreements with neighboring nations, to estab-*  
13                *lish compatible vessel standards and vessel traffic*  
14                *services, and to establish, operate, and maintain*  
15                *international vessel traffic services, in areas and*  
16                *under circumstances of mutual concern; and*

17                *“(2) enter into negotiations, through appropriate*  
18                *international bodies, and conclude and execute agree-*  
19                *ments to establish vessel traffic services in appro-*  
20                *priate areas of the high seas.*

21        *“(c) OPERATIONS.—The Secretary, pursuant to any*  
22        *agreement negotiated under subsection (b) that is binding*  
23        *upon the United States in accordance with constitutional*  
24        *requirements, may—*



1           “(1) require vessels operating in an area of a  
2 vessel traffic service to utilize or to comply with the  
3 vessel traffic service, including the carrying or instal-  
4 lation of equipment and devices as necessary for the  
5 use of the service; and

6           “(2) waive, by order or regulation, the applica-  
7 tion of any United States law or regulation con-  
8 cerning the design, construction, operation, equip-  
9 ment, personnel qualifications, and manning stand-  
10 ards for vessels operating in waters over which the  
11 United States exercises jurisdiction if such vessel is  
12 not en route to or from a United States port or place,  
13 and if vessels en route to or from a United States port  
14 or place are accorded equivalent waivers of laws and  
15 regulations of the neighboring nation, when operating  
16 in waters over which that nation exercises jurisdic-  
17 tion.

18           “(d) *SHIP REPORTING SYSTEMS*.—The Secretary, in  
19 cooperation with the International Maritime Organization,  
20 may implement and enforce two mandatory ship reporting  
21 systems, consistent with international law, with respect to  
22 vessels subject to such reporting systems entering the fol-  
23 lowing areas of the Atlantic Ocean:

24           “(1) Cape Cod Bay, Massachusetts Bay, and  
25 Great South Channel (in the area generally bounded

1 by a line starting from a point on Cape Ann, Massa-  
 2 chusetts at 42 deg. 39' N., 70 deg. 37' W; then north-  
 3 east to 42 deg. 45' N., 70 deg. 13' W; then southeast  
 4 to 42 deg. 10' N., 68 deg. 31' W, then south to 41 deg.  
 5 00' N., 68 deg. 31' W; then west to 41 deg. 00' N.,  
 6 69 deg. 17' W; then northeast to 42 deg. 05' N., 70  
 7 deg. 02' W, then west to 42 deg. 04' N., 70 deg. 10'  
 8 W; and then along the Massachusetts shoreline of  
 9 Cape Cod Bay and Massachusetts Bay back to the  
 10 point on Cape Ann at 42 deg. 39' N., 70 deg. 37' W).

11 “(2) In the coastal waters of the Southeastern  
 12 United States within about 25 nm along a 90 nm  
 13 stretch of the Atlantic seaboard (in an area generally  
 14 extending from the shoreline east to longitude 80 deg.  
 15 51.6' W with the southern and northern boundary at  
 16 latitudes 30 deg. 00' N., 31 deg. 27' N., respectively).

17 “SUBCHAPTER B—PORTS AND WATERWAYS

18 SAFETY

19 “§ 70011. **Waterfront safety**

20 “(a) IN GENERAL.—The Secretary may take such ac-  
 21 tion as is necessary to—

22 “(1) prevent damage to, or the destruction of,  
 23 any bridge or other structure on or in the navigable  
 24 waters of the United States, or any land structure or  
 25 shore area immediately adjacent to such waters; and

1           “(2) *protect the navigable waters and the re-*  
2           *sources therein from harm resulting from vessel or*  
3           *structure damage, destruction, or loss.*

4           “(b) *ACTIONS AUTHORIZED.—Actions authorized by*  
5           *subsection (a) include—*

6           “(1) *establishing procedures, measures, and*  
7           *standards for the handling, loading, unloading, stor-*  
8           *age, stowage, and movement on a structure (including*  
9           *the emergency removal, control, and disposition) of*  
10           *explosives or other dangerous articles and substances,*  
11           *including oil or hazardous material as those terms*  
12           *are defined in section 2101;*

13           “(2) *prescribing minimum safety equipment re-*  
14           *quirements for a structure to assure adequate protec-*  
15           *tion from fire, explosion, natural disaster, and other*  
16           *serious accidents or casualties;*

17           “(3) *establishing water or waterfront safety*  
18           *zones, or other measures, for limited, controlled, or*  
19           *conditional access and activity when necessary for the*  
20           *protection of any vessel, structure, waters, or shore*  
21           *area; and*

22           “(4) *establishing procedures for examination to*  
23           *assure compliance with the requirements prescribed*  
24           *under this section.*

1       “(c) *STATE LAW.*—Nothing in this section, with re-  
2 spect to structures, prohibits a State or political subdivision  
3 thereof from prescribing higher safety equipment require-  
4 ments or safety standards than those that may be prescribed  
5 by regulations under this section.

6       “**§ 70012. Navigational hazards**

7       “(a) *REPORTING PROCEDURE.*—The Secretary shall  
8 establish a program to encourage fishermen and other vessel  
9 operators to report potential or existing navigational haz-  
10 ards involving pipelines to the Secretary through Coast  
11 Guard field offices.

12       “(b) *SECRETARY’S RESPONSE.*—

13               “(1) *NOTIFICATION BY THE OPERATOR OF A*  
14 *PIPELINE.*—Upon notification by the operator of a  
15 pipeline of a hazard to navigation with respect to  
16 that pipeline, the Secretary shall immediately notify  
17 Coast Guard headquarters, the Pipeline and Haz-  
18 arduous Materials Safety Administration, other af-  
19 fected Federal and State agencies, and vessel owners  
20 and operators in the pipeline’s vicinity.

21               “(2) *NOTIFICATION BY OTHER PERSONS.*—Upon  
22 notification by any other person of a hazard or poten-  
23 tial hazard to navigation with respect to a pipeline,  
24 the Secretary shall promptly determine whether a  
25 hazard exists, and if so shall immediately notify

1       Coast Guard headquarters, the Pipeline and Haz-  
2       ardous Materials Safety Administration, other af-  
3       fected Federal and State agencies, vessel owners and  
4       operators in the pipeline’s vicinity, and the owner  
5       and operator of the pipeline.

6       “(c) *PIPELINE DEFINED.*—For purposes of this sec-  
7       tion, the term ‘pipeline’ has the meaning given the term  
8       ‘pipeline facility’ in section 60101(a)(18) of title 49.

9       **“§ 70013. Requirement to notify Coast Guard of re-**  
10                   **lease of objects into the navigable waters**  
11                   **of the United States**

12       “(a) *REQUIREMENT.*—As soon as a person has knowl-  
13       edge of any release from a vessel or facility into the navi-  
14       gable waters of the United States of any object that creates  
15       an obstruction prohibited under section 10 of the Act of  
16       March 3, 1899, popularly known as the Rivers and Harbors  
17       Appropriations Act of 1899 (33 U.S.C. 403), such person  
18       shall notify the Secretary and the Secretary of the Army  
19       of such release.

20       “(b) *RESTRICTION ON USE OF NOTIFICATION.*—Any  
21       notification provided by an individual in accordance with  
22       subsection (a) may not be used against such individual in  
23       any criminal case, except a prosecution for perjury or for  
24       giving a false statement.

1 “SUBCHAPTER C—CONDITION FOR ENTRY INTO  
2 PORTS IN THE UNITED STATES

3 “§ 70021. **Conditions for entry to ports in the United**  
4 **States**

5 “(a) *IN GENERAL.*—No vessel that is subject to chapter  
6 37 shall operate in the navigable waters of the United States  
7 or transfer cargo or residue in any port or place under the  
8 jurisdiction of the United States, if such vessel—

9 “(1) has a history of accidents, pollution inci-  
10 dents, or serious repair problems that, as determined  
11 by the Secretary, creates reason to believe that such  
12 vessel may be unsafe or may create a threat to the  
13 marine environment;

14 “(2) fails to comply with any applicable regula-  
15 tion issued under this chapter, chapter 37, or any  
16 other applicable law or treaty;

17 “(3) discharges oil or hazardous material in vio-  
18 lation of any law of the United States or in a man-  
19 ner or quantities inconsistent with any treaty to  
20 which the United States is a party;

21 “(4) does not comply with any applicable vessel  
22 traffic service requirements;

23 “(5) is manned by one or more officers who are  
24 licensed by a certificating State that the Secretary  
25 has determined, pursuant to section 9101 of title 46,

1       *does not have standards for licensing and certification*  
2       *of seafarers that are comparable to or more stringent*  
3       *than United States standards or international stand-*  
4       *ards that are accepted by the United States;*

5               *“(6) is not manned in compliance with manning*  
6       *levels as determined by the Secretary to be necessary*  
7       *to insure the safe navigation of the vessel; or*

8               *“(7) while underway, does not have at least one*  
9       *licensed deck officer on the navigation bridge who is*  
10       *capable of clearly understanding English.*

11       “(b) *EXCEPTIONS.*—

12               “(1) *IN GENERAL.*—*The Secretary may allow*  
13       *provisional entry of a vessel that is not in compliance*  
14       *with subsection (a), if the owner or operator of such*  
15       *vessel proves, to the satisfaction of the Secretary, that*  
16       *such vessel is not unsafe or a threat to the marine en-*  
17       *vironment, and if such entry is necessary for the safe-*  
18       *ty of the vessel or persons aboard.*

19               “(2) *PROVISIONS NOT APPLICABLE.*—*Paragraphs*  
20       *(1), (2), (3), and (4) of subsection (a) of this section*  
21       *shall not apply to a vessel allowed provisional entry*  
22       *under paragraph (1) if the owner or operator of such*  
23       *vessel proves, to the satisfaction of the Secretary, that*  
24       *such vessel is no longer unsafe or a threat to the ma-*  
25       *rine environment, and is no longer in violation of*

1       *any applicable law, treaty, regulation or condition,*  
2       *as appropriate.*

3       “SUBCHAPTER D—DEFINITIONS, REGULATIONS,  
4        *ENFORCEMENT, INVESTIGATORY POWERS,*  
5        *APPLICABILITY*

6       “§ 70031. *Definitions*

7        *“As used in this chapter, unless the context otherwise*  
8        *requires:*

9                *“(1) The term ‘marine environment’ means—*

10                    *“(A) the navigable waters of the United*  
11                    *States and the land and resources therein and*  
12                    *thereunder;*

13                    *“(B) the waters and fishery resources of any*  
14                    *area over which the United States asserts exclu-*  
15                    *sive fishery management authority;*

16                    *“(C) the seabed and subsoil of the Outer*  
17                    *Continental Shelf of the United States, the re-*  
18                    *sources thereof, and the waters superjacent there-*  
19                    *to; and*

20                    *“(D) the recreational, economic, and scenic*  
21                    *values of such waters and resources.*

22                *“(2) The term ‘Secretary’ means the Secretary of*  
23                *the department in which the Coast Guard is oper-*  
24                *ating, except that such term means the Secretary of*



1       *Transportation with respect to the application of this*  
2       *chapter to the Saint Lawrence Seaway.*

3             “(3) *The term ‘navigable waters of the United*  
4       *States’ includes all waters of the territorial sea of the*  
5       *United States as described in Presidential Proclama-*  
6       *tion No. 5928 of December 27, 1988.*

7       **“§ 70032. Saint Lawrence Seaway**

8             “*The authority granted to the Secretary under sections*  
9       *70001, 70002, 70003, 7004, and 70011 may not be delegated*  
10       *with respect to the Saint Lawrence Seaway to any agency*  
11       *other than the Saint Lawrence Seaway Development Cor-*  
12       *poration. Any other authority granted the Secretary under*  
13       *this chapter shall be delegated by the Secretary to the Saint*  
14       *Lawrence Seaway Development Corporation to the extent*  
15       *the Secretary determines such delegation is necessary for*  
16       *the proper operation of the Saint Lawrence Seaway.*

17       **“§ 70033. Limitation on application to foreign vessels**

18             “*Except pursuant to international treaty, convention,*  
19       *or agreement, to which the United States is a party, this*  
20       *chapter shall not apply to any foreign vessel that is not*  
21       *destined for, or departing from, a port or place subject to*  
22       *the jurisdiction of the United States and that is in—*

23             “*(1) innocent passage through the territorial sea*  
24       *of the United States; or*

1           “(2) transit through the navigable waters of the  
2           United States that form a part of an international  
3           strait.

4           **“§ 70034. Regulations**

5           “(a) *IN GENERAL.*—In accordance with section 553 of  
6           title 5, the Secretary shall issue, and may from time to time  
7           amend or repeal, regulations necessary to implement this  
8           chapter.

9           “(b) *CONSULTATION.*—In the exercise of the regulatory  
10          authority under this chapter, the Secretary shall consult  
11          with, and receive and consider the views of all interested  
12          persons, including—

13                 “(1) interested Federal departments and agen-  
14                 cies;

15                 “(2) officials of State and local governments;

16                 “(3) representatives of the maritime community;

17                 “(4) representatives of port and harbor authori-  
18                 ties or associations;

19                 “(5) representatives of environmental groups;

20                 “(6) any other interested persons who are knowl-  
21                 edgeable or experienced in dealing with problems in-  
22                 volving vessel safety, port and waterways safety, and  
23                 protection of the marine environment; and

24                 “(7) advisory committees consisting of all inter-  
25                 ested segments of the public when the establishment of

1        *such committees is considered necessary because the*  
2        *issues involved are highly complex or controversial.*

3        **“§ 70035. Investigatory powers**

4        *“(a) SECRETARY.—The Secretary may investigate any*  
5        *incident, accident, or act involving the loss or destruction*  
6        *of, or damage to, any structure subject to this chapter, or*  
7        *that affects or may affect the safety or environmental qual-*  
8        *ity of the ports, harbors, or navigable waters of the United*  
9        *States.*

10        *“(b) POWERS.—In an investigation under this section,*  
11        *the Secretary may issue subpoenas to require the attendance*  
12        *of witnesses and the production of documents or other evi-*  
13        *dence relating to such incident, accident, or act. If any per-*  
14        *son refuses to obey a subpoena, the Secretary may request*  
15        *the Attorney General to invoke the aid of the appropriate*  
16        *district court of the United States to compel compliance*  
17        *with the subpoena. Any district court of the United States*  
18        *may, in the case of refusal to obey a subpoena, issue an*  
19        *order requiring compliance with the subpoena, and failure*  
20        *to obey the order may be punished by the court as contempt.*  
21        *Witnesses may be paid fees for travel and attendance at*  
22        *rates not exceeding those allowed in a district court of the*  
23        *United States.*

24        **“§ 70036. Enforcement**

25        *“(a) CIVIL PENALTY.—*

1           “(1) *IN GENERAL.*—Any person who is found by  
2           the Secretary, after notice and an opportunity for a  
3           hearing, to have violated this chapter or a regulation  
4           issued under this chapter shall be liable to the United  
5           States for a civil penalty, not to exceed \$25,000 for  
6           each violation. Each day of a continuing violation  
7           shall constitute a separate violation. The amount of  
8           such civil penalty shall be assessed by the Secretary,  
9           or the Secretary’s designee, by written notice. In de-  
10          termining the amount of such penalty, the Secretary  
11          shall take into account the nature, circumstances, ex-  
12          tent, and gravity of the prohibited acts committed  
13          and, with respect to the violator, the degree of culpa-  
14          bility, any history of prior offenses, ability to pay,  
15          and such other matters as justice may require.

16           “(2) *COMPROMISE, MODIFICATION, OR REMIS-*  
17          *SION.*—The Secretary may compromise, modify, or  
18          remit, with or without conditions, any civil penalty  
19          that is subject to imposition or that has been imposed  
20          under this section.

21           “(3) *FAILURE TO PAY PENALTY.*—If any person  
22          fails to pay an assessment of a civil penalty after it  
23          has become final, the Secretary may refer the matter  
24          to the Attorney General of the United States, for col-

1        *lection in any appropriate district court of the*  
2        *United States.*

3        “(b) *CRIMINAL PENALTY.*—

4                “(1) *CLASS D FELONY.*—*Any person who will-*  
5        *fully and knowingly violates this chapter or any regu-*  
6        *lation issued hereunder commits a class D felony.*

7                “(2) *CLASS C FELONY.*—*Any person who, in the*  
8        *willful and knowing violation of this chapter or of*  
9        *any regulation issued under this chapter, uses a dan-*  
10       *gerous weapon, or engages in conduct that causes bod-*  
11       *ily injury or fear of imminent bodily injury to any*  
12       *officer authorized to enforce the provisions of this*  
13       *chapter or the regulations issued under this chapter,*  
14       *commits a class C felony.*

15        “(c) *IN REM LIABILITY.*—*Any vessel that is used in*  
16       *violation of this chapter, or any regulations issued under*  
17       *this chapter, shall be liable in rem for any civil penalty*  
18       *assessed pursuant to subsection (a) and may be proceeded*  
19       *against in the United States district court for any district*  
20       *in which such vessel may be found.*

21        “(d) *INJUNCTION.*—*The United States district courts*  
22       *shall have jurisdiction to restrain violations of this chapter*  
23       *or of regulations issued under this chapter, for cause shown.*

24        “(e) *DENIAL OF ENTRY.*—*Except as provided in sec-*  
25       *tion 70021, the Secretary may, subject to recognized prin-*

1 *ciples of international law, deny entry by any vessel that*  
 2 *is not in compliance with this chapter or the regulations*  
 3 *issued under this chapter—*

4           “(1) *into the navigable waters of the United*  
 5 *States; or*

6           “(2) *to any port or place under the jurisdiction*  
 7 *of the United States.*

8           “(f) *WITHHOLDING OF CLEARANCE.—*

9           “(1) *IN GENERAL.—If any owner, operator, or*  
 10 *individual in charge of a vessel is liable for a penalty*  
 11 *or fine under this section, or if reasonable cause exists*  
 12 *to believe that the owner, operator, or individual in*  
 13 *charge may be subject to a penalty or fine under this*  
 14 *section, the Secretary of the Treasury, upon the re-*  
 15 *quest of the Secretary, shall with respect to such vessel*  
 16 *refuse or revoke any clearance required by section*  
 17 *60105 of title 46.*

18           “(2) *GRANTING CLEARANCE REFUSED OR RE-*  
 19 *VOKED.—Clearance refused or revoked under this sub-*  
 20 *section may be granted upon filing of a bond or other*  
 21 *surety satisfactory to the Secretary.”.*

22           “(b) *CLERICAL AMENDMENT.—The analysis at the be-*  
 23 *ginning of such subtitle is amended by inserting before the*  
 24 *item relating to chapter 701 the following:*

          “**700. Ports and Waterways Safety .....70001.”.**

1 **SEC. 302. CONFORMING AMENDMENTS.**

2 (a) *ELECTRONIC CHARTS.*—

3 (1) *TRANSFER OF PROVISION.*—*Section 4A of the*  
4 *Ports and Waterways Safety Act (33 U.S.C. 1223a)*—

5 (A) *is redesignated as section 3105 of title*  
6 *46, United States Code, and transferred to ap-*  
7 *pear after section 3104 of that title; and*

8 (B) *is amended by striking subsection (b)*  
9 *and inserting the following:*

10 “(b) *LIMITATION ON APPLICATION.*—*Except pursuant*  
11 *to an international treaty, convention, or agreement, to*  
12 *which the United States is a party, this section shall not*  
13 *apply to any foreign vessel that is not destined for, or de-*  
14 *parting from, a port or place subject to the jurisdiction of*  
15 *the United States and that is in—*

16 (1) *innocent passage through the territorial sea*  
17 *of the United States; or*

18 (2) *transit through the navigable waters of the*  
19 *United States that form a part of an international*  
20 *strait.”.*

21 (2) *CLERICAL AMENDMENT.*—*The analysis at the*  
22 *beginning of chapter 31 of such title is amended by*  
23 *adding at the end the following:*

“3105. *Electronic charts.*”.

24 (b) *PORT, HARBOR, AND COASTAL FACILITY SECU-*  
25 *RITY.*—

1           (1) *TRANSFER OF PROVISIONS.*—*So much of sec-*  
2           *tion 7 of the Ports and Waterways Safety Act (33*  
3           *U.S.C. 1226) as precedes subsection (c) of that section*  
4           *is redesignated as section 70102a of title 46, United*  
5           *States Code, and transferred so as to appear after sec-*  
6           *tion 70102 of that title.*

7           (2) *DEFINITIONS, ADMINISTRATION, AND EN-*  
8           *FORCEMENT.*—*Section 70102a of title 46, United*  
9           *States Code, as amended by paragraph (1) of this*  
10          *subsection, is amended by adding at the end the fol-*  
11          *lowing:*

12          “(c) *DEFINITIONS, ADMINISTRATION, AND ENFORCE-*  
13          *MENT.*—*This section shall be treated as part of chapter 700*  
14          *for purposes of sections 70031, 70032, 70034, 70035, and*  
15          *70036.”.*

16          (3) *CLERICAL AMENDMENT.*—*The analysis at the*  
17          *beginning of chapter 701 of such title is amended by*  
18          *inserting after the item relating to section 70102 the*  
19          *following:*

          “70102a. *Port, harbor, and coastal facility security.*”.

20          (c) *NONDISCLOSURE OF PORT SECURITY PLANS.*—  
21          *Subsection (c) of section 7 of the Ports and Waterways Safe-*  
22          *ty Act (33 U.S.C. 1226), as so designated before the applica-*  
23          *tion of subsection (b)(1) of this section—*

24                  (1) *is redesignated as subsection (f) of section*  
25                  *70103 of title 46, United States Code, and transferred*



1       so as to appear after subsection (e) of such section;  
2       and

3               (2) is amended by striking “this Act” and insert-  
4       ing “this chapter”.

5       (d) *REPEAL*.—Section 2307 of title 46, United States  
6 Code, and the item relating to that section in the analysis  
7 at the beginning of chapter 23 of that title, are repealed.

8       (e) *REPEAL*.—The Ports and Waterways Safety Act  
9 (33 U.S.C. 1221 et seq.), as amended by this Act, is re-  
10 pealed.

11 **SEC. 303. TRANSITIONAL AND SAVINGS PROVISIONS.**

12       (a) *DEFINITIONS*.—In this section:

13               (1) *SOURCE PROVISION*.—The term “source pro-  
14 vision” means a provision of law that is replaced by  
15 a title 46 provision under this title.

16               (2) *TITLE 46 PROVISION*.—The term “title 46  
17 provision” means a provision of title 46, United  
18 States Code, that is enacted by section 302.

19       (b) *CUTOFF DATE*.—The title 46 provisions replace  
20 certain provisions of law enacted before the date of the en-  
21 actment of this Act. If a law enacted after that date amends  
22 or repeals a source provision, that law is deemed to amend  
23 or repeal, as the case may be, the corresponding title 46  
24 provision. If a law enacted after that date is otherwise in-  
25 consistent with a title 46 provision or a provision of this

1 *title, that law supersedes the title 46 provision or provision*  
2 *of this title to the extent of the inconsistency.*

3 (c) *ORIGINAL DATE OF ENACTMENT UNCHANGED.—*

4 *For purposes of determining whether one provision of law*  
5 *supersedes another based on enactment later in time, a title*  
6 *46 provision is deemed to have been enacted on the date*  
7 *of enactment of the source provision that the title 46 provi-*  
8 *sion replaces.*

9 (d) *REFERENCES TO TITLE 46 PROVISIONS.—A ref-*  
10 *erence to a title 46 provision, including a reference in a*  
11 *regulation, order, or other law, is deemed to refer to the*  
12 *corresponding source provision.*

13 (e) *REFERENCES TO SOURCE PROVISIONS.—A ref-*  
14 *erence to a source provision, including a reference in a reg-*  
15 *ulation, order, or other law, is deemed to refer to the cor-*  
16 *responding title 46 provision.*

17 (f) *REGULATIONS, ORDERS, AND OTHER ADMINISTRA-*  
18 *TIVE ACTIONS.—A regulation, order, or other administra-*  
19 *tive action in effect under a source provision continues in*  
20 *effect under the corresponding title 46 provision.*

21 (g) *ACTIONS TAKEN AND OFFENSES COMMITTED.—An*  
22 *action taken or an offense committed under a source provi-*  
23 *sion is deemed to have been taken or committed under the*  
24 *corresponding title 46 provision.*

1 **SEC. 304. RULE OF CONSTRUCTION.**

2 *This title, including the amendments made by this*  
3 *title, is intended only to reorganize title 14, United States*  
4 *Code, and may not be construed to alter—*

5 *(1) the effect of a provision of title 14, United*  
6 *States Code, including any authority or requirement*  
7 *therein;*

8 *(2) a department or agency interpretation with*  
9 *respect to title 14, United States Code; or*

10 *(3) a judicial interpretation with respect to title*  
11 *14, United States Code.*

12 **SEC. 305. ADVISORY COMMITTEE: REPEAL.**

13 *Section 18 of the Coast Guard Authorization Act of*  
14 *1991 (Public Law 102–241; 105 Stat. 2213) is repealed.*

15 **TITLE IV—MARITIME**  
16 **TRANSPORTATION SAFETY**

17 **SEC. 401. CLARIFICATION OF LOGBOOK ENTRIES.**

18 *(a) IN GENERAL.—Section 11304 of title 46, United*  
19 *States Code, is amended—*

20 *(1) in subsection (a), by striking “an official”*  
21 *and inserting “a”; and*

22 *(2) in subsection (b), by amending paragraph*  
23 *(3) to read as follows:*

24 *“(3) Each illness of, and injury to, a seaman of*  
25 *the vessel, the nature of the illness or injury, and the*  
26 *medical treatment provided for the injury or illness.”.*

1       (b) *TECHNICAL AMENDMENT.*—Section 11304(b) is  
2 amended by striking “log book” and inserting “logbook”.

3 **SEC. 402. TECHNICAL CORRECTIONS: LICENSES, CERTIFI-**  
4                   **CATIONS OF REGISTRY, AND MERCHANT MAR-**  
5                   **INER DOCUMENTS.**

6       *Title 46, United States Code, is amended—*

7           (1) *in section 7106(b), by striking “merchant*  
8 *mariner’s document,” and inserting “license,”;*

9           (2) *in section 7107(b), by striking “merchant*  
10 *mariner’s document,” and inserting “certificate of*  
11 *registry,”;*

12           (3) *in section 7507(b)(1), by striking “licenses or*  
13 *certificates of registry” and inserting “merchant mar-*  
14 *iner documents”;* and

15           (4) *in section 7507(b)(2) by striking “merchant*  
16 *mariner’s document.” and inserting “license or cer-*  
17 *tificate of registry.”.*

18 **SEC. 403. NUMBERING FOR UNDOCUMENTED BARGES.**

19       *Section 12301(b) of title 46, United States Code, is*  
20 *amended—*

21           (1) *by striking “shall” and inserting “may”;*

22       *and*

23           (2) *by inserting “of” after “barge”.*

1 **SEC. 404. DRAWBRIDGE DEVIATION EXEMPTION.**

2       Section 5 of the Act entitled “An Act making appro-  
3 priations for the construction, repair, and preservation of  
4 certain public works on rivers and harbors, and for other  
5 purposes”, approved August 18, 1894 (33 U.S.C. 499), is  
6 amended by adding at the end the following new subsection:

7       “(d) EXEMPTION.—

8               “(1) IN GENERAL.—A change to a schedule that  
9 governs the opening of a drawbridge that will be in  
10 effect for less than 6 months shall not be subject to the  
11 rule making requirements of section 553 of title 5,  
12 United States Code.

13               “(2) ALTERNATE REQUIREMENTS.—

14               “(A) DUTIES OF SECRETARY.—The Sec-  
15 retary of the department in which the Coast  
16 Guard is operating shall provide notice of each  
17 such change through—

18                       “(i) a local notice to mariners;

19                       “(ii) a Coast Guard broadcast notice to  
20 mariners; or

21                       “(iii) another method of notice that the  
22 Secretary considers appropriate.

23               “(B) OWNER AND OPERATOR DUTIES.—

24       With respect to any drawbridge other than a  
25 railroad drawbridge, the owner or operator of

1           *such drawbridge shall provide notice of such a*  
2           *change to—*

3                     *“(i) the general public, through publi-*  
4                     *cation in a newspaper of general circula-*  
5                     *tion;*

6                     *“(ii) the Department of Transportation*  
7                     *or other public agency with administrative*  
8                     *jurisdiction over the roadway that abuts the*  
9                     *approach to such bridge; and*

10                    *“(iii) the law enforcement organization*  
11                    *with jurisdiction over the roadway that*  
12                    *abuts the approach to such bridge.”.*

13   **SEC. 405. DEADLINE FOR COMPLIANCE WITH ALTERNATE**  
14                     **SAFETY COMPLIANCE PROGRAMS.**

15            *(a) DEADLINE.—Section 4503(d) of title 46, United*  
16            *States Code, is amended by striking so much as precedes*  
17            *paragraph (3) and inserting the following:*

18                    *“(d)(1) The Secretary, in cooperation with the com-*  
19                    *mercial fishing industry, may prescribe an alternative safe-*  
20                    *ty compliance program that shall apply in lieu of require-*  
21                    *ments under section 4502(b), for any category of fishing ves-*  
22                    *sels, fish processing vessels, or fish tender vessels that are—*

23                            *“(A) at least 50 feet overall in length;*

24                            *“(B) built before July 1, 2013; and*

25                            *“(C) 25 years of age or older.*

1       “(2) *An alternative safety compliance program pre-*  
 2 *scribed under paragraph (1) shall apply to a vessel—*

3               “(A) *except as provided in subparagraph (B),*  
 4 *after the later of January 1, 2020, or the end of the*  
 5 *3-year period beginning on the date on which the Sec-*  
 6 *retary prescribes the program; and*

7               “(B) *in the case of a vessel that undergoes a*  
 8 *major conversion completed after the later of July 1,*  
 9 *2013, or the date the Secretary establishes standards*  
 10 *for the alternate safety compliance program, upon the*  
 11 *completion of such conversion.”.*

12       (b) *CONFORMING AMENDMENT.—Section 4502(b) of*  
 13 *title 46, United States Code, is amended by inserting “and*  
 14 *subject to section 4503(d),” after “In addition to the re-*  
 15 *quirements of subsection (a) of this section,”.*

16 **SEC. 406. AUTHORIZATION FOR MARINE DEBRIS PROGRAM.**

17       *The Marine Debris Research, Prevention, and Reduc-*  
 18 *tion Act is amended—*

19               (1) *in section 9 (33 U.S.C. 1958)—*

20                       (A) *by striking the em-dash and all that fol-*  
 21 *lows through “(1)”;* and

22                       (B) *by striking “; and” and all that follows*  
 23 *through the end of the section and inserting a pe-*  
 24 *riod; and*

25               (2) *by adding at the end the following:*

1 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 *“Of the amounts authorized for each fiscal year under*  
3 *section 2702(1) of title 14, United States Code, up to*  
4 *\$2,000,000 are authorized for the Commandant to carry out*  
5 *section 4 of this Act, of which not more than 10 percent*  
6 *may be used for administrative costs.”.*

7 **SEC. 407. ALTERNATIVE DISTRESS SIGNALS.**

8 *(a) PERFORMANCE STANDARD.—Not later than one*  
9 *year after the date of the enactment of this Act, the Sec-*  
10 *retary of the department in which the Coast Guard is oper-*  
11 *ating shall issue a rule that establishes a performance*  
12 *standard for distress signals, including for maritime visual*  
13 *distress signals, that may be used as an alternative to the*  
14 *distress signals required by section 175.110 of title 33, Code*  
15 *of Federal Regulations..*

16 *(b) AUTHORIZATION OF USE.—Not later than 180*  
17 *days after the date of the issuance of a rule under subsection*  
18 *(a), the Secretary shall issue a rule amending part 175 of*  
19 *title 33, Code of Federal Regulations, to authorize use of*  
20 *distress signals in accordance with such performance stand-*  
21 *ard.*

22 **SEC. 408. ATLANTIC COAST PORT ACCESS ROUTE STUDY**  
23 **RECOMMENDATIONS.**

24 *Not later than 30 days after the date of the enactment*  
25 *of the Act, the Commandant of the Coast Guard shall notify*  
26 *the Committee on Transportation and Infrastructure of the*



1 *House of Representatives and the Committee on Commerce,*  
2 *Science, and Transportation of the Senate of action taken*  
3 *to carry out the recommendations contained in the final*  
4 *report issued by the Atlantic Coast Port Access Route Study*  
5 *(ACPARS) workgroup for which notice of availability was*  
6 *published March 14, 2016 (81 Fed. Reg. 13307).*

7 **SEC. 409. DOCUMENTATION OF RECREATIONAL VESSELS.**

8 *Coast Guard personnel performing nonrecreational*  
9 *vessel documentation functions under subchapter II of chap-*  
10 *ter 121 of title 46, United States Code, may perform rec-*  
11 *reational vessel documentation under section 12114 of such*  
12 *title in any fiscal year in which—*

13 *(1) funds available for Coast Guard operating*  
14 *expenses may not be used for expenses incurred for*  
15 *recreational vessel documentation;*

16 *(2) fees collected from owners of yachts and cred-*  
17 *ited to such use are insufficient to pay expenses of*  
18 *recreational vessel documentation; and*

19 *(3) there is a backlog of applications for rec-*  
20 *reational vessel documentation.*

21 **SEC. 410. CERTIFICATES OF DOCUMENTATION FOR REC-**  
22 **REATIONAL VESSELS.**

23 *Section 12114 of title 46, United States Code, is*  
24 *amended by adding at the end the following:*

1       “(d) *EFFECTIVE PERIOD.*—*A recreational endorse-*  
2 *ment for a vessel—*

3               “(1) *except as provided in paragraph (3), shall*  
4 *be effective for 5 years;*

5               “(2) *shall require the owner of the vessel to no-*  
6 *tify the Coast Guard of each change in the informa-*  
7 *tion on which the issuance of the certificate of docu-*  
8 *mentation is based that occurs before the expiration*  
9 *of the certificate under this subsection, by not later*  
10 *than 30 days after such change; and*

11              “(3) *shall terminate upon the expiration of such*  
12 *30-day period if the owner has not notified the Coast*  
13 *Guard of such change before the end of such period.*

14       “(e) *STATE AND LOCAL AUTHORITY TO REMOVE*  
15 *ABANDONED AND DERELICT VESSELS.*—*Nothing in this*  
16 *section shall be construed to limit the authority of a State*  
17 *or local authority from taking action to remove an aban-*  
18 *doned or derelict vessel.*

19       “(f) *AUTHORITY.*—

20              “(1) *REQUIREMENT.*—*The Secretary shall assess*  
21 *and collect a fee for the issuance or renewal of a rec-*  
22 *reational endorsement, that is equivalent to the fee es-*  
23 *tablished for the issuance or renewal, respectively, of*  
24 *a fishery endorsement pursuant to section 2110.*

1           “(2) *TREATMENT.*—*Fees collected under this sub-*  
2           *section—*

3                   “(A) *shall be credited to the account from*  
4                   *which the costs of such issuance or renewal were*  
5                   *paid; and*

6                   “(B) *may remain available until ex-*  
7                   *pended.*”.

8   **SEC. 411. BACKUP GLOBAL POSITIONING SYSTEM.**

9           (a) *IN GENERAL.*—*Subtitle VIII of title 46, United*  
10 *States Code, is amended by adding at the end the following:*

11       **“CHAPTER 807—POSITION, NAVIGATION,**  
12   **AND TIMING**

“Sec.

“80701. *Land-based complementary and backup positioning, navigation, and tim-*  
*ing system.*”

13       **“§ 80701. Land-based complementary and backup po-**  
14   **sitioning, navigation, and timing system**

15           “(a) *eLORAN.*—*Subject to the availability of appro-*  
16 *priations, the Secretary shall provide for the establishment,*  
17 *sustainment, and operation of a reliable land-based en-*  
18 *hanced LORAN, or eLORAN, positioning, navigation, and*  
19 *timing system.*”

20           “(b) *PURPOSE.*—*The purpose of the system established*  
21 *under subsection (a) is to provide a complement to, and*  
22 *backup for, the Global Positioning System (in this section*  
23 *referred to as ‘GPS’) to ensure the availability of*  
24 *uncorrupted and nondegraded positioning, navigation, and*

1 *timing signals for military and civilian users in the event*  
2 *that GPS signals are corrupted, degraded, unreliable, or*  
3 *otherwise unavailable.*

4       “(c) *REQUIREMENTS.—The system established under*  
5 *subsection (a) shall—*

6           “(1) *be wireless;*

7           “(2) *be terrestrial;*

8           “(3) *provide wide-area coverage;*

9           “(4) *transmit a precise, high-power 100 kilohertz*  
10 *signal and meet the one microsecond accuracy re-*  
11 *quirement specified in the Federal Radio Navigation*  
12 *Plan;*

13           “(5) *be synchronized with coordinated universal*  
14 *time;*

15           “(6) *be resilient and extremely difficult to dis-*  
16 *rupt or degrade;*

17           “(7) *be able to penetrate underground and inside*  
18 *buildings;*

19           “(8) *be capable of deployment to remote loca-*  
20 *tions;*

21           “(9) *take full advantage of the infrastructure of*  
22 *the existing, unused Coast Guard long-range naviga-*  
23 *tion system (commonly known as ‘LORAN-C’), and*  
24 *subject to the concurrence and agreement of other*  
25 *agencies, unused facilities associated with the Ground*

1     *Wave Emergency Network and Nationwide Differen-*  
2     *tial GPS systems;*

3             “(10) *utilize and leverage the capabilities of the*  
4     *entity for development, building, and operation of the*  
5     *system;*

6             “(11) *function in an interoperable and com-*  
7     *plementary manner with other similar positioning,*  
8     *navigation, and timing systems;*

9             “(12) *be made available by the Secretary for use*  
10    *by other Federal agencies for public purposes at no*  
11    *cost; and*

12            “(13) *incorporate such other requirements deter-*  
13    *mined necessary by the Secretary with respect to such*  
14    *agencies.*

15    “(d) *REQUEST FOR PROPOSALS.—*

16            “(1) *IN GENERAL.—Under authority granted by*  
17    *section 93(a)(25) of title 14, United States Code, and*  
18    *not later than three months after the date of enact-*  
19    *ment of this section, the Secretary shall publish a re-*  
20    *quest for proposals by non-Federal persons for the de-*  
21    *velopment, building, and operation of the system de-*  
22    *scribed in subsection (c).*

23            “(2) *ELEMENTS.—Proposals submitted under*  
24    *this subsection shall include, at a minimum—*

25            “(A) *an eLORAN system architecture; and*

1                   “(B) a timetable for the delivery of—

2                   “*(i)* a nationwide backup timing sig-  
3                   nal not later than two years after the last  
4                   date on which proposals are accepted under  
5                   the request published under paragraph (1);  
6                   and

7                   “*(ii)* a nationwide position and navi-  
8                   gation signal not later than three years  
9                   after such date.

10                  “(e) *SELECTION*.—Using competitive procedures simi-  
11                  lar to those authorized under section 2667 of title 10, the  
12                  Secretary may select a proposal from proposals received in  
13                  response to the request for proposals under subsection (d).

14                  “(f) *AGREEMENT*.—

15                  “(1) *IN GENERAL*.—The Secretary may enter  
16                  into a cooperative agreement (as that term is used in  
17                  section 6305 of title 31) with an entity upon such  
18                  terms as the Secretary determines will carry out the  
19                  purpose of the system under subsection (b).

20                  “(2) *CONTENT*.—An agreement under this sub-  
21                  section shall—

22                  “(A) require the Secretary to provide the  
23                  entity—

24                  “*(i)* access to existing infrastructure  
25                  and facilities described in subsection (c)(9)

1           *and provided as Government-furnished*  
2           *property (as that term is defined in section*  
3           *45.101 of the Federal Acquisition Regula-*  
4           *tion, as in effect on the date of the enact-*  
5           *ment of the Coast Guard Authorization Act*  
6           *of 2017), for a minimum of 20 years;*

7           *“(ii) full use of the necessary electro-*  
8           *magnetic spectrum wavelength associated*  
9           *with the LORAN-C system for use by the*  
10          *system required under subsection (a) and*  
11          *provided as such Government-furnished*  
12          *property; and*

13          *“(iii) approval for the reconstruction*  
14          *of towers that are part of the infrastructure*  
15          *described in subsection (c)(9);*

16          *“(B) specify that all necessary capital ex-*  
17          *penditures be made by the entity;*

18          *“(C) set performance standards for the sig-*  
19          *nals transmitted by the system;*

20          *“(D) require the Secretary to monitor and*  
21          *ensure the signals transmitted by the system con-*  
22          *form to the performance standards of the agree-*  
23          *ment and are safe for use;*

24          *“(E) set the terms under which the Sec-*  
25          *retary has access to such signals;*

1           “(F) subject to any national security re-  
2           quirements established by the Secretary of De-  
3           fense and so long as activities described in  
4           clauses (i) and (ii) of subsection (B) do not  
5           interfere with the primary purpose of providing  
6           positioning, navigation, and timing services,  
7           allow the entity to—

8                   “(i) market, promote, and sell  
9                   eLORAN positioning, navigation, and tim-  
10                  ing services to commercial and noncommer-  
11                  cial third parties; and

12                  “(ii) generate revenue from such sale to  
13                  non-Federal third parties of communica-  
14                  tions and other related services that result  
15                  from the use of Government facilities and  
16                  spectrum provided under this paragraph;

17                  “(G) require the entity pay to the United  
18                  States a portion of revenue received by the entity  
19                  under subparagraph (F);

20                  “(H) require the entity to assume all finan-  
21                  cial risk for the completion and operational ca-  
22                  pability of the eLORAN system and may require  
23                  a performance bond from the entity to guarantee  
24                  that risk;



1           “(I) require the entity to assist inter-  
2           national organizations and foreign governments  
3           on issues related to eLORAN and similar sys-  
4           tems; and

5           “(J) include such other terms and condi-  
6           tions as the Secretary determines to be necessary  
7           to carry out the purposes of this section.

8           “(3) REVENUE SHARING REQUIREMENT.—

9           “(A) IN GENERAL.—The requirement under  
10          paragraph (2)(G) shall require the entity to pay  
11          to the United States an equitable share of the  
12          revenue generated by the entity under paragraph  
13          (2)(F), in the fiscal year following the fiscal year  
14          in which such revenue is generated.

15          “(B) AMOUNT.—The amount of such pay-  
16          ments shall take into account—

17                 “(i) the capital investment by the enti-  
18                 ty to build the system and annual costs in-  
19                 curred by the entity to operate and main-  
20                 tain the system; and

21                 “(ii) the capital and operating ex-  
22                 penses incurred by the entity to upgrade the  
23                 eLORAN system and related systems over  
24                 the effective period of the agreement.

1           “(4) *EFFECTIVE DATE OF RISK REQUIREMENT.*—  
2           *The requirement in paragraph (2)(H) shall be contin-*  
3           *gent upon, and take effect upon, the Secretary deter-*  
4           *mining that the requirements under paragraph (2)(A)*  
5           *have been fulfilled.*

6           “(g) *CERCLA NOT AFFECTED.*—*This section shall not*  
7           *be construed to limit the application of or otherwise affect*  
8           *section 120(h) of the Comprehensive Environmental Re-*  
9           *sponse, Compensation, and Liability Act of 1980 (42 U.S.C.*  
10           *9620(h)) for Federal Government facilities described in sub-*  
11           *section (c)(9).*

12           “(h) *BIENNIAL REPORT TO CONGRESS.*—*Not later*  
13           *than one year after the date on which an agreement with*  
14           *an entity is entered into under subsection (f), and bienni-*  
15           *ally thereafter, the Secretary shall provide to the Committee*  
16           *on Transportation and Infrastructure of the House of Rep-*  
17           *resentatives and the Committee on Commerce, Science, and*  
18           *Transportation of the Senate—*

19           “(1) *a report on the performance and progress of*  
20           *the entity in fulfilling its obligations under the agree-*  
21           *ment to build, operate and maintain the system estab-*  
22           *lished under subsection (a); and*

23           “(2) *an accounting of finances, expenses, and*  
24           *revenue associated with such performance, including*  
25           *payments made to the Secretary under section (f)(3).*

1       “(i) *DEFINITIONS.*—*In this section:*

2               “(1) *The term ‘entity’ means a non-Federal enti-*  
3       *ty whose proposal is selected under subsection (e).*

4               “(2) *The term ‘Secretary’ means the Secretary of*  
5       *Transportation, acting through the Commandant of*  
6       *the Coast Guard.”.*

7       “(b) *CLERICAL AMENDMENT.*—*The analysis for subtitle*  
8       *VIII of title 46, United States Code, is amended by adding*  
9       *after the item relating to chapter 805 the following:*

      “**807. Position, navigation, and timing .....80701.**”.

10       “(c) *IMPLEMENTATION PLAN.*—*Not later than 180 days*  
11       *after the date of the enactment of this Act, the Secretary,*  
12       *as that term is defined in the amendments made by this*  
13       *section, shall provide to the Committee on Transportation*  
14       *and Infrastructure of the House of Representatives and the*  
15       *Committee on Commerce, Science, and Transportation of*  
16       *the Senate, a plan to ensure that the system required under*  
17       *such amendments is fully operational by not later than 3*  
18       *years after such date of enactment.*

19       **SEC. 412. WATERS DEEMED NOT NAVIGABLE WATERS OF**  
20               **THE UNITED STATES FOR CERTAIN PUR-**  
21               **POSES.**

22       *For purposes of the application of subtitle II of title*  
23       *46, United States Code, to the Volunteer (Hull Number*  
24       *CCA4108), the Illinois and Michigan Canal is deemed to*  
25       *not be navigable waters of the United States.*

1 **SEC. 413. UNINSPECTED PASSENGER VESSELS IN ST. LOUIS**  
2 **COUNTY, MINNESOTA.**

3 *Section 4105 of title 46, United States Code, is amend-*  
4 *ed—*

5 *(1) by redesignating subsection (c) as subsection*  
6 *(d); and*

7 *(2) by inserting after subsection (b) the fol-*  
8 *lowing:*

9 *“(c) In applying this title with respect to an*  
10 *uninspected vessel of less than 25 feet overall in length that*  
11 *carries passengers on Crane Lake or waters contiguous to*  
12 *such lake in St. Louis County, Minnesota, the Secretary*  
13 *shall substitute ‘12 passengers’ for ‘6 passengers’ each place*  
14 *it appears in section 2101(42).”.*

15 **SEC. 414. ENGINE CUT-OFF SWITCH REQUIREMENTS.**

16 *(a) INSTALLATION REQUIREMENT.—*

17 *(1) IN GENERAL.—Not later than 1 year after*  
18 *the date of the enactment of this Act, the Secretary of*  
19 *the department in which the Coast Guard is oper-*  
20 *ating shall issue a regulation amending part 183 of*  
21 *title 33, Code of Federal Regulations, that requires as-*  
22 *sociated equipment manufacturers, distributors, and*  
23 *dealers installing propulsion machinery and associ-*  
24 *ated starting controls on a recreational vessel less*  
25 *than 26 feet overall in length and capable of devel-*  
26 *oping at least 115 pounds of static thrust or 3 horse-*

1        *power to install an engine cut-off switch in compli-*  
2        *ance with American Boat and Yacht Standard A-33.*

3            (2) *EFFECTIVE DATE.*—*The regulation shall take*  
4        *effect at the end of the 1-year period beginning on the*  
5        *date of the issuance of such regulation.*

6            (b) *DEFINITIONS.*—*Not later than 1 year after the date*  
7        *of the enactment of this Act, the Secretary of the department*  
8        *in which the Coast Guard is operating shall issue a regula-*  
9        *tion amending part 175 and part 183 of title 33, Code of*  
10       *Federal Regulations, that—*

11            (1) *defines the term “engine cut-off switch” for*  
12        *purposes of that part to mean a mechanical or elec-*  
13        *tronic device that is connected to propulsion machin-*  
14        *ery of a recreational vessel less than 26 feet overall in*  
15        *length that will stop propulsion if—*

16            (A) *the switch is not properly connected to*  
17        *the propulsion machinery; or*

18            (B) *the switch components are—*

19            (i) *submerged in water; or*

20            (ii) *separated from the propulsion ma-*  
21        *chinery by a predetermined distance; and*

22            (2) *defines the term “engine cut-off switch link”*  
23        *for purposes of that part to mean equipment that—*

24            (A) *is attached to as recreational vessel op-*  
25        *erator; and*

1                   (B) activates the engine cut-off switch.

2           (c) *EDUCATION ON CUT-OFF SWITCHES.*—The Com-  
3 mandant of the Coast Guard, through the National Boating  
4 Safety Advisory Council established under section 13110 of  
5 title 46, United States Code, may initiate a boating safety  
6 program on the use and benefits of cut-off switches for rec-  
7 reational vessels.

8 **SEC. 415. ANALYSIS OF COMMERCIAL FISHING VESSEL**  
9                   **CLASSIFICATION REQUIREMENTS.**

10           (a) *ANALYSIS.*—Not later than 180 days after the date  
11 of the enactment of this Act, the Commandant of the Coast  
12 Guard shall notify the Committee on Transportation and  
13 Infrastructure of the House of Representatives and the Com-  
14 mittee on Commerce, Science, and Transportation of the  
15 Senate on the status of the implementation of the survey  
16 and classification requirements referred to in section 4503  
17 of title 46, United States Code.

18           (b) *CONTENTS.*—The analysis required under sub-  
19 section (a) shall include information on—

20                   (1) the average costs to vessel owners to comply  
21 with such section; and

22                   (2) the impact such section is having on com-  
23 mercial fishing vessel safety.

1           **TITLE V—MISCELLANEOUS**

2   **SEC. 501. REPEAL.**

3           *Subsection (h) of section 888 of the Homeland Security*  
4 *Act of 2002 (6 U.S.C. 468) is repealed.*

5   **SEC. 502. REIMBURSEMENTS FOR NON-FEDERAL CON-**  
6                   **STRUCTION COSTS OF CERTAIN AIDS TO**  
7                   **NAVIGATION.**

8           *(a) IN GENERAL.—Subject to the availability of*  
9 *amounts specifically provided in advance in subsequent ap-*  
10 *propriations Acts and in accordance with this section, the*  
11 *Commandant of the Coast Guard may reimburse a non-*  
12 *Federal entity for costs incurred by the entity for a covered*  
13 *project.*

14           *(b) CONDITIONS.—The Commandant may not provide*  
15 *reimbursement under subsection (a) with respect to a cov-*  
16 *ered project unless—*

17                   *(1) the need for the project is a result of the com-*  
18                   *pletion of construction with respect to a federally au-*  
19                   *thorized navigation channel;*

20                   *(2) the Commandant determines, through an ap-*  
21                   *propriate navigation safety analysis, that the project*  
22                   *is necessary to ensure safe marine transportation;*

23                   *(3) the Commandant approves the design of the*  
24                   *project to ensure that it meets all applicable Coast*

1       *Guard aids-to-navigation standards and require-*  
2       *ments;*

3             (4) *the non-Federal entity agrees to transfer the*  
4       *project upon completion to the Coast Guard for oper-*  
5       *ation and maintenance by the Coast Guard as a Fed-*  
6       *eral aid to navigation;*

7             (5) *the non-Federal entity carries out the project*  
8       *in accordance with the same laws and regulations*  
9       *that would apply to the Coast Guard if the Coast*  
10       *Guard carried out the project, including obtaining all*  
11       *permits required for the project under Federal and*  
12       *State law; and*

13            (6) *the Commandant determines that the project*  
14       *satisfies such additional requirements as may be es-*  
15       *tablished by the Commandant.*

16       (c) *LIMITATIONS.—Reimbursements under subsection*  
17       (i) *may not exceed the following:*

18            (1) *For a single covered project, \$5,000,000.*

19            (2) *For all covered projects in a single fiscal*  
20       *year, \$5,000,000.*

21       (d) *EXPIRATION.—The authority granted under this*  
22       *section shall expire on the date that is 4 years after the*  
23       *date of enactment of this section.*

24       (e) *COVERED PROJECT DEFINED.—In this section, the*  
25       *term “covered project” means a project carried out by a*



1 *non-Federal entity to construct and establish an aid to*  
2 *navigation that facilitates safe and efficient marine trans-*  
3 *portation on a Federal navigation project authorized by*  
4 *title I of the Water Resources Development Act of 2007*  
5 *(Public Law 110–114).*

6 **SEC. 503. CORRECTIONS TO PROVISIONS ENACTED BY**  
7 **COAST GUARD AUTHORIZATION ACTS.**

8 *Section 604(b) of the Howard Coble Coast Guard and*  
9 *Maritime Transportation Act of 2014 (Public Law 113–*  
10 *281; 128 Stat. 3061) is amended by inserting “and fishery*  
11 *endorsement” after “endorsement”.*

12 **SEC. 504. SHIP SHOAL LIGHTHOUSE TRANSFER: REPEAL.**

13 *Effective January 1, 2021, section 27 of the Coast*  
14 *Guard Authorization Act of 1991 (Public Law 102–241;*  
15 *105 Stat. 2218) is repealed.*

16 **SEC. 505. COAST GUARD MARITIME DOMAIN AWARENESS.**

17 *(a) IN GENERAL.—The Secretary of the department in*  
18 *which the Coast Guard is operating shall seek to enter into*  
19 *an arrangement with the National Academy of Sciences not*  
20 *later than 60 days after the date of the enactment of this*  
21 *Act under which the Academy shall prepare an assessment*  
22 *of available unmanned, autonomous, or remotely controlled*  
23 *maritime domain awareness technologies for use by the*  
24 *Coast Guard.*

25 *(b) ASSESSMENT.—The assessment shall—*

1           (1) *describe the potential limitations of current*  
2 *and emerging unmanned technologies used in the*  
3 *maritime domain for—*

4                   (A) *ocean observation;*

5                   (B) *vessel monitoring and identification;*

6                   (C) *weather observation;*

7                   (D) *to the extent practicable for consider-*  
8 *ation by the Academy, intelligence gathering,*  
9 *surveillance, and reconnaissance; and*

10                  (E) *communications;*

11           (2) *examine how technologies described in para-*  
12 *graph (1) can help prioritize Federal investment by*  
13 *examining;*

14                   (A) *affordability, including acquisition, op-*  
15 *erations, and maintenance;*

16                   (B) *reliability;*

17                   (C) *versatility;*

18                   (D) *efficiency; and*

19                   (E) *estimated service life and persistence of*  
20 *effort; and*

21           (3) *analyze whether the use of new and emerging*  
22 *maritime domain awareness technologies can be used*  
23 *to—*

24                   (A) *carry out Coast Guard missions at*  
25 *lower costs;*

1           (B) expand the scope and range of Coast  
2           Guard maritime domain awareness;

3           (C) allow the Coast Guard to more effi-  
4           ciently and effectively allocate Coast Guard ves-  
5           sels, aircraft, and personnel; and

6           (D) identify adjustments that would be nec-  
7           essary in Coast Guard policies, procedures, and  
8           protocols to incorporate unmanned technologies  
9           to enhance efficiency.

10       (c) *REPORT TO CONGRESS.*—Not later than 1 year  
11       after entering into an agreement with the Secretary under  
12       subsection (a), National Academy of Science shall submit  
13       the assessment prepared under this section to the Committee  
14       on Transportation and Infrastructure of the House of Rep-  
15       resentatives and the Committee on Commerce, Science, and  
16       Transportation of the Senate.

17       (d) *USE OF INFORMATION.*—In formulating costs pur-  
18       suant to subsection (b), the National Academy of Sciences  
19       may utilize information from other Coast Guard reports,  
20       assessments, or analyses regarding existing Coast Guard  
21       manpower requirements or other reports, assessments, or  
22       analyses for the acquisition of unmanned, autonomous, or  
23       remotely controlled technologies by the Federal Government.

1 **SEC. 506. TOWING SAFETY MANAGEMENT SYSTEM FEES.**

2 (a) *REVIEW.*—*The Commandant of the Coast Guard*  
3 *shall—*

4 (1) *review and compare the costs to the Govern-*  
5 *ment of—*

6 (A) *towing vessel inspections performed by*  
7 *the Coast Guard; and*

8 (B) *such inspections performed by a third*  
9 *party; and*

10 (2) *based on such review and comparison, deter-*  
11 *mine whether the costs to the Government of such in-*  
12 *spections performed by a third party are different*  
13 *than the costs to the Government of such inspections*  
14 *performed by the Coast Guard.*

15 (b) *REVISION OF FEES.*—*If the Commandant deter-*  
16 *mines under subsection (a) that the costs to the Government*  
17 *of such inspections performed by a third party are different*  
18 *than the costs to the Government of such inspections per-*  
19 *formed by the Coast Guard, then the Commandant shall*  
20 *revise the fee assessed by the Coast Guard for such inspec-*  
21 *tions as necessary to conform to the requirements under sec-*  
22 *tion 9701 of title 31, United States Code, that such fee be*  
23 *based on the cost to the Government of such inspections and*  
24 *accurately reflect such costs.*

1 **SEC. 507. OIL SPILL DISBURSEMENTS AUDITING AND RE-**  
2 **PORT.**

3 *Section 1012 of the Oil Pollution Act of 1990 (33*  
4 *U.S.C. 2712) is amended—*

5 *(1) by repealing subsection (g);*

6 *(2) in subsection (l)(1), by striking “Within one*  
7 *year after the date of enactment of the Coast Guard*  
8 *Authorization Act of 2010, and annually thereafter,”*  
9 *and inserting “Each year, on the date on which the*  
10 *President submits to Congress a budget under section*  
11 *1105 of title 31, United States Code,”; and*

12 *(3) by amending subsection (l)(2) to read as fol-*  
13 *lows:*

14 *“(2) CONTENTS.—The report shall include—*

15 *“(A) a list of each incident that—*

16 *“(i) occurred in the preceding fiscal*  
17 *year; and*

18 *“(ii) resulted in disbursements from*  
19 *the Fund, for removal costs and damages,*  
20 *totaling \$500,000 or more;*

21 *“(B) a list of each incident that—*

22 *“(i) occurred in the fiscal year pre-*  
23 *ceding the preceding fiscal year; and*

24 *“(ii) resulted in disbursements from*  
25 *the Fund, for removal costs and damages,*  
26 *totaling \$500,000 or more; and*

1           “(C) *an accounting of any amounts reim-*  
2           *bursed to the Fund in the preceding fiscal year*  
3           *that were recovered from a responsible party for*  
4           *an incident that resulted in disbursements from*  
5           *the Fund, for removal costs and damages, total-*  
6           *ing \$500,000 or more.”.*

7 **SEC. 508. LAND EXCHANGE, AYAKULIK ISLAND, ALASKA.**

8           (a) *LAND EXCHANGE.*—*If the owner of Ayakulik Is-*  
9 *land, Alaska, offers to exchange the Island for the Tract—*

10           (1) *within 30 days after receiving such offer, the*  
11 *Secretary shall provide notice of the offer to the Com-*  
12 *mandant;*

13           (2) *within 30 days after receiving the notice*  
14 *under paragraph (1), the Commandant shall develop*  
15 *and transmit to the Secretary proposed operational*  
16 *restrictions on commercial activity conducted on the*  
17 *Tract, including the right of the Commandant to—*

18           (A) *order the immediate termination, for a*  
19 *period of up to 72 hours, of any activity occur-*  
20 *ring on or from the Tract that violates or threat-*  
21 *ens to violate one or more of such restrictions; or*

22           (B) *commence a civil action for appropriate*  
23 *relief, including a permanent or temporary in-*  
24 *junction enjoining the activity that violates or*  
25 *threatens to violate such restrictions; and*

1           (3) *within 30 days after receiving the proposed*  
2           *operational restrictions from the Commandant, the*  
3           *Secretary shall transmit such restrictions to the*  
4           *owner of Ayakulik Island; and*

5           (4) *within 30 days after transmitting the pro-*  
6           *posed operational restrictions to the owner of*  
7           *Ayakulik Island, and if the owner agrees to such re-*  
8           *strictions, the Secretary shall convey all right, title*  
9           *and interest of the United States in and to the Tract*  
10          *to the owner, subject to an easement granted to the*  
11          *Commandant to enforce such restrictions, in exchange*  
12          *for all right, title and interest of such owner in and*  
13          *to Ayakulik Island.*

14          (b) *BOUNDARY REVISIONS.—The Secretary may make*  
15          *technical and conforming revisions to the boundaries of the*  
16          *Tract before the date of the exchange.*

17          (c) *PUBLIC LAND ORDER.—Effective on the date of an*  
18          *exchange under subsection (a), Public Land Order 5550*  
19          *shall have no force or effect with respect to submerged lands*  
20          *that are part of the Tract.*

21          (d) *FAILURE TO TIMELY RESPOND TO NOTICE.—If the*  
22          *Commandant does not transmit proposed operational re-*  
23          *strictions to the Secretary within 30 days after receiving*  
24          *the notice under subsection (a)(1), the Secretary shall, by*  
25          *not later than 60 days after transmitting such notice, con-*

1 *vey all right, title, and interest of the United States in and*  
2 *to the Tract to the owner of Ayakulik Island in exchange*  
3 *for all right, title, and interest of such owner in and to*  
4 *Ayakulik Island.*

5 *(e) CERCLA NOT AFFECTED.—This section and an*  
6 *exchange under this section shall not be construed to limit*  
7 *the application of or otherwise affect section 120(h) of the*  
8 *Comprehensive Environmental Response, Compensation,*  
9 *and Liability Act of 1980 (42 U.S.C. 9620(h)).*

10 *(f) DEFINITIONS.—In this section:*

11 *(1) COMMANDANT.—The term “Commandant”*  
12 *means the Secretary of the department in which the*  
13 *Coast Guard is operating, acting through the Com-*  
14 *mandant of the Coast Guard.*

15 *(2) SECRETARY.—The term “Secretary” means*  
16 *the Secretary of the Interior.*

17 *(3) TRACT.—The term “Tract” means the land*  
18 *(including submerged land) depicted as “PROPOSED*  
19 *PROPERTY EXCHANGE AREA” on the survey ti-*  
20 *tled “PROPOSED PROPERTY EXCHANGE PAR-*  
21 *CEL” and dated 3/22/17.*

22 **SEC. 509. VESSEL RESPONSE PLANS IN THE ARCTIC.**

23 *(a) AMENDMENTS TO THE OIL POLLUTION ACT OF*  
24 *1990.—*



1           (1) *IN GENERAL.*—*Title V of the Oil Pollution*  
2           *Act of 1990 (33 U.S.C. 2731 et seq.) is amended by*  
3           *adding at the end the following:*

4           **“SEC. 5009. VESSEL RESPONSE PLANS IN THE ARCTIC.**

5           *“The Secretary of the department in which the Coast*  
6           *Guard is operating may not approve a vessel response plan*  
7           *under section 311(j)(5) of the Federal Water Pollution Con-*  
8           *trol Act for a vessel operating in any area covered by the*  
9           *Captain of the Port Zone, as established by the Secretary,*  
10          *that includes the Arctic (as defined in section 112 of the*  
11          *Arctic Research and Policy Act of 1984 (15 U.S.C. 4111)),*  
12          *unless the Secretary verifies that—*

13                 *“(1) all equipment required to be available for*  
14                 *response under the plan has been tested and proven*  
15                 *capable of operating in the environment in which it*  
16                 *is intended to be operated, as determined by the Sec-*  
17                 *retary; and*

18                 *“(2) the oil spill removal organization identified*  
19                 *in the vessel response plan under section 311(j)(5) of*  
20                 *the Federal Water Pollution Control Act—*

21                         *“(A) has records of training for equipment*  
22                         *operators; and*

23                         *“(B) conducts a full equipment deployment*  
24                         *exercise in the area covered by the vessel response*  
25                         *plan at least once every 3 years, except that the*

1            *Secretary may waive a required full equipment*  
2            *deployment exercise, upon request of the organi-*  
3            *zation, if the organization implemented the vessel*  
4            *response plan (including the deployment of*  
5            *equipment and operators) during the preceding 3*  
6            *years in response to a discharge or substantial*  
7            *threat of a discharge of oil.”.*

8            (2) *CLERICAL AMENDMENT.*—*The table of con-*  
9            *tents in section 2 of the Oil Pollution Act of 1990 is*  
10           *amended by inserting after the item relating to sec-*  
11           *tion 5007 the following:*

*“Sec. 5008. North Pacific Marine Research Institute.*

*“Sec. 5009. Vessel response plans in the Arctic.”.*

12           (b) *REPORT.*—*Not later than 180 days after the date*  
13           *of enactment of this Act, the Commandant of the Coast*  
14           *Guard shall submit to the Committee on Commerce,*  
15           *Science, and Transportation of the Senate and the Com-*  
16           *mittee on Transportation and Infrastructure of the House*  
17           *of Representatives a report on the oil spill prevention and*  
18           *response capabilities available for the area covered by the*  
19           *Captain of the Port Zone, as established by the Secretary,*  
20           *that includes the Arctic (as defined in section 112 of the*  
21           *Arctic Research and Policy Act of 1984 (15 U.S.C. 4111)).*  
22           *The report shall include—*

23           (1) *a description of equipment and assets avail-*  
24           *able for response under the vessel response plans ap-*



1           (1) *assess the public comments received by the*  
2 *Coast Guard on proposals to establish additional an-*  
3 *chorages on the Hudson River between Yonkers, New*  
4 *York, and Kingston, New York; and*

5           (2) *submit to the Committee on Transportation*  
6 *and Infrastructure of the House of Representatives*  
7 *and the Committee on Commerce, Science, and Trans-*  
8 *portation of the Senate a report on such assessment,*  
9 *including—*

10           (A) *a detailed summary of concerns raised*  
11 *in such comments about the economic, safety,*  
12 *and environmental impacts of such additional*  
13 *anchorage on the communities bordering the*  
14 *Hudson River between Yonkers, New York, and*  
15 *Kingston, New York, including impacts of such*  
16 *anchorage grounds to sites listed on the National*  
17 *Priorities List under the Comprehensive Envi-*  
18 *ronmental Response, Compensation, and Liabil-*  
19 *ity Act of 1980 (42 U.S.C. 9601 et seq.) and*  
20 *areas designated as critical habitat of species*  
21 *listed as endangered species under the Endan-*  
22 *gered Species Act of 1973 (16 U.S.C. 1531 et*  
23 *seq.); and*

24           (B) *the response of the Coast Guard to such*  
25 *concerns.*

1       **(b) RESTRICTION.**—*The Commandant may not estab-*  
2 *lish any of the anchorages described in subsection (a) before*  
3 *the end of the 180-day period beginning on the date of the*  
4 *submission of the report under subsection (a)(2).*

5 **SEC. 511. PUBLIC SAFETY ANSWERING POINTS AND MARI-**  
6 **TIME SEARCH AND RESCUE COORDINATION.**

7       *Not later than 180 days after the date of the enactment*  
8 *of this Act—*

9           **(1) the Secretary of the department in which the**  
10 *Coast Guard is operating acting through the Com-*  
11 *mandant of the Coast Guard shall review Coast*  
12 *Guard policies and procedures for public safety an-*  
13 *swering points and search-and-rescue coordination*  
14 *with State and local law enforcement entities in order*  
15 *to—*

16                   **(A) further minimize the possibility of mar-**  
17 *itime 911 calls being improperly routed; and*

18                   **(B) assure the Coast Guard is able to effec-**  
19 *tively carry out the Coast Guard’s maritime*  
20 *search and rescue mission; and*

21           **(2) the Commandant shall formulate a national**  
22 *maritime public safety answering points policy and*  
23 *submit a report to the Congress on that subject.*

1 **SEC. 512. DOCUMENTATION OF “AMERICA’S FINEST”.**

2       *Notwithstanding sections 12112 and 12113 of title 46,*  
3 *United States Code, the Secretary of the department in*  
4 *which the Coast Guard is operating may issue a certificate*  
5 *of documentation with a coastwise and a fishery endorse-*  
6 *ment for the vessel AMERICA’S FINEST (United States*  
7 *official number 1276760).*



Union Calendar No. 133

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2518**

[Report No. 115-194]

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## **A BILL**

To authorize appropriations for the Coast Guard for fiscal years 2018 and 2019, and for other purposes.

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JUNE 26, 2017

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed