AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MR. GRAVES OF MISSOURI

At the end of the bill, add the following:

DIVISION E—COAST GUARD
AUTHORIZATION ACT OF 2023

SEC. 5101. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION E—COAST GUARD AUTHORIZATION ACT OF 2023

Sec. 5101. Short title; table of contents.
Sec. 5102. Commandant defined.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 5201. Authorization of appropriations.
Sec. 5202. Shoreside infrastructure and facilities and information technology.
Sec. 5203. Availability of amounts for acquisition of additional vessels and aircraft.
Sec. 5204. Authorization for certain programs and services.
Sec. 5205. Fishing vessel safety.
Sec. 5206. Authorized levels of military strength and training.

TITLE II—COAST GUARD

Sec. 5301. Prohibition on use of lead systems integrators.
Sec. 5302. Ports and waterways safety.
Sec. 5303. Minor construction increase.
Sec. 5304. Tsunami evacuation plans.
Sec. 5305. Study on Bering Strait vessel traffic projections and emergency response posture at the Port of Point Spencer, Alaska.
Sec. 5306. Service life extension programs.
Sec. 5307. Underwater inspections brief.
Sec. 5308. St. Lucie River railroad bridge.
Sec. 5309. Online incident reporting system.
Sec. 5310. Maritime Domain Awareness in Coast Guard Sector for Puerto Rico and Virgin Islands.

Sec. 5311. Public availability of information on monthly drug and migrant interdictions.

Sec. 5312. Report on establishment of an unmanned systems capabilities office.

Sec. 5313. Rulemaking regarding port access routes.

Sec. 5314. Great Lakes icebreaker.

TITLE III—MARITIME

Subtitle A—American Samoa Mariners Act of 2023

Sec. 5401. Merchant seamen licenses, certificates, and documents; manning of vessels.

Subtitle B—Vessel Operations

Sec. 5411. Definitions.

Sec. 5412. Notification.

Sec. 5413. Publication of fines and penalties.

Subtitle C—Merchant Mariner Credentialing

Sec. 5421. Revising merchant mariner deck training requirements.

Sec. 5422. Technical amendments.

Sec. 5423. Renewal of merchant mariner licenses and documents.

Subtitle D—Vessel Safety

Sec. 5431. Grossly negligent operations of a vessel.

Sec. 5432. Administrative procedure for security risks.

Sec. 5433. Requirements for DUKW amphibious passenger vessels.

Sec. 5434. Inspection and examination.

Subtitle E—Other Matters

Sec. 5441. Anchor handling activities.

Sec. 5442. Establishment of a national advisory committee on autonomous maritime systems.

Sec. 5443. Controlled substance onboard vessels.

Sec. 5444. Nonoperating individual.

Sec. 5445. Information on type approval certificates.

Sec. 5446. Manning and crewing requirements for certain vessels, vehicles, and structures.

Sec. 5447. Classification societies.

TITLE IV—OIL POLLUTION INCIDENT LIABILITY

Sec. 5501. Vessel response plans.

Sec. 5502. Use of marine casualty investigations.

Sec. 5503. Timing of review.

TITLE V—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS

Sec. 5601. Technical and conforming amendments.


Sec. 5603. Report on role of Coast Guard.
SEC. 5102. COMMANDANT DEFINED.

In this division, the term “Commandant” means the Commandant of the Coast Guard.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 5201. AUTHORIZATION OF APPROPRIATIONS.

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

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

(2) in paragraph (1)—

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

“(i) $10,750,000,000 for fiscal year 2024;

and

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

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

and

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

(3) in paragraph (2)—

(A) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:
“(i) $3,477,600,000 for fiscal year 2024; and

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

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

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

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

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

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

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

and

(5) by striking paragraph (4) and inserting the following:

“(4) For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman’s Family Protection and Survivor Benefits Plans, payment for career status bonuses, payment of continuation pay under section 356 of title 37, concurrent receipts, combat-related special compensation, and payments for medical care of retired personnel and the dependents of such personnel
under chapter 55 of title 10, $1,147,244,000 for fiscal year 2024.”.

SEC. 5202. SHORESIDE INFRASTRUCTURE AND FACILITIES AND INFORMATION TECHNOLOGY.

(a) In General.—Of the amounts authorized to be appropriated under section 4902(2)(A) of title 14, United States Code—

(1) for fiscal year 2024, $36,300,000 is authorized to modernize the information technology systems of the Coast Guard; and

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

(b) Information Technology Set-asides.—Of the amounts authorized under subsection (a)(1), $11,000,000 is authorized to fund the acquisition, development, and implementation of a new credentialing system for the merchant mariner credentialing program.

(c) Shoreside Infrastructure.—Of the amounts authorized to be appropriated under section 4902(2)(A) of title 14, United States Code—

(1) for the purposes of improvements to facilities at the United States Coast Guard Training Center Cape May in Cape May, New Jersey—
(A) for fiscal year 2024—

(i) $130,000,000 is authorized to fund the construction of a new indoor multipurpose recruit training facility; and

(ii) $70,000,000 is authorized to fund Phase II of the barracks’ recapitalization; and

(B) for fiscal year 2025, $70,000,000 is authorized to fund Phase III of the barracks’ recapitalization;

(2) for each of fiscal years 2024 and 2025, $30,000,000 is authorized to fund Phase I construction of a ship handling facility in the United States Coast Guard Yard in Baltimore, Maryland; and

(3) for fiscal year 2024, $130,000,000 is authorized to fund Phase I of waterfront improvements of Coast Guard Base Seattle, including environmental remediation consisting of dredging and structural improvements to piers and wharfs necessary to complete the expansion of Base Seattle to homeport 3 Polar Security Cutters in Seattle, Washington.
SEC. 5203. AVAILABILITY OF AMOUNTS FOR ACQUISITION OF ADDITIONAL VESSELS AND AIRCRAFT.

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

(1) $400,000,000 is authorized for the acquisition of 4 Fast Response Cutters;

(2) $125,000,000 is authorized for the acquisition or procurement of an available commercial icebreaker;

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

(4) $20,000,000 is authorized to procure long lead time materials for a Great Lakes icebreaker at least as capable as Coast Guard Cutter Mackinaw (WLBB–30);

(5) $30,500,000 is authorized for the program management, design, and acquisition of Pacific Northwest heavy weather boats that are at least as capable as the Coast Guard 52-foot motor surfboat;

(6) $138,500,000 is authorized for the acquisition or procurement of 1 missionized HC-130J aircraft; and

(7) $113,000,000 is authorized to outfit and assemble 4 MH-60T Jayhawk aircraft.
SEC. 5204. AUTHORIZATION FOR CERTAIN PROGRAMS AND SERVICES.

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

(1) $11,978,000 is authorized to fund additional recruiting personnel and offices for the Coast Guard Recruiting Command; and

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

SEC. 5205. FISHING VESSEL SAFETY.

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

(1) in subsection (i) by striking paragraph (4) and inserting the following:

“(4) AUTHORIZATION OF APPROPRIATIONS.—

Out of funds made available under section 4902(1)(A) of title 14, $3,000,000 shall be available for each of fiscal years 2024 and 2025 for grants under this subsection.”; and

(2) in subsection (j) by striking paragraph (4) and inserting the following:

“(4) AUTHORIZATION OF APPROPRIATIONS.—

Out of funds made available under section 4902(1)(A) of title 14, $3,000,000 shall be available
for each of fiscal years 2024 and 2025 for grants under this subsection.”.

SEC. 5206. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

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

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

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

TITLE II—COAST GUARD

SEC. 5301. PROHIBITION ON USE OF LEAD SYSTEMS INTEGRATORS.

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

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

SEC. 5302. PORTS AND WATERWAYS SAFETY.

(a) WATERFRONT SAFETY.—Section 70011(a) of title 46, United States Code, is amended—
(1) in paragraph (1) by inserting “, including damage or destruction resulting from cyber incidents, transnational organized crime, or foreign state threats” after “adjacent to such waters”; and

(2) in paragraph (2) by inserting “or harm resulting from cyber incidents, transnational organized crime, or foreign state threats” after “loss”.

(b) Regulation of Anchorage and Movement of Vessels During National Emergency.—Section 70051 of title 46, United States Code, is amended by inserting “or cyber incidents, or transnational organized crime, or foreign state threats,” after “threatened war, or invasion, or insurrection, or subversive activity,”.

(e) Facility Visit by State Sponsor of Terrorism.—Section 70011(b) of title 46, United States Code, is amended—

(1) in paragraph (3) by striking “and” at the end;

(2) in paragraph (4) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5) prohibiting a representative of a government of country that the Secretary of State has determined has repeatedly provided support for acts of international terrorism under section 620A of the
Foreign Assistance Act of 1961 (22 U.S.C. 2371) from visiting a facility for which a facility security plan is required under section 70103(c).”.

SEC. 5303. MINOR CONSTRUCTION INCREASE.

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

SEC. 5304. TSUNAMI EVACUATION PLANS.

(a) TSUNAMI EVACUATION PLANS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Federal Emergency Management Agency, shall establish location specific tsunami evacuation plans for each unit and sector of the Coast Guard that has facilities, personnel, or assets located within areas—

(A) designated by the Administrator of the National Oceanic and Atmospheric Administration as high risk or very high risk of a United States tsunami hazard; and

(B) that are located inside a tsunami inundation zone.
EVACUATION PLANS.—In establishing the evacuation plans under paragraph (1), the Commandant shall ensure that such plans—

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

(B) designate an evacuation route to an assembly area located outside of a tsunami inundation zone;

(C) include a map or diagram of all tsunami inundation zone evacuation routes;

(D) include evacuation routes for all Coast Guard personnel and dependents of such personnel living in Coast Guard housing;

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

(F) include procedures to begin evacuations once a major seismic event is detected;

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

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

(I) are able to be completely executed by servicemembers on foot from any location within the tsunami inundation zone;

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

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

(3) CONSULTATION.—In establishing the evacuation plans under paragraph (1), the Commandant shall consult local governments.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and provide a briefing to each such Committee on, a report on—

(1) the status of the implementation and feasibility of the plans established under subsection (a)(1);
(2) a risk evaluation and vulnerability assessment of the infrastructure and assets located within tsunami inundation zones;

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

(4) whether the plans established under subsection (a)(1) achieve the purpose to protect human life and ensure the ability for the Coast Guard to provide search and rescue operations following a tsunami event in the area.

(e) DEFINITIONS.—In this section:

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

(2) TSUNAMI INUNDATION ZONE.—The term “tsunami inundation zone” means an area of inland flooding modeled, predicted, or forecasted as a potential result of a tsunami or seismic event.

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

SEC. 5305. STUDY ON BERING STRAIT VESSEL TRAFFIC
PROJECTIONS AND EMERGENCY RESPONSE
POSTURE AT THE PORT OF POINT SPENCER,
ALASKA.

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

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

(2) assess the adequacy of emergency response
capabilities and infrastructure at the Port of Point
Spencer, Alaska, to address navigation safety risks
and geographic challenges necessary to conduct
emergency maritime response operations in the Arct-
ic environment.

(b) ELEMENTS.—The study required under sub-
section (a) shall include the following:
(1) An analysis of the volume and types of domestic and international commercial vessel traffic through the Bering Strait and the projected growth of such traffic, including a summary of—

(A) the sizes, ages, and flag states of vessels; and

(B) the oil and product tankers that are—

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

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

(2) An assessment of the state and adequacy of vessel traffic services and oil spill and emergency response capabilities in the vicinity of the Bering Strait, including its approaches.

(3) A risk assessment of the projected growth in commercial vessel traffic in the Bering Strait and higher probability of increased frequency in the number of maritime accidents, including spill events, and the potential impacts to the Arctic maritime environment and Native Alaskan village communities in the vicinity of the Bering Strait.

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

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

(c) CONSULTATION.—In conducting the study required under subsection (a), the Board shall consult with—

(1) the Department of Transportation;

(2) the Corps of Engineers;

(3) the National Transportation Safety Board;

(4) relevant ministries of the government of Canada;

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

(6) non-government entities with relevant expertise in monitoring and characterizing vessel traffic in the Arctic.
(d) REPORT.—Not later than 1 year after initiating the study under subsection (a), the Board shall submit to the appropriate committees of Congress a report containing the findings and recommendations of the study.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

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

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

(2) ARCTIC.—The term “Arctic” has the meaning given such term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(3) PORT COORDINATION COUNCIL FOR THE PORT OF POINT SPENCER.—The term “Port Coordination Council for the Port of Point Spencer” means the Council established under section 541 of the Coast Guard Authorization Act of 2015 (Public Law 114–120).

SEC. 5306. SERVICE LIFE EXTENSION PROGRAMS.

(a) IN GENERAL.—Subchapter II of chapter 11 of title 14, United States Code, is amended by adding at the end the following:
§ 1138. Service life extension programs

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

(b) DEFINITION.—In this section, the term ‘service life extension program’ means a capital investment that is solely intended to extend the service life and address obsolescence of components or systems of a particular capability or asset.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 11 of such title is amended by inserting after the item relating to section 1137 the following:

“1138. Service life extension programs.”.

SEC. 5307. UNDERWATER INSPECTIONS BRIEF.

Not later than 30 days after the date of enactment of this Act, the Commandant, or a designated individual, shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the underwater inspection in lieu of drydock program established under section 176.615 of title 46, Code of Federal Regulations (as in effect on the date of enactment of this Act).
SEC. 5308. ST. LUCIE RIVER RAILROAD BRIDGE.

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

SEC. 5309. ONLINE INCIDENT REPORTING SYSTEM.

(a) In general.—Not later than 2 years after the date of enactment of this Act, the National Response Center shall—

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

(2) allow any such notification to the National Response Center that is required under Federal law or regulation to be made online using the application.

(b) Use of application.—In carrying out subsection (a), the National Response Center may not require the notification of an oil discharge or release of a hazardous substance to be made using the application developed under such subsection.

SEC. 5310. MARITIME DOMAIN AWARENESS IN COAST GUARD SECTOR FOR PUERTO RICO AND VIRGIN ISLANDS.

Not later than 180 days after the date of enactment of this Act, the Commandant shall submit to the Com-
committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) an overview of the maritime domain awareness in the area of responsibility of the Coast Guard sector responsible for Puerto Rico and the United States Virgin Islands, including—

(A) the average volume of known maritime traffic that transited the area during fiscal years 2020 through 2023;

(B) current sensor platforms deployed by such sector to monitor illicit activity occurring at sea in such area;

(C) the number of illicit activity incidents at sea in such area that the sector responded to during fiscal years 2020 through 2023;

(D) an estimate of the volume of traffic engaged in illicit activity at sea in such area and the type and description of any vessels used to carry out illicit activities that such sector responded to during fiscal years 2020 through 2023; and
(E) the maritime domain awareness requirements to effectively meet the mission of such sector;

(2) a description of current actions taken by the Coast Guard to partner with Federal, regional, State, and local entities to meet the maritime domain awareness needs of such area;

(3) a description of any gaps in maritime domain awareness within the area of responsibility of such sector resulting from an inability to meet the enduring maritime domain awareness requirements of the sector or adequately respond to maritime disorder, including illicit drug and migrant activity;

(4) an identification of current technology and assets the Coast Guard has to mitigate the gaps identified in paragraph (3);

(5) an identification of capabilities needed to mitigate such gaps, including any capabilities the Coast Guard currently possesses that can be deployed to the sector;

(6) an identification of technology and assets the Coast Guard does not currently possess and are needed to acquire in order to address such gaps; and

(7) an identification of any financial obstacles that prevent the Coast Guard from deploying exist-
ing commercially available sensor technology to address such gaps.

SEC. 5311. PUBLIC AVAILABILITY OF INFORMATION ON MONTHLY DRUG AND MIGRANT INTERDICTIONS.

(a) IN GENERAL.—Section 11269 of the Don Young Coast Guard Authorization Act of 2022 (Public Law 117–263) is—

(1) transferred to appear at the end of subchapter II of chapter 5 of title 14, United States Code;

(2) redesignated as section 529; and

(3) amended—

(A) by striking the section enumerator and heading and inserting the following:

“§ 529. Public availability of information on monthly drug and migrant interdictions”;

(B) by striking “Not later than” and inserting the following:

“(a) IN GENERAL.—Not later than”;

(C) by inserting “drug and” before “migrant interdictions”; and

(D) by adding at the end the following:
“(b) CONTENTS.—In making information about interdictions publicly available under subsection (a), the Commandant shall include a description of the following:

“(1) The number of incidents in which drugs were interdicted, the amount and type of drugs interdicted, and the Coast Guard sectors and geographic areas of responsibility in which such incidents occurred.

“(2) The number of incidents in which migrants were interdicted, the number of migrants interdicted, and the Coast Guard sectors and geographic areas of responsibility in which such incidents occurred.”.

(b) CLERICAL AMENDMENTS.—

(1) The analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 528 the following:

“529. Public availability of information on monthly drug and migrant interdictions.”.

(2) The table of sections in section 11001(b) of the Don Young Coast Guard Authorization Act of 2022 (division K of Public Law 117–263) is amended by striking the item relating to section 11269.
SEC. 5312. REPORT ON ESTABLISHMENT OF AN UNMANNED SYSTEMS CAPABILITIES OFFICE.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that outlines a plan for establishing an unmanned systems capabilities office within the Coast Guard responsible for the acquisition and development of unmanned system and counter-unmanned system technologies and to expand the capabilities of the Coast Guard with respect to such technologies.

(b) Contents.—The report required under subsection (a) shall include the following:

(1) A management strategy for the acquisition, development, and deployment of unmanned system and counter-unmanned system technologies.

(2) A service-wide coordination strategy to synchronize and integrate efforts across the Coast Guard in order to—

(A) support the primary duties of the Coast Guard pursuant to section 102 of title 14, United States Code; and

(B) pursue expanded research, development, testing, and evaluation opportunities and
funding to expand and accelerate identification
and transition of unmanned system and
counter-unmanned system technologies.

(3) The identification of contracting and acqui-
sition authorities needed to expedite the development
and deployment of unmanned system and counter-
unmanned system technologies.

(4) A detailed list of commercially available un-
manned system and counter-unmanned system tech-
nologies with capabilities determined to be useful for
the Coast Guard.

(5) A cross-agency collaboration plan to engage
with the Department of Homeland Security, the De-
partment of Defense, and other relevant agencies to
identify common requirements and opportunities to
partner in acquiring, contracting, and sustaining un-
manned system and counter-unmanned system capa-
bilities.

(6) Opportunities to obtain and share un-
manned system data from government and commer-
cial sources to improve maritime domain awareness.

(7) The development of a concept of operations
for a data ecosystem that supports and integrates
unmanned system and counter-unmanned system
technologies with key enablers, including enterprise
communications networks, data storage and management, artificial intelligence and machine learning tools, and information sharing and dissemination capabilities.

(c) DEFINITIONS.—In this section:

(1) COUNTER-UNMANNED SYSTEM.—The term “counter-unmanned system” means a system or device capable of lawfully and safely disabling, disrupting, or seizing control of an unmanned system, including a counter-UAS system (as defined in section 44801 of title 49, United States Code).

(2) U NMANNED SYSTEM.—The term “unmanned system” means an unmanned surface, undersea, or aircraft and associated elements (including communication links and the components that control the unmanned system) that are required for the operator to operate the system safely and efficiently, including an unmanned aircraft system (as defined in section 44801 of title 49, United States Code).

SEC. 5313. RULEMAKING REGARDING PORT ACCESS ROUTES.

Not later than December 31, 2023, the Secretary of the department in which the Coast Guard is operating shall issue a final rule for the Atlantic Coast Port Route
Access Study for which an Advanced Notice of Proposed Rulemaking title “Shipping Safety Fairways Along the Atlantic Coast” was issued on June 19, 2020.

SEC. 5314. GREAT LAKES ICEBREAKER.

Not later than 30 days after the date of enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a strategy detailing how the Coast Guard will complete design and construction of the Great Lakes icebreaker at least as capable as the Coast Guard Cutter Mackinaw (WLBB–30) in not more than 3 years after funding is provided for such icebreaker.

TITLE III—MARITIME
Subtitle A—American Samoa
Mariners Act of 2023

SEC. 5401. MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS; MANNING OF VESSELS.

(a) Citizenship or Noncitizen Nationality.—

(1) In general.—Section 7102 of title 46, United States Code, is amended—

(A) in the section heading by inserting “or noncitizen nationality” after “Citizenship”; and
(B) by inserting “or noncitizen nationals
(as such term is described in section 308 of the
Immigration and Nationality Act (8 U.S.C.
1408)” after “citizens”.

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

“7102. Citizenship or noncitizen nationality.”

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

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

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

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

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

“7304. Citizenship or nationalization notation on merchant mariners’ docu-
ments.”.
(c) Citizenship or Noncitizen Nationality.—

(1) In general.—Section 8103 of title 46, United States Code, is amended—

(A) in the section heading by inserting “or noncitizen nationality” after “Citizenship”;

(B) in subsection (a) by inserting “or noncitizen national” after “citizen”;

(C) in subsection (b)—

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

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

(iii) in paragraph (3)(C) by inserting “or noncitizen nationals” after “citizens”;

(D) in subsection (c) by inserting “or noncitizen nationals” after “citizens”;

(E) in subsection (d)—

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

(ii) in paragraph (2) by inserting “or noncitizen national” after “citizen” each place it appears;
(F) in subsection (e) by inserting “or non-citizen national” after “citizen” each place it appears;

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

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

(I) by adding at the end the following:

“(l) NONCITIZEN NATIONAL DEFINED.—In this section, the term ‘noncitizen national’ means an individual described in section 308 of the Immigration and Nationality Act (8 U.S.C. 1408).”.

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

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

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

(e) I NVALIDATION OF CERTIFICATES OF DOCUMENTATION.—Section 12135(2) of title 46, United States Code, is amended by inserting “or noncitizen national (as
such term is described in section 308 of the Immigration
and Nationality Act (8 U.S.C. 1408))” after “citizen”.

Subtitle B—Vessel Operations

SEC. 5411. DEFINITIONS.

In this subtitle:

   (1) OUTER CONTINENTAL SHELF.—The term
“outer Continental Shelf” has the meaning given
such term in section 2 of the Outer Continental

   (2) RULING LETTER.—The term “ruling letter”
means any ruling letter or headquarters ruling letter
relating to the enforcement of chapters 121 and 551
of title 46, United States Code (commonly referred
to as the “Jones Act”), issued by the Commissioner
of U.S. Customs and Border Protection pursuant to
sections 502(a) or 625 of the Tariff Act of 1930 (19
U.S.C. 1502(a) and 1625).

   (3) SECRETARY.—The term “Secretary” means
the Secretary of Homeland Security, acting through
the Commissioner of U.S. Customs and Border Pro-
tection.

SEC. 5412. NOTIFICATION.

   (a) ADVANCE NOTIFICATION REQUIRED.—Prior to
engaging in any activity or operations on the outer Con-
tinental Shelf, the operator of a foreign vessel used in such
activity or operations shall file with the Secretary a notification describing all activities and operations to be performed on the outer Continental Shelf and an identification of applicable ruling letters issued by the Secretary that have approved the use of a foreign vessel in a substantially similar activity or operation.

(b) Publication of Notices.—

(1) Publication.—The Secretary shall publish a notification under subsection (a) in the Customs Bulletin and Decisions within 14 days of receipt of such notification.

(2) Confidential Information.—The Secretary shall redact any information exempt from disclosure under section 552 of title 5, United States Code, in a notification published under paragraph (1).

SEC. 5413. Publication of Fines and Penalties.

(a) In General.—Section 55102 of title 46, United States Code, is amended by adding at the end the following:

“(d) Publication of Penalty.—

“(1) In General.—Not later than 14 days after the issuance of a pre-penalty notice or a penalty, including a settlement, under subsection (c), the Secretary of Homeland Security shall publish
such pre-penalty notice or a notification of such pen-
alty in the Customs Bulletin and Decisions to the
party impacted by the penalty.

“(2) CONTENTS.—A pre-penalty notice or pen-
alty notification published under paragraph (1) shall
include—

“(A) the name and the International Mari-
time Organization identification number of the
vessel that is the subject of the penalty;

“(B) the name of the owner of the vessel
that is the subject of the penalty;

“(C) the amount of the fine or value of
merchandise seized; and

“(D) a summary of the alleged misconduct
and justification for imposing a penalty.”.

(b) RULEMAKING.—Not later than 90 days after the
date of enactment of this Act, the Secretary shall issue
such regulations as are necessary to implement the
amendments made by subsection (a), including—

(1) regulations regarding the information to be
contained in a penalty notification under section
55102(d) of title 46, United States Code (as amend-
ed by such subsection); and

(2) any changes to existing regulations relating
to penalties issued by the Secretary.
Subtitle C—Merchant Mariner Credentialing

SEC. 5421. REVISING MERCHANT MARINER DECK TRAINING REQUIREMENTS.

(a) General Definitions.—Section 2101 of title 46, United States Code, is amended—

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

(2) by inserting after paragraph (19) the following:

“(20) ‘merchant mariner credential’ means a merchant mariner license, certificate, or document that the Secretary is authorized to issue pursuant to this title.”.

(b) Examinations.—Section 7116 of title 46, United States Code, is amended by striking subsection (c).

(c) Merchant Mariners Documents.—

(1) General Requirements.—Section 7306 of title 46, United States Code, is amended to read as follows:
§ 7306. General requirements and classifications for members of deck departments

(a) In General.—The Secretary may issue a merchant mariner credential, to members of the deck department in the following classes:

(1) Able Seaman-Unlimited.

(2) Able Seaman-Limited.

(3) Able Seaman-Special.

(4) Able Seaman-Offshore Supply Vessels.

(5) Able Seaman-Sail.

(6) Able Seaman-Fishing Industry.

(7) Ordinary Seaman.

(b) Classification of Credentials.—The Secretary may classify the merchant mariner credential issued under subsection (a) based on—

(1) the tonnage and means of propulsion of vessels;

(2) the waters on which vessels are to be operated; or

(3) other appropriate standards.

(c) Considerations.—In issuing the credential under subsection (a), the Secretary may consider the following qualifications of the merchant mariner:

(1) Age.

(2) Character.

(3) Habits of life.
“(4) Experience.

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

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

“(7) Other requirements established by the Secretary, including career patterns and service appropriate to the particular service, industry, or job functions the individual is engaged.”.

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

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

(3) Able Seamen-Unlimited.—Section 7307 of title 46, United States Code, is amended by striking “3 years’” and inserting “18 months’”.

(4) Able Seamen-Limited.—Section 7308 of title 46, United States Code, is amended by striking “18 months’” and inserting “12 months’”.

(5) General Requirements for Members of Engine Departments.—Section 7313(b) of title 46, United States Code, is amended by striking “and coal passer”.
(6) **TRAINING.**—Section 7315 of title 46, United States Code, is amended—

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

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

(B) in subsection (b)—

(i) by striking “one-third” and inserting “one-half”; and

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

(C) by striking subsection (c).

(d) **MERCHAND MARINER CREDENTIALS.**—Section 7510 of title 46, United States Code, is amended by striking subsection (d).

(e) **IMPLEMENTATION.**—The Secretary of the department in which the Coast Guard is operating shall implement the amended requirements under subsections (c)(3), (c)(4), and (c)(6) of this section without regard to chapters 5 and 6 of title 5, United States Code, and Executive Orders 12866 and 13563 (5 U.S.C. 601 note).
SEC. 5422. TECHNICAL AMENDMENTS.

(a) IN GENERAL.—The heading for part E of subtitle II of title 46, United States Code, is amended by striking ‘‘MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS’’ and inserting ‘‘MERCHANT MARINER CREDENTIALS’’.

(b) ABLE SEAFARERS—UNLIMITED.—

(1) IN GENERAL.—The section heading for section 7307 of title 46, United States Code, is amended by striking ‘‘seamen’’ and inserting ‘‘seafarers’’.

(2) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 46, United States Code, is further amended in the item relating to section 7307 by striking ‘‘seamen’’ and inserting ‘‘seafarers’’.

(c) ABLE SEAMEN—LIMITED.—

(1) IN GENERAL.—The section heading for section 7308 of title 46, United States Code, is amended by striking ‘‘seamen’’ and inserting ‘‘seafarers’’.

(2) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 46, United States Code, is further amended in the item relating to section 7308 by striking ‘‘seamen’’ and inserting ‘‘seafarers’’.

(d) ABLE SEAFARERS—SPECIAL.—
(1) IN GENERAL.—The section heading for section 7309 of title 46, United States Code, is amended by striking “seamen” and inserting “seafarers”.

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

(e) ABLE SEAFARERS—OFFSHORE SUPPLY VESSELS.—

(1) IN GENERAL.—The section heading for section 7310 of title 46, United States Code, is amended by striking “seamen” and inserting “seafarers”.

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

(f) ABLE SEAFARERS—SAIL.—

(1) IN GENERAL.—The section heading for section 7311 of title 46, United States Code, is amended by striking “seamen” and inserting “seafarers”.

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

amended in the item relating to section 7311 by striking “seamen” and inserting “seafarers”.

(g) ABLE SEAMEN—FISHING INDUSTRY.—

(1) IN GENERAL.—The section heading for section 7311a of title 46, United States Code, is amended by striking “seamen” and inserting “seafarers”.

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

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

(1) by striking “seaman” and inserting “seafarer” each place it appears; and

(2) by striking “seamen” and inserting “seafarers” each place it appears.

(i) CLERICAL AMENDMENTS.—The analysis for subtitle II of title 46, United States Code, is amended—

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

(2) in the item relating to part E by striking “MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS” and inserting “MERCHANT MARINER CREDENTIALS”.

SEC. 5423. RENEWAL OF MERCHANT MARINER LICENSES
AND DOCUMENTS.
Section 7507 of title 46, United States Code, is amended by adding at the end the following:

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

Subtitle D—Vessel Safety
SEC. 5431. GROSSLY NEGLIGENT OPERATIONS OF A VESSEL.
Section 2302(b) of title 46, United States Code, is amended to read as follows:

“(b) GROSSLY NEGLIGENT OPERATION.—

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

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

“(A) commits a class E felony; and

“(B) may be assessed a civil penalty of not more than $35,000.”.
SEC. 5432. ADMINISTRATIVE PROCEDURE FOR SECURITY RISKS.

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

(1) in subparagraph (B) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively (and by conforming the margins accordingly);

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively (and by conforming the margins accordingly);

(3) by striking “an individual if—” and inserting the following: “an individual—

“(A) if—”; and

(4) in subparagraph (A)(ii)(IV), as so redesignated, by striking the period at the end and inserting “; or”; and

(5) by adding at the end the following:

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

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

SEC. 5433. REQUIREMENTS FOR DUKW AMPHIBIOUS PASSENGER VESSELS.

Section 11502 of the James H. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263) is amended—

(1) in the section header by striking “DUKW AMPHIBIOUS PASSENGER VESSELS” and inserting “COMMERCIAL AMPHIBIOUS SMALL PASSENGER VESSELS”;

(2) by striking “DUKW amphibious passenger vessel” each place it appears and inserting “commercial amphibious small passenger vessel”;

(3) by striking “DUKW amphibious passenger vessels” each place it appears and inserting “commercial amphibious small passenger vessels”;

(4) in subsection (h)—

(A) by striking “DEFINITIONS” and all that follows through “The term ‘appropriate congressional committees’ ” and inserting “APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ ”; and

(B) by striking paragraph (2); and

(5) by adding at the end the following:

“(i) APPLICATION.—This section shall apply to amphibious vessels operating as a small passenger vessel in
waters subject to the jurisdiction of the United States, as such term is defined in section 2.38 of title 33, Code of Federal Regulations (as in effect on the date of enactment of the Coast Guard Authorization Act of 2023).”.

SEC. 5434. INSPECTION AND EXAMINATION.

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

(1) in subsection (a)(1) by striking “The Secretary” and inserting “Except as provided in subsection (c), the Secretary”;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c)(1) With respect to examinations of liquefied natural gas tank vessels and vessels that carry bulk liquefied gases as cargo, including examinations under section 153.808 and part 154 of title 46, Code of Federal Regulations (as in effect on the date of enactment of the Coast Guard Authorization Act of 2023), the Secretary may adopt a risk-based examination schedule to which such vessels are to be examined and the frequency with which such examinations occur.
“(2) The Secretary may not adopt a risk-based examination schedule under paragraph (1) until the Secretary has—

“(A) received and reviewed the National Academies study required under section 8254(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283);

“(B) conducted the assessment recommended in the Government Accountability Office report submitted under section 8254(a) of such Act;

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

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

Subtitle E—Other Matters

SEC. 5441. ANCHOR HANDLING ACTIVITIES.

Section 12111(d)(1) of title 46, United States Code, is amended—
in subparagraph (A) by inserting “or other energy production or transmission facility, or vessel engaged in the launch, recovery, or support of commercial space transportation or space exploration activities” after “drilling unit”; and

(2) in subparagraph (B) by inserting “or other energy production or transmission facility, or vessel engaged in the launch, recovery, or support of commercial space transportation or space exploration activities” after “drilling unit”.

SEC. 5442. ESTABLISHMENT OF A NATIONAL ADVISORY COMMITTEE ON AUTONOMOUS MARITIME SYSTEMS.

(a) In General.—Chapter 151 of title 46, United States Code, is amended by adding at the end the following:

“§ 15110. Establishment of a national advisory committee on autonomous maritime systems

“(a) Establishment.—There is established a National Advisory Committee on Autonomous Maritime Systems (in this section referred to as the ‘Committee’).

“(b) Function.—The Committee shall advise the Secretary on matters relating to the regulation and use of Autonomous Systems within the territorial waters of the United States.
“(c) Membership.—

“(1) In general.—The Committee shall consist of 8 members appointed by the Secretary in accordance with this section and section 15109.

“(2) Expertise.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

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

“(A) Marine safety or security entities.

“(B) Vessel design and construction entities.

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

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

“(E) Vessel operators.

“(F) National labor unions representing merchant mariners.
“(G) Maritime pilots.

“(H) Commercial space transportation operators.

“(I) Academic institutions.”.

(b) Clerical Amendments.—The analysis for chapter 151 of title 46, United States Code, is amended by adding at the end the following:

“15110. Establishment of a national advisory committee on autonomous maritime systems.”.

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

SEC. 5443. CONTROLLED SUBSTANCE ONBOARD VESSELS.

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

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

(2) by amending paragraph (1) to read as follows:

“(1) manufacture or distribute, possess with intent to manufacture or distribute, or place or cause to be placed with intent to manufacture or distribute
a controlled substance on board a covered vessel;’’;
and
(3) in paragraph (2) by inserting “aboard a covered vessel” after “Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(a))”.

SEC. 5444. NONOPERATING INDIVIDUAL.

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

SEC. 5445. INFORMATION ON TYPE APPROVAL CERTIFICATES.

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

“SEC. 904. INFORMATION ON TYPE APPROVAL CERTIFICATES.

“The Commandant of the Coast Guard shall, upon request by any State, the District of Columbia, or any territory of the United States, provide all data possessed by the Coast Guard pertaining to challenge water quality characteristics, challenge water biological organism concentrations, post-treatment water quality characteristics, and post-treatment biological organism concentrations
51

data for a ballast water management system with a type
approval certificate approved by the Coast Guard pursu-
ant to subpart 162.060 of title 46, Code of Federal Regu-
lations.”.

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

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

SEC. 5446. MANNING AND CREWING REQUIREMENTS FOR
certain vessels, vehicles, and structures.

(a) AUTHORIZATION OF LIMITED EXEMPTIONS
from manning and crew requirement.—Chapter 81
of title 46, United States Code, is amended by adding at
the end the following:

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

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

“(1) a citizen of the United States;

“(2) an alien lawfully admitted to the United
States for permanent residence; or
“(3) a citizen of the nation under the laws of which the vessel is documented.

“(b) Requirements for Eligibility for Exemption.—An exemption under this subsection is an exemption from the regulations established pursuant to section 302(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(a)(3)).

“(c) Limitations.—An exemption under this section—

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

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

“(d) Application.—To be eligible for an exemption or a renewal of an exemption under this section, the owner or operator of a covered facility shall apply to the Secretary with an application that includes a sworn statement
by the applicant of all information required for the
issuance of the exemption.

“(e) Revocation.—

“(1) In general.—The Secretary—

“(A) may revoke an exemption for a covered facility under this section if the Secretary determines that information provided in the application for the exemption was false or incomplete, or is no longer true or complete; and

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

“(2) Notice required.—The Secretary shall provides notice of a determination under subparagraph (A) or (B) of paragraph (1) to the owner or operator of the covered facility.

“(f) Review of compliance.—The Secretary shall periodically, but not less than once annually, inspect each covered facility that operates under an exemption under this section to verify the owner or operator of the covered facility’s compliance with the exemption. During an inspection under this subsection, the Secretary shall require all crew members serving under the exemption to hold a
valid transportation security card issued under section 70105.

“(g) PENALTY.—In addition to revocation under subsection (e), the Secretary may impose on the owner or operator of a covered facility a civil penalty of $10,000 per day for each day the covered facility—

“(1) is manned or crewed in violation of an exemption under this subsection; or

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

“(h) NOTIFICATION OF SECRETARY OF STATE.—The Secretary shall notify the Secretary of State of each exemption issued under this section, including the effective period of the exemption.

“(i) DEFINITIONS.—In this section:

“(1) COVERED FACILITY.—The term ‘covered facility’ means any vessel, rig, platform, or other vehicle or structure, over 50 percent of which is owned by citizens of a foreign nation or with respect to which the citizens of a foreign nation have the right effectively to control, except to the extent and to the degree that the President determines that the government of such foreign nation or any of its political subdivisions has implemented, by statute, regulation,
policy, or practice, a national manning requirement
for equipment engaged in the exploring for, develop-
ing, or producing resources, including non-mineral
energy resources in its offshore areas.

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

(b) ANNUAL REPORT.—

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

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

(A) the name and International Maritime
Organization number;

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

(C) the nationality of owner or owners; and

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

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

(d) EXISTING EXEMPTIONS.—

(1) EFFECT OF AMENDMENTS; TERMIN-
ATION.—Each exemption under section 30(c)(2) of
the Outer Continental Shelf Lands Act (43 U.S.C.
1356(c)(2)) issued before the date of the enactment
of this Act—

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

(B) shall not be effective after such period.

(2) NOTIFICATION OF HOLDERS.—Not later
than 60 days after the date of the enactment of this
Act, the Secretary shall notify all persons that hold
such an exemption that it will expire as provided in
paragraph (1).
(e) Clerical Amendment.—The analysis for chapter 81 of the title 46, United States Code, is amended by adding at the end the following:

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

SEC. 5447. CLASSIFICATION SOCIETIES.

Section 3316(d) of title 46, United States Code, is amended—

(1) by amending paragraph (2)(B)(i) to read as follows:

“(i) the government of the foreign country in which the foreign society is headquartered—

“(I) delegates that authority to the American Bureau of Shipping; or

“(II) does not delegate that authority to any classification society; or”; and

(2) by adding at the end the following:

“(5) Clarification on Authority.—Nothing in this subsection authorizes the Secretary to make a delegation under paragraph (2) to a classification society from the People’s Republic of China.”.

TITLE IV—OIL POLLUTION INCIDENT LIABILITY

SEC. 5501. VESSEL RESPONSE PLANS.

Section 311(j)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(6)) is amended to read as follows:
“(6) Equipment requirements, verification, and inspection.—The President may require—

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

“(B) periodic inspection of vessels, salvage and marine firefighting equipment, and other major equipment used to respond to vessel casualties and prevent discharges;

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

“(i) drills, with or without prior notice;

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

“(iii) testing of equipment;

“(iv) review of training; and

“(v) other evaluations of response capabilities, as determined appropriate by the President; and

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

SEC. 5502. USE OF MARINE CASUALTY INVESTIGATIONS.

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

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

(2) by adding at the end the following:

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

SEC. 5503. TIMING OF REVIEW.

Section 1017 of the Oil Pollution Act of 1990 (33 U.S.C. 2717) is amended by adding at the end the following:

“(g) TIMING OF REVIEW.—Before the date of completion of a removal action, no person may bring an action under this Act, section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), or chapter 7 of title 5,
United States Code, challenging any decision relating to such removal action that is made by an on-scene coordinator appointed under the National Contingency Plan.’’

**TITLE V—TECHNICAL, CONFORMING, AND CLARIFYING AMENDMENTS**

**SEC. 5601. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) Prohibition on Entry and Operation.—Section 70022(b)(1) of title 46, United States Code, is amended by striking “Federal Register” and inserting “the Federal Register”.

(b) Port, Harbor, and Coastal Facility Security.—Section 70116(b) of title 46, United States Code, is amended—

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

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

(c) Enforcement by State and Local Officers.—Section 70118(a) of title 46, United States Code, is amended—

(1) by striking “section 1 of title II of the Act of June 15, 1917 (chapter 30; 50 U.S.C. 191)” and inserting “section 70051”; and
(2) by striking “section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b))” and inserting “section 70116(b)”).

(d) Chapter 701 Definitions.—Section 70131(2) of title 46, United States Code, is amended—

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

(2) by striking “section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b))” and inserting “section 70116(b)”).

SEC. 5602. TECHNICAL CORRECTION TO JAMES M. INHOFE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2023.

Section 11328(b) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263) is amended—

(1) by striking “Maritime” and inserting “Marine”; and

(2) by striking “2023” and inserting “2025”.

SEC. 5603. REPORT ON ROLE OF COAST GUARD.

The Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating when it is not operating as a Service in the Navy, shall prepare a report on the role the United States
Coast Guard is expected to play in the next 5, 10, and 20 years in providing assistance to the military departments in—

(1) working with the navies and domestic coast guard of nations located in the Indo-Pacific region on building capacity to protect those nations’ territorial waters from incursions by other nations;

(2) providing a presence in the Arctic and Antarctic to protect uses sovereign national security interests in those regions; and

(3) in providing law enforcement capabilities which the military departments do not possess for national security, piracy, alien and drug interdiction and fishery law enforcement on the high seas.