

## Headlines:

DOT - \$1.5 billion in BUILD grants available;  
USCG – first Subchapter M COI issued;  
PNT Advisory Board – meeting on 16-17 May;  
CBP – ACE test of FWS data;  
NOAA – oil spill response research & restoration;  
Senate – bill introduced re Mercy Ships;  
Senate – MARAD Authorization Act introduced;  
Senate – bill introduced re offshore drilling;  
Court – US not liable for Katrina flooding; and  
Court – LHWCA benefit award.

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# Bryant's Maritime News

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## **DOT – \$1.5 billion in BUILD grants available**



The Department of Transportation (DOT) issued a **news release** announcing the availability of \$1.5 billion in discretionary grant funding through the Better Utilizing Investments to Leverage Development (BUILD) program, which replaces the TIGER grants. BUILD funding can support roads, bridges, transit, rail, ports, or intermodal transportation. Applications must be submitted by 19 July. (4/20/18) [<https://www.transportation.gov/briefing-room/dot3218>].

## USCG – first Subchapter M COI issued



The US Coast Guard issued a **bulletin** stating that the initial Certificate of Inspection (COI) under the Subchapter M program has been awarded to the towing vessel Endeavor of Marine Towing of Tampa. (4/20/18) [<http://mariners.coastguard.dodlive.mil/2018/04/20/4-20-2018-first-certificate-of-inspection-issued-under-subchapter-m/>].

## PNT Advisory Board – meeting on 16-17 May



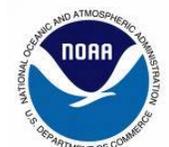
The National Space-Based Positioning, Navigation, and Timing (PNT) Advisory Board, sponsored by the National Aeronautics and Space Administration (NASA), will meet on 16-17 May in Baltimore. Topics on the agenda include GPS modernization; foreign Radio Navigation Satellite Service (RNSS) signals; and back-up services. **83 Fed. Reg. 17687** (4/23/18) [<https://www.gpo.gov/fdsys/pkg/FR-2018-04-23/pdf/2018-08352.pdf>].

## CBP – ACE test of FWS data



The US Customs and Border Protection (CBP) issued a notice stating that it is modifying and reopening the National Customs Automation Program (NCAP) test pertaining to the submission of certain import data and documentation of commodities regulated by the Fish and Wildlife Service (FWS) through the Automated Commercial Environment (ACE). The FWS modifications test will become operational on 23 May. **83 Fed. Reg. 17669** (4/23/18) [<https://www.gpo.gov/fdsys/pkg/FR-2018-04-23/pdf/2018-08381.pdf>].

## NOAA – oil spill response research & restoration



The National Oceanic and Atmospheric Administration (NOAA) posted a **bulletin** regarding ongoing research and restoration in the Gulf of Mexico region following the 2010 Deepwater Horizon tragedy. (4/19/18) [[https://blog.response.restoration.noaa.gov/deepwater-horizon-another-year-gone-whats-changed?utm\\_medium=email&utm\\_source=GovDelivery](https://blog.response.restoration.noaa.gov/deepwater-horizon-another-year-gone-whats-changed?utm_medium=email&utm_source=GovDelivery)].

## Senate – bill introduced re Mercy Ships



Senator Cornyn (R-TX) introduced a bill (S. 2714) to award a Congressional Gold Medal to Don and Deyon Stephens, Founders of Mercy Ships, in recognition of nearly 40 years of service as the leaders of a humanitarian relief organization that exemplifies the compassionate character of America. Official text of the bill is not yet available, but Senator Cornyn issued a [press release](#) explaining the measure. (4/19/18)

[<https://www.cornyn.senate.gov/content/news/cornyn-cruz-bill-would-award-gold-medal-founders-texas-non-profit-mercy-ships>].

## Senate – MARAD Authorization Act introduced



Senator Fischer (R-NE) introduced a bill (S. 2717) to reauthorize provisions relating to the Maritime Administration. Official text of the bill is not yet available. (4/19/18).

## Senate – bill introduced re offshore drilling



Senator Cantwell (D-WA) introduced a bill (S. 2720) to codify the outer Continental Shelf blowout preventer systems and well control rule and the Arctic drilling rule. Official text of the bill is not yet available, but Senator Cantwell issued a [press release](#) explaining the measure. (4/19/18)

[<https://www.cantwell.senate.gov/news/press-releases/cantwell-introduces-legislation-to-protect-american-coasts-from-catastrophic-oil-spills->].

## Court – US not liable for Katrina flooding



The US Court of Appeals for the Federal Circuit reversed the US Court of Federal Claims and found that, under the Tucker Act, the United States is not liable for flood damages to plaintiffs' properties caused by Hurricane Katrina. Plaintiffs contended that the government was liable because of its inaction, including the failure to properly maintain or to modify the Mississippi River-Gulf Outlet (MRGO) channel and government action (construction and operation of the MRGO channel). The court held that the government cannot be liable on a taking theory for inaction and that the government action in constructing and operating the MRGO channel was not shown to have been the

cause of flooding. **St. Bernard Parish Government v. United States**, No. 2016-2301 (USCAFC, April 20, 2018)  
[<http://www.cafc.uscourts.gov/sites/default/files/opinions-orders/16-2301.Opinion.4-18-2018.1.PDF>].

### **Court – LHWCA benefit award**



In an unpublished decision, the US Court of Appeals for the Ninth Circuit granted a longshoreman's petition for disability compensation under the Longshore and Harbor Workers' Compensation Act (LHWCA) because it found that the ALJ's decision denying benefits had been based on speculative testimony. **Colaruotolo v SSA Containers**, No. 16-728 (9th Cir., April 19, 2018) [<https://cdn.ca9.uscourts.gov/datastore/memoranda/2018/04/19/16-72856.pdf>].

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