

**AMENDMENT TO
RULES COMMITTEE PRINT 118–10
OFFERED BY MR. BABIN OF TEXAS**

At the end of title XXXV, add the following:

1 **SEC. ____ . DEEPWATER PORTS IMPROVEMENT.**

2 (a) DECLARATION OF POLICY.—Section 2 of the
3 Deepwater Port Act of 1974 (33 U.S.C. 1501) is amend-
4 ed—

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph (1),
7 by striking “(a) It” and all that follows through
8 “to—” and inserting the following:

9 “(a) PURPOSES.—The purposes of this Act are—”;

10 (B) in each of paragraphs (1) through

11 (6)—

12 (i) by inserting “to” after the para-
13 graph designation; and

14 (ii) by indenting the paragraphs ap-
15 propriately;

16 (C) in paragraph (2), by striking “such
17 ports” and inserting “deepwater ports”;

18 (D) in paragraph (5)—

1 (i) by striking “importing oil or” and
2 inserting “importing and exporting oil
3 and”;

4 (ii) by striking “into” and inserting
5 “to and from”;

6 (iii) by striking “or natural gas from
7 the outer continental shelf” and inserting
8 “and natural gas from the outer Conti-
9 nental Shelf,”; and

10 (iv) by striking “attendant thereto”
11 and inserting “associated with that traf-
12 fic”; and

13 (E) in paragraph (6), by striking “conti-
14 nental shelf” each place it appears and insert-
15 ing “Continental Shelf”; and

16 (2) in subsection (b), by striking the subsection
17 designation and all that follows through “to affect”
18 and inserting the following:

19 “(b) EFFECT OF ACT.—Nothing in this Act affects”.

20 (b) DEFINITIONS.—Section 3 of the Deepwater Port
21 Act of 1974 (33 U.S.C. 1502) is amended—

22 (1) by striking the section designation and
23 heading and all that follows through the end of
24 paragraph (1) and inserting the following:

1 **“SEC. 3. DEFINITIONS.**

2 “In this Act:

3 “(1) ADJACENT COASTAL STATE.—The term
4 ‘adjacent coastal State’, with respect to a deepwater
5 port proposed in an application, means a State des-
6 ignated by the Secretary for that deepwater port
7 pursuant to section 9(a).”;

8 (2) in each of paragraphs (2) through (4)—

9 (A) by inserting “The term” after the
10 paragraph designation; and

11 (B) by inserting a paragraph heading, the
12 text of which comprises the term defined in that
13 paragraph;

14 (3) in paragraph (2), by striking “section
15 5(c)(2)(A) or (B);” and inserting “subparagraph (A)
16 or (B) of section 5(c)(2).”;

17 (4) in paragraph (3), by striking the semicolon
18 at the end and inserting a period;

19 (5) in paragraph (4), by striking “means any
20 person” and all that follows through the semicolon
21 at the end and inserting “has the meaning given the
22 term in section 104 of title 46, United States
23 Code.”;

24 (6) by striking paragraph (5) and inserting the
25 following:

26 “(5) COASTAL ENVIRONMENT.—

1 “(A) IN GENERAL.—The term ‘coastal en-
2 vironment’ means—

3 “(i) the navigable waters (including
4 any land within and under those waters);
5 and

6 “(ii) any shoreline adjacent to navi-
7 gable waters (including water within and
8 under such a shoreline).

9 “(B) INCLUSIONS.—The term ‘coastal en-
10 vironment’ includes—

11 “(i) transitional and intertidal areas;

12 “(ii) bays;

13 “(iii) lagoons;

14 “(iv) salt marshes;

15 “(v) estuaries;

16 “(vi) beaches;

17 “(vii) the fish, wildlife, and other liv-
18 ing resources of an area or feature de-
19 scribed in any of clauses (i) through (vi);
20 and

21 “(viii) the recreational and scenic val-
22 ues of the land, water, and resources de-
23 scribed in any of clauses (i) through
24 (vii).”;

25 (7) in each of paragraphs (6) through (8)—

1 (A) by inserting “The term” after the
2 paragraph designation;

3 (B) by inserting a paragraph heading, the
4 text of which comprises the term defined in that
5 paragraph; and

6 (C) by striking the semicolon at the end of
7 the paragraph and inserting a period;

8 (8) by striking paragraph (9) and inserting the
9 following:

10 “(9) DEEPWATER PORT.—

11 “(A) IN GENERAL.—The term ‘deepwater
12 port’ means any fixed or floating manmade
13 structure (other than a vessel), or any group of
14 such structures, that is—

15 “(i) located beyond State seaward
16 boundaries; and

17 “(ii) used or intended for—

18 “(I) use as a port or terminal for
19 the transportation, storage, or further
20 handling of oil or natural gas for
21 transportation to or from any State,
22 subject to section 23; or

23 “(II) any other use that is not
24 inconsistent with the purposes of this
25 Act, including transportation of oil or

1 natural gas from the outer Conti-
2 nental Shelf.

3 “(B) INCLUSIONS.—The term ‘deepwater
4 port’ includes—

5 “(i) all components and equipment,
6 including pipelines, pumping or compressor
7 stations, service platforms, buoys, mooring
8 lines, and similar facilities, to the extent
9 the components or equipment are located
10 seaward of the high water mark; and

11 “(ii) in the case of a structure used or
12 intended for use as described in subpara-
13 graph (A)(ii) with respect to natural gas,
14 all components and equipment, including
15 pipelines, pumping or compressor stations,
16 service platforms, buoys, mooring lines,
17 and similar facilities, that are proposed or
18 approved for construction and operation as
19 part of a deepwater port, to the extent that
20 the components or equipment—

21 “(I) are located seaward of the
22 high water mark; and

23 “(II) do not include inter-
24 connecting facilities.

1 “(C) TREATMENT AS NEW SOURCE.—A
2 deepwater port—

3 “(i) for purposes of the Clean Air Act
4 (42 U.S.C. 7401 et seq.)—

5 “(I) shall be considered to be a
6 new source; but

7 “(II) shall not be subject to sub-
8 part Y of part 63 of title 40, Code of
9 Federal Regulations (or successor reg-
10 ulations); and

11 “(ii) for purposes of the Federal
12 Water Pollution Control Act (33 U.S.C.
13 1251 et seq.), shall be considered to be a
14 new source.”;

15 (9) in each of paragraphs (10) through (17)—

16 (A) by inserting “The term” after the
17 paragraph designation;

18 (B) by inserting a paragraph heading, the
19 text of which comprises the term defined in that
20 paragraph; and

21 (C) by striking the semicolon at the end of
22 the paragraph and inserting a period;

23 (10) in paragraph (16), by striking “of this
24 Act”;

25 (11) in each of paragraphs (18) and (19)—

1 (A) by inserting “The term” after the
2 paragraph designation; and

3 (B) by inserting a paragraph heading, the
4 text of which comprises the term defined in that
5 paragraph; and

6 (12) in paragraph (18), by striking “; and” at
7 the end and inserting a period.

8 (c) LICENSES FOR OWNERSHIP, CONSTRUCTION, AND
9 OPERATION OF DEEPWATER PORTS.—Section 4 of the
10 Deepwater Port Act of 1974 (33 U.S.C. 1503) is amend-
11 ed—

12 (1) in subsection (c)—

13 (A) in each of paragraphs (1) through (7),
14 by striking “he” after the paragraph designa-
15 tion and inserting “the Secretary”;

16 (B) in paragraph (1), by striking “1990”
17 and inserting “1990 (33 U.S.C. 2716);”;

18 (C) in paragraph (6), by striking “, as
19 amended” each place it appears;

20 (D) in paragraph (7), by adding “and”
21 after the semicolon at the end; and

22 (E) by striking paragraphs (8) and (9) and
23 inserting the following:

24 “(8) the Governor of each adjacent coastal
25 State approves, or is presumed to approve, the

1 issuance of the license pursuant to section 9(b)(1),
2 if applicable.”;

3 (2) in subsection (e)—

4 (A) in paragraph (1)—

5 (i) in the first sentence, by striking
6 “this title” each place it appears and in-
7 serting “this Act”; and

8 (ii) in the second sentence—

9 (I) by striking “requirements of
10 this title” and inserting “requirements
11 of this Act”;

12 (II) by striking “section 10(a) of
13 this title” and inserting “section
14 10(a)”;

15 (III) by striking the semicolon
16 and inserting a comma;

17 (B) in paragraph (2)(B), by striking “he
18 will comply” and inserting “the licensee or
19 transferee will comply”; and

20 (C) in paragraph (3)—

21 (i) in the first sentence, by striking
22 “he deems necessary to assure” and insert-
23 ing “the Secretary determines to be nec-
24 essary to ensure”;

1 (ii) in the second sentence, by striking
2 “he finds” and inserting “the Secretary
3 finds”; and

4 (iii) in the third sentence—

5 (I) by striking “he determines”
6 and inserting “the Secretary deter-
7 mines”;

8 (II) by striking “(67 Stat. 462)”
9 and inserting “(43 U.S.C. 1331 et
10 seq.)”; and

11 (III) by striking “the Outer Con-
12 tinental Shelf Lands Act.” and insert-
13 ing “that Act.”; and

14 (3) in subsection (f), by striking “this title”
15 and inserting “this Act”.

16 (d) PROCEDURE.—Section 5 of the Deepwater Port
17 Act of 1974 (33 U.S.C. 1504) is amended—

18 (1) in subsection (c)—

19 (A) by striking the subsection designation
20 and all that follows through the end of para-
21 graph (1) and inserting the following:

22 “(c) APPLICATIONS.—

23 “(1) REQUIREMENTS.—

24 “(A) IN GENERAL.—Each person that sub-
25 mits to the Secretary an application shall in-

1 clude in the application a detailed plan that
2 contains all information required under para-
3 graph (2).

4 “(B) ACTION BY SECRETARY.—Not later
5 than 21 days after the date of receipt of an ap-
6 plication, the Secretary shall—

7 “(i) determine whether the application
8 contains all information required under
9 paragraph (2); and

10 “(ii)(I) if the Secretary determines
11 that all required information is contained
12 in the application, not later than 5 days
13 after making the determination, publish in
14 the Federal Register—

15 “(aa) a notice of the application;
16 and

17 “(bb) a summary of the relevant
18 plan; or

19 “(II) if the Secretary determines that
20 all required information is not contained in
21 the application—

22 “(aa) notify the applicant of the
23 applicable deficiencies; and

1 “(bb) take no further action with
2 respect to the application until those
3 deficiencies have been remedied.

4 “(C) APPLICABILITY.—On publication of a
5 notice relating to an application under subpara-
6 graph (B)(ii)(I), the Secretary shall be subject
7 to subsection (f).”;

8 (B) in paragraph (2)—

9 (i) by striking “of this paragraph”
10 each place it appears;

11 (ii) by striking the paragraph designa-
12 tion and all that follows through “to—” in
13 the matter preceding subparagraph (A)
14 and inserting the following:

15 “(2) INCLUSIONS.—Each application shall in-
16 clude such financial, technical, and other informa-
17 tion as the Secretary determines to be necessary or
18 appropriate, including—”; and

19 (iii) by indenting subparagraphs (A)
20 through (M) appropriately; and

21 (C) in paragraph (3), by striking “(3)
22 Upon” and inserting the following:

23 “(3) EXEMPTIONS.—On”;

24 (2) in subsection (f)—

25 (A) in the second sentence—

1 (i) by inserting “(42 U.S.C. 4321 et
2 seq.)” after “1969”; and

3 (ii) by striking “Such compliance”
4 and inserting the following:

5 “(2) TREATMENT.—Compliance under para-
6 graph (1)”;

7 (B) in the first sentence—

8 (i) by striking “4332)” and inserting
9 “4321 et seq.) with respect to the applica-
10 tion”;

11 (ii) by striking “For all applications”
12 and inserting the following:

13 “(1) IN GENERAL.—Effective beginning on the
14 date on which an application is determined to be
15 complete under subsection (c)(1)(B)(i)”;

16 (3) in subsection (g), in the last sentence, by
17 striking “section 5(c) of this Act” and inserting
18 “subsection (c)”;

19 (4) in subsection (h)—

20 (A) by striking “(h)(1) Each” and insert-
21 ing the following:

22 “(h) FEES.—

23 “(1) REQUIREMENT.—

24 “(A) IN GENERAL.—Each”;

25 (B) in paragraph (1)—

1 (i) in subparagraph (A) (as so des-
2 ignated), in the second sentence, by strik-
3 ing “In addition” and inserting the fol-
4 lowing:

5 “(B) REIMBURSEMENT.—In addition to a
6 fee under subparagraph (A)”;

7 (ii) by adding at the end the fol-
8 lowing:

9 “(C) REFUND.—If a license has not been
10 issued for an application by the applicable dead-
11 line—

12 “(i) any fee or reimbursement paid by
13 the applicant under subparagraph (A) or
14 (B) shall be refunded; and

15 “(ii) the applicant shall be eligible for
16 reimbursement for additional costs in-
17 curred by the applicant due to any unnec-
18 essary delay by the Secretary, unless the
19 Secretary provides evidence that the delay
20 is necessary to support the application.”;

21 (C) in paragraph (2)—

22 (i) by striking the last sentence;

23 (ii) by striking “(2) Notwithstanding”

24 and inserting the following:

25 “(2) USAGE FEES.—

1 “(A) DEFINITION OF DIRECTLY RELATED
2 LAND-BASED FACILITY.—In this paragraph, the
3 term ‘directly related land-based facility’, with
4 respect to a deepwater port facility, means an
5 onshore tank farm, together with the pipelines
6 connecting the tank farm to the deepwater port
7 facility.

8 “(B) AUTHORIZATION.—Notwithstanding”;
9 and

10 (iii) in subparagraph (B) (as so des-
11 ignated)—

12 (I) in the first sentence, by strik-
13 ing “land-based facilities directly re-
14 lated to” and inserting “directly re-
15 lated land-based facilities with respect
16 to”;

17 (II) by striking “such land-
18 based” each place it appears and in-
19 serting “directly related land-based”;

20 (III) in the fourth sentence, by
21 striking “Such fees” and inserting the
22 following:

23 “(E) APPROVAL.—A fee established under
24 this paragraph”;

25 (IV) in the third sentence—

1 (aa) by striking “such” each
2 place it appears and inserting
3 “the applicable”; and

4 (bb) by striking “Fees
5 under” and inserting the fol-
6 lowing:

7 “(D) AMOUNT.—The amount of a fee es-
8 tablished under”; and

9 (V) in the second sentence—

10 (aa) by striking “such” each
11 place it appears and inserting
12 “the applicable”; and

13 (bb) by striking “Fees may
14 be fixed under authority of this
15 paragraph” and inserting the fol-
16 lowing:

17 “(C) TREATMENT.—A fee may be estab-
18 lished pursuant to this paragraph”; and

19 (D) in paragraph (3)—

20 (i) by striking “Outer” and inserting
21 “outer”;

22 (ii) by striking “(3) A licensee” and
23 inserting the following:

24 “(3) RENTAL PAYMENT.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), a licensee”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) REFUND.—On request of the appli-
6 cant, a rental payment under subparagraph (A)
7 shall be refunded to the applicant if the Sec-
8 retary has not issued to the applicant a license
9 under this section by the applicable deadline.”;
10 (5) in subsection (i)—

11 (A) in paragraph (2)—

12 (i) in subparagraph (A)—

13 (I) by inserting “First,” after the
14 subparagraph designation; and

15 (II) by striking the semicolon at
16 the end and inserting a period;

17 (ii) in subparagraph (B)—

18 (I) by inserting “Second,” after
19 the subparagraph designation; and

20 (II) by striking the semicolon at
21 the end and inserting a period; and

22 (iii) in subparagraph (C), by inserting
23 “Third,” after the subparagraph designa-
24 tion;

25 (B) in paragraph (3)—

1 (i) in subparagraph (C), by striking
2 “(C) any” and inserting the following:

3 “(D) Any”;

4 (ii) in subparagraph (B)—

5 (I) by striking “; and” at the end
6 and inserting a period; and

7 (II) by striking “(B) any” and
8 inserting the following:

9 “(C) Any”; and

10 (iii) in subparagraph (A)—

11 (I) by striking “section 6 of this
12 Act;” and inserting “section 6.”; and

13 (II) by striking “(A) the degree”
14 and inserting the following:

15 “(A) National and economic security, in-
16 cluding the effects of any oil restriction imposed
17 by a foreign country attacking the United
18 States or an ally of the United States.

19 “(B) The degree”; and

20 (C) in paragraph (4)—

21 (i) by striking the second sentence
22 and inserting the following:

23 “(B) EFFECT OF FAILURE TO DETER-
24 MINE.—If the Secretary fails to approve or
25 deny an application for a deepwater port for

1 natural gas by the applicable deadline under
2 subparagraph (A), the reporting requirements
3 under paragraphs (1), (2), and (3) shall not
4 apply to the application.”; and

5 (ii) in the matter preceding subpara-
6 graph (B) (as so added), by striking “(4)
7 The Secretary” and inserting the following:

8 “(4) APPLICATIONS FOR DEEPWATER PORTS
9 FOR NATURAL GAS.—

10 “(A) DEADLINE FOR DETERMINATION.—
11 The Secretary”;

12 (6) in subsection (j)—

13 (A) in paragraph (1)—

14 (i) by striking “of Transportation”;
15 and

16 (ii) by striking “to promote the trans-
17 portation” and inserting the following: “to
18 promote—

19 “(A) the use of United States flag vessels;
20 and

21 “(B) transportation”; and

22 (B) in paragraph (2), by striking “section
23 5(e)(2)(K) of the Deepwater Port Act of 1974
24 (33 U.S.C. 1504(e)(2)(K))” and inserting “sub-
25 section (c)(2)(K)”;

1 (7) by adding at the end the following:

2 “(k) TRANSPARENCY IN ISSUANCE OF LICENSES AND
3 PERMITS.—

4 “(1) DEFINITION OF APPLICABLE DEADLINE.—

5 In this subsection, the term ‘applicable deadline’,
6 with respect to an applicant, means the deadline or
7 date applicable to the applicant under any of the fol-
8 lowing:

9 “(A) Section 4(c)(6).

10 “(B) Section 4(d)(3).

11 “(C) Subsection (c)(1)(B) (including clause
12 (ii)(I) of that subsection).

13 “(D) Subsection (d)(3).

14 “(E) Paragraph (1) or (2) of subsection
15 (e).

16 “(F) Subsection (g).

17 “(G) Paragraph (1) or (4)(A) of subsection
18 (i).

19 “(2) SUSPENSIONS AND DELAYS.—

20 “(A) IN GENERAL.—If the Secretary sus-
21 pends or delays an applicable deadline, the Sec-
22 retary shall submit to the applicant, in writing,
23 a detailed statement—

24 “(i) describing the reasons for the
25 suspension or delay;

1 “(ii) describing and requesting any in-
2 formation necessary to continue the proc-
3 ess to issue the applicable license, permit,
4 or other Federal authorization; and

5 “(iii) identifying the date described in
6 subparagraph (B) with respect to the
7 statement.

8 “(B) DESCRIPTION OF DATE.—The date
9 referred to in subparagraph (A)(iii) is the ear-
10 liest of—

11 “(i) the applicable deadline;

12 “(ii) the date on which the applicable
13 deadline is suspended; and

14 “(iii) the date on which the Secretary
15 determines that the applicable deadline will
16 not be met.

17 “(3) APPLICANT RIGHTS TO CONFERENCE.—

18 “(A) PERSONNEL RELEVANT TO SUSPEN-
19 SION OR DELAY.—

20 “(i) IN GENERAL.—An applicant that
21 receives a statement under paragraph
22 (2)(A) may submit to the Secretary a re-
23 quest for a conference with appropriate
24 personnel of the Department of Transpor-
25 tation and representatives of each cooper-

1 ating Federal agency determined by the
2 Secretary to be relevant with respect to the
3 suspension or delay described in the state-
4 ment.

5 “(ii) TIMING.—A conference requested
6 under clause (i) shall be held not later
7 than 30 days after the date on which the
8 Secretary receives the request under that
9 clause.

10 “(B) SENIOR EXECUTIVE SERVICE OFFI-
11 CIAL.—

12 “(i) IN GENERAL.—Subject to clause
13 (ii), an applicant that has provided to the
14 Secretary relevant information in response
15 to a request under paragraph (2)(A)(ii)
16 may submit to the Secretary a request for
17 a conference with a relevant official of the
18 Department of Transportation in the Sen-
19 ior Executive Service (as defined in section
20 2101a of title 5, United States Code).

21 “(ii) LIMITATION.—A request for a
22 conference under clause (i) may be sub-
23 mitted not earlier than 30 days after the
24 date on which the applicant provided to the

1 Secretary the information described in
2 clause (i).

3 “(iii) REQUIREMENTS.—On receipt of
4 a request under clause (i), the Secretary
5 shall—

6 “(I) ensure that the meeting de-
7 scribed in that clause is held not later
8 than 30 days after the date on which
9 the Secretary receives the request;
10 and

11 “(II) submit a notice of the re-
12 quest, including a description of the
13 nature and circumstances of the appli-
14 cable suspension or delay, to—

15 “(aa) the Committee on
16 Commerce, Science, and Trans-
17 portation of the Senate; and

18 “(bb) the Committee on
19 Transportation and Infrastruc-
20 ture of the House of Representa-
21 tives.

22 “(4) ENFORCEMENT.—An applicant for a li-
23 cense, permit, or other Federal authorization relat-
24 ing to the ownership, construction, or operation of a

1 deepwater port may file an action to enforce any
2 provision of this subsection in—

3 “(A) the United States District Court for
4 the District of Columbia; or

5 “(B) the United States district court for
6 the district in which is located—

7 “(i) the place of domicile or incorpora-
8 tion of the applicant;

9 “(ii) the principal place of business of
10 the applicant; or

11 “(iii) the relevant office of the De-
12 partment of Transportation or a cooper-
13 ating agency.”.

14 (e) REVIEW CRITERIA.—Section 6 of the Deepwater
15 Port Act of 1974 (33 U.S.C. 1505) is amended—

16 (1) in subsection (a)—

17 (A) by striking paragraphs (2) and (7);

18 (B) in paragraph (5), by adding “and”
19 after the semicolon at the end;

20 (C) in paragraph (6), by striking “; and”
21 and inserting a period;

22 (D) by redesignating paragraphs (1), (3),
23 (4), (5), and (6) as subparagraphs (A), (B),
24 (C), (D), and (E), respectively, and indenting
25 the subparagraphs appropriately; and

1 (E) in the matter preceding subparagraph

2 (A) (as so redesignated)—

3 (i) by striking “Policy Act. Such cri-
4 teria” and inserting the following: “Policy
5 Act of 1969 (42 U.S.C. 4321 et seq.).

6 “(2) USE FOR EVALUATION.—The criteria es-
7 tablished under this subsection”; and

8 (ii) by striking “(a) The Secretary”
9 and inserting the following:

10 “(a) ESTABLISHMENT.—

11 “(1) IN GENERAL.—The Secretary”;

12 (2) in subsection (b)—

13 (A) by striking “of this section”; and

14 (B) by striking “(b) The Secretary” and
15 inserting the following:

16 “(b) REVIEW AND REVISION.—The Secretary”; and

17 (3) in subsection (c)—

18 (A) by striking “concurrently with the reg-
19 ulations in section 5(a) of this Act and in ac-
20 cordance with the provisions of that subsection”
21 and inserting “concurrently with the regulations
22 promulgated pursuant to section 5(a) and in ac-
23 cordance with that section”; and

24 (B) by striking “(c) Criteria” and insert-
25 ing the following:

1 “(c) REQUIREMENT.—The criteria”.

2 (f) NATIONAL PLAN TO IDENTIFY AND DESIGNATE
3 SUITABILITY AREAS.—The Deepwater Port Act of 1974
4 is amended by inserting after section 6 (33 U.S.C. 1505)
5 the following:

6 **“SEC. 7. NATIONAL PLAN TO IDENTIFY AND DESIGNATE**
7 **SUITABILITY AREAS.**

8 “(a) DEFINITION OF SUITABILITY AREA.—In this
9 section, the term ‘suitability area’ means a site beyond the
10 seaward boundary of a State that, as determined by the
11 Secretary, may be suitable for construction activities at
12 a deepwater port.

13 “(b) ESTABLISHMENT.—Not later than 180 days
14 after the date of enactment of the Deepwater Ports Im-
15 provement Act of 2023, the Secretary, in consultation with
16 the Secretary of Commerce, the Secretary of Homeland
17 Security, and the Secretary of the Interior, shall establish
18 a plan and timeline—

19 “(1) to systematically assess the exclusive eco-
20 nomic zone (as defined in section 107 of title 46,
21 United States Code), in accordance with subsection
22 (c); and

23 “(2) to prepare an inventory of suitability
24 areas, in accordance with subsection (d).

25 “(c) ASSESSMENT.—

1 “(1) IN GENERAL.—In conducting the assess-
2 ment under this subsection, the Secretary shall—

3 “(A) rely on—

4 “(i) relevant scientific, social, and eco-
5 nomic data; and

6 “(ii) engagement with relevant stake-
7 holders and the public, in accordance with
8 subsection (e); and

9 “(B) take into consideration, with respect
10 to any suitability area identified under the as-
11 sessment for potential inclusion in the inventory
12 under subsection (d)—

13 “(i) the oceanographic characteristics
14 of the suitability area;

15 “(ii) the bathymetry and availability
16 of areas for anchors, moorings, and other
17 gear;

18 “(iii) current and possible future
19 human uses of the suitability area and
20 areas in reasonable proximity to the suit-
21 ability area;

22 “(iv) current and possible future con-
23 servation uses of the suitability area and
24 areas in reasonable proximity to the suit-
25 ability area;

1 “(v) expected socioeconomic impacts
2 from the construction of a deepwater port
3 on adjacent coastal communities; and

4 “(vi) such other factors as the Sec-
5 retary determines to be appropriate.

6 “(2) TREATMENT OF CLUSTERS.—In con-
7 ducting the assessment under this subsection, the
8 Secretary may consider a cluster of locations to be
9 a single suitability area for potential inclusion in the
10 inventory under subsection (d), subject to the condi-
11 tions that—

12 “(A) the locations shall—

13 “(i) be located in close proximity; and

14 “(ii) reflect similar conditions; and

15 “(B) each such location shall meet the ap-
16 plicable criteria under this section.

17 “(3) COORDINATION; AVAILABILITY TO APPLI-
18 CANTS.—To the maximum extent practicable, the
19 Secretary shall—

20 “(A) conduct the assessment under this
21 subsection in accordance with any relevant re-
22 views required under the National Environ-
23 mental Policy Act of 1969 (42 U.S.C. 4321 et
24 seq.); and

1 “(B) make the assessment available to ap-
2 plicants under this Act.

3 “(d) INVENTORY.—

4 “(1) IN GENERAL.—Based on the results of the
5 assessment under subsection (c), the Secretary shall
6 prepare an inventory of not fewer than 20 suitability
7 areas.

8 “(2) INCLUSION.—If the Secretary determines
9 that an suitability area is suitable for inclusion in
10 the inventory under paragraph (1), the suitability
11 area shall be included in the inventory, together
12 with—

13 “(A) a description of the suitability area,
14 including a map and location coordinates;

15 “(B) a thorough evaluation of the suit-
16 ability area with respect to each factor de-
17 scribed in subsection (c)(1)(B) and any findings
18 of the Secretary regarding such a factor; and

19 “(C) an analysis of the means by which the
20 findings described in subparagraph (B) justify
21 a determination that the suitability area is a
22 suitable location for deepwater port activities.

23 “(3) REQUIREMENT.—In preparing the inven-
24 tory under this subsection, the Secretary shall rely
25 on—

1 “(A) relevant scientific, social, and eco-
2 nomic data; and

3 “(B) engagement with relevant stake-
4 holders and the public, in accordance with sub-
5 section (e).

6 “(e) ENGAGEMENT.—

7 “(1) PUBLIC MEETINGS.—

8 “(A) IN GENERAL.—The Secretary shall
9 conduct public meetings—

10 “(i) to inform interested stakeholders
11 regarding the intent to include an suit-
12 ability area in the inventory under sub-
13 section (d);

14 “(ii) to share information relating to
15 the assessment and inventory process
16 under this section; and

17 “(iii) to solicit relevant public feed-
18 back, including written comments.

19 “(B) WORKSHOPS.—In addition to public
20 meetings under subparagraph (A), the Sec-
21 retary may convene 1 or more workshops, in ac-
22 cordance with chapter 10 of title 5, United
23 States Code, for particular stakeholders or
24 stakeholder groups to provide insight, informa-

1 tion, and comments to support the assessment
2 and inventory process under this section.

3 “(2) CONSULTATION WITH STATES AND INDIAN
4 TRIBES.—

5 “(A) IN GENERAL.—The Secretary shall
6 consult with States and federally recognized In-
7 dian Tribes located adjacent to, or within 100
8 miles of, any suitability area proposed for inclu-
9 sion in the inventory under subsection (d).

10 “(B) COMMENTS.—

11 “(i) IN GENERAL.—A State or Indian
12 Tribe described in subparagraph (A) may
13 submit to the Secretary comments relating
14 to the applicable suitability area.

15 “(ii) CONSIDERATION.—The Secretary
16 shall consider any comments received
17 under clause (i) in the assessment and in-
18 ventory process under this section.

19 “(f) REGULATIONS.—The Secretary may promulgate
20 such regulations as the Secretary determines to be appro-
21 priate to carry out this section.

22 “(g) SPATIAL DATA.—To support the implementa-
23 tion of this section, the Secretary shall—

24 “(1) collect and curate spatial data relevant to
25 the assessment under subsection (c); and

1 “(2) make those data publicly available, unless
2 otherwise restricted by law.”.

3 (g) ADJACENT COASTAL STATES.—Section 9 of the
4 Deepwater Port Act of 1974 (33 U.S.C. 1508) is amend-
5 ed—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) DESIGNATION.—In issuing a notice relating to
9 an application for a deepwater port under section
10 5(c)(1)(B)(ii)(I), the Secretary shall designate as an adja-
11 cent coastal State, with respect to the deepwater port, any
12 coastal State that would be—

13 “(1) directly connected by pipeline to that deep-
14 water port; or

15 “(2) located within 15 miles of that deepwater
16 port.”;

17 (2) in subsection (b)—

18 (A) by striking “(b)(1) Not later than 10
19 days after the designation of adjacent coastal
20 States pursuant to this Act” and inserting the
21 following:

22 “(b) INPUT FROM ADJACENT COASTAL STATES AND
23 OTHER INTERESTED STATES.—

24 “(1) SUBMISSION OF APPLICATIONS TO GOV-
25 ERNORS FOR APPROVAL.—

1 “(A) IN GENERAL.—Not later than 10
2 days after the date on which the Secretary des-
3 ignates adjacent coastal States under sub-
4 section (a) with respect to a deepwater port
5 proposed in an application”;

6 (B) in paragraph (1)(A) (as so des-
7 ignated)—

8 (i) in the fourth sentence, by striking
9 “If the Governor” and inserting the fol-
10 lowing:

11 “(D) INCONSISTENCY WITH CERTAIN
12 STATE PROGRAMS.—If the Governor of an adja-
13 cent coastal State”;

14 (ii) in the third sentence, by striking
15 “If the Governor fails to transmit his” and
16 inserting the following:

17 “(C) PRESUMED APPROVAL.—If the Gov-
18 ernor of an adjacent coastal State fails to
19 transmit a required”; and

20 (iii) in the second sentence, by strik-
21 ing “The Secretary” and inserting the fol-
22 lowing:

23 “(B) PROHIBITION.—The Secretary”; and
24 (C) in paragraph (2)—

1 (i) by striking “(2) Any other inter-
2 ested State” and inserting the following:

3 “(2) OTHER INTERESTED STATES.—Any other
4 State with an interest relating to a deepwater port
5 proposed in an application”; and

6 (ii) by striking “a deepwater port”
7 and inserting “the deepwater port”;

8 (3) by striking subsection (c); and

9 (4) in subsection (d), by striking “(d) The con-
10 sent of Congress is given to two” and inserting the
11 following:

12 “(c) STATE AGREEMENTS.—Congress grants consent
13 to any 2”.

14 (h) CIVIL ACTION.—Section 16 of the Deepwater
15 Port Act of 1974 (33 U.S.C. 1515) is amended—

16 (1) in the section heading, by striking “CIT-
17 IZEN”;

18 (2) in subsection (a)—

19 (A) in paragraph (1)—

20 (i) by striking “including (A) the
21 United States, and (B) any other” and in-
22 serting “including the United States and
23 any other”; and

24 (ii) by striking “(1) against any” and
25 inserting the following:

1 “(A) any”;

2 (B) in paragraph (2)—

3 (i) by striking “the Secretary. Any ac-
4 tion” and inserting “the Secretary, subject
5 to the condition that any action”; and

6 (ii) by striking “(2) against the Sec-
7 retary where” and inserting the following:

8 “(B) the Secretary in any case in which”;

9 (C) in the undesignated matter following
10 subparagraph (B) (as so redesignated), by
11 striking “In suits” and inserting the following:

12 “(2) DISTRICT COURT JURISDICTION.—In any
13 civil action”; and

14 (D) in the matter preceding subparagraph

15 (A) (as redesignated by subparagraph (A)(ii))—

16 (i) by striking “controversy—” and
17 inserting “controversy, against—”; and

18 (ii) by striking “(a) Except as pro-
19 vided in subsection (b) of this section” and
20 inserting the following:

21 “(a) AUTHORIZATION.—

22 “(1) IN GENERAL.—Except as provided in sub-
23 section (b)”;

24 (3) in subsection (b)—

1 (A) by striking “of this section” each place
2 it appears;

3 (B) by striking “prior to” each place it ap-
4 pears and inserting “before the date that is”;

5 (C) in paragraph (1)—

6 (i) in subparagraph (A), by striking
7 “violation (i) to the Secretary and (ii) to”
8 and inserting “violation to the Secretary
9 and”;

10 (ii) by redesignating subparagraphs
11 (A) and (B) as clauses (i) and (ii), respec-
12 tively, and indenting the clauses appro-
13 priately; and

14 (iii) in the matter preceding clause (i)
15 (as so redesignated), by striking “(1)
16 under” and inserting the following:

17 “(A) on or after the date that is 90 days
18 after the date on which the Secretary has
19 issued a record of decision;

20 “(B) under”;

21 (D) in paragraph (2), by striking “(2)
22 under” and inserting the following:

23 “(C) under”;

1 (E) in the undesignated matter following
2 subparagraph (C) (as so redesignated), by
3 striking “Notice” and inserting the following:

4 “(2) NOTICE.—A notice”; and

5 (F) in the matter preceding subparagraph
6 (A) (as added by subparagraph (C)(iii)), by
7 striking “(b) No civil action” and inserting the
8 following:

9 “(b) LIMITATION.—

10 “(1) IN GENERAL.—No civil action”;

11 (4) in subsection (c), by striking “(c) In” and
12 inserting the following:

13 “(c) INTERVENTION BY SECRETARY OR ATTORNEY
14 GENERAL.—In”;

15 (5) in subsection (d), by striking “(d) The
16 Court” and inserting the following:

17 “(d) COSTS OF LITIGATION.—A court of competent
18 jurisdiction”; and

19 (6) in subsection (e), by striking “(e) Nothing”
20 and inserting the following:

21 “(e) EFFECT OF SECTION.—Nothing”.

22 (i) JUDICIAL REVIEW.—Section 17 of the Deepwater
23 Port Act of 1974 (33 U.S.C. 1516) is amended—

24 (1) in the first sentence, by striking “Any per-
25 son suffering legal wrong, or who is adversely af-

1 fected or aggrieved by the Secretary’s decision to
2 issue, transfer, modify, renew, suspend” and insert-
3 ing the following:

4 “(a) IN GENERAL.—Any person that suffers a legal
5 wrong, or that is adversely affected or aggrieved by a de-
6 termination of the Secretary under this Act to transfer,
7 modify, suspend”;

8 (2) in subsection (a) (as so designated), in the
9 second sentence, by striking “A person shall be
10 deemed to be aggrieved by the Secretary’s decision
11 within the meaning of this Act if he—” and insert-
12 ing the following:

13 “(b) CONSIDERATION AS AGGRIEVED.—A person
14 shall be considered to be aggrieved by a determination of
15 the Secretary for purposes of subsection (a) if the per-
16 son—”; and

17 (3) in subsection (b) (as so designated)—

18 (A) in subparagraph (A)—

19 (i) by striking “he” each place it ap-
20 pears and inserting “the person”; and

21 (ii) by striking “his failure” and in-
22 sserting “the failure”; and

23 (B) by redesignating subparagraphs (A)
24 and (B) as paragraphs (1) and (2), respectively,
25 and indenting the paragraphs appropriately.

1 (j) REPEAL.—Section 25 of the Deepwater Port Act
2 of 1974 (33 U.S.C. 1524) is repealed.

3 (k) TECHNICAL CORRECTIONS.—

4 (1) Section 8 of the Deepwater Port Act of
5 1974 (33 U.S.C. 1507) is amended—

6 (A) by striking the section designation and
7 all that follows through “(a) A deepwater” and
8 inserting the following:

9 **“SEC. 8. COMMON CARRIER STATUS.**

10 “(a) IN GENERAL.—A deepwater”;

11 (B) in subsection (a), by striking “part I
12 of the Interstate Commerce Act and”;

13 (C) in subsection (b)—

14 (i) by striking “(b) A licensee” and
15 inserting the following:

16 “(b) NOT DISCRIMINATION.—A licensee”; and

17 (ii) by indenting paragraphs (1) and
18 (2) appropriately; and

19 (D) in subsection (c), by striking “(c)
20 When” and inserting the following:

21 “(c) ENFORCEMENT, SUSPENSION, OR TERMINATION
22 PROCEEDINGS.—In any case in which”.

23 (2) Section 12 of the Deepwater Port Act of
24 1974 (33 U.S.C. 1511) is amended—

25 (A) in subsection (a)—

1 (i) in paragraph (1), by striking “(1)
2 suspend” and inserting the following:

3 “(A) to suspend”;

4 (ii) by striking paragraph (2) and in-
5 serting the following:

6 “(B) if that failure is knowing and con-
7 tinues for a period of not less than 30 days
8 after the date on which Secretary provides to
9 the licensee a notice of the failure by registered
10 letter at the record post office address of the li-
11 censee, to revoke the license.”;

12 (iii) in the undesignated matter fol-
13 lowing subparagraph (B) (as so redesign-
14 ated), by striking “No proceeding” and
15 inserting the following:

16 “(2) NO PROCEEDING NECESSARY.—No pro-
17 ceeding”; and

18 (iv) in the matter preceding subpara-
19 graph (A) (as redesignated by clause (i))—

20 (I) by striking “this title” each
21 place it appears and inserting “this
22 Act”;

23 (II) by striking “found, to—”
24 and inserting “found—”; and

1 (III) by striking “(a) Whenever”
2 and inserting the following:

3 “(a) PROCEEDINGS BY ATTORNEY GENERAL.—

4 “(1) IN GENERAL.—Subject to paragraph (2),
5 in any case in which”; and

6 (B) in subsection (b), by striking “(b) If”
7 and inserting the following:

8 “(b) DANGERS TO PUBLIC HEALTH AND SAFETY OR
9 ENVIRONMENT.—If”.

10 (3) Section 13(a) of the Deepwater Port Act of
11 1974 (33 U.S.C. 1512(a)) is amended, in the second
12 sentence, by striking “part I of the Interstate Com-
13 merce Act or”.

14 (4) Section 23 of the Deepwater Port Act of
15 1974 (33 U.S.C. 1522) is amended to read as fol-
16 lows:

17 **“SEC. 23. EFFECT OF ACT.**

18 “Nothing in this Act affects section 28(u) of the Min-
19 eral Leasing Act (30 U.S.C. 185(u)).”.

20 (5) Section 24 of the Deepwater Port Act of
21 1974 (33 U.S.C. 1523) is amended, in the first sen-
22 tence, by striking “or his delegate” and inserting
23 “(or a designee)”.

24 (l) CONFORMING AMENDMENT TO FAST ACT.—Sec-
25 tion 41001(6)(A) of the FAST Act (42 U.S.C.

1 4370m(6)(A)) is amended, in the matter preceding clause
2 (i), by inserting “a deepwater port (as defined in section
3 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502)),”
4 after “pipelines,”.

5 (m) DECLARATION OF POLICY.—Section 2 of the
6 Deepwater Port Act of 1974 (33 U.S.C. 1501) is amend-
7 ed—

8 (1) in subsection (a)—

9 (A) in the matter preceding paragraph (1),
10 by striking “(a) It” and all that follows through
11 “to—” and inserting the following:

12 “(a) PURPOSES.—The purposes of this Act are—”;

13 (B) in each of paragraphs (1) through
14 (6)—

15 (i) by inserting “to” after the para-
16 graph designation; and

17 (ii) by indenting the paragraphs ap-
18 propriately;

19 (C) in paragraph (2), by striking “such
20 ports” and inserting “deepwater ports”;

21 (D) in paragraph (5)—

22 (i) by striking “importing oil or” and
23 inserting “importing and exporting oil
24 and”;

1 (ii) by striking “into” and inserting
2 “to and from”;

3 (iii) by striking “or natural gas from
4 the outer continental shelf” and inserting
5 “and natural gas from the outer Conti-
6 nental Shelf,”; and

7 (iv) by striking “attendant thereto”
8 and inserting “associated with that traf-
9 fic”; and

10 (E) in paragraph (6), by striking “conti-
11 nental shelf” each place it appears and insert-
12 ing “Continental Shelf”; and

13 (2) in subsection (b), by striking the subsection
14 designation and all that follows through “to affect”
15 and inserting the following:

16 “(b) EFFECT OF ACT.—Nothing in this Act affects”.

17 (n) DEFINITIONS.—Section 3 of the Deepwater Port
18 Act of 1974 (33 U.S.C. 1502) is amended—

19 (1) by striking the section designation and
20 heading and all that follows through the end of
21 paragraph (1) and inserting the following:

22 **“SEC. 3. DEFINITIONS.**

23 “In this Act:

24 “(1) ADJACENT COASTAL STATE.—The term
25 ‘adjacent coastal State’, with respect to a deepwater

1 port proposed in an application, means a State des-
2 ignated by the Secretary for that deepwater port
3 pursuant to section 9(a).”;

4 (2) in each of paragraphs (2) through (4)—

5 (A) by inserting “The term” after the
6 paragraph designation; and

7 (B) by inserting a paragraph heading, the
8 text of which comprises the term defined in that
9 paragraph;

10 (3) in paragraph (2), by striking “section
11 5(c)(2)(A) or (B);” and inserting “subparagraph (A)
12 or (B) of section 5(c)(2).”;

13 (4) in paragraph (3), by striking the semicolon
14 at the end and inserting a period;

15 (5) in paragraph (4), by striking “means any
16 person” and all that follows through the semicolon
17 at the end and inserting “has the meaning given the
18 term in section 104 of title 46, United States
19 Code.”;

20 (6) by striking paragraph (5) and inserting the
21 following:

22 “(5) COASTAL ENVIRONMENT.—

23 “(A) IN GENERAL.—The term ‘coastal en-
24 vironment’ means—

1 “(i) the navigable waters (including
2 any land within and under those waters);
3 and

4 “(ii) any shoreline adjacent to navi-
5 gable waters (including water within and
6 under such a shoreline).

7 “(B) INCLUSIONS.—The term ‘coastal en-
8 vironment’ includes—

9 “(i) transitional and intertidal areas;

10 “(ii) bays;

11 “(iii) lagoons;

12 “(iv) salt marshes;

13 “(v) estuaries;

14 “(vi) beaches;

15 “(vii) the fish, wildlife, and other liv-
16 ing resources of an area or feature de-
17 scribed in any of clauses (i) through (vi);
18 and

19 “(viii) the recreational and scenic val-
20 ues of the land, water, and resources de-
21 scribed in any of clauses (i) through
22 (vii).”;

23 (7) in each of paragraphs (6) through (8)—

24 (A) by inserting “The term” after the
25 paragraph designation;

1 (B) by inserting a paragraph heading, the
2 text of which comprises the term defined in that
3 paragraph; and

4 (C) by striking the semicolon at the end of
5 the paragraph and inserting a period;

6 (8) by striking paragraph (9) and inserting the
7 following:

8 “(9) DEEPWATER PORT.—

9 “(A) IN GENERAL.—The term ‘deepwater
10 port’ means any fixed or floating manmade
11 structure (other than a vessel), or any group of
12 such structures, that is—

13 “(i) located beyond State seaward
14 boundaries; and

15 “(ii) used or intended for—

16 “(I) use as a port or terminal for
17 the transportation, storage, or further
18 handling of oil or natural gas for
19 transportation to or from any State,
20 subject to section 23; or

21 “(II) any other use that is not
22 inconsistent with the purposes of this
23 Act, including transportation of oil or
24 natural gas from the outer Conti-
25 nental Shelf.

1 “(B) INCLUSIONS.—The term ‘deepwater
2 port’ includes—

3 “(i) all components and equipment,
4 including pipelines, pumping or compressor
5 stations, service platforms, buoys, mooring
6 lines, and similar facilities, to the extent
7 the components or equipment are located
8 seaward of the high water mark; and

9 “(ii) in the case of a structure used or
10 intended for use as described in subpara-
11 graph (A)(ii) with respect to natural gas,
12 all components and equipment, including
13 pipelines, pumping or compressor stations,
14 service platforms, buoys, mooring lines,
15 and similar facilities, that are proposed or
16 approved for construction and operation as
17 part of a deepwater port, to the extent that
18 the components or equipment—

19 “(I) are located seaward of the
20 high water mark; and

21 “(II) do not include inter-
22 connecting facilities.

23 “(C) TREATMENT AS NEW SOURCE.—A
24 deepwater port—

1 “(i) for purposes of the Clean Air Act
2 (42 U.S.C. 7401 et seq.)—

3 “(I) shall be considered to be a
4 new source; but

5 “(II) shall not be subject to sub-
6 part Y of part 63 of title 40, Code of
7 Federal Regulations (or successor reg-
8 ulations); and

9 “(ii) for purposes of the Federal
10 Water Pollution Control Act (33 U.S.C.
11 1251 et seq.), shall be considered to be a
12 new source.”;

13 (9) in each of paragraphs (10) through (17)—

14 (A) by inserting “The term” after the
15 paragraph designation;

16 (B) by inserting a paragraph heading, the
17 text of which comprises the term defined in that
18 paragraph; and

19 (C) by striking the semicolon at the end of
20 the paragraph and inserting a period;

21 (10) in paragraph (16), by striking “of this
22 Act”;

23 (11) in each of paragraphs (18) and (19)—

24 (A) by inserting “The term” after the
25 paragraph designation; and

1 (B) by inserting a paragraph heading, the
2 text of which comprises the term defined in that
3 paragraph; and

4 (12) in paragraph (18), by striking “; and” at
5 the end and inserting a period.

6 (o) LICENSES FOR OWNERSHIP, CONSTRUCTION,
7 AND OPERATION OF DEEPWATER PORTS.—Section 4 of
8 the Deepwater Port Act of 1974 (33 U.S.C. 1503) is
9 amended—

10 (1) in subsection (c)—

11 (A) in each of paragraphs (1) through (7),
12 by striking “he” after the paragraph designa-
13 tion and inserting “the Secretary”;

14 (B) in paragraph (1), by striking “1990”
15 and inserting “1990 (33 U.S.C. 2716)”;

16 (C) in paragraph (6), by striking “, as
17 amended” each place it appears;

18 (D) in paragraph (7), by adding “and”
19 after the semicolon at the end; and

20 (E) by striking paragraphs (8) and (9) and
21 inserting the following:

22 “(8) the Governor of each adjacent coastal
23 State approves, or is presumed to approve, the
24 issuance of the license pursuant to section 9(b)(1),
25 if applicable.”;

1 (2) in subsection (e)—

2 (A) in paragraph (1)—

3 (i) in the first sentence, by striking
4 “this title” each place it appears and in-
5 sserting “this Act”; and

6 (ii) in the second sentence—

7 (I) by striking “requirements of
8 this title” and inserting “requirements
9 of this Act”;

10 (II) by striking “section 10(a) of
11 this title” and inserting “section
12 10(a)”;

13 (III) by striking the semicolon
14 and inserting a comma;

15 (B) in paragraph (2)(B), by striking “he
16 will comply” and inserting “the licensee or
17 transferee will comply”; and

18 (C) in paragraph (3)—

19 (i) in the first sentence, by striking
20 “he deems necessary to assure” and insert-
21 ing “the Secretary determines to be nec-
22 essary to ensure”;

23 (ii) in the second sentence, by striking
24 “he finds” and inserting “the Secretary
25 finds”; and

1 (iii) in the third sentence—

2 (I) by striking “he determines”
3 and inserting “the Secretary deter-
4 mines”;

5 (II) by striking “(67 Stat. 462)”
6 and inserting “(43 U.S.C. 1331 et
7 seq.)”; and

8 (III) by striking “the Outer Con-
9 tinental Shelf Lands Act.” and insert-
10 ing “that Act.”; and

11 (3) in subsection (f), by striking “this title”
12 and inserting “this Act”.

13 (p) PROCEDURE.—Section 5 of the Deepwater Port
14 Act of 1974 (33 U.S.C. 1504) is amended—

15 (1) in subsection (c)—

16 (A) by striking the subsection designation
17 and all that follows through the end of para-
18 graph (1) and inserting the following:

19 “(c) APPLICATIONS.—

20 “(1) REQUIREMENTS.—

21 “(A) IN GENERAL.—Each person that sub-
22 mits to the Secretary an application shall in-
23 clude in the application a detailed plan that
24 contains all information required under para-
25 graph (2).

1 “(B) ACTION BY SECRETARY.—Not later
2 than 21 days after the date of receipt of an ap-
3 plication, the Secretary shall—

4 “(i) determine whether the application
5 contains all information required under
6 paragraph (2); and

7 “(ii)(I) if the Secretary determines
8 that all required information is contained
9 in the application, not later than 5 days
10 after making the determination, publish in
11 the Federal Register—

12 “(aa) a notice of the application;
13 and

14 “(bb) a summary of the relevant
15 plan; or

16 “(II) if the Secretary determines that
17 all required information is not contained in
18 the application—

19 “(aa) notify the applicant of the
20 applicable deficiencies; and

21 “(bb) take no further action with
22 respect to the application until those
23 deficiencies have been remedied.

24 “(C) APPLICABILITY.—On publication of a
25 notice relating to an application under subpara-

1 graph (B)(ii)(I), the Secretary shall be subject
2 to subsection (f).”;

3 (B) in paragraph (2)—

4 (i) by striking “of this paragraph”
5 each place it appears;

6 (ii) by striking the paragraph designa-
7 tion and all that follows through “to—” in
8 the matter preceding subparagraph (A)
9 and inserting the following:

10 “(2) INCLUSIONS.—Each application shall in-
11 clude such financial, technical, and other informa-
12 tion as the Secretary determines to be necessary or
13 appropriate, including—”; and

14 (iii) by indenting subparagraphs (A)
15 through (M) appropriately; and

16 (C) in paragraph (3), by striking “(3)
17 Upon” and inserting the following:

18 “(3) EXEMPTIONS.—On”;

19 (2) in subsection (f)—

20 (A) in the second sentence—

21 (i) by inserting “(42 U.S.C. 4321 et
22 seq.)” after “1969”; and

23 (ii) by striking “Such compliance”
24 and inserting the following:

1 “(2) TREATMENT.—Compliance under para-
2 graph (1)”;

3 (B) in the first sentence—

4 (i) by striking “4332)” and inserting
5 “4321 et seq.) with respect to the applica-
6 tion”;

7 (ii) by striking “For all applications”
8 and inserting the following:

9 “(1) IN GENERAL.—Effective beginning on the
10 date on which an application is determined to be
11 complete under subsection (c)(1)(B)(i)”;

12 (3) in subsection (g), in the last sentence, by
13 striking “section 5(c) of this Act” and inserting
14 “subsection (e)”;

15 (4) in subsection (h)—

16 (A) by striking “(h)(1) Each” and insert-
17 ing the following:

18 “(h) FEES.—

19 “(1) REQUIREMENT.—

20 “(A) IN GENERAL.—Each”;

21 (B) in paragraph (1)—

22 (i) in subparagraph (A) (as so des-
23 ignated), in the second sentence, by strik-
24 ing “In addition” and inserting the fol-
25 lowing:

1 “(B) REIMBURSEMENT.—In addition to a
2 fee under subparagraph (A)”;

3 (ii) by adding at the end the fol-
4 lowing:

5 “(C) REFUND.—If a license has not been
6 issued for an application by the applicable dead-
7 line—

8 “(i) any fee or reimbursement paid by
9 the applicant under subparagraph (A) or
10 (B) shall be refunded; and

11 “(ii) the applicant shall be eligible for
12 reimbursement for additional costs in-
13 curred by the applicant due to any unnec-
14 essary delay by the Secretary, unless the
15 Secretary provides evidence that the delay
16 is necessary to support the application.”;

17 (C) in paragraph (2)—

18 (i) by striking the last sentence;

19 (ii) by striking “(2) Notwithstanding”
20 and inserting the following:

21 “(2) USAGE FEES.—

22 “(A) DEFINITION OF DIRECTLY RELATED
23 LAND-BASED FACILITY.—In this paragraph, the
24 term ‘directly related land-based facility’, with
25 respect to a deepwater port facility, means an

1 onshore tank farm, together with the pipelines
2 connecting the tank farm to the deepwater port
3 facility.

4 “(B) AUTHORIZATION.—Notwithstanding”;
5 and

6 (iii) in subparagraph (B) (as so des-
7 ignated)—

8 (I) in the first sentence, by strik-
9 ing “land-based facilities directly re-
10 lated to” and inserting “directly re-
11 lated land-based facilities with respect
12 to”;

13 (II) by striking “such land-
14 based” each place it appears and in-
15 serting “directly related land-based”;

16 (III) in the fourth sentence, by
17 striking “Such fees” and inserting the
18 following:

19 “(E) APPROVAL.—A fee established under
20 this paragraph”;

21 (IV) in the third sentence—

22 (aa) by striking “such” each
23 place it appears and inserting
24 “the applicable”; and

1 (bb) by striking “Fees
2 under” and inserting the fol-
3 lowing:

4 “(D) AMOUNT.—The amount of a fee es-
5 tablished under”; and

6 (V) in the second sentence—

7 (aa) by striking “such” each
8 place it appears and inserting
9 “the applicable”; and

10 (bb) by striking “Fees may
11 be fixed under authority of this
12 paragraph” and inserting the fol-
13 lowing:

14 “(C) TREATMENT.—A fee may be estab-
15 lished pursuant to this paragraph”; and

16 (D) in paragraph (3)—

17 (i) by striking “Outer” and inserting
18 “outer”;

19 (ii) by striking “(3) A licensee” and
20 inserting the following:

21 “(3) RENTAL PAYMENT.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), a licensee”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(B) REFUND.—On request of the appli-
2 cant, a rental payment under subparagraph (A)
3 shall be refunded to the applicant if the Sec-
4 retary has not issued to the applicant a license
5 under this section by the applicable deadline.”;
6 (5) in subsection (i)—

7 (A) in paragraph (2)—

8 (i) in subparagraph (A)—

9 (I) by inserting “First,” after the
10 subparagraph designation; and

11 (II) by striking the semicolon at
12 the end and inserting a period;

13 (ii) in subparagraph (B)—

14 (I) by inserting “Second,” after
15 the subparagraph designation; and

16 (II) by striking the semicolon at
17 the end and inserting a period; and

18 (iii) in subparagraph (C), by inserting
19 “Third,” after the subparagraph designa-
20 tion;

21 (B) in paragraph (3)—

22 (i) in subparagraph (C), by striking
23 “(C) any” and inserting the following:

24 “(D) Any”;

25 (ii) in subparagraph (B)—

1 (I) by striking “; and” at the end
2 and inserting a period; and

3 (II) by striking “(B) any” and
4 inserting the following:

5 “(C) Any”; and

6 (iii) in subparagraph (A)—

7 (I) by striking “section 6 of this
8 Act;” and inserting “section 6.”; and

9 (II) by striking “(A) the degree”
10 and inserting the following:

11 “(A) National and economic security, in-
12 cluding the effects of any oil restriction imposed
13 by a foreign country attacking the United
14 States or an ally of the United States.

15 “(B) The degree”; and

16 (C) in paragraph (4)—

17 (i) by striking the second sentence
18 and inserting the following:

19 “(B) EFFECT OF FAILURE TO DETER-
20 MINE.—If the Secretary fails to approve or
21 deny an application for a deepwater port for
22 natural gas by the applicable deadline under
23 subparagraph (A), the reporting requirements
24 under paragraphs (1), (2), and (3) shall not
25 apply to the application.”; and

1 (ii) in the matter preceding subpara-
2 graph (B) (as so added), by striking “(4)
3 The Secretary” and inserting the following:

4 “(4) APPLICATIONS FOR DEEPWATER PORTS
5 FOR NATURAL GAS.—

6 “(A) DEADLINE FOR DETERMINATION.—
7 The Secretary”;

8 (6) in subsection (j)—

9 (A) in paragraph (1)—

10 (i) by striking “of Transportation”;

11 and

12 (ii) by striking “to promote the trans-
13 portation” and inserting the following: “to
14 promote—

15 “(A) the use of United States flag vessels;

16 and

17 “(B) transportation”; and

18 (B) in paragraph (2), by striking “section
19 5(e)(2)(K) of the Deepwater Port Act of 1974
20 (33 U.S.C. 1504(e)(2)(K))” and inserting “sub-
21 section (e)(2)(K)”; and

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

23 “(k) TRANSPARENCY IN ISSUANCE OF LICENSES AND
24 PERMITS.—

1 “(1) DEFINITION OF APPLICABLE DEADLINE.—

2 In this subsection, the term ‘applicable deadline’,
3 with respect to an applicant, means the deadline or
4 date applicable to the applicant under any of the fol-
5 lowing:

6 “(A) Section 4(c)(6).

7 “(B) Section 4(d)(3).

8 “(C) Subsection (c)(1)(B) (including clause
9 (ii)(I) of that subsection).

10 “(D) Subsection (d)(3).

11 “(E) Paragraph (1) or (2) of subsection
12 (e).

13 “(F) Subsection (g).

14 “(G) Paragraph (1) or (4)(A) of subsection
15 (i).

16 “(2) SUSPENSIONS AND DELAYS.—

17 “(A) IN GENERAL.—If the Secretary sus-
18 pends or delays an applicable deadline, the Sec-
19 retary shall submit to the applicant, in writing,
20 a detailed statement—

21 “(i) describing the reasons for the
22 suspension or delay;

23 “(ii) describing and requesting any in-
24 formation necessary to continue the proc-

1 ess to issue the applicable license, permit,
2 or other Federal authorization; and

3 “(iii) identifying the date described in
4 subparagraph (B) with respect to the
5 statement.

6 “(B) DESCRIPTION OF DATE.—The date
7 referred to in subparagraph (A)(iii) is the ear-
8 liest of—

9 “(i) the applicable deadline;

10 “(ii) the date on which the applicable
11 deadline is suspended; and

12 “(iii) the date on which the Secretary
13 determines that the applicable deadline will
14 not be met.

15 “(3) APPLICANT RIGHTS TO CONFERENCE.—

16 “(A) PERSONNEL RELEVANT TO SUSPEN-
17 SION OR DELAY.—

18 “(i) IN GENERAL.—An applicant that
19 receives a statement under paragraph
20 (2)(A) may submit to the Secretary a re-
21 quest for a conference with appropriate
22 personnel of the Department of Transpor-
23 tation and representatives of each cooper-
24 ating Federal agency determined by the
25 Secretary to be relevant with respect to the

1 suspension or delay described in the state-
2 ment.

3 “(ii) TIMING.—A conference requested
4 under clause (i) shall be held not later
5 than 30 days after the date on which the
6 Secretary receives the request under that
7 clause.

8 “(B) SENIOR EXECUTIVE SERVICE OFFI-
9 CIAL.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), an applicant that has provided to the
12 Secretary relevant information in response
13 to a request under paragraph (2)(A)(ii)
14 may submit to the Secretary a request for
15 a conference with a relevant official of the
16 Department of Transportation in the Sen-
17 ior Executive Service (as defined in section
18 2101a of title 5, United States Code).

19 “(ii) LIMITATION.—A request for a
20 conference under clause (i) may be sub-
21 mitted not earlier than 30 days after the
22 date on which the applicant provided to the
23 Secretary the information described in
24 clause (i).

1 “(iii) REQUIREMENTS.—On receipt of
2 a request under clause (i), the Secretary
3 shall—

4 “(I) ensure that the meeting de-
5 scribed in that clause is held not later
6 than 30 days after the date on which
7 the Secretary receives the request;
8 and

9 “(II) submit a notice of the re-
10 quest, including a description of the
11 nature and circumstances of the appli-
12 cable suspension or delay, to—

13 “(aa) the Committee on
14 Commerce, Science, and Trans-
15 portation of the Senate; and

16 “(bb) the Committee on
17 Transportation and Infrastruc-
18 ture of the House of Representa-
19 tives.

20 “(4) ENFORCEMENT.—An applicant for a li-
21 cense, permit, or other Federal authorization relat-
22 ing to the ownership, construction, or operation of a
23 deepwater port may file an action to enforce any
24 provision of this subsection in—

1 “(A) the United States District Court for
2 the District of Columbia; or

3 “(B) the United States district court for
4 the district in which is located—

5 “(i) the place of domicile or incorpora-
6 tion of the applicant;

7 “(ii) the principal place of business of
8 the applicant; or

9 “(iii) the relevant office of the De-
10 partment of Transportation or a cooper-
11 ating agency.”.

12 (q) REVIEW CRITERIA.—Section 6 of the Deepwater
13 Port Act of 1974 (33 U.S.C. 1505) is amended—

14 (1) in subsection (a)—

15 (A) by striking paragraphs (2) and (7);

16 (B) in paragraph (5), by adding “and”
17 after the semicolon at the end;

18 (C) in paragraph (6), by striking “; and”
19 and inserting a period;

20 (D) by redesignating paragraphs (1), (3),
21 (4), (5), and (6) as subparagraphs (A), (B),
22 (C), (D), and (E), respectively, and indenting
23 the subparagraphs appropriately; and

24 (E) in the matter preceding subparagraph

25 (A) (as so redesignated)—

1 (i) by striking “Policy Act. Such cri-
2 teria” and inserting the following: “Policy
3 Act of 1969 (42 U.S.C. 4321 et seq.).

4 “(2) USE FOR EVALUATION.—The criteria es-
5 tablished under this subsection”; and

6 (ii) by striking “(a) The Secretary”
7 and inserting the following:

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—The Secretary”;

10 (2) in subsection (b)—

11 (A) by striking “of this section”; and

12 (B) by striking “(b) The Secretary” and
13 inserting the following:

14 “(b) REVIEW AND REVISION.—The Secretary”; and

15 (3) in subsection (c)—

16 (A) by striking “concurrently with the reg-
17 ulations in section 5(a) of this Act and in ac-
18 cordance with the provisions of that subsection”
19 and inserting “concurrently with the regulations
20 promulgated pursuant to section 5(a) and in ac-
21 cordance with that section”; and

22 (B) by striking “(c) Criteria” and insert-
23 ing the following:

24 “(c) REQUIREMENT.—The criteria”.

1 (r) NATIONAL PLAN TO IDENTIFY AND DESIGNATE
2 SUITABILITY AREAS.—The Deepwater Port Act of 1974
3 is amended by inserting after section 6 (33 U.S.C. 1505)
4 the following:

5 **“SEC. 7. NATIONAL PLAN TO IDENTIFY AND DESIGNATE**
6 **SUITABILITY AREAS.**

7 “(a) DEFINITION OF SUITABILITY AREA.—In this
8 section, the term ‘suitability area’ means a site beyond the
9 seaward boundary of a State that, as determined by the
10 Secretary, may be suitable for construction activities at
11 a deepwater port.

12 “(b) ESTABLISHMENT.—Not later than 180 days
13 after the date of enactment of the Deepwater Ports Im-
14 provement Act of 2023, the Secretary, in consultation with
15 the Secretary of Commerce, the Secretary of Homeland
16 Security, and the Secretary of the Interior, shall establish
17 a plan and timeline—

18 “(1) to systematically assess the exclusive eco-
19 nomic zone (as defined in section 107 of title 46,
20 United States Code), in accordance with subsection
21 (c); and

22 “(2) to prepare an inventory of suitability
23 areas, in accordance with subsection (d).

24 “(c) ASSESSMENT.—

1 “(1) IN GENERAL.—In conducting the assess-
2 ment under this subsection, the Secretary shall—

3 “(A) rely on—

4 “(i) relevant scientific, social, and eco-
5 nomic data; and

6 “(ii) engagement with relevant stake-
7 holders and the public, in accordance with
8 subsection (e); and

9 “(B) take into consideration, with respect
10 to any suitability area identified under the as-
11 sessment for potential inclusion in the inventory
12 under subsection (d)—

13 “(i) the oceanographic characteristics
14 of the suitability area;

15 “(ii) the bathymetry and availability
16 of areas for anchors, moorings, and other
17 gear;

18 “(iii) current and possible future
19 human uses of the suitability area and
20 areas in reasonable proximity to the suit-
21 ability area;

22 “(iv) current and possible future con-
23 servation uses of the suitability area and
24 areas in reasonable proximity to the suit-
25 ability area;

1 “(v) expected socioeconomic impacts
2 from the construction of a deepwater port
3 on adjacent coastal communities; and

4 “(vi) such other factors as the Sec-
5 retary determines to be appropriate.

6 “(2) TREATMENT OF CLUSTERS.—In con-
7 ducting the assessment under this subsection, the
8 Secretary may consider a cluster of locations to be
9 a single suitability area for potential inclusion in the
10 inventory under subsection (d), subject to the condi-
11 tions that—

12 “(A) the locations shall—

13 “(i) be located in close proximity; and

14 “(ii) reflect similar conditions; and

15 “(B) each such location shall meet the ap-
16 plicable criteria under this section.

17 “(3) COORDINATION; AVAILABILITY TO APPLI-
18 CANTS.—To the maximum extent practicable, the
19 Secretary shall—

20 “(A) conduct the assessment under this
21 subsection in accordance with any relevant re-
22 views required under the National Environ-
23 mental Policy Act of 1969 (42 U.S.C. 4321 et
24 seq.); and

1 “(B) make the assessment available to ap-
2 plicants under this Act.

3 “(d) INVENTORY.—

4 “(1) IN GENERAL.—Based on the results of the
5 assessment under subsection (c), the Secretary shall
6 prepare an inventory of not fewer than 20 suitability
7 areas.

8 “(2) INCLUSION.—If the Secretary determines
9 that an suitability area is suitable for inclusion in
10 the inventory under paragraph (1), the suitability
11 area shall be included in the inventory, together
12 with—

13 “(A) a description of the suitability area,
14 including a map and location coordinates;

15 “(B) a thorough evaluation of the suit-
16 ability area with respect to each factor de-
17 scribed in subsection (c)(1)(B) and any findings
18 of the Secretary regarding such a factor; and

19 “(C) an analysis of the means by which the
20 findings described in subparagraph (B) justify
21 a determination that the suitability area is a
22 suitable location for deepwater port activities.

23 “(3) REQUIREMENT.—In preparing the inven-
24 tory under this subsection, the Secretary shall rely
25 on—

1 “(A) relevant scientific, social, and eco-
2 nomic data; and

3 “(B) engagement with relevant stake-
4 holders and the public, in accordance with sub-
5 section (e).

6 “(e) ENGAGEMENT.—

7 “(1) PUBLIC MEETINGS.—

8 “(A) IN GENERAL.—The Secretary shall
9 conduct public meetings—

10 “(i) to inform interested stakeholders
11 regarding the intent to include an suit-
12 ability area in the inventory under sub-
13 section (d);

14 “(ii) to share information relating to
15 the assessment and inventory process
16 under this section; and

17 “(iii) to solicit relevant public feed-
18 back, including written comments.

19 “(B) WORKSHOPS.—In addition to public
20 meetings under subparagraph (A), the Sec-
21 retary may convene 1 or more workshops, in ac-
22 cordance with chapter 10 of title 5, United
23 States Code, for particular stakeholders or
24 stakeholder groups to provide insight, informa-

1 tion, and comments to support the assessment
2 and inventory process under this section.

3 “(2) CONSULTATION WITH STATES AND INDIAN
4 TRIBES.—

5 “(A) IN GENERAL.—The Secretary shall
6 consult with States and federally recognized In-
7 dian Tribes located adjacent to, or within 100
8 miles of, any suitability area proposed for inclu-
9 sion in the inventory under subsection (d).

10 “(B) COMMENTS.—

11 “(i) IN GENERAL.—A State or Indian
12 Tribe described in subparagraph (A) may
13 submit to the Secretary comments relating
14 to the applicable suitability area.

15 “(ii) CONSIDERATION.—The Secretary
16 shall consider any comments received
17 under clause (i) in the assessment and in-
18 ventory process under this section.

19 “(f) REGULATIONS.—The Secretary may promulgate
20 such regulations as the Secretary determines to be appro-
21 priate to carry out this section.

22 “(g) SPATIAL DATA.—To support the implementa-
23 tion of this section, the Secretary shall—

24 “(1) collect and curate spatial data relevant to
25 the assessment under subsection (c); and

1 “(2) make those data publicly available, unless
2 otherwise restricted by law.”.

3 (s) ADJACENT COASTAL STATES.—Section 9 of the
4 Deepwater Port Act of 1974 (33 U.S.C. 1508) is amend-
5 ed—

6 (1) by striking subsection (a) and inserting the
7 following:

8 “(a) DESIGNATION.—In issuing a notice relating to
9 an application for a deepwater port under section
10 5(c)(1)(B)(ii)(I), the Secretary shall designate as an adja-
11 cent coastal State, with respect to the deepwater port, any
12 coastal State that would be—

13 “(1) directly connected by pipeline to that deep-
14 water port; or

15 “(2) located within 15 miles of that deepwater
16 port.”;

17 (2) in subsection (b)—

18 (A) by striking “(b)(1) Not later than 10
19 days after the designation of adjacent coastal
20 States pursuant to this Act” and inserting the
21 following:

22 “(b) INPUT FROM ADJACENT COASTAL STATES AND
23 OTHER INTERESTED STATES.—

24 “(1) SUBMISSION OF APPLICATIONS TO GOV-
25 ERNORS FOR APPROVAL.—

1 “(A) IN GENERAL.—Not later than 10
2 days after the date on which the Secretary des-
3 ignates adjacent coastal States under sub-
4 section (a) with respect to a deepwater port
5 proposed in an application”;

6 (B) in paragraph (1)(A) (as so des-
7 ignated)—

8 (i) in the fourth sentence, by striking
9 “If the Governor” and inserting the fol-
10 lowing:

11 “(D) INCONSISTENCY WITH CERTAIN
12 STATE PROGRAMS.—If the Governor of an adja-
13 cent coastal State”;

14 (ii) in the third sentence, by striking
15 “If the Governor fails to transmit his” and
16 inserting the following:

17 “(C) PRESUMED APPROVAL.—If the Gov-
18 ernor of an adjacent coastal State fails to
19 transmit a required”; and

20 (iii) in the second sentence, by strik-
21 ing “The Secretary” and inserting the fol-
22 lowing:

23 “(B) PROHIBITION.—The Secretary”; and
24 (C) in paragraph (2)—

1 (i) by striking “(2) Any other inter-
2 ested State” and inserting the following:

3 “(2) OTHER INTERESTED STATES.—Any other
4 State with an interest relating to a deepwater port
5 proposed in an application”; and

6 (ii) by striking “a deepwater port”
7 and inserting “the deepwater port”;

8 (3) by striking subsection (c); and

9 (4) in subsection (d), by striking “(d) The con-
10 sent of Congress is given to two” and inserting the
11 following:

12 “(c) STATE AGREEMENTS.—Congress grants consent
13 to any 2”.

14 (t) CIVIL ACTION.—Section 16 of the Deepwater
15 Port Act of 1974 (33 U.S.C. 1515) is amended—

16 (1) in the section heading, by striking “CIT-
17 IZEN”;

18 (2) in subsection (a)—

19 (A) in paragraph (1)—

20 (i) by striking “including (A) the
21 United States, and (B) any other” and in-
22 serting “including the United States and
23 any other”; and

24 (ii) by striking “(1) against any” and
25 inserting the following:

1 “(A) any”;

2 (B) in paragraph (2)—

3 (i) by striking “the Secretary. Any ac-
4 tion” and inserting “the Secretary, subject
5 to the condition that any action”; and

6 (ii) by striking “(2) against the Sec-
7 retary where” and inserting the following:

8 “(B) the Secretary in any case in which”;

9 (C) in the undesignated matter following
10 subparagraph (B) (as so redesignated), by
11 striking “In suits” and inserting the following:

12 “(2) DISTRICT COURT JURISDICTION.—In any
13 civil action”; and

14 (D) in the matter preceding subparagraph

15 (A) (as redesignated by subparagraph (A)(ii))—

16 (i) by striking “controversy—” and
17 inserting “controversy, against—”; and

18 (ii) by striking “(a) Except as pro-
19 vided in subsection (b) of this section” and
20 inserting the following:

21 “(a) AUTHORIZATION.—

22 “(1) IN GENERAL.—Except as provided in sub-
23 section (b)”;

24 (3) in subsection (b)—

1 (A) by striking “of this section” each place
2 it appears;

3 (B) by striking “prior to” each place it ap-
4 pears and inserting “before the date that is”;

5 (C) in paragraph (1)—

6 (i) in subparagraph (A), by striking
7 “violation (i) to the Secretary and (ii) to”
8 and inserting “violation to the Secretary
9 and”;

10 (ii) by redesignating subparagraphs
11 (A) and (B) as clauses (i) and (ii), respec-
12 tively, and indenting the clauses appro-
13 priately; and

14 (iii) in the matter preceding clause (i)
15 (as so redesignated), by striking “(1)
16 under” and inserting the following:

17 “(A) on or after the date that is 90 days
18 after the date on which the Secretary has
19 issued a record of decision;

20 “(B) under”;

21 (D) in paragraph (2), by striking “(2)
22 under” and inserting the following:

23 “(C) under”;

1 (E) in the undesignated matter following
2 subparagraph (C) (as so redesignated), by
3 striking “Notice” and inserting the following:

4 “(2) NOTICE.—A notice”; and

5 (F) in the matter preceding subparagraph
6 (A) (as added by subparagraph (C)(iii)), by
7 striking “(b) No civil action” and inserting the
8 following:

9 “(b) LIMITATION.—

10 “(1) IN GENERAL.—No civil action”;

11 (4) in subsection (c), by striking “(c) In” and
12 inserting the following:

13 “(c) INTERVENTION BY SECRETARY OR ATTORNEY
14 GENERAL.—In”;

15 (5) in subsection (d), by striking “(d) The
16 Court” and inserting the following:

17 “(d) COSTS OF LITIGATION.—A court of competent
18 jurisdiction”; and

19 (6) in subsection (e), by striking “(e) Nothing”
20 and inserting the following:

21 “(e) EFFECT OF SECTION.—Nothing”.

22 (u) JUDICIAL REVIEW.—Section 17 of the Deepwater
23 Port Act of 1974 (33 U.S.C. 1516) is amended—

24 (1) in the first sentence, by striking “Any per-
25 son suffering legal wrong, or who is adversely af-

1 fected or aggrieved by the Secretary’s decision to
2 issue, transfer, modify, renew, suspend” and insert-
3 ing the following:

4 “(a) IN GENERAL.—Any person that suffers a legal
5 wrong, or that is adversely affected or aggrieved by a de-
6 termination of the Secretary under this Act to transfer,
7 modify, suspend”;

8 (2) in subsection (a) (as so designated), in the
9 second sentence, by striking “A person shall be
10 deemed to be aggrieved by the Secretary’s decision
11 within the meaning of this Act if he—” and insert-
12 ing the following:

13 “(b) CONSIDERATION AS AGGRIEVED.—A person
14 shall be considered to be aggrieved by a determination of
15 the Secretary for purposes of subsection (a) if the per-
16 son—”; and

17 (3) in subsection (b) (as so designated)—

18 (A) in subparagraph (A)—

19 (i) by striking “he” each place it ap-
20 pears and inserting “the person”; and

21 (ii) by striking “his failure” and in-
22 serting “the failure”; and

23 (B) by redesignating subparagraphs (A)
24 and (B) as paragraphs (1) and (2), respectively,
25 and indenting the paragraphs appropriately.

1 (v) REPEAL.—Section 25 of the Deepwater Port Act
2 of 1974 (33 U.S.C. 1524) is repealed.

3 (w) TECHNICAL CORRECTIONS.—

4 (1) Section 8 of the Deepwater Port Act of
5 1974 (33 U.S.C. 1507) is amended—

6 (A) by striking the section designation and
7 all that follows through “(a) A deepwater” and
8 inserting the following:

9 **“SEC. 8. COMMON CARRIER STATUS.**

10 “(a) IN GENERAL.—A deepwater”;

11 (B) in subsection (a), by striking “part I
12 of the Interstate Commerce Act and”;

13 (C) in subsection (b)—

14 (i) by striking “(b) A licensee” and
15 inserting the following:

16 “(b) NOT DISCRIMINATION.—A licensee”; and

17 (ii) by indenting paragraphs (1) and
18 (2) appropriately; and

19 (D) in subsection (c), by striking “(c)
20 When” and inserting the following:

21 “(c) ENFORCEMENT, SUSPENSION, OR TERMINATION
22 PROCEEDINGS.—In any case in which”.

23 (2) Section 12 of the Deepwater Port Act of
24 1974 (33 U.S.C. 1511) is amended—

25 (A) in subsection (a)—

1 (i) in paragraph (1), by striking “(1)
2 suspend” and inserting the following:

3 “(A) to suspend”;

4 (ii) by striking paragraph (2) and in-
5 serting the following:

6 “(B) if that failure is knowing and con-
7 tinues for a period of not less than 30 days
8 after the date on which Secretary provides to
9 the licensee a notice of the failure by registered
10 letter at the record post office address of the li-
11 censee, to revoke the license.”;

12 (iii) in the undesignated matter fol-
13 lowing subparagraph (B) (as so redesign-
14 ated), by striking “No proceeding” and
15 inserting the following:

16 “(2) NO PROCEEDING NECESSARY.—No pro-
17 ceeding”; and

18 (iv) in the matter preceding subpara-
19 graph (A) (as redesignated by clause (i))—

20 (I) by striking “this title” each
21 place it appears and inserting “this
22 Act”;

23 (II) by striking “found, to—”
24 and inserting “found—”; and

1 (III) by striking “(a) Whenever”
2 and inserting the following:

3 “(a) PROCEEDINGS BY ATTORNEY GENERAL.—

4 “(1) IN GENERAL.—Subject to paragraph (2),
5 in any case in which”; and

6 (B) in subsection (b), by striking “(b) If”
7 and inserting the following:

8 “(b) DANGERS TO PUBLIC HEALTH AND SAFETY OR
9 ENVIRONMENT.—If”.

10 (3) Section 13(a) of the Deepwater Port Act of
11 1974 (33 U.S.C. 1512(a)) is amended, in the second
12 sentence, by striking “part I of the Interstate Com-
13 merce Act or”.

14 (4) Section 23 of the Deepwater Port Act of
15 1974 (33 U.S.C. 1522) is amended to read as fol-
16 lows:

17 **“SEC. 23. EFFECT OF ACT.**

18 “Nothing in this Act affects section 28(u) of the Min-
19 eral Leasing Act (30 U.S.C. 185(u)).”.

20 (5) Section 24 of the Deepwater Port Act of
21 1974 (33 U.S.C. 1523) is amended, in the first sen-
22 tence, by striking “or his delegate” and inserting
23 “(or a designee)”.

24 (x) CONFORMING AMENDMENT TO FAST ACT.—Sec-
25 tion 41001(6)(A) of the FAST Act (42 U.S.C.

1 4370m(6)(A) is amended, in the matter preceding clause
2 (i), by inserting “a deepwater port (as defined in section
3 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502)),”
4 after “pipelines,”.

