

118TH CONGRESS
1ST SESSION

S. _____

To [_____].

IN THE SENATE OF THE UNITED STATES

Mr. CASSIDY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To [_____].

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
11 30(c) of the Outer Continental Shelf Lands Act (43
12 U.S.C. 1356(c)) is amended—

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

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

8 “(c) EXEMPTIONS.—

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

12 (3) in paragraph (2)—

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

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

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

22 (B) in subparagraph (A) (as so des-
23 ignated), by striking “the exploration, develop-
24 ment, or production of oil and gas” and insert-
25 ing “exploring for, developing, or producing re-

1 sources, including nonmineral energy re-
2 sources,”; and

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

4 “(B) CONDITION.—

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

11 “(I) a citizen of the United
12 States;

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

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

20 “(ii) TIMELINE FOR APPLICATION.—

21 “(I) IN GENERAL.—Subject to
22 subclauses (II) and (III), beginning
23 on the effective date of the American
24 Offshore Workers Fairness Act, the
25 condition described in clause (i) shall

1 apply to all activities on the outer
2 Continental Shelf.

3 “(II) INTER-ARRAY OR UMBIL-
4 ICAL CABLE LAY ACTIVITIES.—Begin-
5 ning on the date that is 2 years after
6 the effective date of the American
7 Offshore Workers Fairness Act, the
8 condition described in clause (i) shall
9 apply to vessels paying out inter-array
10 or umbilical cables.

11 “(III) PIPE LAY OR EXPORT
12 CABLE LAY ACTIVITIES.—Beginning
13 on the date that is 5 years after the
14 effective date of the American Off-
15 shore Workers Fairness Act, and ex-
16 cept as provided in section 30A, the
17 condition described in clause (i) shall
18 apply to vessels paying out pipe or ex-
19 port cables.

20 “(iii) PERMANENT EXEMPTION FOR
21 CERTAIN VESSELS PERFORMING OFFSHORE
22 LIFTS.—Beginning on the effective date of
23 the American Offshore Workers Fairness
24 Act, the condition described in clause (i)
25 shall not apply to a vessel while performing

1 an offshore lift in excess of 1,000 metric
2 tons.

3 “(iv) DEFINITIONS.—In this subpara-
4 graph:

5 “(I) OFFSHORE LIFT.—The term
6 ‘offshore lift’ means an individual lift
7 of jackets, monopiles, a gravity-based
8 or other subsea foundation, wind en-
9 ergy transition piece, wind energy
10 towers, wind turbine nacelles, wind
11 energy blades, or wind turbine rotors
12 and hubs by crane from the time that
13 the lifting activity begins when unlad-
14 ing from a vessel or removing the top-
15 side or subsea component until the
16 time that the lifting activities are ter-
17 minated for a particular unlading, in-
18 stallation, or removal.

19 “(II) SCOUR PROTECTION ACTIV-
20 ITY.—The term ‘scour protection ac-
21 tivity’ means an activity for which one
22 or more layers of rock material is
23 placed on the seabed of the outer Con-
24 tinental Shelf.

25 “(III) PAYING OUT.—

1 “(aa) IN GENERAL.—The
2 term ‘paying out’, with respect to
3 pipe or cable, means the specific
4 act of paying out pipe, export
5 cable, inter-array cable, or umbil-
6 ical cable.

7 “(bb) EXCLUSIONS.—The
8 term ‘paying out’ does not in-
9 clude repair or other activities in-
10 cidental to the paying out of
11 pipe, export cable, inter-array
12 cable, or umbilical cable, such
13 as—

14 “(AA) site clearance;

15 “(BB) trenching;

16 “(CC) dredging;

17 “(DD) mattress instal-
18 lation; and

19 “(EE) other activities
20 that are not the actual pay-
21 ing of the pipe or cable.

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

24 “(i) shall provide that the number of
25 individuals manning or crewing the vessel,

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

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

12 “(D) APPLICATION.—

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

21 “(ii) CONTENTS.—An application
22 under clause (i) shall include a sworn
23 statement by the applicant of all informa-
24 tion required by the Secretary of the de-
25 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 mobile offshore drilling unit;

19 “(2) to a drill ship while performing offshore
20 drilling operations; and

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

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

1 regulations that specify the application requirements for
2 an exemption under subsection (c)(2)(A) of section 30 of
3 the Outer Continental Shelf Lands Act (43 U.S.C. 1356).

4 (d) EXISTING EXEMPTIONS.—

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

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

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

1 tion will terminate in accordance with paragraph
2 (2).

3 (e) ANNUAL REPORT.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, and annually
6 thereafter, the Secretary of the department in which
7 the Coast Guard is operating shall submit to Con-
8 gress a report that describes the number of exemp-
9 tions granted under subsection (c)(2)(A) of section
10 30 of the Outer Continental Shelf Lands Act (43
11 U.S.C. 1356) during the preceding year.

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

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

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

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

1 (D) any changes to the information de-
2 scribed in subparagraphs (A) through (C) appli-
3 cable to the vessel, rig, platform, or other vehi-
4 cle or structure if the vessel, rig, platform, or
5 other vehicle or structure has received a prior
6 exemption under subsection (c)(2)(A) of section
7 30 of the Outer Continental Shelf Lands Act
8 (43 U.S.C. 1356) or section 30(c)(2) of the
9 Outer Continental Shelf Lands Act (43 U.S.C.
10 1356(c)(2)) (as in effect on the day before the
11 effective date of this Act).

12 (f) PIPE LAY OR EXPORT CABLE LAY VESSELS.—

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

17 **“SEC. 30A. PIPE LAY OR EXPORT CABLE LAY PROJECTS.**

18 “(a) INITIAL DETERMINATION.—Not prior to 180
19 days before the date on which subclause (III) of section
20 30(c)(2)(B)(ii) takes effect, the Secretary shall determine
21 whether there exists a coastwise-endorsed pipe lay or ex-
22 port cable lay vessel.

23 “(b) APPLICATION.—In the case the Secretary deter-
24 mines under subsection (a) that no coastwise-endorsed
25 pipe lay or export cable lay vessel exists, a pipe lay or

1 export cable lay vessel shall, beginning on the date on
2 which the Secretary makes such determination, be exempt
3 from the condition under section 30(c)(2)(B) with respect
4 to a pipe lay or export cable lay project.

5 “(c) REQUESTS FOR DETERMINATIONS OF COAST-
6 WISE-ENDORSED VESSELS.—

7 “(1) NEW DETERMINATIONS.—After the date
8 on which the determination is made under sub-
9 section (a), the owner or operator of a pipe lay or
10 export cable lay vessel may seek a new determina-
11 tion from the Secretary that a coastwise-endorsed
12 pipe lay or export cable lay vessel exists.

13 “(2) APPLICATION TO NON-COASTWISE-EN-
14 DORSED VESSELS.—If the Secretary makes a deter-
15 mination under paragraph (1) that a coastwise-en-
16 dorsed pipe lay or export cable lay vessel exists, then
17 the owner or operator of a pipe lay or export cable
18 lay vessel that is not coastwise-endorsed shall seek
19 a determination under paragraph (3) of the avail-
20 ability of a coastwise-endorsed pipe lay or export
21 cable lay vessel for a pipe lay or export cable lay
22 project before engaging in any such project that has
23 not commenced or resumed prior to such determina-
24 tion under paragraph (1) that a coastwise-endorsed
25 pipe lay or export cable lay vessel exists.

1 “(3) DETERMINATION OF AVAILABILITY.—

2 “(A) IN GENERAL.—As soon as practicable
3 in accordance with this paragraph, the Sec-
4 retary shall determine whether a coastwise-en-
5 dorsed pipe lay or export cable lay vessel is
6 available for the pipe lay or export cable lay
7 project that is the subject of a request under
8 paragraph (2). The Secretary shall determine
9 that a coastwise-endorsed pipe lay or export
10 cable lay vessel is not available for such pipe lay
11 or export cable lay project if—

12 “(i) the owner or operator of the non-
13 coastwise endorsed pipe lay or export cable
14 lay vessel making the request under para-
15 graph (2) submits to the Secretary an ap-
16 plication for the use of such vessel for such
17 project that includes all relevant informa-
18 tion and requirements for such project, in-
19 cluding engineering details and timing re-
20 quirements;

21 “(ii) not later than 30 days after re-
22 ceiving such an application, the Secretary
23 provides a copy of the application to the
24 owner of each coastwise-endorsed pipe lay
25 or export cable lay vessel that is listed in

1 the inventory under section 12138(b) of
2 title 46, United States Code, and promptly
3 publishes in the Federal Register a no-
4 tice—

5 “(I) describing the project;

6 “(II) advising that all relevant
7 information reasonably needed to as-
8 sess the transportation and installa-
9 tion requirements for the pipe or ex-
10 port cables used in the project will be
11 made available to an interested person
12 upon request; and

13 “(III) requesting that informa-
14 tion on the availability for such
15 project of coastwise-endorsed pipe lay
16 or export cable lay vessels be sub-
17 mitted within the 30-day period begin-
18 ning on the date of such publication;
19 and

20 “(iii)(I) within such 30-day period, no
21 information is submitted to the Secretary
22 from owners or operators of coastwise-en-
23 dorsed pipe lay or export cable lay vessels
24 to meet the requirements of the project de-

1 scribed in the application submitted under
2 clause (i); or

3 “(II) the owner or operator of a coast-
4 wise-endorsed pipe lay or export cable lay
5 vessel submits information to the Secretary
6 asserting that the owner or operator has a
7 suitable coastwise-endorsed pipe lay or ex-
8 port cable lay vessel to meet the require-
9 ments of the project described in such ap-
10 plication, but the Secretary determines, in
11 consultation with the Commandant of the
12 Coast Guard, within 90 days after the no-
13 tice is first published, that such vessel is
14 not suitable or reasonably available for the
15 transportation required for such project
16 and no other such vessel for which such in-
17 formation has been so submitted is so suit-
18 able and reasonably available for such
19 transportation.

20 “(B) GUIDANCE.—For the purpose of pro-
21 viding guidance on making determinations re-
22 garding suitability or availability under this
23 paragraph, the Secretary, to the maximum ex-
24 tent practicable, shall contract with the Amer-
25 ican Bureau of Shipping or another classifica-

1 tion society recognized by the Secretary as
2 meeting acceptable standards to provide such
3 guidance.

4 “(4) IMPACT OF DETERMINATION.—

5 “(A) COASTWISE-ENDORSED VESSEL
6 AVAILABILITY.—After the date on which a de-
7 termination is made under paragraph (3) that
8 a coastwise-endorsed pipe lay or export cable
9 lay vessel is available for a pipe lay or export
10 cable lay project, the owner or operator of a
11 pipe lay or export cable lay vessel that is not
12 coastwise-endorsed—

13 “(i) shall engage only in the pipe lay
14 or export cable lay project for which the
15 vessel began or resumed prior to the date
16 of the determination under paragraph (1)
17 that a coastwise-endorsed pipe lay or ex-
18 port cable lay vessel exists and pursuant to
19 the exemption under subsection (b); and

20 “(ii) may not engage or resume in any
21 further pipe lay or export cable lay projects
22 until the vessel is in compliance with the
23 condition under section 30(c)(2)(B) of the
24 Outer Continental Shelf Lands Act (43
25 U.S.C. 1356(c)(2)(B)).

1 “(B) NO COASTWISE-ENDORSED VESSEL
2 AVAILABILITY.—After the date on which a de-
3 termination is made under paragraph (3) that
4 a coastwise-endorsed pipe lay or export cable
5 lay vessel is not available for a pipe lay or ex-
6 port cable lay project, the owner or operator of
7 the pipe lay or export cable lay vessel that is
8 not coastwise-endorsed shall be permitted to en-
9 gage in the project as authorized under sub-
10 section (b) without regard to whether such
11 project has commenced or resumed prior to the
12 date of the determination under paragraph (1)
13 that a coastwise-endorsed pipe lay or export
14 cable lay vessel exists.

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

18 “(6) DEEMED APPROVAL.—If the Secretary has
19 failed to take an action required of the Secretary
20 under paragraph (3)(A) within the period required
21 for such action under such paragraph with respect
22 to an application submitted under clause (i) of such
23 paragraph, the owner or operator who submitted
24 such application shall be deemed permitted under
25 paragraph (4)(B) to engage in the pipe lay or export

1 cable lay project that is the subject of such applica-
2 tion.

3 “(d) COORDINATION.—The Secretary shall coordi-
4 nate with the Secretary of the department in which the
5 Coast Guard is operating in order to apply an exemption
6 determined under this section to the condition under sec-
7 tion 30(c)(2)(B) with respect to a pipe lay or export cable
8 lay project.

9 “(e) DEFINITIONS.—In this section:

10 “(1) COASTWISE-ENDORSED.—The term ‘coast-
11 wise-endorsed’, with respect to a pipe lay or export
12 cable lay vessel, means that the vessel has been
13 issued a certificate of documentation with a coast-
14 wise endorsement under chapter 121 of title 46,
15 United States Code.

16 “(2) PIPE LAY OR EXPORT CABLE LAY VES-
17 SEL.—The term ‘pipe lay or export cable lay vessel’
18 means a vessel paying out pipe or export cables to
19 which section 30(c)(2)(B)(ii)(III) applies, including
20 paying out a submarine export cable or pipe de-
21 scribed in section 12138(b) of title 46, United States
22 Code.

23 “(3) SECRETARY.—The term ‘Secretary’ means
24 the Secretary of Transportation.”.

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

3 (A) in the heading, by striking “VESSELS
4 FOR CABLE LAYING, MAINTENANCE, AND RE-
5 PAIR” and inserting “VESSELS FOR PAYING
6 OUT PIPE OR EXPORT CABLES, MAINTENANCE,
7 AND REPAIR”; and

8 (B) by amending paragraph (1) to read as
9 follows:

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

13 “(A) documented under this chapter;

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

15 “(C) have the capability to pay out, main-
16 tain, or repair a submarine export cable or pipe,
17 without regard to whether a particular vessel is
18 classed as an export cable lay or pipe lay ship
19 or export cable lay or pipe lay vessel.”; and

20 (C) by amending paragraph (2)(B) to read
21 as follows:

22 “(B) the abilities and limitations of the
23 vessel with respect to paying out, maintaining,
24 and repairing a submarine export cable or pipe;
25 and”.

1 (g) SAVINGS PROVISIONS.—

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

7 (2) DEFINITIONS.—In this subsection:

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

12 (B) PIPE LAY OR EXPORT CABLE LAY VES-
13 SEL.—The term “pipe lay or export cable lay
14 vessel” has the meaning given the term in sec-
15 tion 30A(e) of the Outer Continental Shelf
16 Lands Act, as added by subsection (f)(1).

17 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion or an amendment made by this section shall be con-
19 strued as adopting any agency interpretations of any pro-
20 visions of, or terms within, chapter 551 of title 46, United
21 States Code.

22 **SEC. 3. ENFORCEMENT.**

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

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

3 “(1) IN GENERAL.—Merchandise”; and

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

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

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

10 “(d) PUBLICATION OF PENALTIES.—

11 “(1) IN GENERAL.—Upon the seizure by the
12 Government of any merchandise, the issuance of a
13 pre-penalty notice, or the issuance of a final penalty
14 (including a settlement) under subsection (c), with
15 respect to a vessel that does not have a coastwise en-
16 dorsement under chapter 121 of this title or is not
17 otherwise authorized to engage in the coastwise
18 trade, the Secretary of the department in which the
19 Coast Guard is operating shall publish a notification
20 in the Customs Bulletin and Decisions within 7 days
21 of effectuating such seizure of merchandise or
22 issuing any such penalty notice or penalty to the im-
23 pacted party.

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

1 “(A) the name of the vessel involved in the
2 seizure or issuance of a pre-penalty notice or
3 penalty;

4 “(B) the name of the owner of the vessel
5 involved;

6 “(C) the amount of the fine or value of
7 merchandise seized as a result of the violation
8 of subsection (b); and

9 “(D) a summary of the misconduct and
10 justification for imposing a penalty.

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

19 (c) NOTIFICATION.—

20 (1) ADVANCE NOTIFICATION REQUIRED.—Prior
21 to engaging in any activity or operations on the
22 outer Continental Shelf (as defined in section 2 of
23 the Outer Continental Shelf Lands Act (43 U.S.C.
24 1331)), the operator of a foreign vessel used in such
25 activity or operations shall file with the Secretary of

1 Homeland Security a notification describing all ac-
2 tivities and operations to be performed on the outer
3 Continental Shelf and an identification of applicable
4 ruling letters issued by the Secretary that have ap-
5 proved the use of a foreign vessel in a substantially
6 similar activity or operation.

7 (2) PUBLICATION OF NOTICES.—

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

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

17 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR MARI-**
18 **TIME CENTERS OF EXCELLENCE; GRANT LIM-**
19 **ITATION.**

20 (a) AMENDMENT TO NDAA 2023.—Section
21 3501(a)(4)(B) of the James. M. Inhofe National Defense
22 Authorization Act for Fiscal Year 2023 (Public Law 117–
23 263) is amended—

24 (1) by striking “\$30,000,000” and inserting
25 “\$80,000,000”; and

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

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

10 (c) GRANT LIMITATION.—Section 51706(b) of title
11 46, United States Code, is amended by adding at the end
12 the following:

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

16 **SEC. 5. INTERPRETIVE RULING PROCESS.**

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

20 **“§ 55124. Interpretive ruling process**

21 “(a) DEFINITIONS.—In this section:

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

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

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

5 “(B) a manufacturer of coastwise qualified
6 vessels;

7 “(C) a certified labor organization, recog-
8 nized labor organization, or group of workers or
9 mariners which is representative of an industry
10 engaged or employed in—

11 “(i) the coastwise trade; or

12 “(ii) coastwise qualified vessel con-
13 struction;

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

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

18 “(ii) manufacturers of coastwise quali-
19 fied vessels; or

20 “(E) an association, a majority of whose
21 members are composed of persons described in
22 subparagraphs (A) through (D).

23 “(3) SECRETARY.—The term ‘Secretary’ means
24 the Secretary of the Department in which the Coast
25 Guard is operating.

1 “(b) INTERPRETIVE RULINGS PROCESS.—Upon writ-
2 ten request by an interested party, the Secretary shall fur-
3 nish, by not later than 60 days after such request, an in-
4 terpretive ruling regarding a non-coastwise qualified ves-
5 sel’s activities and compliance with United States laws in
6 the internal waters of the United States, the territorial
7 sea, and the waters of the outer Continental Shelf, includ-
8 ing the vessel’s compliance with sections 50503 and 55101
9 through 55121 of this title.

10 “(c) PETITION.—After the Secretary furnishes an in-
11 terpretive ruling requested under subsection (b) or any
12 other interpretive ruling regarding the interpretation, ap-
13 plication, or enforcement of the coastwise laws, an inter-
14 ested party that believes the ruling is incorrect may file
15 a petition with the Secretary setting forth—

16 “(1) the interested party’s understanding of the
17 factual scenario;

18 “(2) the outcome of the decision that the inter-
19 ested party believes to be proper in the provided fac-
20 tual scenario; and

21 “(3) the reasons for the belief of the interested
22 party.

23 “(d) DETERMINATION ON PETITION.—

24 “(1) CORRECTION OF INTERPRETIVE RUL-
25 ING.—If, after receipt and consideration of a peti-

1 tion filed under subsection (c) by an interested
2 party, the Secretary determines that the conclusion
3 reached in the contested interpretive ruling is not
4 correct, the Secretary shall, by not later than 60
5 days after such receipt, determine the proper out-
6 come and notify the interested party of the Sec-
7 retary's determination.

8 “(2) CONTEST BY PETITIONER.—

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

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

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

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

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

“Sec. 55124. Interpretive ruling process.”.

20 **SEC. 6. RULES OF CONSTRUCTION.**

21 (a) OUTER CONTINENTAL SHELF LANDS ACT.—
22 Nothing in this Act or the amendments made by this Act
23 may be construed to nullify or supersede any other provi-
24 sion of law relating to the outer Continental Shelf (as such
25 term is defined in section 2 of the Outer Continental Shelf

1 Lands Act (43 U.S.C. 1331)), except as expressly provided
2 in this Act or an amendment made by this Act.

3 (b) RULING LETTERS.—Nothing in this Act or the
4 amendments made by this Act may be construed as con-
5 gressional validation of a ruling letter, interpretative guid-
6 ance, or doctrine issued, or other action taken, by the Sec-
7 retary of Homeland Security.

8 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to the Sec-
10 retary of the department in which the Coast Guard is op-
11 erating and the Secretary of Transportation such sums as
12 may be necessary to carry out this Act and the amend-
13 ments made by this Act.

14 **SEC. 8. EFFECTIVE DATE.**

15 This Act, and the amendments made by this Act,
16 shall take effect on the day that is 1 year after the date
17 of enactment of this Act.