

115TH CONGRESS
1ST SESSION

H. R. 2518

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

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2017

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

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.

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.

1 **TITLE I—AUTHORIZATIONS**

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

3 Section 2702 of title 14, United States Code, is
4 amended:

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

12 “(B) \$7,452,554,484 for fiscal year
13 2019.”;

14 (3) in paragraph (2), by striking subparagraphs
15 (A) and (B) and inserting the following:

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

17 and

18 “(B) \$1,945,000,000 for fiscal year
19 2019.”;

20 (4) in paragraph (3), by striking subparagraphs
21 (A) and (B) and inserting the following:

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

23 and

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

1 (5) in paragraph (4), by striking subparagraphs
2 (A) and (B) and inserting the following:

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

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

5 and

6 (6) in paragraph (5), by striking subparagraphs
7 (A) and (B) and inserting the following:

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

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

10 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
11 **AND TRAINING.**

12 Section 2704 of title 14, United States Code, is
13 amended—

14 (1) in subsection (a), by striking “for each of
15 fiscal years 2016 and 2017” and inserting “for fis-
16 cal year 2018 and an end-of-year strength for such
17 personnel of 44,500 for fiscal year 2019”; and

18 (2) in subsection (b), by striking “fiscal years
19 2016 and 2017” and inserting “fiscal years 2018
20 and 2019”.

21 **TITLE II—COAST GUARD**

22 **SEC. 201. TRAINING; PUBLIC SAFETY PERSONNEL.**

23 (a) IN GENERAL.—Chapter 7 of title 14, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 155. Training; public safety personnel**

2 “(a) IN GENERAL.—The Commandant may, on a re-
3 imburseable or a non-reimbursable basis, make training
4 available to public safety personnel whenever the Com-
5 mandant determines that—

6 “(1) a member of the Coast Guard, who is
7 scheduled to participate in such training, is unable
8 or unavailable to participate in such training;

9 “(2) no other member of the Coast Guard, who
10 is assigned to the unit to which the member of the
11 Coast Guard who is unable or unavailable to partici-
12 pate in such training is assigned, is able or available
13 to participate in such training; and

14 “(3) such training, if made available to such
15 public safety personnel, would further the goal of
16 interoperability among Federal agencies, non-Fed-
17 eral governmental agencies, or both.

18 “(b) DEFINITION.—For the purposes of this section,
19 the term ‘public safety personnel’ includes any Federal,
20 State (or political subdivision thereof), territorial, or tribal
21 law enforcement officer, firefighter, or emergency response
22 provider.

23 “(c) TREATMENT OF REIMBURSEMENT.—Any reim-
24 bursements for training that the Coast Guard receives
25 under this section shall be credited to the appropriation
26 used to pay the costs for such training.

1 “(d) STATUS OF TRAINED PERSONNEL; LIMITATION
2 ON LIABILITY.—

3 “(1) STATUS.—Any public safety personnel to
4 whom training is made available under this section
5 who is not otherwise a Federal employee shall not,
6 because of that training, be considered a Federal
7 employee for any purpose (including the purposes of
8 chapter 81 of title 5 (relating to compensation for
9 injury)) and sections 2671 through 2680 of title 28
10 (relating to tort claims).

11 “(2) LIMITATION ON LIABILITY.—The United
12 States shall not be liable for actions taken by such
13 personnel in the course of training made available
14 under this section.”.

15 (b) CLERICAL AMENDMENT.—The analysis for chap-
16 ter 7 of such title is amended by inserting at the end the
17 following:

“155. Training; public safety personnel.”.

18 **SEC. 202. COMMISSIONED SERVICE RETIREMENT.**

19 For Coast Guard officers who retire in fiscal year
20 2017 or 2018, the President may reduce the period of ac-
21 tive commissioned service required under section 291 of
22 title 14, United States Code, to a period of not less than
23 eight years.

1 **SEC. 203. OFFICER PROMOTION ZONES.**

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

5 **SEC. 204. CROSS REFERENCE.**

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

9 **SEC. 205. REPEAL.**

10 Section 482 of title 14, United States Code, and the
11 item relating to that section in the analysis for chapter
12 13 of that title, are repealed.

13 **SEC. 206. UNMANNED AIRCRAFT SYSTEM.**

14 (a) IN GENERAL.—Chapter 3 of title 14, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

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

18 “(a) IN GENERAL.—Subject to the availability of ap-
19 propriations and to subsection (b), the Secretary of the
20 department in which the Coast Guard is operating shall
21 establish a land-based unmanned aircraft system program
22 under the control of the Commandant of the Coast Guard.

23 “(b) LIMITATIONS.—

24 “(1) IN GENERAL.—During any fiscal year for
25 which funds are appropriated for the design or con-

1 construction of the Offshore Patrol Cutter, the Com-
2 mandant—

3 “(A) may not award a contract for design
4 of an unmanned aircraft system for use by the
5 Coast Guard; and

6 “(B) may acquire an unmanned aircraft
7 system only if such a system—

8 “(i) has been part of a program of
9 record, procured by, or used by, the De-
10 partment of Defense or the Department of
11 Homeland Security, or a component there-
12 of, before the date on which the Com-
13 mandant acquires the system; and

14 “(ii) is acquired by the Commandant
15 through an agreement with such a depart-
16 ment or component, unless the unmanned
17 aircraft system can be obtained at less cost
18 through independent contract action.

19 “(2) LIMITATIONS ON APPLICATION.—

20 “(A) SMALL UNMANNED AIRCRAFT.—
21 Paragraph (1)(B) does not apply to small un-
22 manned aircraft.

23 “(B) PREVIOUSLY FUNDED SYSTEMS.—
24 Subsection (b) does not apply to the design or
25 acquisition of an unmanned aircraft system for

1 which funds for research, development, test,
2 and evaluation have been received from the De-
3 partment of Defense or the Department of
4 Homeland Security.

5 “(c) DEFINITIONS.—In this section each of the terms
6 ‘small unmanned aircraft’ and ‘unmanned aircraft system’
7 has the meaning that term has in section 331 of the FAA
8 Modernization and Reform Act of 2012 (49 U.S.C. 40101
9 note).”.

10 (b) CLERICAL AMENDMENT.—The analysis at the be-
11 ginning of such chapter is amended by adding at the end
12 the following:

“61. Unmanned aircraft system.”.

13 (c) CONFORMING AMENDMENT.—Subsection (c) of
14 section 564 of title 14, United States Code, is repealed.

15 **SEC. 207. COAST GUARD HEALTH-CARE PROFESSIONALS;**
16 **LICENSURE PORTABILITY.**

17 (a) IN GENERAL.—Chapter 5 of title 14, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“§ 104. Coast Guard health-care professionals; licen-**
21 **sure portability**

22 “(a) Notwithstanding any law regarding the licensure
23 of health-care providers, a health-care professional de-
24 scribed in subsection (b) may practice the health profes-
25 sion or professions of the health-care professional at any

1 location in any State, the District of Columbia, or a Com-
2 monwealth, territory, or possession of the United States,
3 regardless of where such health-care professional or the
4 patient are located, if the practice is within the scope of
5 the authorized Federal duties of such health-care profes-
6 sional.

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

9 “(1) who is—

10 “(A) a member of the Coast Guard;

11 “(B) a civilian employee of the Coast
12 Guard;

13 “(C) a member of the Public Health Serv-
14 vice who is assigned to the Coast Guard;

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

17 “(E) any other health-care professional
18 credentialed and privileged at a Federal health-
19 care institution or location specially designated
20 by the Secretary; and

21 “(2) who—

22 “(A) has a current license to practice med-
23 icine, osteopathic medicine, dentistry, or an-
24 other health profession; and

1 “(B) is performing authorized duties for
2 the Coast Guard.

3 “(c) In this section each of the terms ‘license’ and
4 ‘health-care professional’ has the meaning that term has
5 in section 1094(e) of title 10, United States Code.”.

6 (b) CLERICAL AMENDMENT.—The analysis for such
7 chapter is amended by adding at the end the following:
“104. Coast Guard health-care professionals; licensure portability”.

8 **SEC. 208. INCENTIVE CONTRACTS FOR COAST GUARD YARD**
9 **AND INDUSTRIAL ESTABLISHMENTS.**

10 Section 648 of title 14, United States Code, is
11 amended—

12 (1) by inserting before the text the following:

13 “(a) IN GENERAL.—”;

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

19 (3) by adding at the end the following:

20 “(b) INCENTIVE CONTRACTS.—

21 “(1) The parties to an order for industrial work
22 to be performed by the Coast Guard Yard or a
23 Coast Guard industrial establishment designated
24 under subsection (a) may enter into an order or a

1 cost-plus-incentive-fee order in accordance with this
2 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
6 (a) may be distributed as an incentive to the wage-
7 grade 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
11 or Coast Guard industrial establishment will take ac-
12 tion to improve the delivery schedule or technical
13 performance agreed to in the order for industrial
14 work to which such parties initially agreed.

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

20 “(A) the adjustment to be made pursuant
21 to this subsection shall be reduced by such
22 agreed-upon amount and distributed to such
23 wage-grade 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
12 States Code, as amended by section 206 of this Act, is
13 further 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:
20 “62. Congressional Affairs; Director.”.

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

23 (a) IN GENERAL.—Subchapter II of chapter 15 of
24 title 14, United States Code, is amended by adding at the
25 end 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
15 entered into under subsection (a) shall provide that any
16 obligation of the United States to make a payment under
17 the contract is subject to the availability of appropriations
18 for that purpose.”.

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

“580. Contracting for major acquisitions programs.”.

22 (c) CONFORMING AMENDMENTS.—The following pro-
23 visions are repealed:

1 (1) Section 223 of Public Law 113–281 (14
2 U.S.C. 577 note), and the item relating to that sec-
3 tion 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
11 National Security Cutter as Ready for Operations before
12 the date on which the Commandant provides to the Com-
13 mittee on Transportation and Infrastructure of the House
14 of Representatives and the Committee on Commerce,
15 Science, and 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
19 which such a cutter is away from its homeport for
20 maintenance or repair; and

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

1 (A) compares over a 30-year period the av-
2 erage annualized baseline cost and perform-
3 ances for a certified National Security Cutter
4 that operated for 185 days away from homeport
5 or an equivalent alternative measure of oper-
6 ational 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 Cut-
17 ters to balance National Security Cutter cost
18 and mission performance.

19 (b) CONFORMING AMENDMENTS.—

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

23 (2) Section 204(c)(1) of the Coast Guard Au-
24 thorization Act of 2015 (130 Stat. 35) is repealed.

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

2 Section 11.480(F) of title 46, Code of Federal Regu-
3 lations, as in effect immediately before the enactment of
4 this 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
11 (B) 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
17 of 2010 (Public Law 111–281; 124 Stat. 2950) is amend-
18 ed—

19 (1) in subsection (a), in the text preceding
20 paragraph (1), by striking “sections 3304, 5333,
21 and 5753” and inserting “section 3304”; and

22 (2) in subsection (b), by striking “2017.” and
23 inserting “2021.”.

1 **TITLE III—PORTS AND**
 2 **WATERWAYS SAFETY ACT**

3 **SEC. 301. CODIFICATION OF PORTS AND WATERWAYS SAFE-**
 4 **TY ACT.**

5 (a) CODIFICATION.—Subtitle VII of title 46, United
 6 States Code, is amended by inserting before chapter 701
 7 the following:

8 **“CHAPTER 700—PORTS AND WATERWAYS**
 9 **SAFETY**

 “SUBCHAPTER A—VESSEL OPERATIONS

- “70001. Vessel traffic services.
- “70002. Special powers.
- “70003. Port access routes.
- “70004. Considerations by Secretary.
- “70005. International agreements.

 “SUBCHAPTER B—PORTS AND WATERWAYS SAFETY

- “70011. Waterfront safety.
- “70012. Navigational hazards.
- “70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.

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

- “70021. Conditions for entry to ports in the United States.

 “SUBCHAPTER D—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

- “70031. Definitions.
- “70032. Saint Lawrence Seaway.
- “70033. Limitation on application to foreign vessels.
- “70034. Regulations.
- “70035. Investigatory powers.
- “70036. Enforcement.

1 “SUBCHAPTER A—VESSEL OPERATIONS

2 “§ 70001. Vessel traffic services

3 “(a) Subject to the requirements of section 70004,
4 the 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,
10 or expand vessel traffic services, that consist of
11 measures for controlling or supervising vessel traffic
12 or for protecting navigation and the marine environ-
13 ment and that may include one or more of reporting
14 and operating requirements, surveillance and com-
15 munications 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;

19 “(3)(A) may require vessels to install and use
20 specified navigation equipment, communications
21 equipment, electronic relative motion analyzer equip-
22 ment, or any electronic or other device necessary to
23 comply with a vessel traffic service or that is nec-
24 essary in the interests of vessel safety.

1 “(B) Notwithstanding subparagraph (A), the
2 Secretary shall not require fishing vessels under 300
3 gross tons as measured under section 14502, or an
4 alternate tonnage measured under section 14302 as
5 prescribed by the Secretary under section 14104, or
6 recreational vessels 65 feet or less to possess or use
7 the equipment or devices required by this subsection
8 solely under the authority of this chapter;

9 “(4) may control vessel traffic in areas subject
10 to the jurisdiction of the United States that the Sec-
11 retary determines to be hazardous, or under condi-
12 tions of reduced visibility, adverse weather, vessel
13 congestion, or other hazardous circumstances, by—

14 “(A) specifying times of entry, movement,
15 or departure;

16 “(B) establishing vessel traffic routing
17 schemes;

18 “(C) establishing vessel size, speed, or
19 draft limitations and vessel operating condi-
20 tions; and

21 “(D) restricting operation, in any haz-
22 ards area or under hazardous conditions, to
23 vessels that have particular operating character-
24 istics or capabilities that the Secretary con-

1 siders necessary for safe operation under the
2 circumstances;

3 “(5) may require the receipt of prearrival mes-
4 sages from any vessel, destined for a port or place
5 subject to the jurisdiction of the United States, in
6 sufficient time to permit advance vessel traffic plan-
7 ning before port entry, which shall include any infor-
8 mation that is not already a matter of record and
9 that the Secretary determines necessary for the con-
10 trol of the vessel and the safety of the port or the
11 marine environment; and

12 “(6) may prohibit the use on vessels of elec-
13 tronic or other devices that interfere with commu-
14 nication and navigation equipment, except that such
15 authority shall not apply to electronic or other de-
16 vices certified to transmit in the maritime services
17 by the Federal Communications Commission and
18 used within the frequency bands 157.1875–157.4375
19 MHz and 161.7875–162.0375 MHz.

20 “(b) COOPERATIVE AGREEMENTS.—

21 “(1) IN GENERAL.—The Secretary may enter
22 into cooperative agreements with public or private
23 agencies, authorities, associations, institutions, cor-
24 porations, organizations, or other persons to carry
25 out the functions under subsection (a)(1).

1 “(2) LIMITATION.—

2 “(A) A nongovernmental entity may not
3 under this subsection carry out an inherently
4 governmental function.

5 “(B) As used in this paragraph, the term
6 ‘inherently governmental function’ means any
7 activity that is so intimately related to the pub-
8 lic interest as to mandate performance by an
9 officer or employee of the Federal Government,
10 including an activity that requires either the ex-
11 ercise of discretion in applying the authority of
12 the Government or the use of judgment in mak-
13 ing a decision for the Government.

14 “(c) LIMITATION OF LIABILITY FOR COAST GUARD
15 VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL
16 VESSEL TRAFFIC SERVICE OPERATORS.—

17 “(1) COAST GUARD VESSEL TRAFFIC SERVICE
18 PILOTS.—Any pilot, acting in the course and scope
19 of his or her duties while at a Coast Guard Vessel
20 Traffic Service, who provides information, advice, or
21 communication assistance while under the super-
22 vision of a Coast Guard officer, member, or em-
23 ployee shall not be liable for damages caused by or
24 related to such assistance unless the acts or omis-

1 sions of such pilot constitute gross negligence or
2 willful misconduct.

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

14 **“§ 70002. Special powers**

15 “The Secretary may order any vessel, in a port or
16 place subject to the jurisdiction of the United States or
17 in the navigable waters of the United States, to operate
18 or anchor in a manner the Secretary directs if—

19 “(1) the Secretary has reasonable cause to be-
20 lieve such vessel does not comply with any regulation
21 issued under this chapter or any other applicable law
22 or treaty;

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

1 “(3) by reason of weather, visibility, sea condi-
2 tions, port congestion, other hazardous cir-
3 cumstances, or the condition of such vessel, the Sec-
4 retary is satisfied such direction is justified in the
5 interest of safety.

6 **“§ 70003. Port access routes**

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

19 “(b) LIMITATION.—

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

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

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

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

6 “(2) CONSULTATION REQUIRED.—The Sec-
7 retary shall make the determination under para-
8 graph (1)(A) after consultation with the head of the
9 agency responsible for executing the lease or issuing
10 the permit.

11 “(c) CONSIDERATION OF OTHER USES.—Before
12 making a designation under subsection (a), and in accord-
13 ance with the requirements of section 70004, the Sec-
14 retary shall—

15 “(1) undertake a study of the potential traffic
16 density and the need for safe access routes for ves-
17 sels in any area for which fairways or traffic separa-
18 tion schemes are proposed or that may otherwise be
19 considered and publish notice of such undertaking in
20 the Federal Register;

21 “(2) in consultation with the Secretary of State,
22 the Secretary of the Interior, the Secretary of Com-
23 merce, the Secretary of the Army, and the Gov-
24 ernors of affected States, as their responsibilities
25 may require, take into account all other uses of the

1 area under consideration, including, as appropriate,
2 the exploration for, or exploitation of, oil, gas, or
3 other mineral resources, the construction or oper-
4 ation of deepwater ports or other structures on or
5 above the seabed or subsoil of the submerged lands
6 or the Outer Continental Shelf of the United States,
7 the establishment or operation of marine or estua-
8 rine sanctuaries, and activities involving recreational
9 or commercial fishing; and

10 “(3) to the extent practicable, reconcile the
11 need for safe access routes with the needs of all
12 other reasonable uses of the area involved.

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

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

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

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

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

1 “(e) IMPLEMENTATION OF DESIGNATION.—In con-
2 nection with a designation made under this section, the
3 Secretary—

4 “(1) shall issue reasonable rules and regulations
5 governing the use of such designated areas, includ-
6 ing rules and regulations regarding the applicability
7 of rules 9 and 10 of the International Regulations
8 for Preventing Collisions at Sea, 1972, relating to
9 narrow channels and traffic separation schemes, re-
10 spectively, 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
13 the designation, make the use of designated fairways
14 and traffic separation schemes mandatory for spe-
15 cific types and sizes of vessels, foreign and domestic,
16 operating in the territorial sea of the United States
17 and for specific types and sizes of vessels of the
18 United States operating on the high seas beyond the
19 territorial sea of the United States;

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

1 unacceptably adversely affect the purpose for which
2 the existing designation was made and the need for
3 which continues; and

4 “(4) shall, through appropriate channels—

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

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

15 **“§ 70004. Considerations by Secretary**

16 “In carrying out the duties of the Secretary under
17 sections 70001, 70002, and 70003, the Secretary shall—

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

22 “(A) the scope and degree of the risk or
23 hazard involved;

24 “(B) vessel traffic characteristics and
25 trends, including traffic volume, the sizes and

1 types of vessels involved, potential interference
2 with the flow of commercial traffic, the presence
3 of any unusual cargoes, and other similar fac-
4 tors;

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

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

13 “(E) the proximity of fishing grounds, oil
14 and gas drilling and production operations, or
15 any other potential or actual conflicting activ-
16 ity;

17 “(F) environmental factors;

18 “(G) economic impact and effects;

19 “(H) existing vessel traffic services; and

20 “(I) local practices and customs, including
21 voluntary arrangements and agreements within
22 the maritime community; and

23 “(2) at the earliest possible time, consult with
24 and receive and consider the views of representatives
25 of the maritime community, ports and harbor au-

1 thorities or associations, environmental groups, and
2 other persons who may be affected by the proposed
3 actions.

4 **“§ 70005. International agreements**

5 “(a) TRANSMITTAL OF REGULATIONS.—The Sec-
6 retary shall transmit, via the Secretary of State, to appro-
7 priate international bodies or forums, any regulations
8 issued under this subchapter, for consideration as inter-
9 national standards.

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

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

18 “(2) enter into negotiations, through appro-
19 priate international bodies, and conclude and execute
20 agreements to establish vessel traffic services in ap-
21 propriate areas of the high seas.

22 “(c) OPERATIONS.—The Secretary, pursuant to any
23 agreement negotiated under subsection (b) that is binding
24 upon the United States in accordance with constitutional
25 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 in-
4 stallation of equipment and devices as necessary for
5 the 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
13 place, and if vessels en route to or from a United
14 States port or place are accorded equivalent waivers
15 of laws and regulations of the neighboring nation,
16 when operating in waters over which that nation ex-
17 ercises jurisdiction.

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
 3 northeast to 42 deg. 45' N., 70 deg. 13' W; then
 4 southeast to 42 deg. 10' N., 68 deg. 31' W, then
 5 south to 41 deg. 00' N., 68 deg. 31' W; then west
 6 to 41 deg. 00' N., 69 deg. 17' W; then northeast to
 7 42 deg. 05' N., 70 deg. 02' W, then west to 42 deg.
 8 04' N., 70 deg. 10' W; and then along the Massa-
 9 chusetts shoreline of Cape Cod Bay and Massachu-
 10 setts Bay back to the point on Cape Ann at 42 deg.
 11 39' N., 70 deg. 37' W).

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

19 “SUBCHAPTER B—PORTS AND WATERWAYS
 20 SAFETY

21 “§ 70011. **Waterfront safety**

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

24 “(1) prevent damage to, or the destruction of,
 25 any bridge or other structure on or in the navigable

1 waters of the United States, or any land structure
2 or shore area immediately adjacent to such waters;
3 and

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

7 “(b) ACTIONS AUTHORIZED.—Actions authorized by
8 subsection (a) include—

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

16 “(2) prescribing minimum safety equipment re-
17 quirements for a structure to assure adequate pro-
18 tection from fire, explosion, natural disaster, and
19 other serious accidents or casualties;

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

1 “(4) establishing procedures for examination to
2 assure compliance with the requirements prescribed
3 under this section.

4 “(c) STATE LAW.—Nothing in this section, with re-
5 spect to structures, prohibits a State or political subdivi-
6 sion thereof from prescribing higher safety equipment re-
7 quirements or safety standards than those that may be
8 prescribed by regulations under this section.

9 **“§ 70012. Navigational hazards**

10 “(a) REPORTING PROCEDURE.—The Secretary shall
11 establish a program to encourage fishermen and other ves-
12 sel operators to report potential or existing navigational
13 hazards involving pipelines to the Secretary through Coast
14 Guard field offices.

15 “(b) SECRETARY’S RESPONSE.—

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

24 “(2) NOTIFICATION BY OTHER PERSONS.—
25 Upon notification by any other person of a hazard

1 or potential hazard to navigation with respect to a
2 pipeline, the Secretary shall promptly determine
3 whether a hazard exists, and if so shall immediately
4 notify Coast Guard headquarters, the Pipeline and
5 Hazardous Materials Safety Administration, other
6 affected Federal and State agencies, vessel owners
7 and operators in the pipeline’s vicinity, and the
8 owner and operator of the pipeline.

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

12 **“§ 70013. Requirement to notify Coast Guard of re-
13 lease of objects into the navigable waters
14 of the United States**

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

23 “(b) RESTRICTION ON USE OF NOTIFICATION.—Any
24 notification provided by an individual in accordance with
25 subsection (a) may not be used against such individual

1 in any criminal case, except a prosecution for perjury or
2 for giving a false statement.

3 “SUBCHAPTER C—CONDITION FOR ENTRY INTO
4 PORTS IN THE UNITED STATES

5 “§ 70021. **Conditions for entry to ports in the United**
6 **States**

7 “(a) IN GENERAL.—No vessel that is subject to chap-
8 ter 37 shall operate in the navigable waters of the United
9 States or transfer cargo or residue in any port or place
10 under the jurisdiction of the United States, if such ves-
11 sel—

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

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

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

24 “(4) does not comply with any applicable vessel
25 traffic service requirements;

1 “(5) is manned by one or more officers who are
2 licensed by a certificating State that the Secretary
3 has determined, pursuant to section 9101 of title 46,
4 does not have standards for licensing and certifi-
5 cation of seafarers that are comparable to or more
6 stringent than United States standards or inter-
7 national standards that are accepted by the United
8 States;

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

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

15 “(b) EXCEPTIONS.—

16 “(1) IN GENERAL.—The Secretary may allow
17 provisional entry of a vessel that is not in compli-
18 ance with subsection (a), if the owner or operator of
19 such vessel proves, to the satisfaction of the Sec-
20 retary, that such vessel is not unsafe or a threat to
21 the marine environment, and if such entry is nec-
22 essary for the safety of the vessel or persons aboard.

23 “(2) PROVISIONS NOT APPLICABLE.—Para-
24 graphs (1), (2), (3), and (4) of subsection (a) of this
25 section shall not apply to a vessel allowed provisional

1 entry under paragraph (1) if the owner or operator
2 of such vessel proves, to the satisfaction of the Sec-
3 retary, that such vessel is no longer unsafe or a
4 threat to the marine environment, and is no longer
5 in violation of any applicable law, treaty, regulation
6 or condition, as appropriate.

7 “SUBCHAPTER D—DEFINITIONS, REGULA-
8 TIONS, ENFORCEMENT, INVESTIGATORY
9 POWERS, APPLICABILITY

10 “§ 70031. **Definitions**

11 “As used in this chapter, unless the context otherwise
12 requires:

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

14 “(A) the navigable waters of the United
15 States and the land and resources therein and
16 thereunder;

17 “(B) the waters and fishery resources of
18 any area over which the United States asserts
19 exclusive fishery management authority;

20 “(C) the seabed and subsoil of the Outer
21 Continental Shelf of the United States, the re-
22 sources thereof, and the waters superjacent
23 thereto; and

24 “(D) the recreational, economic, and scenic
25 values of such waters and resources.

1 “(2) The term ‘Secretary’ means the Secretary
2 of the department in which the Coast Guard is oper-
3 ating, except that such term means the Secretary of
4 Transportation with respect to the application of
5 this chapter to the Saint Lawrence Seaway.

6 “(3) The term ‘navigable waters of the United
7 States’ includes all waters of the territorial sea of
8 the United States as described in Presidential Proc-
9 lamation No. 5928 of December 27, 1988.

10 **“§ 70032. Saint Lawrence Seaway**

11 “The authority granted to the Secretary under sec-
12 tions 70001, 70002, 70003, 7004, and 70011 may not be
13 delegated with respect to the Saint Lawrence Seaway to
14 any agency other than the Saint Lawrence Seaway Devel-
15 opment Corporation. Any other authority granted the Sec-
16 retary under this chapter shall be delegated by the Sec-
17 retary to the Saint Lawrence Seaway Development Cor-
18 poration to the extent the Secretary determines such dele-
19 gation is necessary for the proper operation of the Saint
20 Lawrence Seaway.

21 **“§ 70033. Limitation on application to foreign vessels**

22 “Except pursuant to international treaty, convention,
23 or agreement, to which the United States is a party, this
24 chapter shall not apply to any foreign vessel that is not

1 destined for, or departing from, a port or place subject
2 to the jurisdiction of the United States and that is in—

3 “(1) innocent passage through the territorial
4 sea of the United States; or

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

8 **“§ 70034. Regulations**

9 “(a) IN GENERAL.—In accordance with section 553
10 of title 5, the Secretary shall issue, and may from time
11 to time amend or repeal, regulations necessary to imple-
12 ment this chapter.

13 “(b) CONSULTATION.—In the exercise of the regu-
14 latory authority under this chapter, the Secretary shall
15 consult with, and receive and consider the views of all in-
16 terested persons, including—

17 “(1) interested Federal departments and agen-
18 cies;

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

20 “(3) representatives of the maritime commu-
21 nity;

22 “(4) representatives of port and harbor authori-
23 ties or associations;

24 “(5) representatives of environmental groups;

1 “(6) any other interested persons who are
2 knowledgeable or experienced in dealing with prob-
3 lems involving vessel safety, port and waterways
4 safety, and protection of the marine environment;
5 and

6 “(7) advisory committees consisting of all inter-
7 ested segments of the public when the establishment
8 of such committees is considered necessary because
9 the issues involved are highly complex or controver-
10 sial.

11 **“§ 70035. Investigatory powers**

12 “(a) SECRETARY.—The Secretary may investigate
13 any incident, accident, or act involving the loss or destruc-
14 tion of, or damage to, any structure subject to this chap-
15 ter, or that affects or may affect the safety or environ-
16 mental quality of the ports, harbors, or navigable waters
17 of the United States.

18 “(b) POWERS.—In an investigation under this sec-
19 tion, the Secretary may issue subpoenas to require the at-
20 tendance of witnesses and the production of documents or
21 other evidence relating to such incident, accident, or act.
22 If any person refuses to obey a subpoena, the Secretary
23 may request the Attorney General to invoke the aid of the
24 appropriate district court of the United States to compel
25 compliance with the subpoena. Any district court of the

1 United States may, in the case of refusal to obey a sub-
2 poena, issue an order requiring compliance with the sub-
3 poena, and failure to obey the order may be punished by
4 the court as contempt. Witnesses may be paid fees for
5 travel and attendance at rates not exceeding those allowed
6 in a district court of the United States.

7 **“§ 70036. Enforcement**

8 “(a) CIVIL PENALTY.—

9 “(1) IN GENERAL.—Any person who is found
10 by the Secretary, after notice and an opportunity for
11 a hearing, to have violated this chapter or a regula-
12 tion issued under this chapter shall be liable to the
13 United States for a civil penalty, not to exceed
14 \$25,000 for each violation. Each day of a continuing
15 violation shall constitute a separate violation. The
16 amount of such civil penalty shall be assessed by the
17 Secretary, or the Secretary’s designee, by written
18 notice. In determining the amount of such penalty,
19 the Secretary shall take into account the nature, cir-
20 cumstances, extent, and gravity of the prohibited
21 acts committed and, with respect to the violator, the
22 degree of culpability, any history of prior offenses,
23 ability to pay, and such other matters as justice may
24 require.

1 “(2) COMPROMISE, MODIFICATION, OR REMIS-
2 SION.—The Secretary may compromise, modify, or
3 remit, with or without conditions, any civil penalty
4 that is subject to imposition or that has been im-
5 posed under this section.

6 “(3) FAILURE TO PAY PENALTY.—If any per-
7 son fails to pay an assessment of a civil penalty
8 after it has become final, the Secretary may refer
9 the matter to the Attorney General of the United
10 States, for collection in any appropriate district
11 court of the United States.

12 “(b) CRIMINAL PENALTY.—

13 “(1) CLASS D FELONY.—Any person who will-
14 fully and knowingly violates this chapter or any reg-
15 ulation issued hereunder commits a class D felony.

16 “(2) CLASS C FELONY.—Any person who, in
17 the willful and knowing violation of this chapter or
18 of any regulation issued under this chapter, uses a
19 dangerous weapon, or engages in conduct that
20 causes bodily injury or fear of imminent bodily in-
21 jury to any officer authorized to enforce the provi-
22 sions of this chapter or the regulations issued under
23 this chapter, commits a class C felony.

24 “(c) IN REM LIABILITY.—Any vessel that is used in
25 violation of this chapter, or any regulations issued under

1 this chapter, shall be liable in rem for any civil penalty
2 assessed pursuant to subsection (a) and may be proceeded
3 against in the United States district court for any district
4 in which such vessel may be found.

5 “(d) INJUNCTION.—The United States district courts
6 shall have jurisdiction to restrain violations of this chapter
7 or of regulations issued under this chapter, for cause
8 shown.

9 “(e) DENIAL OF ENTRY.—Except as provided in sec-
10 tion 70021, the Secretary may, subject to recognized prin-
11 ciples of international law, deny entry by any vessel that
12 is not in compliance with this chapter or the regulations
13 issued under this chapter—

14 “(1) into the navigable waters of the United
15 States; or

16 “(2) to any port or place under the jurisdiction
17 of the United States.

18 “(f) WITHHOLDING OF CLEARANCE.—

19 “(1) IN GENERAL.—If any owner, operator, or
20 individual in charge of a vessel is liable for a penalty
21 or fine under this section, or if reasonable cause ex-
22 ists to believe that the owner, operator, or individual
23 in charge may be subject to a penalty or fine under
24 this section, the Secretary of the Treasury, upon the
25 request of the Secretary, shall with respect to such

1 vessel refuse or revoke any clearance required by
2 section 60105 of title 46.

3 “(2) GRANTING CLEARANCE REFUSED OR RE-
4 VOKED.—Clearance refused or revoked under this
5 subsection may be granted upon filing of a bond or
6 other surety satisfactory to the Secretary.”.

7 (b) CLERICAL AMENDMENT.—The analysis at the be-
8 ginning of such subtitle is amended by inserting before
9 the item relating to chapter 701 the following:

“700. Ports and Waterways Safety70001.”.

10 **SEC. 302. CONFORMING AMENDMENTS.**

11 (a) ELECTRONIC CHARTS.—

12 (1) TRANSFER OF PROVISION.—Section 4A of
13 the Ports and Waterways Safety Act (33 U.S.C.
14 1223a)—

15 (A) is redesignated as section 3105 of title
16 46, United States Code, and transferred to ap-
17 pear after section 3104 of that title; and

18 (B) is amended by striking subsection (b)
19 and inserting the following:

20 “(b) Except pursuant to an international treaty, con-
21 vention, or agreement, to which the United States is a
22 party, this section shall not apply to any foreign vessel
23 that is not destined for, or departing from, a port or place
24 subject to the jurisdiction of the United States and that
25 is in—

1 “(1) innocent passage through the territorial
2 sea of the United States; or

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

6 (2) CLERICAL AMENDMENT.—The analysis at
7 the beginning of chapter 31 of such title is amended
8 by adding at the end the following:

“3105. Electronic charts.”.

9 (b) REPEAL.—Section 2307 of title 46, United States
10 Code, and the item relating to that section in the analysis
11 at the beginning of chapter 23 of that title, are repealed.

12 (c) REPEAL.—The Ports and Waterways Safety Act
13 (33 U.S.C. 1221 et seq.), as amended by this Act, is re-
14 pealed.

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

16 (a) DEFINITIONS.—In this section:

17 (1) SOURCE PROVISION.—The term “source
18 provision” means a provision of law that is replaced
19 by a title 46 provision under this title.

20 (2) TITLE 46 PROVISION.—The term “title 46
21 provision” means a provision of title 46, United
22 States Code, that is enacted by section 302.

23 (b) CUTOFF DATE.—The title 46 provisions replace
24 certain provisions of law enacted before the date of the
25 enactment of this Act. If a law enacted after that date

1 amends or repeals a source provision, that law is deemed
2 to amend or repeal, as the case may be, the corresponding
3 title 46 provision. If a law enacted after that date is other-
4 wise inconsistent with a title 46 provision or a provision
5 of this title, that law supersedes the title 46 provision or
6 provision of this title to the extent of the inconsistency.

7 (c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—
8 For purposes of determining whether one provision of law
9 supersedes another based on enactment later in time, a
10 title 46 provision is deemed to have been enacted on the
11 date of enactment of the source provision that the title
12 46 provision replaces.

13 (d) REFERENCES TO TITLE 46 PROVISIONS.—A ref-
14 erence to a title 46 provision, including a reference in a
15 regulation, order, or other law, is deemed to refer to the
16 corresponding source provision.

17 (e) REFERENCES TO SOURCE PROVISIONS.—A ref-
18 erence to a source provision, including a reference in a
19 regulation, order, or other law, is deemed to refer to the
20 corresponding title 46 provision.

21 (f) REGULATIONS, ORDERS, AND OTHER ADMINIS-
22 TRATIVE ACTIONS.—A regulation, order, or other admin-
23 istrative action in effect under a source provision con-
24 tinues in effect under the corresponding title 46 provision.

1 (g) ACTIONS TAKEN AND OFFENSES COMMITTED.—
2 An action taken or an offense committed under a source
3 provision is deemed to have been taken or committed
4 under the corresponding title 46 provision.

5 **SEC. 304. RULE OF CONSTRUCTION.**

6 This title, including the amendments made by this
7 title, is intended only to reorganize title 14, United States
8 Code, and may not be construed to alter—

9 (1) the effect of a provision of title 14, United
10 States Code, including any authority or requirement
11 therein;

12 (2) a department or agency interpretation with
13 respect to title 14, United States Code; or

14 (3) a judicial interpretation with respect to title
15 14, United States Code.

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

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

19 **TITLE IV—MARITIME**
20 **TRANSPORTATION SAFETY**

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

22 (a) IN GENERAL.—Section 11304 of title 46, United
23 States Code, is amended—

24 (1) in subsection (a), by striking “an official”
25 and inserting “a”; and

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

3 “(3) Each illness of, and injury to, a seaman of
4 the vessel, the nature of the illness or injury, and
5 the medical treatment provided for the injury or ill-
6 ness.”.

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

9 **SEC. 402. TECHNICAL CORRECTIONS: LICENSES, CERTIFI-**
10 **CATIONS OF REGISTRY, AND MERCHANT**
11 **MARINER DOCUMENTS.**

12 Title 46, United States Code, is amended—

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

15 (2) in section 7107(b), by striking “merchant
16 mariner’s document,” and inserting “certificate of
17 registry,”;

18 (3) in section 7507(b)(1), by striking “licenses
19 or certificates of registry” and inserting “merchant
20 mariner documents”; and

21 (4) in section 7507(b)(2) by striking “merchant
22 mariner’s document.” and inserting “license or cer-
23 tificate of registry.”.

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

2 Section 12301(b) of title 46, United States Code, is
3 amended—

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

5 and

6 (2) by inserting “of” after “barge”.

7 **SEC. 404. DRAWBRIDGE DEVIATION EXEMPTION.**

8 Section 5 of the Act entitled “An Act making appro-
9 priations for the construction, repair, and preservation of
10 certain public works on rivers and harbors, and for other
11 purposes”, approved August 18, 1894 (33 U.S.C. 499),
12 is amended by adding at the end the following new sub-
13 section:

14 “(d) EXEMPTION.—

15 “(1) IN GENERAL.—A change to a schedule
16 that governs the opening of a drawbridge that will
17 be in effect for less than 6 months shall not be sub-
18 ject to the rule making requirements of section 553
19 of title 5, United States Code.

20 “(2) ALTERNATE REQUIREMENTS.—

21 “(A) DUTIES OF SECRETARY.—The Sec-
22 retary of the department in which the Coast
23 Guard is operating shall provide notice of each
24 such change through—

25 “(i) a local notice to mariners;

1 “(ii) a Coast Guard broadcast notice
2 to mariners; or

3 “(iii) another method of notice that
4 the Secretary considers appropriate.

5 “(B) OWNER AND OPERATOR DUTIES.—
6 With respect to any drawbridge other than a
7 railroad drawbridge, the owner or operator of
8 such drawbridge shall provide notice of such a
9 change to—

10 “(i) the general public, through publi-
11 cation in a newspaper of general circula-
12 tion;

13 “(ii) the Department of Transpor-
14 tation or other public agency with adminis-
15 trative jurisdiction over the roadway that
16 abuts the approach to such bridge; and

17 “(iii) the law enforcement organiza-
18 tion with jurisdiction over the roadway
19 that abuts the approach to such bridge.”.

20 **SEC. 405. DEADLINE FOR COMPLIANCE WITH ALTERNATE**
21 **SAFETY COMPLIANCE PROGRAMS.**

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

1 “(d)(1) The Secretary, in cooperation with the com-
2 mercial fishing industry, may prescribe an alternative
3 safety compliance program that shall apply in lieu of re-
4 quirements under section 4502(b), for any category of
5 fishing vessels, fish processing vessels, or fish tender ves-
6 sels that are—

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

8 “(B) built before July 1, 2013; and

9 “(C) 25 years of age or older.

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

12 “(A) except as provided in subparagraph (B),
13 after the later of January 1, 2020, or the end of the
14 3-year period beginning on the date on which the
15 Secretary prescribes the program; and

16 “(B) in the case of a vessel that undergoes a
17 major conversion completed after the later of July 1,
18 2013, or the date the Secretary establishes stand-
19 ards for the alternate safety compliance program,
20 upon the completion of such conversion.”.

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

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

2 The Marine Debris Research, Prevention, and Reduc-
3 tion Act is amended—

4 (1) in section 9 (33 U.S.C. 1958)—

5 (A) by striking the em-dash and all that
6 follows through “(1)”; and

7 (B) by striking “; and” and all that follows
8 through the end of the section and inserting a
9 period; and

10 (2) by adding at the end the following:

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

12 “Of the amounts authorized for each fiscal year
13 under section 2702(1) of title 14, United States Code, up
14 to \$2,000,000 are authorized for the Commandant to
15 carry out section 4 of this Act, of which not more than
16 10 percent may be used for administrative costs.”.

17 **SEC. 407. ALTERNATIVE DISTRESS SIGNALS.**

18 (a) PERFORMANCE STANDARD.—Not later than one
19 year after the date of the enactment of this Act, the Sec-
20 retary of the department in which the Coast Guard is op-
21 erating shall issue a rule that establishes a performance
22 standard for distress signals, including for maritime visual
23 distress signals, that may be used as an alternative to the
24 distress signals required by section 175.110 of title 33,
25 Code of Federal Regulations..

1 (b) AUTHORIZATION OF USE.—Not later than 180
2 days after the date of the issuance of a rule under sub-
3 section (a), the Secretary shall issue a rule amending part
4 175 of title 33, Code of Federal Regulations, to authorize
5 use of distress signals in accordance with such perform-
6 ance standard.

7 **SEC. 408. ATLANTIC COAST PORT ACCESS ROUTE STUDY**
8 **RECOMMENDATIONS.**

9 Not later than 30 days after the date of the enact-
10 ment of the Act, the Commandant of the Coast Guard
11 shall notify the Committee on Transportation and Infra-
12 structure of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate of action taken to carry out the recommendations
15 contained in the final report issued by the Atlantic Coast
16 Port Access Route Study (ACPARS) workgroup for which
17 notice of availability was published March 14, 2016 (81
18 Fed. Reg. 13307).

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

20 Coast Guard personnel performing nonrecreational
21 vessel documentation functions under subchapter II of
22 chapter 121 of title 46, United States Code, may perform
23 recreational vessel documentation under section 12114 of
24 such title in any fiscal year in which—

1 (1) funds available for Coast Guard operating
2 expenses may not be used for expenses incurred for
3 recreational vessel documentation;

4 (2) fees collected from owners of yachts and
5 credited to such use are insufficient to pay expenses
6 of recreational vessel documentation; and

7 (3) there is a backlog of applications for rec-
8 reational vessel documentation.

9 **SEC. 410. CERTIFICATES OF DOCUMENTATION FOR REC-**
10 **REATIONAL VESSELS.**

11 Section 12114 of title 46, United States Code, is
12 amended by adding at the end the following:

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

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

17 “(2) shall require the owner of the vessel to no-
18 tify the Coast Guard of each change in the informa-
19 tion on which the issuance of the certificate of docu-
20 mentation is based that occurs before the expiration
21 of the certificate under this subsection, by not later
22 than 30 days after such change; and

23 “(3) shall terminate upon the expiration of such
24 30-day period if the owner has not notified the

1 Coast Guard of such change before the end of such
2 period.

3 “(e) STATE AND LOCAL AUTHORITY TO REMOVE
4 ABANDONED AND DERELICT VESSELS.—Nothing in this
5 section shall be construed to limit the authority of a State
6 or local authority from taking action to remove an aban-
7 doned or derelict vessel.”.

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 fol-
11 lowing:

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

“80701. Land-based complementary and backup positioning, navigation, and
timing system.

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

16 “(a) eLORAN.—Subject to the availability of appro-
17 priations, the Secretary shall provide for the establish-
18 ment, sustainment, and operation of a reliable land-based
19 enhanced LORAN, or eLORAN, positioning, navigation,
20 and timing system.

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

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

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

7 “(1) be wireless;

8 “(2) be terrestrial;

9 “(3) provide wide-area coverage;

10 “(4) transmit a precise, high-power 100 kilo-
11 hertz signal and meet the one microsecond accuracy
12 requirement specified in the Federal Radio Naviga-
13 tion Plan;

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

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

18 “(7) be able to penetrate underground and in-
19 side buildings;

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

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

1 agencies, unused facilities associated with the
 2 Ground Wave Emergency Network and Nationwide
 3 Differential GPS systems;

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

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

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

13 “(13) incorporate such other requirements de-
 14termined necessary by the Secretary.

15 “(d) SECRETARY DEFINED.—In this section, the
 16 term ‘Secretary’ means the Secretary of Transportation,
 17 acting through the Commandant of the Coast Guard.”.

18 (b) CLERICAL AMENDMENT.—The analysis for sub-
 19 title VIII of title 46, United States Code, is amended by
 20 adding after the item relating to chapter 805 the fol-
 21 lowing:

“**807. Position, navigation, and timing80701.**”.

22 (c) IMPLEMENTATION PLAN.—Not later than 180
 23 days after the date of the enactment of this Act, the Sec-
 24 retary (as that term is defined in the amendments made
 25 by this section) shall provide to the Committee on Trans-

1 portation and Infrastructure of the House of Representa-
2 tives and the Committee on Commerce, Science, and
3 Transportation of the Senate, a plan to ensure that the
4 system required under such amendment is fully oper-
5 ational by not later than 3 years after such date of enact-
6 ment.

7 **SEC. 412. WATERS DEEMED NOT NAVIGABLE WATERS OF**
8 **THE UNITED STATES FOR CERTAIN PUR-**
9 **POSES.**

10 For purposes of the application of subtitle II of title
11 46, United States Code, to the Volunteer (Hull Number
12 CCA4108), the Illinois and Michigan Canal is deemed to
13 not be navigable waters of the United States.

14 **SEC. 413. UNINSPECTED PASSENGER VESSELS IN ST. LOUIS**
15 **COUNTY, MINNESOTA.**

16 Section 4105 of title 46, United States Code, is
17 amended—

18 (1) by redesignating subsection (c) as sub-
19 section (d); and

20 (2) by inserting after subsection (b) the fol-
21 lowing:

22 “(c) In applying this title with respect to an
23 uninspected vessel of less than 25 feet overall in length
24 that carries passengers on Crane Lake or waters contig-
25 uous to such lake in St. Louis County, Minnesota, the Sec-

1 retary shall substitute ‘12 passengers’ for ‘6 passengers’
2 each place it appears in section 2101(42).”.

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

4 (a) INSTALLATION REQUIREMENT.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of the enactment of this Act, the Secretary
7 of the department in which the Coast Guard is oper-
8 ating shall issue a regulation amending part 183 of
9 title 33, Code of Federal Regulations, that requires
10 associated equipment manufacturers, distributors,
11 and dealers installing propulsion machinery and as-
12 sociated starting controls on a recreational vessel
13 less than 26 feet overall in length and capable of de-
14 veloping at least 115 pounds of static thrust or 3
15 horsepower to install an engine cut-off switch in
16 compliance with American Boat and Yacht Standard
17 A-33.

18 (2) EFFECTIVE DATE.—The regulation shall
19 take effect at the end of the 1-year period beginning
20 on the date of the issuance of such regulation.

21 (b) DEFINITIONS.—Not later than 1 year after the
22 date of the enactment of this Act, the Secretary of the
23 department in which the Coast Guard is operating shall
24 issue a regulation amending part 175 and part 183 of title
25 33, Code of Federal Regulations, that—

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

6 (A) the switch is not properly connected to
7 the propulsion machinery; or

8 (B) the switch components are—

9 (i) submerged in water; or

10 (ii) separated from the propulsion ma-
11 chinery by a predetermined distance; and

12 (2) defines the term “engine cut-off switch
13 link” for purposes of that part to mean equipment
14 that—

15 (A) is attached to as recreational vessel op-
16 erator; and

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

18 (c) EDUCATION ON CUT-OFF SWITCHES.—The Com-
19 mandant of the Coast Guard, through the National Boat-
20 ing Safety Advisory Council established under section
21 13110 of title 46, United States Code, may initiate a boat-
22 ing safety program on the use and benefits of cut-off
23 switches for recreational vessels.

1 **SEC. 415. ANALYSIS OF COMMERCIAL FISHING VESSEL**
2 **CLASSIFICATION REQUIREMENTS.**

3 (a) ANALYSIS.—Not later than 180 days after the
4 date of the enactment of this Act, the Commandant of
5 the Coast Guard shall notify the Committee on Transpor-
6 tation and Infrastructure of the House of Representatives
7 and the Committee on Commerce, Science, and Transpor-
8 tation of the Senate on the status of the implementation
9 of the survey and classification requirements referred to
10 in section 4503 of title 46, United States Code.

11 (b) CONTENTS.—The analysis required under sub-
12 section (a) shall include information on—

13 (1) the average costs to vessel owners to comply
14 with such section; and

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

17 **TITLE V—MISCELLANEOUS**

18 **SEC. 501. REPEAL.**

19 Subsection (h) of section 888 of the Homeland Secu-
20 rity Act of 2002 (6 U.S.C. 468) is repealed.

21 **SEC. 502. REIMBURSEMENTS FOR NON-FEDERAL CON-**
22 **STRUCTION COSTS OF CERTAIN AIDS TO**
23 **NAVIGATION.**

24 (a) IN GENERAL.—Subject to the availability of
25 amounts specifically provided in advance in subsequent ap-
26 propriations Acts and in accordance with this section, the

1 Commandant of the Coast Guard may reimburse a non-
2 Federal entity for costs incurred by the entity for a cov-
3 ered project.

4 (b) CONDITIONS.—The Commandant may not pro-
5 vide reimbursement under subsection (a) with respect to
6 a covered project unless—

7 (1) the need for the project is a result of the
8 completion of construction with respect to a federally
9 authorized navigation channel;

10 (2) the Commandant determines, through an
11 appropriate navigation safety analysis, that the
12 project is necessary to ensure safe marine transpor-
13 tation;

14 (3) the Commandant approves the design of the
15 project to ensure that it meets all applicable Coast
16 Guard aids-to-navigation standards and require-
17 ments;

18 (4) the non-Federal entity agrees to transfer
19 the project upon completion to the Coast Guard for
20 operation and maintenance by the Coast Guard as a
21 Federal aid to navigation;

22 (5) the non-Federal entity carries out the
23 project in accordance with the same laws and regula-
24 tions that would apply to the Coast Guard if the
25 Coast Guard carried out the project, including ob-

1 taining all permits required for the project under
2 Federal and State law; and

3 (6) the Commandant determines that the
4 project satisfies such additional requirements as may
5 be established by the Commandant.

6 (c) LIMITATIONS.—Reimbursements under sub-
7 section (a) may not exceed the following:

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

9 (2) For all covered projects in a single fiscal
10 year, \$5,000,000.

11 (d) EXPIRATION.—The authority granted under this
12 section shall expire on the date that is 4 years after the
13 date of enactment of this section.

14 (e) COVERED PROJECT DEFINED.—In this section,
15 the term “covered project” means a project carried out
16 by a non-Federal entity to construct and establish an aid
17 to navigation that facilitates safe and efficient marine
18 transportation on a Federal navigation project authorized
19 by title I of the Water Resources Development Act of 2007
20 (Public Law 110–114).

21 **SEC. 503. CORRECTIONS TO PROVISIONS ENACTED BY**
22 **COAST GUARD AUTHORIZATION ACTS.**

23 Section 604(b) of the Howard Coble Coast Guard and
24 Maritime Authorization Act of 2014 (Public Law 113–

1 281; 128 Stat. 3061) is amended by inserting “and fishery
2 endorsement” after “endorsement”.

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

4 Effective January 1, 2021, section 27 of the Coast
5 Guard Authorization Act of 1991 (Public Law 102–241;
6 105 Stat. 2218) is repealed.

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

8 (a) IN GENERAL.—The Secretary of the department
9 in which the Coast Guard is operating shall seek to enter
10 into an arrangement with the National Academy of
11 Sciences not later than 60 days after the date of the enact-
12 ment of this Act under which the Academy shall prepare
13 an assessment of available unmanned, autonomous, or re-
14 motely controlled maritime domain awareness technologies
15 for use by the Coast Guard.

16 (b) ASSESSMENT.—The assessment shall—

17 (1) describe the potential limitations of current
18 and emerging unmanned technologies used in the
19 maritime domain for—

20 (A) ocean observation;

21 (B) vessel monitoring and identification;

22 (C) weather observation;

23 (D) to the extent practicable for consider-
24 ation by the Academy, intelligence gathering,
25 surveillance, and reconnaissance; and

1 (E) communications;

2 (2) examine how technologies described in para-
3 graph (1) can help prioritize Federal investment by
4 examining;

5 (A) affordability, including acquisition, op-
6 erations, and maintenance;

7 (B) reliability;

8 (C) versatility;

9 (D) efficiency; and

10 (E) estimated service life and persistence
11 of effort; and

12 (3) analyze whether the use of new and emerg-
13 ing maritime domain awareness technologies can be
14 used to—

15 (A) carry out Coast Guard missions at
16 lower costs;

17 (B) expand the scope and range of Coast
18 Guard maritime domain awareness;

19 (C) allow the Coast Guard to more effi-
20 ciently and effectively allocate Coast Guard ves-
21 sels, aircraft, and personnel; and

22 (D) identify adjustments that would be
23 necessary in Coast Guard policies, procedures,
24 and protocols to incorporate unmanned tech-
25 nologies to enhance efficiency.

1 (c) REPORT TO CONGRESS.—Not later than 1 year
2 after entering into an agreement with the Secretary under
3 subsection (a), National Academy of Science shall submit
4 the assessment prepared under this section to the Com-
5 mittee on Transportation and Infrastructure of the House
6 of Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate.

8 (d) USE OF INFORMATION.—In formulating costs
9 pursuant to subsection (b), the National Academy of
10 Sciences may utilize information from other Coast Guard
11 reports, assessments, or analyses regarding existing Coast
12 Guard manpower requirements or other reports, assess-
13 ments, or analyses for the acquisition of unmanned, auton-
14 omous, or remotely controlled technologies by the Federal
15 Government.

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

17 (a) REVIEW.—The Commandant of the Coast Guard
18 shall—

19 (1) review and compare the costs to the Govern-
20 ment of—

21 (A) towing vessel inspections performed by
22 the Coast Guard; and

23 (B) such inspections performed by a third
24 party; and

1 (2) based on such review and comparison, de-
2 termine whether the costs to the Government of
3 such inspections performed by a third party are dif-
4 ferent than the costs to the Government of such in-
5 spections performed by the Coast Guard.

6 (b) REVISION OF FEES.—If the Commandant deter-
7 mines under subsection (a) that the costs to the Govern-
8 ment of such inspections performed by a third party are
9 different than the costs to the Government of such inspec-
10 tions performed by the Coast Guard, then the Com-
11 mandant shall revise the fee assessed by the Coast Guard
12 for such inspections as necessary to conform to the re-
13 quirements under section 9701 of title 31, United States
14 Code, that such fee be based on the cost to the Govern-
15 ment of such inspections and accurately reflect such costs.

○