

118TH CONGRESS
1ST SESSION

S. 3038

To improve manning and crewing requirements for certain outer Continental Shelf vessels, vehicles, and structures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2023

Mr. CASSIDY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve manning and crewing requirements for certain outer Continental Shelf vessels, vehicles, and structures, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Offshore
5 Worker Fairness Act”.

6 **SEC. 2. MANNING AND CREWING REQUIREMENTS FOR CER-**
7 **TAIN OUTER CONTINENTAL SHELF VESSELS,**
8 **VEHICLES, AND STRUCTURES.**

9 (a) AUTHORIZATION OF LIMITED EXEMPTIONS
10 FROM MANNING AND CREW REQUIREMENT.—Section

1 30(c) of the Outer Continental Shelf Lands Act (43
2 U.S.C. 1356(c)) is amended—

3 (1) in paragraph (1)(C), by striking “; and”
4 and inserting a period;

5 (2) beginning in the matter preceding para-
6 graph (1), by striking “(c) The regulations issued
7 under subsection (a)(3) of this section” and all that
8 follows through “to any vessel” in paragraph (1)
9 and inserting the following:

10 “(c) EXEMPTIONS.—

11 “(1) IN GENERAL.—The regulations issued
12 under subsection (a)(3) shall not apply to any ves-
13 sel”; and

14 (3) in paragraph (2)—

15 (A) by striking “(2) to any vessel” and in-
16 serting the following:

17 “(2) EXEMPTION FOR CERTAIN FOREIGN-
18 OWNED VESSELS, RIGS, PLATFORMS, AND OTHER
19 VEHICLES OR STRUCTURES.—

20 “(A) IN GENERAL.—Subject to the re-
21 quirements of this paragraph, the regulations
22 issued under subsection (a)(3) shall not apply
23 to any vessel”;

24 (B) in subparagraph (A) (as so des-
25 ignated), by striking “the exploration, develop-

1 ment, or production of oil and gas” and insert-
2 ing “exploring for, developing, or producing re-
3 sources, including nonmineral energy re-
4 sources,”; and

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

6 “(B) CONDITION.—

7 “(i) IN GENERAL.—Subject to clauses
8 (ii) and (iii), an exemption under subpara-
9 graph (A) shall be subject to the condition
10 that each individual who is manning or
11 crewing the vessel, rig, platform, or other
12 vehicle or structure is—

13 “(I) a citizen of the United
14 States;

15 “(II) an alien lawfully admitted
16 to the United States for permanent
17 residence; or

18 “(III) a citizen of the nation
19 under the laws of which the vessel,
20 rig, platform, or other vehicle or
21 structure is documented.

22 “(ii) TIMELINE FOR APPLICATION.—

23 “(I) IN GENERAL.—Subject to
24 subclause (II), beginning on the effec-
25 tive date of the American Offshore

1 Workers Fairness Act, the condition
 2 described in clause (i) shall apply to
 3 all activities pursuant to this Act on
 4 the outer Continental Shelf.

5 “(II) EXPORT CABLE LAY,
 6 INTER-ARRAY CABLE LAY, UMBILICAL
 7 CABLE LAY, AND PIPE LAY ACTIVI-
 8 TIES.—Beginning on the date that is
 9 3 years after the effective date of the
 10 American Offshore Workers Fairness
 11 Act, the condition described in clause
 12 (i) shall apply, except as provided in
 13 section 30A, to vessels paying out—

14 “(aa) export cables;

15 “(bb) inter-array cables;

16 “(cc) umbilical cables; or

17 “(dd) pipes.

18 “(iii) PERMANENT EXEMPTION FOR
 19 CERTAIN VESSELS PERFORMING HEAVY
 20 OFFSHORE LIFTS AND OFFSHORE WIND
 21 COMPONENT PARTS.—Beginning on the ef-
 22 fective date of the American Offshore
 23 Workers Fairness Act, the condition de-
 24 scribed in clause (i) shall not apply to—

25 “(I) a vessel that—

1 “(aa) performs an offshore
2 lift in excess of 1,000 metric
3 tons; and

4 “(bb) has a crane with a
5 height capability of 180 meters;
6 or

7 “(II) an offshore wind component
8 part (including an offshore wind tran-
9 sition piece, nacelle, or blade) that—

10 “(aa) is part of the installa-
11 tion of an offshore wind turbine;
12 and

13 “(bb) is less than 1,000
14 metric tons.

15 “(iv) DEFINITIONS.—In this subpara-
16 graph:

17 “(I) OFFSHORE LIFT.—

18 “(aa) IN GENERAL.—The
19 term ‘offshore lift’ means an in-
20 dividual lift, or a sequence of
21 lifts, conducted by a crane on a
22 vessel with slewing and luffing
23 capabilities for an activity de-
24 scribed in item (bb) from the
25 time that the lifting activity be-

1 gins, when unlading from a vessel
2 or removing the topside or subsea
3 component, until the time that
4 the lifting activity is terminated.

5 “(bb) ACTIVITIES.—The ac-
6 tivities described in this item are
7 unlading, installation, or removal
8 involving platform jackets,
9 monopiles, a gravity-based or
10 other subsea foundation, wind
11 energy transition piece, wind en-
12 ergy towers, wind turbine na-
13 celles, wind energy blades, or
14 wind turbine rotors and hubs.

15 “(II) PAYING OUT.—

16 “(aa) IN GENERAL.—The
17 term ‘paying out’, with respect to
18 pipe or cable, means the specific
19 act of paying out pipe, export
20 cable, inter-array cable, or umbil-
21 ical cable.

22 “(bb) EXCLUSIONS.—The
23 term ‘paying out’ does not in-
24 clude repair or other activities in-
25 cidental to the paying out of

1 pipe, export cable, inter-array
 2 cable, or umbilical cable, such
 3 as—

- 4 “(AA) site clearance;
 5 “(BB) trenching;
 6 “(CC) dredging;
 7 “(DD) mattress instal-
 8 lation;
 9 “(EE) cable tie-ins;
 10 “(FF) installation of
 11 pipeline end terminations or
 12 pipeline end manifolds;
 13 “(GG) the setting or
 14 moving of any anchors asso-
 15 ciated with the cable or pipe;
 16 “(HH) offshore cable
 17 or pipe burial; and
 18 “(II) other activities
 19 that are not the actual pay-
 20 ing of the pipe or cable.

21 “(C) REQUIREMENTS.—An exemption
 22 under subparagraph (A)—

23 “(i) shall provide that the number of
 24 individuals manning or crewing the vessel,
 25 rig, platform, or other vehicle or structure

1 who are individuals described in subclause
2 (II) or (III) of subparagraph (B)(i) may
3 not exceed 2.5 times the number of indi-
4 viduals required to man or crew the vessel,
5 rig, platform, or other vehicle or structure
6 under the laws of the nation in which the
7 vessel, rig, platform, or other vehicle or
8 structure is documented; and

9 “(ii) subject to subparagraph (D),
10 shall be effective for not more than 1 year.

11 “(D) APPLICATION.—

12 “(i) IN GENERAL.—The owner or op-
13 erator of a vessel, rig, platform, or other
14 vehicle or structure described in subpara-
15 graph (A) may submit to the Secretary of
16 the department in which the Coast Guard
17 is operating an application for an exemp-
18 tion or a renewal or extension of an ex-
19 emption under that subparagraph.

20 “(ii) CONTENTS.—An application
21 under clause (i) shall include a sworn
22 statement by the applicant of all informa-
23 tion required by the Secretary of the de-
24 partment in which the Coast Guard is op-

1 erating for the issuance of the exemption
2 or renewal or extension.

3 “(E) REVOCATIONS.—

4 “(i) IN GENERAL.—The Secretary of
5 the department in which the Coast Guard
6 is operating may revoke an exemption for
7 a vessel, rig, platform, or other vehicle or
8 structure under subparagraph (A) if the
9 Secretary of the department in which the
10 Coast Guard is operating determines that
11 information provided in the application for
12 the exemption or renewal or extension of
13 such an exemption—

14 “(I) was false or incomplete; or

15 “(II) is no longer true or com-
16 plete.

17 “(ii) MANNING OR CREWING VIOLA-
18 TION.—The Secretary of the department in
19 which the Coast Guard is operating shall
20 immediately revoke an exemption for a ves-
21 sel, rig, platform, or other vehicle or struc-
22 ture under subparagraph (A) if the Sec-
23 retary of the department in which the
24 Coast Guard is operating determines that,
25 during the effective period of the exemp-

1 tion, the vessel, rig, platform, or other ve-
2 hicle or structure was manned or crewed in
3 a manner that—

4 “(I) was not authorized by the
5 exemption; or

6 “(II) does not otherwise comply
7 with this paragraph.

8 “(iii) NOTICE.—The Secretary of the
9 department in which the Coast Guard is
10 operating shall provide notice of a deter-
11 mination and revocation under clause (i) or
12 (ii) to the owner, operator, agent, or mas-
13 ter of the vessel, rig, platform, or other ve-
14 hicle or structure.

15 “(F) REVIEW OF COMPLIANCE.—

16 “(i) IN GENERAL.—The Secretary of
17 the department in which the Coast Guard
18 is operating shall periodically, but not less
19 frequently than annually, inspect each ves-
20 sel, rig, platform, or other vehicle or struc-
21 ture for which an exemption under sub-
22 paragraph (A) has been granted to verify
23 the compliance of the vessel, rig, platform,
24 or other vehicle or structure with this
25 paragraph.

1 “(ii) REQUIREMENT.—During each
2 inspection of a vessel, rig, platform, or
3 other vehicle or structure under clause (i),
4 the Secretary of the department in which
5 the Coast Guard is operating shall require
6 all individuals who are manning or crewing
7 the vessel, rig, platform, or other vehicle or
8 structure to hold a valid Transportation
9 Worker Identification Credential.

10 “(G) CIVIL PENALTIES.—The Secretary of
11 the department in which the Coast Guard is op-
12 erating may impose on the owner or operator of
13 a vessel, rig, platform, or other vehicle or struc-
14 ture for which an exemption under subpara-
15 graph (A) has been granted a civil penalty of
16 \$10,000 per day for each day the vessel, rig,
17 platform, or other vehicle or structure—

18 “(i) is manned or crewed in violation
19 of this paragraph; or

20 “(ii) operates under the exemption, if
21 the Secretary of the department in which
22 the Coast Guard is operating determines
23 that—

24 “(I) the exemption was not val-
25 idly obtained; or

1 “(II) information provided in the
2 application for the exemption was
3 false or incomplete.

4 “(H) NOTIFICATION TO SECRETARY OF
5 STATE.—The Secretary of the department in
6 which the Coast Guard is operating shall notify
7 the Secretary of State of each exemption issued
8 under this subsection, including information on
9 the effective period of the exemption.”.

10 (b) EXEMPTION FROM ALL DOCUMENTATION, REG-
11 ISTRY, AND MANNING REQUIREMENTS.—Section 30 of the
12 Outer Continental Shelf Lands Act (43 U.S.C. 1356) is
13 amended by adding at the end the following:

14 “(d) EXEMPTIONS FROM DOCUMENTATION, REG-
15 ISTRY, AND MANNING REQUIREMENTS OF THIS SEC-
16 TION.—The regulations issued under subsection (a) shall
17 not apply—

18 “(1) to a rig, or mobile offshore drilling unit,
19 while performing offshore drilling operations; and

20 “(2) to a floating production storage and off-
21 loading unit.”.

22 (c) REGULATIONS.—Not later than 1 year after the
23 effective date of this Act, the Secretary of the department
24 in which the Coast Guard is operating shall promulgate
25 regulations that specify the application requirements for

1 an exemption under subsection (c)(2)(A) of section 30 of
2 the Outer Continental Shelf Lands Act (43 U.S.C. 1356).

3 (d) EXISTING EXEMPTIONS.—

4 (1) IN GENERAL.—Each exemption granted to
5 a vessel before the effective date of this Act under
6 section 30(c)(2) of the Outer Continental Shelf
7 Lands Act (43 U.S.C. 1356(c)(2)) (as in effect on
8 the day before such date) shall remain in effect until
9 the applicable date described in section 30(c)(2) of
10 the Outer Continental Shelf Lands Act (43
11 U.S.C.1356(c)(2)) (as amended by this Act) based
12 on the vessel's activity.

13 (2) TERMINATION.—On the day after the last
14 day of the period described in paragraph (1), each
15 exemption described in that paragraph shall termi-
16 nate, except to the extent the exemption is continued
17 for certain vessels under section 30A of the Outer
18 Continental Shelf Lands Act.

19 (3) NOTIFICATION.—Not later than 90 days
20 after the date of enactment of this Act, the Sec-
21 retary of the department in which the Coast Guard
22 is operating shall notify all persons that hold an ex-
23 emption described in paragraph (1) that the exemp-
24 tion will terminate in accordance with paragraph
25 (2).

1 (e) ANNUAL REPORT.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of enactment of this Act, and annually
4 thereafter, the Secretary of the department in which
5 the Coast Guard is operating shall submit to Con-
6 gress a report that describes the number of exemp-
7 tions granted under subsection (c)(2)(A) of section
8 30 of the Outer Continental Shelf Lands Act (43
9 U.S.C. 1356) during the preceding year.

10 (2) REQUIREMENTS.—Each report under para-
11 graph (1) shall list for each vessel, rig, platform, or
12 other vehicle or structure granted an exemption dur-
13 ing the preceding year—

14 (A) the name and International Maritime
15 Organization number of the vessel, rig, plat-
16 form, or other vehicle or structure;

17 (B) the nation in which the vessel, rig,
18 platform, or other vehicle or structure is docu-
19 mented;

20 (C) the nationality of the 1 or more owners
21 of the vessel, rig, platform, or other vehicle or
22 structure; and

23 (D) any changes to the information de-
24 scribed in subparagraphs (A) through (C) appli-
25 cable to the vessel, rig, platform, or other vehi-

1 ele or structure if the vessel, rig, platform, or
 2 other vehicle or structure has received a prior
 3 exemption under subsection (c)(2)(A) of section
 4 30 of the Outer Continental Shelf Lands Act
 5 (43 U.S.C. 1356) or section 30(c)(2) of the
 6 Outer Continental Shelf Lands Act (43 U.S.C.
 7 1356(c)(2)) (as in effect on the day before the
 8 effective date of this Act).

9 (f) PIPE, INTER-ARRAY CABLE, UMBILICAL CABLE,
 10 OR EXPORT CABLE LAY VESSELS.—

11 (1) IN GENERAL.—The Outer Continental Shelf
 12 Lands Act (43 U.S.C. 1301 et seq.) is amended by
 13 inserting after section 30 (43 U.S.C. 1356) the fol-
 14 lowing:

15 **“SEC. 30A. PIPE, INTER-ARRAY CABLE, UMBILICAL CABLE,**
 16 **OR EXPORT CABLE LAY PROJECTS.**

17 “(a) INITIAL DETERMINATION.—

18 “(1) IN GENERAL.—Not prior to 180 days be-
 19 fore the date on which subclause (II) of section
 20 30(c)(2)(B)(ii) takes effect, the Secretary shall de-
 21 termine for each category of vessel described in
 22 paragraph (2) whether there exists a coastwise-en-
 23 dorsed vessel.

24 “(2) CATEGORIES.—The categories of vessels
 25 described in this paragraph are the following:

1 “(A) Pipe lay vessels.

2 “(B) Inter-array cable lay vessels.

3 “(C) Umbilical cable lay vessels.

4 “(D) Export cable lay vessels.

5 “(b) APPLICATION.—In the case the Secretary deter-
6 mines under subsection (a) that a coastwise-endorsed ves-
7 sel does not exist for a category of vessels described in
8 subsection (a)(2), a vessel in such category shall, begin-
9 ning on the date on which the Secretary makes such deter-
10 mination, be exempt from the condition under section
11 30(c)(2)(B) with respect to an applicable project.

12 “(c) REQUESTS FOR DETERMINATIONS OF COAST-
13 WISE-ENDORSED VESSELS.—

14 “(1) NEW DETERMINATIONS.—After the date
15 on which the determination is made under sub-
16 section (a), the owner or operator of a vessel in the
17 applicable category may seek a new determination
18 from the Secretary that a coastwise-endorsed vessel
19 for such category exists.

20 “(2) APPLICATION TO NON-COASTWISE-EN-
21 DORSED VESSELS.—If the Secretary makes a deter-
22 mination under paragraph (1) that a coastwise-en-
23 dorsed vessel for the applicable category exists, then
24 the owner or operator of a vessel in such category
25 that is not coastwise-endorsed shall seek a deter-

1 mination under paragraph (3) of the availability of
2 a coastwise-endorsed vessel in such category for an
3 applicable project before engaging in any such appli-
4 cable project that has not commenced or resumed
5 prior to such determination under paragraph (1)
6 that a coastwise-endorsed vessel for the applicable
7 category exists.

8 “(3) DETERMINATION OF AVAILABILITY.—

9 “(A) IN GENERAL.—As soon as practicable
10 in accordance with this paragraph, the Sec-
11 retary shall determine whether a coastwise-en-
12 dorsed vessel in the applicable category is avail-
13 able for the project that is the subject of a re-
14 quest under paragraph (2). The Secretary shall
15 determine that a coastwise-endorsed vessel in
16 the applicable category is not available for such
17 project if—

18 “(i) the owner or operator of the non-
19 coastwise endorsed vessel making the re-
20 quest under paragraph (2) submits to the
21 Secretary an application for the use of
22 such vessel for such project that includes
23 all relevant information and requirements
24 for such project, including engineering de-
25 tails and timing requirements;

1 “(ii) not later than 30 days after re-
2 ceiving such an application, the Secretary
3 provides a copy of the application to the
4 owner of each coastwise-endorsed vessel in
5 the applicable category that is listed in the
6 inventory under section 12138(b) of title
7 46, United States Code, and promptly pub-
8 lishes in the Federal Register a notice—

9 “(I) describing the applicable
10 project;

11 “(II) advising that all relevant
12 information reasonably needed to as-
13 sess the transportation and installa-
14 tion requirements for the pipe, inter-
15 array cables, umbilical cables, or ex-
16 port cables, as applicable, used in the
17 applicable project will be made avail-
18 able to an interested person upon re-
19 quest; and

20 “(III) requesting that informa-
21 tion on the availability for such appli-
22 cable project of coastwise-endorsed
23 vessels in the applicable category be
24 submitted within the 30-day period

1 beginning on the date of such publica-
2 tion; and

3 “(iii)(I) within such 30-day period, no
4 information is submitted to the Secretary
5 from owners or operators of coastwise-en-
6 dored vessels in the applicable category to
7 meet the requirements of the applicable
8 project described in the application sub-
9 mitted under clause (i); or

10 “(II) the owner or operator of a coast-
11 wise-endorsed vessel in the applicable cat-
12 egory submits information to the Secretary
13 asserting that the owner or operator has a
14 suitable coastwise-endorsed vessel in the
15 applicable category to meet the require-
16 ments of the applicable project described in
17 such application, but the Secretary deter-
18 mines, in consultation with the Com-
19 mandant of the Coast Guard, within 90
20 days after the notice is first published,
21 that such vessel is not suitable or reason-
22 ably available for the transportation re-
23 quired for such applicable project and no
24 other such vessel for which such informa-
25 tion has been so submitted is so suitable

1 and reasonably available for such transpor-
2 tation.

3 “(B) GUIDANCE.—For the purpose of pro-
4 viding guidance on making determinations re-
5 garding suitability or availability under this
6 paragraph, the Secretary, to the maximum ex-
7 tent practicable, shall contract with the Amer-
8 ican Bureau of Shipping or another classifica-
9 tion society recognized by the Secretary as
10 meeting acceptable standards to provide such
11 guidance.

12 “(4) IMPACT OF DETERMINATION.—

13 “(A) COASTWISE-ENDORSED VESSEL
14 AVAILABILITY.—After the date on which a de-
15 termination is made under paragraph (3) that
16 a coastwise-endorsed vessel in the applicable
17 category is available for an applicable project,
18 the owner or operator of a vessel in the applica-
19 ble category that is not coastwise-endorsed—

20 “(i) shall engage only in applicable
21 project for which the vessel began or re-
22 sumed prior to the date of the determina-
23 tion under paragraph (1) that a coastwise-
24 endorsed vessel in the applicable category

1 exists and pursuant to the exemption
2 under subsection (b); and

3 “(ii) may not engage or resume in any
4 further applicable projects until the vessel
5 is in compliance with the condition under
6 section 30(c)(2)(B) of the Outer Conti-
7 nental Shelf Lands Act (43 U.S.C.
8 1356(c)(2)(B)).

9 “(B) NO COASTWISE-ENDORSED VESSEL
10 AVAILABILITY.—After the date on which a de-
11 termination is made under paragraph (3) that
12 a coastwise-endorsed vessel in the applicable
13 category is not available for an applicable
14 project, the owner or operator of the vessel in
15 the applicable category that is not coastwise-en-
16 dorsed shall be permitted to engage in the ap-
17 plicable project as authorized under subsection
18 (b) without regard to whether such project has
19 commenced or resumed prior to the date of the
20 determination under paragraph (1) that a
21 coastwise-endorsed vessel in the applicable cat-
22 egory exists.

23 “(5) TIME PERIODS.—The Secretary shall not
24 extend any period under paragraph (3)(A) beyond
25 the period as required under such paragraph.

1 “(6) DEEMED APPROVAL.—If the Secretary has
2 failed to take an action required of the Secretary
3 under paragraph (3)(A) within the period required
4 for such action under such paragraph with respect
5 to an application submitted under clause (i) of such
6 paragraph, the owner or operator who submitted
7 such application shall be deemed permitted under
8 paragraph (4)(B) to engage in the applicable project
9 that is the subject of such application.

10 “(d) COORDINATION.—The Secretary shall coordi-
11 nate with the Secretary of the department in which the
12 Coast Guard is operating in order to apply an exemption
13 determined under this section to the condition under sec-
14 tion 30(c)(2)(B) with respect to an applicable project.

15 “(e) DEFINITIONS.—In this section:

16 “(1) APPLICABLE CATEGORY.—The term ‘appli-
17 cable category’, with respect to a vessel for which a
18 determination is made under subsection (a), means
19 the category of such vessel as described in para-
20 graph (2) of such subsection.

21 “(2) APPLICABLE PROJECT.—The term ‘appli-
22 cable project’—

23 “(A) with respect to a pipe lay vessel,
24 means a project paying out pipe;

1 “(B) with respect to an inter-array cable
2 lay vessel, means a project paying out inter-
3 array cables;

4 “(C) with respect to an umbilical cable lay
5 vessel, means a project paying out umbilical ca-
6 bles; and

7 “(D) with respect to an export cable lay
8 vessel, means a project paying out export ca-
9 bles.

10 “(3) COASTWISE-ENDORSED.—The term ‘coast-
11 wise-endorsed’, with respect to a vessel, means that
12 the vessel has been issued a certificate of docu-
13 mentation with a coastwise endorsement under chap-
14 ter 121 of title 46, United States Code.

15 “(4) INTER-ARRAY CABLE VESSEL.—The term
16 ‘inter-array’ cable lay ‘vessel’ means a vessel paying
17 out inter-array cables to which section
18 30(c)(2)(B)(ii)(II) applies, including paying out a
19 submarine inter-array cable described in section
20 12138(b) of title 46, United States Code.

21 “(5) EXPORT CABLE LAY VESSEL.—The term
22 ‘export cable lay vessel’ means a vessel paying out
23 export cables to which section 30(c)(2)(B)(ii)(II) ap-
24 plies, including paying out a submarine export cable

1 described in section 12138(b) of title 46, United
2 States Code.

3 “(6) PIPE LAY VESSEL.—The term ‘pipe lay
4 vessel’ means a vessel paying out pipe to which sec-
5 tion 30(c)(2)(B)(ii)(II) applies, including paying out
6 a submarine pipe described in such section
7 12138(b).

8 “(7) UMBILICAL CABLE LAY VESSEL.—The
9 term ‘umbilical cable’ lay ‘vessel’ means a vessel
10 paying out umbilical cables to which section
11 30(c)(2)(B)(ii)(II) applies, including paying out a
12 submarine umbilical cable described in such section
13 12138(b).

14 “(8) SECRETARY.—The term ‘Secretary’ means
15 the Secretary of Transportation.”.

16 (2) INVENTORY.—Section 12138(b) of title 46,
17 United States Code, is amended—

18 (A) in the heading, by striking “VESSELS
19 FOR CABLE LAYING, MAINTENANCE, AND RE-
20 PAIR” and inserting “VESSELS FOR PAYING
21 OUT PIPE, INTER-ARRAY CABLES, UMBILICAL
22 CABLES, OR EXPORT CABLES, MAINTENANCE,
23 AND REPAIR”; and

24 (B) by amending paragraph (1) to read as
25 follows:

1 “(1) IN GENERAL.—The Secretary of Transpor-
2 tation shall develop, maintain, and periodically up-
3 date an inventory of vessels that—

4 “(A) are documented under this chapter;

5 “(B) are at least 200 feet in length; and

6 “(C) have the capability to pay out, main-
7 tain, or repair a submarine export cable, inter-
8 array cable, umbilical cable, or pipe without re-
9 gard to whether a particular vessel is classed as
10 a cable or pipe lay ship or cable or pipe lay ves-
11 sel.”;

12 (C) by amending paragraph (2)(B) to read
13 as follows:

14 “(B) the abilities and limitations of the
15 vessel with respect to paying out, maintaining,
16 and repairing a submarine export, inter-array,
17 or umbilical cable or submarine pipeline; and”;
18 and

19 (D) by adding at the end the following:

20 “(4) CATEGORIES.—For purposes of subsection
21 (c)(3)(A)(ii) of section 30A of the Outer Continental
22 Shelf Lands Act, the Secretary of Transportation
23 shall note the category of each vessel included in the
24 inventory under this subsection in accordance with

1 the categories described in subsection (a)(2) of such
2 section 30A.”.

3 (g) SAVINGS PROVISIONS.—

4 (1) IN GENERAL.—Nothing in this section or
5 the amendments made by this section shall authorize
6 a pipe lay vessel, inter-array cable lay vessel, umbilical
7 cable lay vessel, or export cable lay vessel that
8 is not coastwise-endorsed to engage in the transportation
9 of merchandise in coastwise trade.

10 (2) DEFINITIONS.—In this subsection:

11 (A) COASTWISE-ENDORSED.—The term
12 “coastwise-endorsed” has the meaning given the
13 term in section 30A(e) of the Outer Continental
14 Shelf Lands Act, as added by subsection (f)(1).

15 (B) EXPORT CABLE LAY VESSEL; INTER-
16 ARRAY CABLE LAY VESSEL; PIPE LAY VESSEL;
17 AND UMBILICAL CABLE LAY VESSEL.—The
18 terms “export cable lay vessel”, “inter-array”
19 cable lay “vessel”, “pipe lay vessel”, and “umbilical
20 cable” lay “vessel” have the meanings
21 given such terms in section 30A(e) of the Outer
22 Continental Shelf Lands Act, as added by sub-
23 section (f)(1).

24 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion or an amendment made by this section shall be con-

1 strued as adopting any agency interpretations of any pro-
2 visions of, or terms within, chapter 551 of title 46, United
3 States Code.

4 **SEC. 3. ENFORCEMENT.**

5 (a) PROHIBITION ON JONES ACT PENALTY MITIGA-
6 TION.—Section 55102(c) of title 46, United States Code,
7 is amended—

8 (1) by striking “Merchandise” and inserting the
9 following:

10 “(1) IN GENERAL.—Merchandise”; and

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

12 “(2) NO MITIGATION.—The Secretary shall not
13 mitigate or lower any such penalty amount.”.

14 (b) PUBLICATION OF PENALTIES.—Section 55102 of
15 title 46, United States Code, is amended by adding at the
16 end the following:

17 “(d) PUBLICATION OF PENALTIES.—

18 “(1) IN GENERAL.—Upon final agency action
19 regarding a violation of this section, with respect to
20 a vessel that does not have a coastwise endorsement
21 under chapter 121 of this title or is not otherwise
22 authorized to engage in the coastwise trade, the Sec-
23 retary of the department in which the Coast Guard
24 is operating shall publish a notification in the Cus-

1 toms Bulletin and Decisions within 7 days of such
2 agency action.

3 “(2) CONTENTS.—The notification under para-
4 graph (1) shall include, at a minimum—

5 “(A) the name of the vessel involved in the
6 violation;

7 “(B) the name of the owner of the vessel
8 involved;

9 “(C) the amount of the fine or value of
10 merchandise seized as a result of the violation
11 of subsection (b); and

12 “(D) a summary of the misconduct and
13 justification for imposing a penalty.

14 “(e) REGULATIONS.—By not later than 90 days after
15 the effective date of the American Offshore Worker Fair-
16 ness Act, the Secretary of Homeland Security shall pre-
17 scribe regulations implementing subsection (d), which may
18 include amending regulations relating to penalties issued
19 by U.S. Customs and Border Protection, particularly with
20 respect to the information to be contained in the notifica-
21 tion under such subsection.”.

22 (c) NOTIFICATION.—

23 (1) ADVANCE NOTIFICATION REQUIRED.—Prior
24 to engaging in any activity or operations on the
25 outer Continental Shelf (as defined in section 2 of

1 the Outer Continental Shelf Lands Act (43 U.S.C.
2 1331)), the operator of a foreign vessel used in such
3 activity or operations shall file with the Secretary of
4 Homeland Security a notification describing all ac-
5 tivities and operations to be performed on the outer
6 Continental Shelf and, if applicable, an identification
7 of applicable ruling letters issued by the Secretary
8 that have approved the use of a foreign vessel in an
9 identical activity or operation.

10 (2) PUBLICATION OF NOTICES.—

11 (A) PUBLICATION.—The Secretary shall
12 publish a notification under paragraph (1) in
13 the Customs Bulletin and Decisions within 14
14 days of receipt of such notification.

15 (B) CONFIDENTIAL INFORMATION.—The
16 Secretary shall redact any information exempt
17 from disclosure under section 552 of title 5,
18 United States Code, in a notification published
19 under subparagraph (A).

20 (3) EXCEPTIONS.—This subsection shall not
21 apply to—

22 (A) any vessel that—

23 (i) is performing an offshore lift, as
24 defined in section 30(c)(2)(B)(iv)(I) of the

1 Outer Continental Shelf Lands Act (43
2 U.S.C. 1356 (c)(2)(B)(iv)(I)); and
3 (ii) has a crane height capability of
4 180 meters; and
5 (B) any rig or unit described in section
6 30(d) of such Act (43 U.S.C. 1356(d)).

7 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR MARI-**
8 **TIME CENTERS OF EXCELLENCE; GRANT LIM-**
9 **ITATION.**

10 (a) AMENDMENT TO NDAA 2023.—Section
11 3501(a)(4)(B) of the James. M. Inhofe National Defense
12 Authorization Act for Fiscal Year 2023 (Public Law 117–
13 263) is amended—

14 (1) by striking “\$30,000,000” and inserting
15 “\$80,000,000”; and

16 (2) by inserting “, except that a covered train-
17 ing entity may not receive more than \$10,000,000
18 under such section for a fiscal year” after “United
19 States Code”.

20 (b) FISCAL YEARS 2024–2028.—There are author-
21 ized to be appropriated \$80,000,000 for each of fiscal
22 years 2024 through 2028 for the Maritime Centers of Ex-
23 cellence, including to make grants authorized under sec-
24 tion 51706 of title 46, United States Code.

1 (c) GRANT LIMITATION.—Section 51706(b) of title
 2 46, United States Code, is amended by adding at the end
 3 the following:

4 “(5) LIMITATION.—A covered training entity
 5 may not receive more than \$10,000,000 under this
 6 section for a fiscal year.”.

7 **SEC. 5. INTERPRETIVE RULING PROCESS.**

8 (a) IN GENERAL.—Chapter 551 of title 46, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing:

11 **“§ 55124. Interpretive ruling process**

12 “(a) DEFINITIONS.—In this section:

13 “(1) COASTWISE QUALIFIED VESSEL.—The
 14 term ‘coastwise qualified vessel’ has the meaning
 15 given the term in section 55108 of this title.

16 “(2) INTERESTED PARTY.—The term ‘inter-
 17 ested party’ means—

18 “(A) the owner or operator of a vessel en-
 19 gaged in coastwise trade;

20 “(B) a manufacturer of coastwise qualified
 21 vessels;

22 “(C) a certified labor organization, recog-
 23 nized labor organization, or group of workers or
 24 mariners which is representative of an industry
 25 engaged or employed in—

1 “(i) the coastwise trade; or

2 “(ii) coastwise qualified vessel con-
3 struction;

4 “(D) a trade or business association, a ma-
5 jority of whose members are—

6 “(i) owners or operators of vessels en-
7 gaged in coastwise trade; or

8 “(ii) manufacturers of coastwise quali-
9 fied vessels; or

10 “(E) an association, a majority of whose
11 members are composed of persons described in
12 subparagraphs (A) through (D).

13 “(3) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of the Department in which the Coast
15 Guard is operating.

16 “(b) INTERPRETIVE RULINGS PROCESS.—Upon writ-
17 ten request by an interested party, the Secretary shall fur-
18 nish, by not later than 60 days after such request, an in-
19 terpretive ruling regarding a non-coastwise qualified ves-
20 sel’s activities and compliance with United States laws in
21 the internal waters of the United States, the territorial
22 sea, and the waters of the outer Continental Shelf, includ-
23 ing the vessel’s compliance with sections 50503 and 55101
24 through 55121 of this title.

25 “(c) PETITION.—

1 “(1) IN GENERAL.—After the Secretary fur-
2 nishes an interpretive ruling requested under sub-
3 section (b) or any other interpretive ruling regarding
4 the interpretation, application, or enforcement of the
5 coastwise laws, an interested party that believes the
6 ruling is incorrect may file a petition with the Sec-
7 retary setting forth—

8 “(A) the interested party’s understanding
9 of the factual scenario;

10 “(B) the outcome of the decision that the
11 interested party believes to be proper in the
12 provided factual scenario; and

13 “(C) the reasons for the belief of the inter-
14 ested party.

15 “(2) PUBLICATION.—The Secretary shall pub-
16 lish online—

17 “(A) the name of an interested party filing
18 a petition under paragraph (1); and

19 “(B) the ruling that such party believes is
20 incorrect.

21 “(d) DETERMINATION ON PETITION.—

22 “(1) CORRECTION OF INTERPRETIVE RUL-
23 ING.—If, after receipt and consideration of a peti-
24 tion filed under subsection (c) by an interested
25 party, the Secretary determines that the conclusion

1 reached in the contested interpretive ruling is not
2 correct, the Secretary shall, by not later than 60
3 days after such receipt, determine the proper out-
4 come and notify the interested party of the Sec-
5 retary's determination.

6 “(2) CONTEST BY PETITIONER.—

7 “(A) DETERMINATION.—If after receipt
8 and consideration of a petition filed under sub-
9 section (c) by an interested party, the Secretary
10 determines that the contested interpretive rul-
11 ing under subsection (b) is correct, the Sec-
12 retary shall, by not later than 30 days after
13 such receipt, notify the interested party.

14 “(B) APPEAL.—An interested party that
15 receives a notice under subparagraph (A) may
16 file an appeal to contest the ruling by not later
17 than 30 days after the date of the notification.
18 Upon receipt of an appeal from the interested
19 party, the Secretary shall make a determination
20 of the interpretive ruling as presented in the
21 original ruling under subsection (b) by not later
22 than 7 days after the receipt of the appeal.

23 “(3) PUBLICATION.—Not later than 3 days
24 after making a determination under paragraph (1)

1 or (2), the Secretary shall publish online such deter-
2 mination.

3 “(e) REVIEW OF INTERPRETIVE RULING.—Not later
4 than 90 days after the Secretary makes a determination
5 regarding an interpretive ruling under subsection
6 (d)(2)(B), any interested party may commence an action
7 in any district court of the United States, subject to the
8 venue requirements of section 1391 of title 28, by filing
9 concurrently a summons and complaint, each with the con-
10 tent and in the form, manner, and style prescribed by the
11 rules of such court, contesting any legal conclusions of the
12 Secretary.

13 “(f) REGULATIONS IMPLEMENTING REQUIRED PRO-
14 CEDURES.—By not later than 90 days after the effective
15 date of this section, the Secretary shall prescribe regula-
16 tions to implement the procedures required under this sec-
17 tion.”.

18 (b) CONFORMING AMENDMENT.—The table of sec-
19 tions for chapter 551 of title 46, United States Code, is
20 amended by inserting after the item relating to section
21 55123 the following:

“Sec. 55124. Interpretive ruling process.”.

1 **SEC. 6. REGULATIONS REGARDING AFFIRMATION OF AU-**
2 **THORITY FOR NON-OIL AND GAS OPER-**
3 **ATIONS ON THE OUTER CONTINENTAL**
4 **SHELF.**

5 Not later than 90 days after the effective date of this
6 Act, the Secretary of the department in which the Coast
7 Guard is operating shall promulgate regulations to imple-
8 ment the amendment made by section 9503 of the William
9 M. (Mac) Thornberry National Defense Authorization Act
10 for Fiscal Year 2021 (Public Law 116-283; 134 Stat.
11 4822) to section 4(a)(1) of the Outer Continental Shelf
12 Lands Act (43 U.S.C. 1333(a)(1)) with respect to laws
13 administered by such Secretary.

14 **SEC. 7. RULES OF CONSTRUCTION.**

15 (a) **OUTER CONTINENTAL SHELF LANDS ACT.**—
16 Nothing in this Act or the amendments made by this Act
17 may be construed to nullify or supersede any other provi-
18 sion of law relating to the outer Continental Shelf (as such
19 term is defined in section 2 of the Outer Continental Shelf
20 Lands Act (43 U.S.C. 1331)), except as expressly provided
21 in this Act or an amendment made by this Act.

22 (b) **RULING LETTERS.**—Nothing in this Act or the
23 amendments made by this Act may be construed as con-
24 gressional validation of a ruling letter, interpretative guid-
25 ance, or doctrine issued, or other action taken, by the Sec-
26 retary of Homeland Security.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Sec-
3 retary of the department in which the Coast Guard is op-
4 erating and the Secretary of Transportation such sums as
5 may be necessary to carry out this Act and the amend-
6 ments made by this Act.

7 **SEC. 9. EFFECTIVE DATE.**

8 This Act, and the amendments made by this Act,
9 shall take effect on the day that is 1 year after the date
10 of enactment of this Act.

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