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

At the end of title XXXV, add the following:

SEC. ___. DEEPWATER PORTS IMPROVEMENT.

(a) DECLARATION OF POLICY.—Section 2 of the Deepwater Port Act of 1974 (33 U.S.C. 1501) is amended—

(1) in subsection (a)—

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

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

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

(i) by inserting “to” after the paragraph designation; and

(ii) by indenting the paragraphs appropriately;

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

(D) in paragraph (5)—
(i) by striking “importing oil or” and inserting “importing and exporting oil and”;

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

(iii) by striking “or natural gas from the outer continental shelf” and inserting “and natural gas from the outer Continental Shelf,”; and

(iv) by striking “attendant thereto” and inserting “associated with that traffic”; and

(E) in paragraph (6), by striking “continental shelf” each place it appears and inserting “Continental Shelf”; and

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

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

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

(1) by striking the section designation and heading and all that follows through the end of paragraph (1) and inserting the following:
“SEC. 3. DEFINITIONS.

“In this Act:

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

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

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

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

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

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

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

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

“(5) COASTAL ENVIRONMENT.—
“(A) IN GENERAL.—The term ‘coastal environment’ means—

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

“(ii) any shoreline adjacent to navigable waters (including water within and under such a shoreline).

“(B) INCLUSIONS.—The term ‘coastal environment’ includes—

“(i) transitional and intertidal areas;

“(ii) bays;

“(iii) lagoons;

“(iv) salt marshes;

“(v) estuaries;

“(vi) beaches;

“(vii) the fish, wildlife, and other living resources of an area or feature described in any of clauses (i) through (vi); and

“(viii) the recreational and scenic values of the land, water, and resources described in any of clauses (i) through (vii).”;

(7) in each of paragraphs (6) through (8)—
(A) by inserting “The term” after the paragraph designation;

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

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

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

“(9) DEEPWATER PORT.—

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

“(i) located beyond State seaward boundaries; and

“(ii) used or intended for—

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

“(II) any other use that is not inconsistent with the purposes of this Act, including transportation of oil or
natural gas from the outer Continental Shelf.

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

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

“(ii) in the case of a structure used or intended for use as described in subparagraph (A)(ii) with respect to natural gas, all components and equipment, including pipelines, pumping or compressor stations, service platforms, buoys, mooring lines, and similar facilities, that are proposed or approved for construction and operation as part of a deepwater port, to the extent that the components or equipment—

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

“(II) do not include interconnecting facilities.
“(C) TREATMENT AS NEW SOURCE.—A deepwater port—

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

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

“(II) shall not be subject to subpart Y of part 63 of title 40, Code of Federal Regulations (or successor regulations); and

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

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

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

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

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

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

(11) in each of paragraphs (18) and (19)—
(A) by inserting “The term” after the paragraph designation; and

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

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

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

(1) in subsection (c)—

(A) in each of paragraphs (1) through (7), by striking “he” after the paragraph designation and inserting “the Secretary”;

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

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

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

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

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

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in the first sentence, by striking “this title” each place it appears and inserting “this Act”; and

(ii) in the second sentence—

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

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

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

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

(C) in paragraph (3)—

(i) in the first sentence, by striking “he deems necessary to assure” and inserting “the Secretary determines to be necessary to ensure”;
(ii) in the second sentence, by striking “he finds” and inserting “the Secretary finds”; and

(iii) in the third sentence—

(I) by striking “he determines” and inserting “the Secretary determines”;

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

(III) by striking “the Outer Continental Shelf Lands Act.” and inserting “that Act.”; and

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

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

(1) in subsection (c)—

(A) by striking the subsection designation and all that follows through the end of paragraph (1) and inserting the following:

“(c) APPLICATIONS.—

“(1) REQUIREMENTS.—

“(A) IN GENERAL.—Each person that submits to the Secretary an application shall in-
clude in the application a detailed plan that contains all information required under paragraph (2).

“(B) ACTION BY SECRETARY.—Not later than 21 days after the date of receipt of an application, the Secretary shall—

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

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

“(aa) a notice of the application; and

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

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

“(aa) notify the applicant of the applicable deficiencies; and
“(bb) take no further action with respect to the application until those deficiencies have been remedied.

“(C) APPLICABILITY.—On publication of a notice relating to an application under subparagraph (B)(ii)(I), the Secretary shall be subject to subsection (f).”;

(B) in paragraph (2)—

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

(ii) by striking the paragraph designation and all that follows through “to—” in the matter preceding subparagraph (A) and inserting the following:

“(2) INCLUSIONS.—Each application shall include such financial, technical, and other information as the Secretary determines to be necessary or appropriate, including—”; and

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

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

“(3) EXEMPTIONS.—On”;

(2) in subsection (f)—

(A) in the second sentence—
(i) by inserting “(42 U.S.C. 4321 et seq.)” after “1969”; and

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

“(2) TREATMENT.—Compliance under paragraph (1)”;

(B) in the first sentence—

(i) by striking “4332)” and inserting “4321 et seq.) with respect to the application”; and

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

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

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

(4) in subsection (h)—

(A) by striking “(h)(1) Each” and inserting the following:

“(h) FEES.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—Each”;

(B) in paragraph (1)—
(i) in subparagraph (A) (as so designated), in the second sentence, by striking “In addition” and inserting the following:

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

(ii) by adding at the end the following:

“(C) REFUND.—If a license has not been issued for an application by the applicable deadline—

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

“(ii) the applicant shall be eligible for reimbursement for additional costs incurred by the applicant due to any unnecessary delay by the Secretary, unless the Secretary provides evidence that the delay is necessary to support the application.”;

(C) in paragraph (2)—

(i) by striking the last sentence;

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

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

“(B) AUTHORIZATION.—Notwithstanding”;

and

(iii) in subparagraph (B) (as so designated)—

(I) in the first sentence, by striking “land-based facilities directly related to” and inserting “directly related land-based facilities with respect to”;

(II) by striking “such land-based” each place it appears and inserting “directly related land-based”;

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

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

(IV) in the third sentence—
(aa) by striking “such” each place it appears and inserting “the applicable”; and
(bb) by striking “Fees under” and inserting the following:

“(D) AMOUNT.—The amount of a fee established under”; and
(V) in the second sentence—

(aa) by striking “such” each place it appears and inserting “the applicable”; and
(bb) by striking “Fees may be fixed under authority of this paragraph” and inserting the following:

“(C) TREATMENT.—A fee may be established pursuant to this paragraph”; and
(D) in paragraph (3)—

(i) by striking “Outer” and inserting “outer”;
(ii) by striking “(3) A licensee” and inserting the following:

“(3) RENTAL PAYMENT.—
“(A) IN GENERAL.—Subject to subparagraph (B), a licensee”; and

(iii) by adding at the end the following:

“(B) REFUND.—On request of the applicant, a rental payment under subparagraph (A) shall be refunded to the applicant if the Secretary has not issued to the applicant a license under this section by the applicable deadline.”;

(5) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

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

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

(ii) in subparagraph (B)—

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

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

(iii) in subparagraph (C), by inserting “Third,” after the subparagraph designation;

(B) in paragraph (3)—
(i) in subparagraph (C), by striking 
“(C) any” and inserting the following: 
“(D) Any’’;

(ii) in subparagraph (B)—

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

(II) by striking “(B) any” and 
inserting the following: 
“(C) Any’’; and

(iii) in subparagraph (A)—

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

(II) by striking “(A) the degree” 
and inserting the following: 
“(A) National and economic security, in-
cluding the effects of any oil restriction imposed 
by a foreign country attacking the United 
States or an ally of the United States. 
“(B) The degree”; and 

(C) in paragraph (4)—

(i) by striking the second sentence 
and inserting the following: 
“(B) EFFECT OF FAILURE TO DETER-
MINE.—If the Secretary fails to approve or 
deny an application for a deepwater port for
natural gas by the applicable deadline under
subparagraph (A), the reporting requirements
under paragraphs (1), (2), and (3) shall not
apply to the application.”; and

(ii) in the matter preceding subpara-
graph (B) (as so added), by striking “(4)
The Secretary” and inserting the following:
“(4) APPLICATIONS FOR DEEPWATER PORTS
FOR NATURAL GAS.—
“(A) DEADLINE FOR DETERMINATION.—
The Secretary”;

(6) in subsection (j)—
(A) in paragraph (1)—
(i) by striking “of Transportation”;
and
(ii) by striking “to promote the trans-
portation” and inserting the following: “to
promote—
“(A) the use of United States flag vessels;
and
“(B) transportation”; and
(B) in paragraph (2), by striking “section
5(c)(2)(K) of the Deepwater Port Act of 1974
(33 U.S.C. 1504(c)(2)(K))” and inserting “sub-
section (c)(2)(K)”; and
“(7) by adding at the end the following:

“(k) TRANSPARENCY IN ISSUANCE OF LICENSES AND

PERMITS.—

“(1) DEFINITION OF APPLICABLE DEADLINE.—

In this subsection, the term ‘applicable deadline’, with respect to an applicant, means the deadline or date applicable to the applicant under any of the following:

“(A) Section 4(c)(6).

“(B) Section 4(d)(3).

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

“(D) Subsection (d)(3).

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

“(F) Subsection (g).

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

“(2) SUSPENSIONS AND DELAYS.—

“(A) IN GENERAL.—If the Secretary suspends or delays an applicable deadline, the Secretary shall submit to the applicant, in writing, a detailed statement—

“(i) describing the reasons for the suspension or delay;
“(ii) describing and requesting any information necessary to continue the process to issue the applicable license, permit, or other Federal authorization; and

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

“(B) DESCRIPTION OF DATE.—The date referred to in subparagraph (A)(iii) is the earliest of—

“(i) the applicable deadline;

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

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

“(3) APPLICANT RIGHTS TO CONFERENCE.—

“(A) PERSONNEL RELEVANT TO SUSPENSION OR DELAY.—

“(i) IN GENERAL.—An applicant that receives a statement under paragraph (2)(A) may submit to the Secretary a request for a conference with appropriate personnel of the Department of Transportation and representatives of each cooper-
ating Federal agency determined by the Secretary to be relevant with respect to the suspension or delay described in the statement.

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

“(B) SENIOR EXECUTIVE SERVICE OFFICIAL.—

“(i) IN GENERAL.—Subject to clause (ii), an applicant that has provided to the Secretary relevant information in response to a request under paragraph (2)(A)(ii) may submit to the Secretary a request for a conference with a relevant official of the Department of Transportation in the Senior Executive Service (as defined in section 2101a of title 5, United States Code).

“(ii) LIMITATION.—A request for a conference under clause (i) may be submitted not earlier than 30 days after the date on which the applicant provided to the
Secretary the information described in clause (i).

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

“(I) ensure that the meeting described in that clause is held not later than 30 days after the date on which the Secretary receives the request; and

“(II) submit a notice of the request, including a description of the nature and circumstances of the applicable suspension or delay, to—

“(aa) the Committee on Commerce, Science, and Transportation of the Senate; and

“(bb) the Committee on Transportation and Infrastructure of the House of Representatives.

“(4) ENFORCEMENT.—An applicant for a license, permit, or other Federal authorization relating to the ownership, construction, or operation of a
deepwater port may file an action to enforce any provision of this subsection in—

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

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

“(i) the place of domicile or incorporation of the applicant;

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

“(iii) the relevant office of the Department of Transportation or a cooperating agency.”.

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

(1) in subsection (a)—

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

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

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

(D) by redesignating paragraphs (1), (3), (4), (5), and (6) as subparagraphs (A), (B), (C), (D), and (E), respectively, and indenting the subparagraphs appropriately; and
(E) in the matter preceding subparagraph

(A) (as so redesignated)—

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

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

(ii) by striking “(a) The Secretary”

and inserting the following:

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary”;

(2) in subsection (b)—

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

(B) by striking “(b) The Secretary” and

inserting the following:

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

(3) in subsection (c)—

(A) by striking “concurrently with the reg-
ulations in section 5(a) of this Act and in ac-
cordance with the provisions of that subsection”

and inserting “concurrently with the regulations
promulgated pursuant to section 5(a) and in ac-
cordance with that section”; and

(B) by striking “(c) Criteria” and insert-
ing the following:
“(c) REQUIREMENT.—The criteria”.

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

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

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

“(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Deepwater Ports Improvement Act of 2023, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of the Interior, shall establish a plan and timeline—

“(1) to systematically assess the exclusive economic zone (as defined in section 107 of title 46, United States Code), in accordance with subsection (c); and

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

“(c) ASSESSMENT.—
“(1) IN GENERAL.—In conducting the assessment under this subsection, the Secretary shall—

“(A) rely on—

“(i) relevant scientific, social, and economic data; and

“(ii) engagement with relevant stakeholders and the public, in accordance with subsection (e); and

“(B) take into consideration, with respect to any suitability area identified under the assessment for potential inclusion in the inventory under subsection (d)—

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

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

“(iii) current and possible future human uses of the suitability area and areas in reasonable proximity to the suitability area;

“(iv) current and possible future conservation uses of the suitability area and areas in reasonable proximity to the suitability area;
“(v) expected socioeconomic impacts  
from the construction of a deepwater port  
on adjacent coastal communities; and  
“(vi) such other factors as the Sec-  
retary determines to be appropriate.

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

“(A) the locations shall—  
“(i) be located in close proximity; and  
“(ii) reflect similar conditions; and  
“(B) each such location shall meet the ap-  
plicable criteria under this section.

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

“(A) conduct the assessment under this  
subsection in accordance with any relevant re-  
vIEWS required under the National Environ-  
mental Policy Act of 1969 (42 U.S.C. 4321 et  
seq.); and
“(B) make the assessment available to applicants under this Act.

“(d) INVENTORY.—

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

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

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

“(B) a thorough evaluation of the suitability area with respect to each factor described in subsection (c)(1)(B) and any findings of the Secretary regarding such a factor; and

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

“(3) REQUIREMENT.—In preparing the inventory under this subsection, the Secretary shall rely on—
“(A) relevant scientific, social, and economic data; and

“(B) engagement with relevant stakeholders and the public, in accordance with subsection (e).

“(e) ENGAGEMENT.—

“(1) PUBLIC MEETINGS.—

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

“(i) to inform interested stakeholders regarding the intent to include an suitability area in the inventory under subsection (d);

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

“(iii) to solicit relevant public feedback, including written comments.

“(B) WORKSHOPS.—In addition to public meetings under subparagraph (A), the Secretary may convene 1 or more workshops, in accordance with chapter 10 of title 5, United States Code, for particular stakeholders or stakeholder groups to provide insight, informa-
tion, and comments to support the assessment and inventory process under this section.

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

“(A) IN GENERAL.—The Secretary shall consult with States and federally recognized Indian Tribes located adjacent to, or within 100 miles of, any suitability area proposed for inclusion in the inventory under subsection (d).

“(B) COMMENTS.—

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

“(ii) CONSIDERATION.—The Secretary shall consider any comments received under clause (i) in the assessment and inventory process under this section.

“(f) REGULATIONS.—The Secretary may promulgate such regulations as the Secretary determines to be appropriate to carry out this section.

“(g) SPATIAL DATA.—To support the implementation of this section, the Secretary shall—

“(1) collect and curate spatial data relevant to the assessment under subsection (c); and
“(2) make those data publicly available, unless
otherwise restricted by law.”.

(g) **Adjacent Coastal States.**—Section 9 of the
Deepwater Port Act of 1974 (33 U.S.C. 1508) is amend-
ed—

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

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

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

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

(2) in subsection (b)—

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

“(b) **Input From Adjacent Coastal States and
Other Interested States.**—

“(1) **Submission of Applications to Gov-
ernors for Approval.**—
“(A) IN GENERAL.—Not later than 10 days after the date on which the Secretary designates adjacent coastal States under subsection (a) with respect to a deepwater port proposed in an application”;

(B) in paragraph (1)(A) (as so designated)—

(i) in the fourth sentence, by striking “If the Governor” and inserting the following:

“(D) INCONSISTENCY WITH CERTAIN STATE PROGRAMS.—If the Governor of an adjacent coastal State”;

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

“(C) PRESUMED APPROVAL.—If the Governor of an adjacent coastal State fails to transmit a required”; and

(iii) in the second sentence, by striking “The Secretary” and inserting the following:

“(B) PROHIBITION.—The Secretary”; and

(C) in paragraph (2)—
(i) by striking “(2) Any other interested State” and inserting the following:

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

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

(3) by striking subsection (c); and

(4) in subsection (d), by striking “(d) The consent of Congress is given to two” and inserting the following:

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

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

(1) in the section heading, by striking “CITIZEN”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “including (A) the United States, and (B) any other” and inserting “including the United States and any other”; and

(ii) by striking “(1) against any” and inserting the following:
“(A) any”;

(B) in paragraph (2)—

(i) by striking “the Secretary. Any action” and inserting “the Secretary, subject to the condition that any action”; and

(ii) by striking “(2) against the Secretary where” and inserting the following:

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

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

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

(D) in the matter preceding subparagraph (A) (as redesignated by subparagraph (A)(ii))—

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

(ii) by striking “(a) Except as pro-

vided in subsection (b) of this section” and inserting the following:

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—Except as provided in sub-

section (b)”;

(3) in subsection (b)—
(A) by striking “of this section” each place it appears;

(B) by striking “prior to” each place it appears and inserting “before the date that is”;

(C) in paragraph (1)—

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

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately; and

(iii) in the matter preceding clause (i) (as so redesignated), by striking “(1) under” and inserting the following: “(A) on or after the date that is 90 days after the date on which the Secretary has issued a record of decision;

“(B) under”; 

(D) in paragraph (2), by striking “(2) under” and inserting the following: “(C) under”;
(E) in the undesignated matter following subparagraph (C) (as so redesignated), by striking “Notice” and inserting the following:
“(2) NOTICE.—A notice”; and

(F) in the matter preceding subparagraph (A) (as added by subparagraph (C)(iii)), by striking “(b) No civil action” and inserting the following:
“(b) LIMITATION.—
“(1) IN GENERAL.—No civil action”;

(4) in subsection (e), by striking “(e) In” and inserting the following:
“(e) INTERVENTION BY SECRETARY OR ATTORNEY GENERAL.—In”;

(5) in subsection (d), by striking “(d) The Court” and inserting the following:
“(d) COSTS OF LITIGATION.—A court of competent jurisdiction”; and

(6) in subsection (e), by striking “(e) Nothing” and inserting the following:
“(e) EFFECT OF SECTION.—Nothing”.

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

(1) in the first sentence, by striking “Any person suffering legal wrong, or who is adversely af-
fected or aggrieved by the Secretary’s decision to
issue, transfer, modify, renew, suspend” and insert-
ing the following:

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

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

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

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

(A) in subparagraph (A)—

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

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

(B) by redesignating subparagraphs (A)

and (B) as paragraphs (1) and (2), respectively,
and indenting the paragraphs appropriately.
(j) **REPEAL.**—Section 25 of the Deepwater Port Act of 1974 (33 U.S.C. 1524) is repealed.

(k) **TECHNICAL CORRECTIONS.**—

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

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

“SEC. 8. COMMON CARRIER STATUS.

“(a) **IN GENERAL.**—A deepwater”;

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

(C) in subsection (b)—

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

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

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

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

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

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

(A) in subsection (a)—
(i) in paragraph (1), by striking “(1) suspend” and inserting the following:

“(A) to suspend”;

(ii) by striking paragraph (2) and inserting the following:

“(B) if that failure is knowing and continues for a period of not less than 30 days after the date on which Secretary provides to the licensee a notice of the failure by registered letter at the record post office address of the licensee, to revoke the license.”;

(iii) in the undesignated matter following subparagraph (B) (as so redesignated), by striking “No proceeding” and inserting the following:

“(2) NO PROCEEDING NECESSARY.—No proceeding”; and

(iv) in the matter preceding subparagraph (A) (as redesignated by clause (i))—

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

(II) by striking “found, to—” and inserting “found—”; and
(III) by striking “(a) Whenever” and inserting the following:

“(a) PROCEEDINGS BY ATTORNEY GENERAL.—

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

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

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

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

(4) Section 23 of the Deepwater Port Act of 1974 (33 U.S.C. 1522) is amended to read as follows:

“SEC. 23. EFFECT OF ACT.

“Nothing in this Act affects section 28(u) of the Mineral Leasing Act (30 U.S.C. 185(u)).”.

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

(l) CONFORMING AMENDMENT TO FAST ACT.—Section 41001(6)(A) of the FAST Act (42 U.S.C.
4370m(6)(A)) is amended, in the matter preceding clause (i), by inserting “a deepwater port (as defined in section 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502)),” after “pipelines.”

(m) DECLARATION OF POLICY.—Section 2 of the Deepwater Port Act of 1974 (33 U.S.C. 1501) is amended—

(1) in subsection (a)—

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

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

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

(i) by inserting “to” after the paragraph designation; and

(ii) by indenting the paragraphs appropriately;

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

(D) in paragraph (5)—

(i) by striking “importing oil or” and inserting “importing and exporting oil and”;
(ii) by striking “into” and inserting “to and from”; 

(iii) by striking “or natural gas from the outer continental shelf” and inserting “and natural gas from the outer Continental Shelf,”; and 

(iv) by striking “attendant thereto” and inserting “associated with that traffic”; and 

(E) in paragraph (6), by striking “continental shelf” each place it appears and inserting “Continental Shelf”; and 

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

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

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

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

“SEC. 3. DEFINITIONS. 

“In this Act: 

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

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

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

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

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

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

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

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

“(5) COASTAL ENVIRONMENT.—

“(A) IN GENERAL.—The term ‘coastal environment’ means—
“(i) the navigable waters (including any land within and under those waters); and

“(ii) any shoreline adjacent to navigable waters (including water within and under such a shoreline).

“(B) INCLUSIONS.—The term ‘coastal environment’ includes—

“(i) transitional and intertidal areas;

“(ii) bays;

“(iii) lagoons;

“(iv) salt marshes;

“(v) estuaries;

“(vi) beaches;

“(vii) the fish, wildlife, and other living resources of an area or feature described in any of clauses (i) through (vi); and

“(viii) the recreational and scenic values of the land, water, and resources described in any of clauses (i) through (vii).”;

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

(A) by inserting “The term” after the paragraph designation;
(B) by inserting a paragraph heading, the
text of which comprises the term defined in that
paragraph; and

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

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

“(9) Deepwater Port.—

“(A) In General.—The term ‘deepwater
port’ means any fixed or floating manmade
structure (other than a vessel), or any group of
such structures, that is—

“(i) located beyond State seaward
boundaries; and

“(ii) used or intended for—

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

“(II) any other use that is not
inconsistent with the purposes of this
Act, including transportation of oil or
natural gas from the outer Conti-
nental Shelf.
“(B) INCLUSIONS.—The term ‘deepwater port’ includes—

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

“(ii) in the case of a structure used or intended for use as described in subparagraph (A)(ii) with respect to natural gas, all components and equipment, including pipelines, pumping or compressor stations, service platforms, buoys, mooring lines, and similar facilities, that are proposed or approved for construction and operation as part of a deepwater port, to the extent that the components or equipment—

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

“(II) do not include interconnecting facilities.

“(C) TREATMENT AS NEW SOURCE.—A deepwater port—
“(i) for purposes of the Clean Air Act (42 U.S.C. 7401 et seq.)—

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

“(II) shall not be subject to subpart Y of part 63 of title 40, Code of Federal Regulations (or successor regulations); and

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

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

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

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

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

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

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

(A) by inserting “The term” after the paragraph designation; and
(B) by inserting a paragraph heading, the
text of which comprises the term defined in that
paragraph; and

(12) in paragraph (18), by striking ‘‘; and’’ at
the end and inserting a period.

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

(1) in subsection (e)—

(A) in each of paragraphs (1) through (7),
by striking ‘‘he’’ after the paragraph designa-
tion and inserting ‘‘the Secretary’’;

(B) in paragraph (1), by striking ‘‘1990’’
and inserting ‘‘1990 (33 U.S.C. 2716);’’;

(C) in paragraph (6), by striking ‘‘, as
amended’’ each place it appears;

(D) in paragraph (7), by adding ‘‘and’’
after the semicolon at the end; and

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

‘‘(8) the Governor of each adjacent coastal
State approves, or is presumed to approve, the
issuance of the license pursuant to section 9(b)(1),
if applicable.’’;
(2) in subsection (e)—

(A) in paragraph (1)—

(i) in the first sentence, by striking “this title” each place it appears and inserting “this Act”; and

(ii) in the second sentence—

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

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

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

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

(C) in paragraph (3)—

(i) in the first sentence, by striking “he deems necessary to assure” and inserting “the Secretary determines to be necessary to ensure”;

(ii) in the second sentence, by striking “he finds” and inserting “the Secretary finds”; and
(iii) in the third sentence—

(I) by striking “he determines” and inserting “the Secretary determines”;

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

(III) by striking “the Outer Continental Shelf Lands Act.” and inserting “that Act.”; and

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

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

(1) in subsection (c)—

(A) by striking the subsection designation and all that follows through the end of paragraph (1) and inserting the following:

“(c) APPLICATIONS.—

“(1) REQUIREMENTS.—

“(A) IN GENERAL.—Each person that submits to the Secretary an application shall include in the application a detailed plan that contains all information required under paragraph (2).
“(B) ACTION BY SECRETARY.—Not later than 21 days after the date of receipt of an application, the Secretary shall—

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

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

“(aa) a notice of the application; and

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

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

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

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

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

(B) in paragraph (2)—

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

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

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

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

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

“(3) EXEMPTIONS.—On”;

(2) in subsection (f)—

(A) in the second sentence—

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

(ii) by striking “Such compliance”
and inserting the following:
“(2) TREATMENT.—Compliance under paragraph (1)”; and

(B) in the first sentence—

(i) by striking “4332)” and inserting “4321 et seq.) with respect to the application”; and

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

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

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

(4) in subsection (h)—

(A) by striking “(h)(1) Each” and inserting the following:

“(h) FEES.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—Each”;

(B) in paragraph (1)—

(i) in subparagraph (A) (as so designated), in the second sentence, by striking “In addition” and inserting the following:
“(B) REIMBURSEMENT.—In addition to a fee under subparagraph (A)”; and

(ii) by adding at the end the following:

“(C) REFUND.—If a license has not been issued for an application by the applicable deadline—

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

“(ii) the applicant shall be eligible for reimbursement for additional costs incurred by the applicant due to any unnecessary delay by the Secretary, unless the Secretary provides evidence that the delay is necessary to support the application.”;

(C) in paragraph (2)—

(i) by striking the last sentence;

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

“(2) USAGE FEES.—

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

“(B) AUTHORIZATION.—Notwithstanding”;

and

(iii) in subparagraph (B) (as so designated)—

(I) in the first sentence, by striking “land-based facilities directly related to” and inserting “directly related land-based facilities with respect to”;

(II) by striking “such land-based” each place it appears and inserting “directly related land-based”;

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

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

(IV) in the third sentence—

(aa) by striking “such” each place it appears and inserting “the applicable”; and
(bb) by striking “Fees under” and inserting the following:

“(D) AMOUNT.—The amount of a fee established under”; and

(V) in the second sentence—

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

(bb) by striking “Fees may be fixed under authority of this paragraph” and inserting the following:

“(C) TREATMENT.—A fee may be established pursuant to this paragraph”; and

(D) in paragraph (3)—

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

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

“(3) RENTAL PAYMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), a licensee”; and

(iii) by adding at the end the following:
“(B) REFUND.—On request of the applicant, a rental payment under subparagraph (A) shall be refunded to the applicant if the Secretary has not issued to the applicant a license under this section by the applicable deadline.”;

(5) in subsection (i)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

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

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

(ii) in subparagraph (B)—

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

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

(iii) in subparagraph (C), by inserting “Third,” after the subparagraph designation;

(B) in paragraph (3)—

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

“(D) Any”;

(ii) in subparagraph (B)—
(I) by striking “; and” at the end and inserting a period; and
(II) by striking “(B) any” and inserting the following:
“(C) Any”; and
(iii) in subparagraph (A)—
(I) by striking “section 6 of this Act;” and inserting “section 6.”; and
(II) by striking “(A) the degree” and inserting the following:
“(A) National and economic security, including the effects of any oil restriction imposed by a foreign country attacking the United States or an ally of the United States.
“(B) The degree”; and
(C) in paragraph (4)—
(i) by striking the second sentence and inserting the following:
“(B) EFFECT OF FAILURE TO DETERMINE.—If the Secretary fails to approve or deny an application for a deepwater port for natural gas by the applicable deadline under subparagraph (A), the reporting requirements under paragraphs (1), (2), and (3) shall not apply to the application.”; and
(ii) in the matter preceding subpara-
graph (B) (as so added), by striking “(4)
The Secretary” and inserting the following:
“(4) APPLICATIONS FOR DEEPWATER PORTS
FOR NATURAL GAS.—
“(A) DEADLINE FOR DETERMINATION.—
The Secretary”;
(6) in subsection (j)—
(A) in paragraph (1)—
(i) by striking “of Transportation”; and
(ii) by striking “to promote the trans-
portation” and inserting the following: “to
promote—
“(A) the use of United States flag vessels;
and
“(B) transportation”; and
(B) in paragraph (2), by striking “section
5(c)(2)(K) of the Deepwater Port Act of 1974
(33 U.S.C. 1504(c)(2)(K))” and inserting “sub-
section (c)(2)(K)”; and
(7) by adding at the end the following:
“(k) TRANSPARENCY IN ISSUANCE OF LICENSES AND
PERMITS.—
“(1) Definition of Applicable Deadline.—

In this subsection, the term ‘applicable deadline’, with respect to an applicant, means the deadline or date applicable to the applicant under any of the following:

“(A) Section 4(c)(6).

“(B) Section 4(d)(3).

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

“(D) Subsection (d)(3).

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

“(F) Subsection (g).

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

“(2) Suspensions and Delays.—

“(A) In general.—If the Secretary suspends or delays an applicable deadline, the Secretary shall submit to the applicant, in writing, a detailed statement—

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

“(ii) describing and requesting any information necessary to continue the proc-
essel to issue the applicable license, permit, or other Federal authorization; and

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

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

“(i) the applicable deadline;

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

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

“(3) APPLICANT RIGHTS TO CONFERENCE.—

“(A) PERSONNEL RELEVANT TO SUSPENSION OR DELAY.—

“(i) IN GENERAL.—An applicant that receives a statement under paragraph (2)(A) may submit to the Secretary a re-
quest for a conference with appropriate personnel of the Department of Transpor-
tation and representatives of each cooperating Federal agency determined by the Secretary to be relevant with respect to the
suspension or delay described in the statement.

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

“(B) Senior Executive Service Official.—

“(i) In general.—Subject to clause (ii), an applicant that has provided to the Secretary relevant information in response to a request under paragraph (2)(A)(ii) may submit to the Secretary a request for a conference with a relevant official of the Department of Transportation in the Senior Executive Service (as defined in section 2101a of title 5, United States Code).

“(ii) Limitation.—A request for a conference under clause (i) may be submitted not earlier than 30 days after the date on which the applicant provided to the Secretary the information described in clause (i).
“(iii) REQUIREMENTS.—On receipt of a request under clause (i), the Secretary shall—

“(I) ensure that the meeting described in that clause is held not later than 30 days after the date on which the Secretary receives the request; and

“(II) submit a notice of the request, including a description of the nature and circumstances of the applicable suspension or delay, to—

“(aa) the Committee on Commerce, Science, and Transportation of the Senate; and

“(bb) the Committee on Transportation and Infrastructure of the House of Representatives.

“(4) ENFORCEMENT.—An applicant for a license, permit, or other Federal authorization relating to the ownership, construction, or operation of a deepwater port may file an action to enforce any provision of this subsection in—
“(A) the United States District Court for
the District of Columbia; or

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

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

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

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

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

(1) in subsection (a)—

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

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

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

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

(E) in the matter preceding subparagraph
(A) (as so redesignated)—
(i) by striking “Policy Act. Such criteria” and inserting the following: “Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) USE FOR EVALUATION.—The criteria established under this subsection”; and

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

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary”;

(2) in subsection (b)—

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

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

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

(3) in subsection (c)—

(A) by striking “concurrently with the regulations in section 5(a) of this Act and in accordance with the provisions of that subsection” and inserting “concurrently with the regulations promulgated pursuant to section 5(a) and in accordance with that section”; and

(B) by striking “(c) Criteria” and inserting the following:

“(c) REQUIREMENT.—The criteria”.
(r) **NATIONAL PLAN TO IDENTIFY AND DESIGNATE SUITABILITY AREAS.**—The Deepwater Port Act of 1974 is amended by inserting after section 6 (33 U.S.C. 1505) the following:

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

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

“(b) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of the Deepwater Ports Improvement Act of 2023, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of the Interior, shall establish a plan and timeline—

“(1) to systematically assess the exclusive economic zone (as defined in section 107 of title 46, United States Code), in accordance with subsection (c); and

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

“(c) **ASSESSMENT.**—
“(1) IN GENERAL.—In conducting the assessment under this subsection, the Secretary shall—

“(A) rely on—

“(i) relevant scientific, social, and economic data; and

“(ii) engagement with relevant stakeholders and the public, in accordance with subsection (e); and

“(B) take into consideration, with respect to any suitability area identified under the assessment for potential inclusion in the inventory under subsection (d)—

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

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

“(iii) current and possible future human uses of the suitability area and areas in reasonable proximity to the suitability area;

“(iv) current and possible future conservation uses of the suitability area and areas in reasonable proximity to the suitability area;
“(v) expected socioeconomic impacts from the construction of a deepwater port on adjacent coastal communities; and
“(vi) such other factors as the Secretary determines to be appropriate.

“(2) Treatment of Clusters.—In conducting the assessment under this subsection, the Secretary may consider a cluster of locations to be a single suitability area for potential inclusion in the inventory under subsection (d), subject to the conditions that—

“(A) the locations shall—
“(i) be located in close proximity; and
“(ii) reflect similar conditions; and
“(B) each such location shall meet the applicable criteria under this section.

“(3) Coordination; Availability to Applicants.—To the maximum extent practicable, the Secretary shall—

“(A) conduct the assessment under this subsection in accordance with any relevant reviews required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
“(B) make the assessment available to applicants under this Act.

“(d) INVENTORY.—

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

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

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

“(B) a thorough evaluation of the suitability area with respect to each factor described in subsection (c)(1)(B) and any findings of the Secretary regarding such a factor; and

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

“(3) REQUIREMENT.—In preparing the inventory under this subsection, the Secretary shall rely on—
“(A) relevant scientific, social, and economic data; and

“(B) engagement with relevant stakeholders and the public, in accordance with subsection (e).

“(e) ENGAGEMENT.—

“(1) PUBLIC MEETINGS.—

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

“(i) to inform interested stakeholders regarding the intent to include an suitability area in the inventory under subsection (d);

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

“(iii) to solicit relevant public feedback, including written comments.

“(B) WORKSHOPS.—In addition to public meetings under subparagraph (A), the Secretary may convene 1 or more workshops, in accordance with chapter 10 of title 5, United States Code, for particular stakeholders or stakeholder groups to provide insight, informa-
tion, and comments to support the assessment and inventory process under this section.

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

“(A) IN GENERAL.—The Secretary shall consult with States and federally recognized Indian Tribes located adjacent to, or within 100 miles of, any suitability area proposed for inclusion in the inventory under subsection (d).

“(B) COMMENTS.—

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

“(ii) CONSIDERATION.—The Secretary shall consider any comments received under clause (i) in the assessment and inventory process under this section.

“(f) REGULATIONS.—The Secretary may promulgate such regulations as the Secretary determines to be appropriate to carry out this section.

“(g) SPATIAL DATA.—To support the implementation of this section, the Secretary shall—

“(1) collect and curate spatial data relevant to the assessment under subsection (c); and
“(2) make those data publicly available, unless otherwise restricted by law.”

(s) ADJACENT COASTAL STATES.—Section 9 of the Deepwater Port Act of 1974 (33 U.S.C. 1508) is amended—

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

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

“(1) directly connected by pipeline to that deepwater port; or

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

(2) in subsection (b)—

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

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

“(1) SUBMISSION OF APPLICATIONS TO GOVERNORS FOR APPROVAL.—
“(A) IN GENERAL.—Not later than 10
days after the date on which the Secretary des-
ignates adjacent coastal States under sub-
section (a) with respect to a deepwater port
proposed in an application”;

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

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

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

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

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

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

“(B) PROHIBITION.—The Secretary”; and

(C) in paragraph (2)—
(i) by striking “(2) Any other interested State” and inserting the following:

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

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

(3) by striking subsection (c); and

(4) in subsection (d), by striking “(d) The consent of Congress is given to two” and inserting the following:

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

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

(1) in the section heading, by striking “CITIZEN”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “including (A) the United States, and (B) any other” and inserting “including the United States and any other”; and

(ii) by striking “(1) against any” and inserting the following:
“(A) any”;

(B) in paragraph (2)—

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

   (ii) by striking “(2) against the Sec-
   retary where” and inserting the following:
   “(B) the Secretary in any case in which”;

   (C) in the undesignated matter following
   subparagraph (B) (as so redesignated), by
   striking “In suits” and inserting the following:
   “(2) DISTRICT COURT JURISDICTION.—In any
   civil action”; and

   (D) in the matter preceding subparagraph
   (A) (as redesignated by subparagraph (A)(ii))—

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

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

   “(a) AUTHORIZATION.—

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

   (3) in subsection (b)—
(A) by striking “of this section” each place it appears;

(B) by striking “prior to” each place it appears and inserting “before the date that is”;

(C) in paragraph (1)—

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

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately; and

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

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

“(B) under”;

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

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

“(2) NOTICE.—A notice”; and

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

“(b) LIMITATION.—

“(1) IN GENERAL.—No civil action”; 

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

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

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

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

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

“(e) EFFECT OF SECTION.—Nothing”. 

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

(1) in the first sentence, by striking “Any person suffering legal wrong, or who is adversely af-
fected or aggrieved by the Secretary’s decision to
issue, transfer, modify, renew, suspend” and insert-
ing the following:

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

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

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

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

(A) in subparagraph (A)—

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

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

(B) by redesignating subparagraphs (A)
and (B) as paragraphs (1) and (2), respectively,
and indenting the paragraphs appropriately.
(v) REPEAL.—Section 25 of the Deepwater Port Act of 1974 (33 U.S.C. 1524) is repealed.

(w) TECHNICAL CORRECTIONS.—

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

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

“SEC. 8. COMMON CARRIER STATUS.

“(a) IN GENERAL.—A deepwater’’;

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

(C) in subsection (b)—

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

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

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

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

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

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

(A) in subsection (a)—
(i) in paragraph (1), by striking “(1) suspend” and inserting the following:

“(A) to suspend”;

(ii) by striking paragraph (2) and inserting the following:

“(B) if that failure is knowing and continues for a period of not less than 30 days after the date on which Secretary provides to the licensee a notice of the failure by registered letter at the record post office address of the licensee, to revoke the license.”;

(iii) in the undesignated matter following subparagraph (B) (as so redesignated), by striking “No proceeding” and inserting the following:

“(2) NO PROCEEDING NECESSARY.—No proceeding”; and

(iv) in the matter preceding subparagraph (A) (as redesignated by clause (i))—

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

(II) by striking “found, to—” and inserting “found—”; and
by striking “(a) Whenever” and inserting the following:

“(a) PROCEEDINGS BY ATTORNEY GENERAL.—

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

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

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

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

(4) Section 23 of the Deepwater Port Act of 1974 (33 U.S.C. 1522) is amended to read as follows:

“SEC. 23. EFFECT OF ACT.

“Nothing in this Act affects section 28(u) of the Mineral Leasing Act (30 U.S.C. 185(u)).”.

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

(x) CONFORMING AMENDMENT TO FAST ACT.—Section 41001(6)(A) of the FAST Act (42 U.S.C.
4370m(6)(A)) is amended, in the matter preceding clause (i), by inserting “a deepwater port (as defined in section 3 of the Deepwater Port Act of 1974 (33 U.S.C. 1502)),” after “pipelines,”.