

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2741
OFFERED BY MR. GRAVES OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Coast Guard Authorization Act of 2023”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Commandant defined.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Shoreside infrastructure and facilities and information technology.
Sec. 103. Availability of amounts for acquisition of additional vessels and aircraft.
Sec. 104. Authorization for certain programs and services.
Sec. 105. Fishing vessel safety.
Sec. 106. Authorized levels of military strength and training.

TITLE II—COAST GUARD

Sec. 201. Prohibition on use of lead systems integrators.
Sec. 202. Ports and waterways safety.
Sec. 203. Minor construction increase.
Sec. 204. Uniform funding and management system.
Sec. 205. Tsunami evacuation plans.
Sec. 206. Study on Bering Strait vessel traffic projections and emergency response posture at the Port of Point Spencer, Alaska.
Sec. 207. Service life extension programs.
Sec. 208. Underwater inspections brief.
Sec. 209. St. Lucie River railroad bridge.
Sec. 210. Online incident reporting system.

TITLE III— MARITIME

Subtitle A— American Samoa Mariners Act of 2023

Sec. 301. Merchant seamen licenses, certificates, and documents; manning of vessels.

Subtitle B—Merchant Mariner Credentialing

Sec. 311. Revising merchant mariner deck training requirements.
Sec. 312. Technical amendments.
Sec. 313. Renewal of merchant mariner licenses and documents.

Subtitle C—Vessel Safety

Sec. 321. Grossly negligent operations of a vessel.
Sec. 322. Administrative procedure for security risks.
Sec. 323. Requirements for DUKW amphibious passenger vessels.
Sec. 324. Inspection and examination.

Subtitle D—Other Matters

Sec. 331. Anchor handling activities.
Sec. 332. Establishment of a national advisory committee on autonomous maritime systems.
Sec. 333. Controlled substance onboard vessels.
Sec. 334. Nonoperating individual.
Sec. 335. Information on type approval certificates.
Sec. 336. Manning and crewing requirements for certain vessels, vehicles, and structures.

TITLE IV—OIL POLLUTION INCIDENT LIABILITY

Sec. 401. Vessel response plans.
Sec. 402. Use of marine casualty investigations.
Sec. 403. Timing of review.

TITLE V—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

Sec. 501. Technical and conforming amendments.

1 **SEC. 2. COMMANDANT DEFINED.**

2 In this Act, the term “Commandant” means the
3 Commandant of the Coast Guard.

4 **TITLE I—AUTHORIZATION OF**
5 **APPROPRIATIONS**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 4902 of title 14, United States Code, is
8 amended—

1 (1) in the matter preceding paragraph (1) by
2 striking “fiscal years 2022 and 2023” and inserting
3 “fiscal years 2024 and 2025”;

4 (2) in paragraph (1)—

5 (A) in subparagraph (A) by striking
6 clauses (i) and (ii) and inserting the following:

7 “(i) \$10,750,000,000 for fiscal year 2024;
8 and

9 “(ii) \$11,287,500,000 for fiscal year
10 2025.”;

11 (B) in subparagraph (B) by striking
12 “\$23,456,000” and inserting “\$24,353,000”;

13 and

14 (C) in subparagraph (C) by striking
15 “\$24,353,000” and inserting “\$25,570,000”;

16 (3) in paragraph (2)—

17 (A) in subparagraph (A) by striking
18 clauses (i) and (ii) and inserting the following:

19 “(i) \$3,477,600,000 for fiscal year 2024;
20 and

21 “(ii) \$3,477,600,000 for fiscal year
22 2025.”; and

23 (B) in subparagraph (B) by striking
24 clauses (i) and (ii) and inserting the following:

25 “(i) \$20,808,000 for fiscal year 2024; and

1 “(ii) \$20,808,000 for fiscal year 2025.”;

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

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

4 “(A) \$14,681,084 for fiscal year 2024; and

5 “(B) \$15,415,000 for fiscal year 2025.”;

6 and

7 (5) by striking paragraph (4) and inserting the

8 following:

9 “(4) For retired pay, including the payment of
10 obligations otherwise chargeable to lapsed appropria-
11 tions for this purpose, payments under the Retired
12 Serviceman’s Family Protection and Survivor Bene-
13 fits Plans, payment for career status bonuses, pay-
14 ment of continuation pay under section 356 of title
15 37, concurrent receipts, combat-related special com-
16 pensation, and payments for medical care of retired
17 personnel and the dependents of such personnel
18 under chapter 55 of title 10, \$1,147,244,000 for fis-
19 cal year 2024.”.

20 **SEC. 102. SHORESIDE INFRASTRUCTURE AND FACILITIES**
21 **AND INFORMATION TECHNOLOGY.**

22 (a) IN GENERAL.—Of the amounts authorized to be
23 appropriated under section 4902(2)(A) of title 14, United
24 States Code—

1 (1) for fiscal year 2024, \$36,300,000 is author-
2 ized to modernize the information technology sys-
3 tems of the Coast Guard; and

4 (2) for each of fiscal years 2024 and 2025,
5 \$400,000,000 is authorized to fund maintenance,
6 construction, and repairs for Coast Guard shoreside
7 infrastructure.

8 (b) INFORMATION TECHNOLOGY SET-ASIDES.—Of
9 the amounts authorized under subsection (a)(1),
10 \$11,000,000 is authorized to fund the acquisition, devel-
11 opment, and implementation of a new credentialing system
12 for the merchant mariner credentialing program.

13 (c) SHORESIDE INFRASTRUCTURE.—In addition to
14 the amounts authorized under subsection (a)(2)—

15 (1) for the purposes of improvements to facili-
16 ties at the United States Coast Guard Training Cen-
17 ter Cape May in Cape May, New Jersey—

18 (A) for fiscal year 2024—

19 (i) \$130,000,000 is authorized to fund
20 the construction of a new indoor multipur-
21 pose recruit training facility; and

22 (ii) \$70,000,000 is authorized to fund
23 Phase II of the barracks' recapitalization;
24 and

1 (B) for fiscal year 2025, \$70,000,000 is
2 authorized to fund Phase III of the barracks'
3 recapitalization;

4 (2) for each of fiscal years 2024 and 2025,
5 \$30,000,000 is authorized to fund Phase I construc-
6 tion of a ship handling facility in the United States
7 Coast Guard Yard in Baltimore, Maryland; and

8 (3) for fiscal year 2024, \$130,000,000 is au-
9 thorized to fund Phase I of the expansion project of
10 Coast Guard Base Seattle in Seattle, Washington.

11 **SEC. 103. AVAILABILITY OF AMOUNTS FOR ACQUISITION OF**
12 **ADDITIONAL VESSELS AND AIRCRAFT.**

13 Of the amounts authorized to be appropriated under
14 section 4902(2)(A) of title 14, United States Code, for fis-
15 cal year 2024—

16 (1) \$400,000,000 is authorized for the acquisi-
17 tion of 4 Fast Response Cutters;

18 (2) \$125,000,000 is authorized for the acquisi-
19 tion or procurement of an available commercial ice-
20 breaker;

21 (3) \$55,000,000 is authorized for the acquisi-
22 tion of a Great Lakes icebreaker at least as capable
23 as Coast Guard Cutter Mackinaw (WLBB-30);

24 (4) \$30,500,000 is authorized for the program
25 management, design, and acquisition of Pacific

1 Northwest heavy weather boats that are at least as
2 capable as the Coast Guard 52-foot motor surfboat;

3 (5) \$138,500,000 is authorized for the acquisi-
4 tion or procurement of 1 missionized HC-130J air-
5 craft; and

6 (6) \$113,000,000 is authorized to outfit and as-
7 semble 4 MH-60T Jayhawk aircraft.

8 **SEC. 104. AUTHORIZATION FOR CERTAIN PROGRAMS AND**
9 **SERVICES.**

10 Of the amounts authorized to be appropriated under
11 section 4902(1)(A) of title 14, United States Code, for
12 each of fiscal years 2024 and 2025—

13 (1) \$11,978,000 is authorized to fund addi-
14 tional recruiting personnel and offices for the Coast
15 Guard Recruiting Command; and

16 (2) \$9,000,000 is authorized to enhance Coast
17 Guard recruiting capabilities.

18 **SEC. 105. FISHING VESSEL SAFETY.**

19 Section 4502 of title 46, United States Code, is
20 amended—

21 (1) in subsection (i)(4) by striking “fiscal year
22 2023” and inserting “fiscal years 2024 through
23 2025”; and

1 (2) in subsection (j)(4) by striking “fiscal year
2 2023” and inserting “fiscal years 2024 through
3 2025”.

4 **SEC. 106. AUTHORIZED LEVELS OF MILITARY STRENGTH**
5 **AND TRAINING.**

6 Section 4904 of title 14, United States Code, is
7 amended—

8 (1) in subsection (a) by striking “fiscal years
9 2022 and 2023” and inserting “fiscal years 2024
10 and 2025”; and

11 (2) in subsection (b) by striking “fiscal years
12 2022 and 2023” and inserting “fiscal years 2024
13 and 2025”.

14 **TITLE II—COAST GUARD**

15 **SEC. 201. PROHIBITION ON USE OF LEAD SYSTEMS INTE-**
16 **GRATORS.**

17 Section 1105 of title 14, United States Code, is
18 amended by adding at the end the following:

19 “(c) DEFINITION.—In this section, the term ‘lead
20 systems integrator’ has the meaning given such term in
21 section 805(c) of the National Defense Authorization Act
22 for Fiscal Year 2006 (Public Law 109–163).”.

23 **SEC. 202. PORTS AND WATERWAYS SAFETY.**

24 (a) WATERFRONT SAFETY.—Section 70011(a) of
25 title 46, United States Code, is amended—

1 (1) in paragraph (1) by inserting “, including
2 damage or destruction resulting from cyber inci-
3 dents, transnational organized crime, or foreign
4 state threats” after “adjacent to such waters”; and

5 (2) in paragraph (2) by inserting “or harm re-
6 sulting from cyber incidents, transnational organized
7 crime, or foreign state threats” after “loss”.

8 (b) **REGULATION OF ANCHORAGE AND MOVEMENT**
9 **OF VESSELS DURING NATIONAL EMERGENCY.**—Section
10 70051 of title 46, United States Code, is amended by in-
11 serting “or cyber incidents, or transnational organized
12 crime, or foreign state threats,” after “threatened war, or
13 invasion, or insurrection, or subversive activity,”.

14 **SEC. 203. MINOR CONSTRUCTION INCREASE.**

15 Section 903(d)(1) of title 14, United States Code, is
16 amended by striking “\$1,500,000” and inserting
17 “\$2,000,000”.

18 **SEC. 204. UNIFORM FUNDING AND MANAGEMENT SYSTEM.**

19 (a) **IN GENERAL.**—Subchapter II of chapter 9 of title
20 14, United States Code, is amended by adding at the end
21 the following:

22 **“§ 955. Contracts to provide or obtain goods and serv-**
23 **ices**

24 **“(a) AUTHORITY FOR UNIFORM FUNDING AND MAN-**
25 **AGEMENT.**—

1 “(1) IN GENERAL.—The Commandant may des-
2 ignate funds appropriated to the Coast Guard and
3 available for morale, well-being, and recreation pro-
4 grams and the Coast Guard Exchange System as
5 nonappropriated funds and expended in accordance
6 with laws applicable to the expenditures of non-ap-
7 propriated funds.

8 “(2) AVAILABILITY OF FUNDS.—Appropriated
9 funds so designated shall be considered to be non-
10 appropriated funds for all purposes and shall remain
11 available until expended.

12 “(b) CONDITIONS ON AVAILABILITY.—Funds appro-
13 priated to the Coast Guard may be made available to sup-
14 port morale, well-being, or recreation programs and the
15 Coast Guard Exchange System only in amounts the Com-
16 mandant deems appropriate and consistent with readiness
17 and resources.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 9 of such title is amended by inserting after the item
20 relating to section 954 the following:

 “955. Contracts to provide or obtain goods and services.”.

21 (c) TRANSFER OF SECTION TEXT.—

22 (1) REDESIGNATION.—Section 955 of title 14,
23 United States Code, (as added by subsection (a)) is
24 amended by redesignating subsections (a) and (b) as
25 subsection (b) and (c), respectively.

1 (2) TRANSFER.—The section text of section
2 713 of title 14, United States Code, is transferred
3 to appear as subsection (a) of section 955 of such
4 title.

5 (3) SUBSECTION HEADING.—Section 955(a) is
6 amended by striking “The Coast Guard Exchange
7 System,” and inserting “IN GENERAL.—The Coast
8 Guard Exchange System,”.

9 (d) APPLICATION.—This section and the amend-
10 ments made by this section shall only apply to amounts
11 appropriated on or after the date of enactment of this Act.

12 **SEC. 205. TSUNAMI EVACUATION PLANS.**

13 (a) TSUNAMI EVACUATION PLANS.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this Act, the Commandant,
16 in consultation with the Administrator of the Na-
17 tional Oceanic and Atmospheric Administration and
18 the Administrator of the Federal Emergency Man-
19 agement Agency, shall establish location specific tsu-
20 nami evacuation plans for each unit and sector of
21 the Coast Guard that has facilities, personnel, or as-
22 sets located within areas—

23 (A) designated by the Administrator of the
24 National Oceanic and Atmospheric Administra-

1 tion as high risk or very high risk of a United
2 States tsunami hazard; and

3 (B) that are located inside a tsunami inun-
4 dation zone.

5 (2) EVACUATION PLANS.—In establishing the
6 evacuation plans under paragraph (1), the Com-
7 mandant shall ensure that such plans—

8 (A) are included in the emergency action
9 plans for each unit or sector located inside of
10 a tsunami inundation zone;

11 (B) designate an evacuation route to an
12 assembly area located outside of a tsunami in-
13 undation zone;

14 (C) include a map or diagram of all tsu-
15 nami inundation zone evacuation routes;

16 (D) include evacuation routes for all Coast
17 Guard personnel and dependents of such per-
18 sonnel living in Coast Guard housing;

19 (E) are feasible for all servicemembers and
20 dependents of such servicemembers present on
21 Coast Guard property or living in Coast Guard
22 provided housing;

23 (F) include procedures to begin evacu-
24 ations once a major seismic event is detected;

1 (G) include evacuation plans for air and
2 water assets that do not impinge on the safety
3 of human life;

4 (H) are able to be completely executed
5 within 15 minutes of detection of a seismic
6 event or, if not possible within 15 minutes,
7 within a reasonable timeframe;

8 (I) are able to be completely executed by
9 servicemembers on foot from any location with-
10 in the tsunami inundation zone;

11 (J) are exercised biennially by each unit
12 and sector located in a tsunami inundation
13 zone; and

14 (K) are evaluated by leadership at each
15 unit and sector located in a tsunami inundation
16 zone annually.

17 (3) CONSULTATION.—In establishing the evacu-
18 ation plans under paragraph (1), the Commandant
19 shall consult local governments.

20 (b) REPORT.—Not later than 2 years after the date
21 of enactment of this Act, the Commandant shall submit
22 to the Committee on Transportation and Infrastructure
23 of the House of Representatives and the Committee on
24 Commerce, Science, and Transportation of the Senate,

1 and provide a briefing to each such Committee on, a re-
2 port on—

3 (1) the status of the implementation and feasi-
4 bility of the plans established under subsection
5 (a)(1);

6 (2) a risk evaluation and vulnerability assess-
7 ment of the infrastructure and assets located within
8 tsunami inundation zones;

9 (3) the need for vertical evacuation structures
10 for units and sectors in which an evacuation of a
11 tsunami inundation zone cannot be completed on
12 foot within 15 minutes of the detection of a seismic
13 event; and

14 (4) whether the plans established under sub-
15 section (a)(1) achieve the purpose to protect human
16 life and ensure the ability for the Coast Guard to
17 provide search and rescue operations following a tsu-
18 nami event in the area.

19 (c) DEFINITIONS.—In this section:

20 (1) SEISMIC EVENT.—The term “seismic event”
21 means an earthquake, volcanic eruption, submarine
22 landslide, coastal rockfall, or other event with the
23 magnitude to cause a tsunami.

24 (2) TSUNAMI INUNDATION ZONE.—The term
25 “tsunami inundation zone” means an area of inland

1 flooding modeled, predicted, or forecasted as a po-
2 tential result of a tsunami or seismic event.

3 (3) VERTICAL EVACUATION STRUCTURE.—The
4 term “vertical evacuation structure” means an ele-
5 vated structure above the tsunami inundation zone
6 designated as a place of refuge from flood waters.

7 **SEC. 206. STUDY ON BERING STRAIT VESSEL TRAFFIC PRO-**
8 **JECTIONS AND EMERGENCY RESPONSE POS-**
9 **TURE AT THE PORT OF POINT SPENCER,**
10 **ALASKA.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Commandant shall seek
13 to enter into an agreement with the National Academies
14 of Science, Engineering, and Medicine, under which the
15 Marine Board of the Transportation Research Board (in
16 this section referred to as the “Board”) shall conduct a
17 study to—

18 (1) analyze commercial vessel traffic that tran-
19 sits through the Bering Strait and projections for
20 the growth of such traffic during the 10-year period
21 beginning after such date of enactment; and

22 (2) assess the adequacy of emergency response
23 capabilities and infrastructure at the Port of Point
24 Spencer, Alaska, to address navigation safety risks
25 and geographic challenges necessary to conduct

1 emergency maritime response operations in the Arc-
2 tic environment.

3 (b) ELEMENTS.—The study required under sub-
4 section (a) shall include the following:

5 (1) An analysis of the volume and types of do-
6 mestic and international commercial vessel traffic
7 through the Bering Strait and the projected growth
8 of such traffic, including a summary of—

9 (A) the sizes, ages, and flag states of ves-
10 sels; and

11 (B) the oil and product tankers that are—

12 (i) in transit to or from Russia or
13 China; or

14 (ii) owned or operated by a Russian
15 or Chinese entity.

16 (2) An assessment of the state and adequacy of
17 vessel traffic services and oil spill and emergency re-
18 sponse capabilities in the vicinity of the Bering
19 Strait, including its approaches.

20 (3) A risk assessment of the projected growth
21 in commercial vessel traffic in the Bering Strait and
22 higher probability of increased frequency in the
23 number of maritime accidents, including spill events,
24 and the potential impacts to the Arctic maritime en-

1 vironment and Native Alaskan village communities
2 in the vicinity of the Bering Strait.

3 (4) An evaluation of the ability of the Port of
4 Point Spencer, Alaska to serve as a port of refuge
5 and as a staging, logistics, and operations center to
6 conduct and support maritime emergency and spill
7 response activities.

8 (5) Recommendations for practical actions that
9 can be taken by the Congress, Federal agencies, the
10 State of Alaska, vessel carriers and operators, the
11 marine salvage and emergency response industry,
12 and other relevant stakeholders to mitigate risks,
13 upgrade infrastructure, and improve the posture of
14 the Port of Point Spencer, Alaska, to function as a
15 strategic staging and logistics center for maritime
16 emergency and spill response operations in the Ber-
17 ing Strait region.

18 (c) CONSULTATION.—In conducting the study re-
19 quired under subsection (a), the Board shall consult
20 with—

- 21 (1) the Department of Transportation;
- 22 (2) the Corps of Engineers;
- 23 (3) the National Transportation Safety Board;
- 24 (4) relevant ministries of the government of
25 Canada;

1 (5) the Port Coordination Council for the Port
2 of Point Spencer; and

3 (6) non-government entities with relevant exper-
4 tise in monitoring and characterizing vessel traffic in
5 the Arctic.

6 (d) REPORT.—Not later than 1 year after initiating
7 the study under subsection (a), the Board shall submit
8 to the appropriate committees of Congress a report con-
9 taining the findings and recommendations of the study.

10 (e) DEFINITIONS.—In this section:

11 (1) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Commerce, Science,
15 and Transportation of the Senate; and

16 (B) Committee on Transportation and In-
17 frastructure of the House of Representatives.

18 (2) ARCTIC.—The term “Arctic” has the mean-
19 ing given such term in section 112 of the Arctic Re-
20 search and Policy Act of 1984 (15 U.S.C. 4111).

21 (3) PORT COORDINATION COUNCIL FOR THE
22 PORT OF POINT SPENCER.—The term “Port Coordi-
23 nation Council for the Port of Point Spencer” means
24 the Council established under section 541 of the

1 Coast Guard Authorization Act of 2015 (Public Law
2 114–120).

3 **SEC. 207. SERVICE LIFE EXTENSION PROGRAMS.**

4 (a) IN GENERAL.—Subchapter II of chapter 11 of
5 title 14, United States Code, is amended by adding at the
6 end the following:

7 **“§ 1138. Service life extension programs**

8 “(a) IN GENERAL.—Requirements for a Level 1 or
9 Level 2 acquisition project or program under sections
10 1131 through 1134 shall not apply to an acquisition by
11 the Coast Guard that is a service life extension program.

12 “(b) DEFINITION.—In this section, the term ‘service
13 life extension program’ means a capital investment that
14 is solely intended to extend the service life and address
15 obsolescence of components or systems of a particular ca-
16 pability or asset.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 11 of such title is amended by inserting after the item
19 relating to section 1137 the following:

“1138. Service life extension programs.”.

20 **SEC. 208. UNDERWATER INSPECTIONS BRIEF.**

21 Not later than 30 days after the date of enactment
22 of this Act, the Commandant, or a designated individual,
23 shall brief the Committee on Transportation and Infra-
24 structure of the House of Representatives and the Com-
25 mittee on Commerce, Science, and Transportation of the

1 Senate on the underwater inspection in lieu of drydock
2 program established under section 176.615 of title 46,
3 Code of Federal Regulations (as in effect on the date of
4 enactment of this Act).

5 **SEC. 209. ST. LUCIE RIVER RAILROAD BRIDGE.**

6 Regarding Docket Number USCG-2022-0222, before
7 adopting a final deviation, the Commandant of the Coast
8 Guard shall conduct an independent boat traffic study at
9 mile 7.4 of the St. Lucie River.

10 **SEC. 210. ONLINE INCIDENT REPORTING SYSTEM.**

11 (a) IN GENERAL.—Not later than 2 years after the
12 date of enactment of this Act, the National Response Cen-
13 ter shall—

14 (1) develop an online capacity through a web-
15 based application to receive a notification of an oil
16 discharge or release of a hazardous substance; and

17 (2) allow any such notification to the National
18 Response Center that is required under Federal law
19 or regulation to be made online using the applica-
20 tion.

21 (b) USE OF APPLICATION.—In carrying out sub-
22 section (a), the National Response Center may not require
23 the notification of an oil discharge or release of a haz-
24 ardous substance to be made using the application devel-
25 oped under such subsection.

1 **TITLE III— MARITIME**
2 **Subtitle A— American Samoa**
3 **Mariners Act of 2023**

4 **SEC. 301. MERCHANT SEAMEN LICENSES, CERTIFICATES,**
5 **AND DOCUMENTS; MANNING OF VESSELS.**

6 (a) **CITIZENSHIP OR NONCITIZEN NATIONALITY.—**

7 (1) **IN GENERAL.—**Section 7102 of title 46,
8 United States Code, is amended—

9 (A) in the section heading by inserting “**or**
10 **noncitizen nationality**” after “**Citizen-**
11 **ship**”; and

12 (B) by inserting “or noncitizen nationals
13 (as such term is described in section 308 of the
14 Immigration and Nationality Act (8 U.S.C.
15 1408)” after “citizens”.

16 (2) **CLERICAL AMENDMENT.—**The analysis for
17 chapter 71 of title 46, United States Code, is
18 amended by striking the item relating to section
19 7102 and inserting the following:

“7102. Citizenship or noncitizen nationality.”.

20 (b) **CITIZENSHIP OR NONCITIZEN NATIONALITY NO-**
21 **TATION ON MERCHANT MARINERS’ DOCUMENTS.—**

22 (1) **IN GENERAL.—**Section 7304 of title 46,
23 United States Code, is amended—

1 (A) in the section heading by inserting “**or**
2 **noncitizen nationality**” after “**Citizen-**
3 **ship**”; and

4 (B) by inserting “or noncitizen national
5 (as such term is described in section 308 of the
6 Immigration and Nationality Act (8 U.S.C.
7 1408)” after “citizen”.

8 (2) CLERICAL AMENDMENT.—The analysis for
9 chapter 73 of title 46, United States Code, is
10 amended by striking the item relating to section
11 7304 and inserting the following:

“7304. Citizenship or nationalization notation on merchant mariners’ docu-
ments.”.

12 (c) CITIZENSHIP OR NONCITIZEN NATIONALITY.—

13 (1) IN GENERAL.—Section 8103 of title 46,
14 United States Code, is amended—

15 (A) in the section heading by inserting “**or**
16 **noncitizen nationality**” after “**Citizen-**
17 **ship**”;

18 (B) in subsection (a) by inserting “or non-
19 citizen national” after “citizen”;

20 (C) in subsection (b)—

21 (i) in paragraph (1)(A)(i) by inserting
22 “or noncitizen national” after “citizen”;

1 (ii) in paragraph (3) by inserting “or
2 noncitizen nationality” after “citizenship”;
3 and

4 (iii) in paragraph (3)(C) by inserting
5 “or noncitizen nationals” after “citizens”
6 each place it appears;

7 (D) in subsection (c) by inserting “or non-
8 citizen nationals” after “citizens”;

9 (E) in subsection (d)—

10 (i) in paragraph (1) by inserting “or
11 noncitizen nationals” after “citizens”; and

12 (ii) in paragraph (2) by inserting “or
13 noncitizen national” after “citizen” each
14 place it appears;

15 (F) in subsection (e) by inserting “or non-
16 citizen national” after “citizen” each place it
17 appears;

18 (G) in subsection (i)(1)(A) by inserting “or
19 noncitizen national” after “citizen”;

20 (H) in subsection (k)(1)(A) by inserting
21 “or noncitizen national” after “citizen”; and

22 (I) by adding at the end the following:

23 “(l) NONCITIZEN NATIONAL DEFINED.—In this sec-
24 tion, the term ‘noncitizen national’ means an individual

1 described in section 308 of the Immigration and Nation-
2 ality Act (8 U.S.C. 1408).”.

3 (2) CLERICAL AMENDMENT.—The analysis for
4 chapter 81 of title 46, United States Code, is
5 amended by striking the item relating to section
6 8103 and inserting the following:

“8103. Citizenship or noncitizen nationality and Navy Reserve requirements.”.

7 (d) COMMAND OF DOCUMENTED VESSELS.—Section
8 12131(a) of title 46, United States Code, is amended by
9 inserting “or noncitizen national (as such term is de-
10 scribed in section 308 of the Immigration and Nationality
11 Act (8 U.S.C. 1408))” after “citizen”.

12 (e) INVALIDATION OF CERTIFICATES OF DOCU-
13 MENTATION.—Section 12135(2) of title 46, United States
14 Code, is amended by inserting “or noncitizen national (as
15 such term is described in section 308 of the Immigration
16 and Nationality Act (8 U.S.C. 1408))” after “citizen”.

17 **Subtitle B—Merchant Mariner** 18 **Credentialing**

19 **SEC. 311. REVISING MERCHANT MARINER DECK TRAINING** 20 **REQUIREMENTS.**

21 (a) GENERAL DEFINITIONS.—Section 2101 of title
22 46, United States Code, is amended—

23 (1) by redesignating paragraphs (20) through
24 (56) as paragraphs (21) through (57), respectively;
25 and

1 “(b) CLASSIFICATION OF CREDENTIALS.—The Sec-
2 retary may classify the merchant mariner credential issued
3 under subsection (a) based on—

4 “(1) the tonnage and means of propulsion of
5 vessels;

6 “(2) the waters on which vessels are to be oper-
7 ated; or

8 “(3) other appropriate standards.

9 “(c) CONSIDERATIONS.—In issuing the credential
10 under subsection (a), the Secretary may consider the fol-
11 lowing qualifications of the merchant mariner:

12 “(1) Age.

13 “(2) Character.

14 “(3) Habits of life.

15 “(4) Experience.

16 “(5) Professional qualifications demonstrated
17 by satisfactory completion of applicable examinations
18 or other educational requirements.

19 “(6) Physical condition, including sight and
20 hearing.

21 “(7) Other requirements established by the Sec-
22 retary, including career patterns and service appro-
23 priate to the particular service, industry, or job
24 functions the individual is engaged.”.

1 (2) CLERICAL AMENDMENT.—The analysis for
2 chapter 73 of title 46, United States Code, is
3 amended by striking the item relating to section
4 7306 and inserting the following:

“7306. General requirements and classifications for members of deck departments.”.

5 (3) ABLE SEAMEN-UNLIMITED.—Section 7307
6 of title 46, United States Code, is amended by strik-
7 ing “3 years’ ” and inserting “18 months’ ”.

8 (4) ABLE SEAMEN-LIMITED.—Section 7308 of
9 title 46, United States Code, is amended by striking
10 “18 months’ ” and inserting “12 months’ ”.

11 (5) GENERAL REQUIREMENTS FOR MEMBERS
12 OF ENGINE DEPARTMENTS.—Section 7313(b) of title
13 46, United States Code, is amended by striking
14 “and coal passer”.

15 (6) TRAINING.—Section 7315 of title 46,
16 United States Code, is amended—

17 (A) by amending subsection (a) to read as
18 follows:

19 “(a) Graduation from a nautical school program ap-
20 proved by the Secretary may be substituted for the service
21 requirements under sections 7307–7312 and 7314.”;

22 (B) in subsection (b)—

23 (i) by striking “one-third” and insert-
24 ing “one-half”; and

1 (ii) by striking “7307–7311 of this
2 title” and inserting “7307–7312 and
3 7314”; and

4 (C) by striking subsection (c).

5 (d) **MERCHANT MARINER CREDENTIALS.**—Section
6 7510 of title 46, United States Code, is amend-
7 ing subsection (d).

8 (e) **IMPLEMENTATION.**—The Secretary of the depart-
9 ment in which the Coast Guard is operating shall imple-
10 ment the amended requirements under subsections (c)(3),
11 (c)(4), and (c)(6) of this section without regard to chap-
12 ters 5 and 6 of title 5, United States Code, and Executive
13 Orders 12866 and 13563 (5 U.S.C. 601 note).

14 **SEC. 312. TECHNICAL AMENDMENTS.**

15 (a) **IN GENERAL.**—The heading for part E of subtitle
16 II of title 46, United States Code, is amended by striking
17 “**MERCHANT SEAMEN LICENSES, CERTIFICATES,**
18 **AND DOCUMENTS**” and inserting “**MERCHANT MAR-**
19 **INER CREDENTIALS**”.

20 (b) **GENERAL REQUIREMENTS AND CLASSIFICATIONS**
21 **FOR ABLE SEAFARERS.**—

22 (1) **IN GENERAL.**—The section heading for sec-
23 tion 7306 of title 46, United States Code, is amend-
24 ed by striking “**seamen**” and inserting “**sea-**
25 **farers**”.

1 (2) CLERICAL AMENDMENT.—The analysis for
2 chapter 73 of title 46, United States Code, is
3 amended in the item relating to section 7306 by
4 striking “**seamen**” and inserting “**seafarers**”.

5 (c) ABLE SEAFARERS—UNLIMITED.—

6 (1) IN GENERAL.—The section heading for sec-
7 tion 7307 of title 46, United States Code, is amend-
8 ed by striking “**seamen**” and inserting “**sea-**
9 **farers**”.

10 (2) CLERICAL AMENDMENT.—The analysis for
11 chapter 73 of title 46, United States Code, is further
12 amended in the item relating to section 7307 by
13 striking “**seamen**” and inserting “**seafarers**”.

14 (d) ABLE SEAMEN—LIMITED.—

15 (1) IN GENERAL.—The section heading for sec-
16 tion 7308 of title 46, United States Code, is amend-
17 ed by striking “**seamen**” and inserting “**sea-**
18 **farers**”.

19 (2) CLERICAL AMENDMENT.—The analysis for
20 chapter 73 of title 46, United States Code, is further
21 amended in the item relating to section 7308 by
22 striking “**seamen**” and inserting “**seafarers**”.

23 (e) ABLE SEAFARERS—SPECIAL.—

24 (1) IN GENERAL.—The section heading for sec-
25 tion 7309 of title 46, United States Code, is amend-

1 ed by striking “**seamen**” and inserting “**sea-**
2 **farers**”.

3 (2) CLERICAL AMENDMENT.—The analysis for
4 chapter 73 of title 46, United States Code, is further
5 amended in the item relating to section 7309 by
6 striking “**seamen**” and inserting “**seafarers**”.

7 (f) ABLE SEAFARERS—OFFSHORE SUPPLY VES-
8 SELS.—

9 (1) IN GENERAL.—The section heading for sec-
10 tion 7310 of title 46, United States Code, is amend-
11 ed by striking “**seamen**” and inserting “**sea-**
12 **farers**”.

13 (2) CLERICAL AMENDMENT.—The analysis for
14 chapter 73 of title 46, United States Code, is further
15 amended in the item relating to section 7310 by
16 striking “**seamen**” and inserting “**seafarers**”.

17 (g) ABLE SEAFARERS—SAIL.—

18 (1) IN GENERAL.—The section heading for sec-
19 tion 7311 of title 46, United States Code, is amend-
20 ed by striking “**seamen**” and inserting “**sea-**
21 **farers**”.

22 (2) CLERICAL AMENDMENT.—The analysis for
23 chapter 73 of title 46, United States Code, is further
24 amended in the item relating to section 7311 by
25 striking “**seamen**” and inserting “**seafarers**”.

1 (h) ABLE SEAMEN—FISHING INDUSTRY.—

2 (1) IN GENERAL.—The section heading for sec-
3 tion 7311a of title 46, United States Code, is
4 amended by striking “**seamen**” and inserting
5 “**seafarers**”.

6 (2) CLERICAL AMENDMENT.—The analysis for
7 chapter 73 of title 46, United States Code, is further
8 amended in the item relating to section 7311a by
9 striking “**seamen**” and inserting “**seafarers**”.

10 (i) PARTS E AND F.—Parts E and F of subtitle II
11 of title 46, United States Code, is amended—

12 (1) by striking “seaman” and inserting “sea-
13 farer” each place it appears; and

14 (2) by striking “seamen” and inserting “sea-
15 farers” each place it appears.

16 (j) CLERICAL AMENDMENTS.—The analysis for sub-
17 title II of title 46, United States Code, is amended—

18 (1) in the item relating to subtitle II by striking
19 “**Seamen**” and inserting “**Seafarer**”; and

20 (2) in the item relating to part E by striking
21 “**MERCHANT SEAMEN LICENSES, CERTIFI-**
22 **CATES, AND DOCUMENTS**” and inserting “**MER-**
23 **CHANT MARINER CREDENTIALS**”.

1 **SEC. 313. RENEWAL OF MERCHANT MARINER LICENSES**
2 **AND DOCUMENTS.**

3 Section 7507 of title 46, United States Code, is
4 amended by adding at the end the following:

5 “(d) RENEWAL.—With respect to any renewal of an
6 active merchant mariner credential issued under this part
7 that is not an extension under subsection (a) or (b), such
8 credential shall begin the day after the expiration of the
9 active credential of the credential holder.”.

10 **Subtitle C—Vessel Safety**

11 **SEC. 321. GROSSLY NEGLIGENT OPERATIONS OF A VESSEL.**

12 Section 2302(b) of title 46, United States Code, is
13 amended to read as follows:

14 “(b) GROSSLY NEGLIGENT OPERATION.—

15 “(1) MISDEMEANOR.—A person operating a
16 vessel in a grossly negligent manner that endangers
17 the life, limb, or property of a person commits a
18 class A misdemeanor.

19 “(2) FELONY.—A person operating a vessel in
20 a grossly negligent manner that results in serious
21 bodily injury, as defined in section 1365(h)(3) of
22 title 18—

23 “(A) commits a class E felony; and

24 “(B) may be assessed a civil penalty of not
25 more than \$35,000.”.

1 **SEC. 322. ADMINISTRATIVE PROCEDURE FOR SECURITY**
2 **RISKS.**

3 (a) **SECURITY RISK.**—Section 7702(d)(1) of title 46,
4 United States Code, is amended—

5 (1) in subparagraph (B) by redesignating
6 clauses (i) through (iv) as subclauses (I) through
7 (IV), respectively;

8 (2) by redesignating subparagraphs (A) and
9 (B) as clauses (i) and (ii), respectively;

10 (3) by striking “an individual if—” and insert-
11 ing the following: “an individual—

12 “(A) if—”; and

13 (4) in subparagraph (A)(ii)(IV), as so redesign-
14 nated, by striking the period at the end and insert-
15 ing “; or”; and

16 (5) by adding at the end the following:

17 “(B) if there is probable cause to believe
18 that the individual has violated company policy
19 and is a security risk that poses a threat to
20 other individuals on the vessel.”.

21 (b) **TECHNICAL AMENDMENT.**—Section 2101(47)(B)
22 of title 46, United States Code (as so redesignated), is
23 amended by striking “; and” and inserting “; or”.

1 **SEC. 323. REQUIREMENTS FOR DUKW AMPHIBIOUS PAS-**
2 **SENGER VESSELS.**

3 Section 11502 of the James H. Inhofe National De-
4 fense Authorization Act for Fiscal Year 2023 (Public Law
5 117–263) is amended—

6 (1) in the section header by striking “**DUKW**
7 **AMPHIBIOUS PASSENGER VESSELS**” and insert-
8 ing “**COMMERCIAL AMPHIBIOUS SMALL PAS-**
9 **SENGER VESSELS**”;

10 (2) by striking “DUKW amphibious passenger
11 vessel” each place it appears and inserting “com-
12 mercial amphibious small passenger vessel”;

13 (3) by striking “DUKW amphibious passenger
14 vessels” each place it appears and inserting “com-
15 mercial amphibious small passenger vessels”;

16 (4) in subsection (h)—

17 (A) by striking “DEFINITIONS” and all
18 that follows through “The term ‘appropriate
19 congressional committees’” and inserting “AP-
20 PROPRIATE CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term ‘appropriate
22 congressional committees’”; and

23 (B) by striking paragraph (2); and

24 (5) by adding at the end the following:

25 “(i) APPLICATION.—This section shall apply to am-
26 phibious vessels operating as a small passenger vessel in

1 waters subject to the jurisdiction of the United States, as
2 such term is defined in section 2.38 of title 33, Code of
3 Federal Regulations (as in effect on the date of enactment
4 of the Coast Guard Authorization Act of 2023).”.

5 **SEC. 324. INSPECTION AND EXAMINATION.**

6 Section 3714 of title 46, United States Code, is
7 amended—

8 (1) in subsection (a)(1) by striking “The Sec-
9 retary” and inserting “Except as provided in sub-
10 section (c), the Secretary”;

11 (2) by redesignating subsection (c) as sub-
12 section (d); and

13 (3) by inserting after subsection (b) the fol-
14 lowing:

15 “(c)(1) With respect to examinations of liquefied nat-
16 ural gas tank vessels and vessels that carry bulk liquefied
17 gases as cargo, including examinations under section
18 153.808 and part 154 of title 46, Code of Federal Regula-
19 tions (as in effect on the date of enactment of the Coast
20 Guard Authorization Act of 2023), the Secretary may
21 adopt a risk-based examination schedule to which such
22 vessels are to be examined and the frequency with which
23 such examinations occur.

1 “(2) The Secretary may not adopt a risk-based exam-
2 ination schedule under paragraph (1) until the Secretary
3 has—

4 “(A) received and reviewed the National Acad-
5 emies study required under section 8254(b) of the
6 William M. (Mac) Thornberry National Defense Au-
7 thorization Act for Fiscal Year 2021 (Public Law
8 116–283);

9 “(B) conducted the assessment recommended in
10 the Government Accountability Office report sub-
11 mitted under section 8254(a) of such Act;

12 “(C) concluded through such assessment that a
13 risk-based examination schedule provides not less
14 than the level of safety provided by the annual ex-
15 aminations required under subsection (a)(1); and

16 “(D) provided the results of such assessment to
17 the Committee on Transportation and Infrastructure
18 of the House of Representatives and the Committee
19 on Commerce, Science, and Transportation of the
20 Senate.”.

21 **Subtitle D—Other Matters**

22 **SEC. 331. ANCHOR HANDLING ACTIVITIES.**

23 Section 12111(d)(1) of title 46, United States Code,
24 is amended—

1 (1) in subparagraph (A) by inserting “or other
2 energy production or transmission facility, or vessel
3 engaged in the launch, recovery, or support of com-
4 mercial space transportation or space exploration ac-
5 tivities” after “drilling unit”; and

6 (2) in subparagraph (B) by inserting “or other
7 energy production or transmission facility, or vessel
8 engaged in the launch, recovery, or support of com-
9 mercial space transportation or space exploration ac-
10 tivities” after “drilling unit”.

11 **SEC. 332. ESTABLISHMENT OF A NATIONAL ADVISORY COM-**
12 **MITTEE ON AUTONOMOUS MARITIME SYS-**
13 **TEMS.**

14 (a) IN GENERAL.—Chapter 151 of title 46, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 15110. Establishment of a national advisory com-**
18 **mittee on autonomous maritime systems**

19 “(a) ESTABLISHMENT.—There is established a Na-
20 tional Advisory Committee on Autonomous Maritime Sys-
21 tems (in this section referred to as the ‘Committee’).

22 “(b) FUNCTION.—The Committee shall advise the
23 Secretary on matters relating to the regulation and use
24 of Autonomous Systems within the territorial waters of
25 the United States.

1 “(c) MEMBERSHIP.—

2 “(1) IN GENERAL.—The Committee shall con-
3 sist of 8 members appointed by the Secretary in ac-
4 cordance with this section and section 15109.

5 “(2) EXPERTISE.—Each member of the Com-
6 mittee shall have particular expertise, knowledge,
7 and experience in matters relating to the function of
8 the Committee.

9 “(3) REPRESENTATION.—Each of the following
10 groups shall be represented by at least 1 member on
11 the Committee:

12 “(A) Marine safety or security entities.

13 “(B) Vessel design and construction enti-
14 ties.

15 “(C) Entities engaged in the production or
16 research of unmanned vehicles, including
17 drones, autonomous or semi-autonomous vehi-
18 cles, or any other product or service integral to
19 the provision, maintenance, or management of
20 such products or services.

21 “(D) Port districts, authorities, or terminal
22 operators.

23 “(E) Vessel operators.

24 “(F) National labor unions representing
25 merchant mariners.

1 “(G) Maritime pilots.

2 “(H) Commercial space transportation op-
3 erators.”.

4 (b) CLERICAL AMENDMENTS.—The analysis for
5 chapter 151 of title 46, United States Code, is amended
6 by adding at the end the following:

“15110. Establishment of a national advisory committee on autonomous mari-
time systems.”.

7 (c) ESTABLISHMENT.—Not later than 90 days after
8 the date of enactment of this Act, the Secretary of the
9 department in which the Coast Guard is operating shall
10 establish the Committee under section 15110 of title 46,
11 United States Code (as added by this section).

12 **SEC. 333. CONTROLLED SUBSTANCE ONBOARD VESSELS.**

13 Section 70503(a) of title 46, United States Code, is
14 amended—

15 (1) in the matter preceding paragraph (1) by
16 striking “While on board a covered vessel, an indi-
17 vidual” and inserting “An individual”;

18 (2) by amending paragraph (1) to read as fol-
19 lows:

20 “(1) manufacture or distribute, possess with in-
21 tent to manufacture or distribute, or place or cause
22 to be placed with intent to manufacture or distribute
23 a controlled substance on board a covered vessel;”;
24 and

1 (3) in paragraph (2) by inserting “aboard a
2 covered vessel” after “Comprehensive Drug Abuse
3 Prevention and Control Act of 1970 (21 U.S.C.
4 881(a))”.

5 **SEC. 334. NONOPERATING INDIVIDUAL.**

6 Section 8313(b) of the William M. (Mac) Thornberry
7 National Defense Authorization Act for Fiscal Year 2021
8 (Public Law 116– 283) is amended by striking “2025”
9 and inserting “2027”.

10 **SEC. 335. INFORMATION ON TYPE APPROVAL CERTIFI-**
11 **CATES.**

12 (a) IN GENERAL.—Title IX of the Frank LoBiondo
13 Coast Guard Authorization Act of 2018 (Public Law 115–
14 282) is amended by adding at the end the following:

15 **“SEC. 904. INFORMATION ON TYPE APPROVAL CERTIFI-**
16 **CATES.**

17 “The Commandant of the Coast Guard shall, upon
18 request by any State, the District of Columbia, or any ter-
19 ritory of the United States, provide all data possessed by
20 the Coast Guard pertaining to challenge water quality
21 characteristics, challenge water biological organism con-
22 centrations, post-treatment water quality characteristics,
23 and post-treatment biological organism concentrations
24 data for a ballast water management system with a type
25 approval certificate approved by the Coast Guard pursu-

1 ant to subpart 162.060 of title 46, Code of Federal Regu-
2 lations.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 for the Frank LoBiondo Coast Guard Authorization Act
5 of 2018 (Public Law 115–282) is amended by inserting
6 after the item relating to section 903 the following:

“Sec. 904. Information on type approval certificates.”.

7 **SEC. 336. MANNING AND CREWING REQUIREMENTS FOR**
8 **CERTAIN VESSELS, VEHICLES, AND STRUC-**
9 **TURES.**

10 (a) AUTHORIZATION OF LIMITED EXEMPTIONS
11 FROM MANNING AND CREW REQUIREMENT.—Chapter 81
12 of title 46, United States Code, is amended by adding at
13 the end the following:

14 **“§ 8109. Exemptions from manning and crew require-**
15 **ments**

16 “(a) IN GENERAL.—The Secretary may provide an
17 exemption described in subsection (b) to the owner or op-
18 erator of a covered facility if each individual who is man-
19 ning or crewing the covered facility is—

20 “(1) a citizen of the United States;

21 “(2) an alien lawfully admitted to the United
22 States for permanent residence; or

23 “(3) a citizen of the nation under the laws of
24 which the vessel is documented.

1 “(b) REQUIREMENTS FOR ELIGIBILITY FOR EXEMP-
2 TION.—An exemption under this subsection is an exemp-
3 tion from the regulations established pursuant to section
4 302(a)(3) of the Outer Continental Shelf Lands Act (43
5 U.S.C. 1356(a)(3)).

6 “(c) LIMITATIONS.—An exemption under this sec-
7 tion—

8 “(1) shall provide that the number of individ-
9 uals manning or crewing the covered facility who are
10 described in paragraphs (2) and (3) of subsection
11 (a) may not exceed two and one- half times the
12 number of individuals required to man or crew the
13 covered facility under the laws of the nation under
14 the laws of which the covered facility is documented;
15 and

16 “(2) shall be effective for not more than 12
17 months, but may be renewed by application to and
18 approval by the Secretary.

19 “(d) APPLICATION.—To be eligible for an exemption
20 or a renewal of an exemption under this section, the owner
21 or operator of a covered facility shall apply to the Sec-
22 retary with an application that includes a sworn statement
23 by the applicant of all information required for the
24 issuance of the exemption.

25 “(e) REVOCATION.—

1 “(1) IN GENERAL.—The Secretary—

2 “(A) may revoke an exemption for a cov-
3 ered facility under this section if the Secretary
4 determines that information provided in the ap-
5 plication for the exemption was false or incom-
6 plete, or is no longer true or complete; and

7 “(B) shall immediately revoke such an ex-
8 emption if the Secretary determines that the
9 covered facility, in the effective period of the ex-
10 emption, was manned or crewed in a manner
11 not authorized by the exemption.

12 “(2) NOTICE REQUIRED.—The Secretary shall
13 provides notice of a determination under subpara-
14 graph (A) or (B) of paragraph (1) to the owner or
15 operator of the covered facility.

16 “(f) REVIEW OF COMPLIANCE.—The Secretary shall
17 periodically, but not less than once annually, inspect each
18 covered facility that operates under an exemption under
19 this section to verify the owner or operator of the covered
20 facility’s compliance with the exemption. During an in-
21 spection under this subsection, the Secretary shall require
22 all crew members serving under the exemption to hold a
23 valid transportation security card issued under section
24 70105.

1 “(g) PENALTY.—In addition to revocation under sub-
2 section (e), the Secretary may impose on the owner or op-
3 erator of a covered facility a civil penalty of \$10,000 per
4 day for each day the covered facility—

5 “(1) is manned or crewed in violation of an ex-
6 emption under this subsection; or

7 “(2) operated under an exemption under this
8 subsection that the Secretary determines was not
9 validly obtained.

10 “(h) NOTIFICATION OF SECRETARY OF STATE.—The
11 Secretary shall notify the Secretary of State of each ex-
12 emption issued under this section, including the effective
13 period of the exemption.

14 “(i) DEFINITIONS.—In this section:

15 “(1) COVERED FACILITY.—The term ‘covered
16 facility’ means any vessel, rig, platform, or other ve-
17 hicle or structure, over 50 percent of which is owned
18 by citizens of a foreign nation or with respect to
19 which the citizens of a foreign nation have the right
20 effectively to control, except to the extent and to the
21 degree that the President determines that the gov-
22 ernment of such foreign nation or any of its political
23 subdivisions has implemented, by statute, regulation,
24 policy, or practice, a national manning requirement
25 for equipment engaged in the exploring for, devel-

1 oping, or producing resources, including non-mineral
2 energy resources in its offshore areas.

3 “(2) SECRETARY.—The term ‘Secretary’ means
4 the Secretary of the department in which the Coast
5 Guard is operating.”.

6 (b) ANNUAL REPORT.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this Act, and annually
9 thereafter, the Secretary shall submit to Congress a
10 report containing information on each letter of non-
11 applicability of section 8109 of title 46, United
12 States Code, with respect to a covered facility that
13 was issued by the Secretary during the preceding
14 year.

15 (2) CONTENTS.—The report under paragraph
16 (1) shall include, for each covered facility—

17 (A) the name and International Maritime
18 Organization number;

19 (B) the nation in which the covered facility
20 is documented;

21 (C) the nationality of owner or owners; and

22 (D) for any covered facility that was pre-
23 viously issued a letter of nonapplicability in a
24 prior year, any changes in the information de-
25 scribed in subparagraphs (A) through (C).

1 (c) REGULATIONS.—Not later than 90 days after the
2 date of the enactment of this Act, the Secretary shall pro-
3 mulgate regulations that specify the documentary and
4 other requirements for the issuance of an exemption under
5 the amendment made by this section.

6 (d) EXISTING EXEMPTIONS.—

7 (1) EFFECT OF AMENDMENTS; TERMI-
8 NATION.—Each exemption under section 30(c)(2) of
9 the Outer Continental Shelf Lands Act (43 U.S.C.
10 1356(c)(2)) issued before the date of the enactment
11 of this Act—

12 (A) shall not be affected by the amend-
13 ments made by this section during the 120-day
14 period beginning on the date of the enactment
15 of this Act; and

16 (B) shall not be effective after such period.

17 (2) NOTIFICATION OF HOLDERS.—Not later
18 than 60 days after the date of the enactment of this
19 Act, the Secretary shall notify all persons that hold
20 such an exemption that it will expire as provided in
21 paragraph (1).

22 (e) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 81 of the title 46, United States Code, is amended
24 by adding at the end the following:

“8109. Exemptions from manning and crew requirements.”.

1 **TITLE IV—OIL POLLUTION**
2 **INCIDENT LIABILITY**

3 **SEC. 401. VESSEL RESPONSE PLANS.**

4 Section 311(j)(6) of the Federal Water Pollution
5 Control Act (33 U.S.C. 1321(j)(6)) is amended to read
6 as follows:

7 “(6) EQUIPMENT REQUIREMENTS,
8 VERIFICATION, AND INSPECTION.—The President
9 may require—

10 “(A) periodic inspection of containment
11 booms, skimmers, vessels, and other major
12 equipment used to remove discharges;

13 “(B) periodic inspection of vessels, salvage
14 and marine firefighting equipment, and other
15 major equipment used to respond to vessel cas-
16 ualties and prevent discharges;

17 “(C) periodic verification of capabilities to
18 appropriately, and in a timely manner, respond
19 to a worst case discharge, or a substantial
20 threat of a discharge, including—

21 “(i) drills, with or without prior no-
22 tice;

23 “(ii) review of contracts and relevant
24 third-party agreements;

25 “(iii) testing of equipment;

1 “(iv) review of training; and

2 “(v) other evaluations of response ca-
3 pabilities, as determined appropriate by the
4 President; and

5 “(D) vessels operating on navigable waters
6 and carrying oil or a hazardous substance in
7 bulk as cargo, and nontank vessels carrying oil
8 of any kind as fuel for main propulsion, to
9 carry appropriate removal equipment that em-
10 ploys the best technology economically feasible
11 and that is compatible with the safe operation
12 of the vessel.”.

13 **SEC. 402. USE OF MARINE CASUALTY INVESTIGATIONS.**

14 Section 6308 of title 46, United States Code, is
15 amended—

16 (1) in subsection (a) by striking “initiated” and
17 inserting “conducted”; and

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

19 “(e) For purposes of this section, an administrative
20 proceeding conducted by the United States includes pro-
21 ceedings under section 7701 and claims adjudicated under
22 section 1013 of the Oil Pollution Act of 1990 (33 U.S.C.
23 2713).”.

1 **SEC. 403. TIMING OF REVIEW.**

2 Section 1017 of the Oil Pollution Act of 1990 (33
3 U.S.C. 2717) is amended by adding at the end the fol-
4 lowing:

5 “(g) **TIMING OF REVIEW.**—No Federal court shall
6 have jurisdiction under Federal law to review any chal-
7 lenges to removal actions selected, determinations made,
8 or orders issued under the authorities provided under sec-
9 tion 311 of the Federal Water Pollution Control Act (33
10 U.S.C. 1321), in any action except one of the following:

11 “(1) An action under section 1002 of this Act
12 to recover response costs or damages.

13 “(2) An action under section 1004 of this Act
14 by the United States Government or any State or
15 local official or agency in connection with a dis-
16 charge or substantial threat of discharge of oil from
17 any Outer Continental Shelf facility or a vessel car-
18 rying oil as cargo from such a facility.

19 “(3) An action by any responsible party seeking
20 compensation from the Fund under section 1008 of
21 this Act after completion of the removal action.

22 “(4) An action by any claimant seeking com-
23 pensation from the Fund under section 1012(a)(4)
24 or 1013 of this Act after completion of the removal
25 action.

1 “(5) An action against any guarantor under
2 section 1016 or 4303 of this Act.

3 “(6) An action to enforce an order issued under
4 section 311 of the Federal Water Pollution Control
5 Act (33 U.S.C. 1321) or to recover any penalty for
6 violation of such order.

7 “(7) An action to impose any penalty under
8 section 309 or 311 of the Federal Water Pollution
9 Control Act (33 U.S.C. 1319, 1321).

10 “(8) A citizen suit under section 505 of the
11 Federal Water Pollution Control Act (33 U.S.C.
12 1365) brought by any person after completion of the
13 removal action.”.

14 **TITLE V—TECHNICAL, CON-**
15 **FORMING, AND CLARIFYING**
16 **AMENDMENTS**

17 **SEC. 501. TECHNICAL AND CONFORMING AMENDMENTS.**

18 (a) PROHIBITION ON ENTRY AND OPERATION.—Sec-
19 tion 70022(b)(1) of title 46, United States Code, is
20 amended by striking “Federal Register” and inserting
21 “the Federal Register”.

22 (b) DEFINITIONS.—Section 70101(2) of title 46,
23 United States Code, is amended by striking “section 2200
24 of the Homeland Security Act of 2002” and inserting
25 “section 650(7) of title 6, United States Code”.

1 (c) PORT, HARBOR, AND COASTAL FACILITY SECUR-
2 RITY.—Section 70116(b) of title 46, United States Code,
3 is amended—

4 (1) in paragraph (1) by striking “terrorism
5 cyber” and inserting “terrorism, cyber”; and

6 (2) in paragraph (2) by inserting a comma
7 after “acts of terrorism”.

8 (d) ENFORCEMENT BY STATE AND LOCAL OFFI-
9 CERS.—Section 70118(a) of title 46, United States Code,
10 is amended—

11 (1) by striking “section 1 of title II of the Act
12 of June 15, 1917 (chapter 30; 50 U.S.C. 191)” and
13 inserting “section 70051”; and

14 (2) by striking “section 7(b) of the Ports and
15 Waterways Safety Act (33 U.S.C. 1226(b))” and in-
16 serting “section 70116(b)”.

17 (e) CHAPTER 701 DEFINITIONS.—Section 70131(2)
18 of title 46, United States Code, is amended—

19 (1) by striking “section 1 of title II of the Act
20 of June 15, 1917 (50 U.S.C. 191)” and inserting
21 “section 70051”; and

22 (2) by striking “section 7(b) of the Ports and
23 Waterways Safety Act (33 U.S.C. 1226(b))” and in-
24 serting “section 70116(b)”.

