November 4, 2026

The Honorable Ted Cruz
Chairman
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

The Honorable Sam Graves
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

The Honorable Rick Larsen
Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Re: Support for Legislation Clarifying Merchant Mariner Credential Requirements for Non-Operating Individuals

Dear Chairman Cruz, Ranking Member Cantwell, Chairman Graves, and Ranking Member Larsen:

The American Petroleum Institute, National Ocean Industries Association, American Clean Power Association, Offshore Marine Service Association, and the undersigned organizations urge Congress to enact the attached legislative language prior to January 1, 2027. The proposal would clarify how Merchant Mariner Credential (MMC) requirements apply to non-operating individuals working aboard offshore supply vessels, industrial vessels, and similarly engaged vessels.

This narrowly tailored legislation would address a serious and increasingly urgent problem affecting offshore energy, maritime service, construction, maintenance, inspection, and other specialized operations. Current uncertainty surrounding enforcement of 46 U.S.C. § 8701 could require individuals who do not operate, navigate, or serve as members of a vessel's required crew to obtain an MMC solely because their specialized work is performed aboard a vessel.

These non-operating individuals may include technicians who maintain specialized or warrantied equipment; surveyors, inspectors, and security personnel; personnel who assess crew competency; specialists who conduct vessel trials; and workers who support a vessel's industrial function. This would also include those workers engaged on board to conduct salvage, marine

firefighting or commercial diving functions. None of these workers substitute for credentialed mariners or perform duties necessary for the vessel's navigation or safe operation.

The proposed language appropriately distinguishes these non-operating individuals from the ships required crew members, and members of the steward's department. It preserves existing credentialing requirements for individuals responsible for vessel operation and navigation while establishing a practical statutory framework for specialized personnel working aboard a vessel for another industrial or technical purpose. It also requires vessel operators to provide non-operating individuals with safety orientation as a condition of the exception.

The affected maritime and offshore energy industries have repeatedly attempted to resolve this issue directly with the United States Coast Guard (Coast Guard). Most recently, six trade associations wrote to the Coast Guard on October 2, 2026, requesting clarification of the requirements, a consistent national implementation policy, and deferral of enforcement until a workable compliance process could be established.

That letter identified the continuing absence of sufficient national guidance defining who must hold an MMC, which credential is required, and what training may be necessary. It also highlighted inconsistent interpretations among Coast Guard field units and the risk that broad enforcement could disrupt offshore operations while placing substantial new demands on the National Maritime Center and commercial training providers.

Despite continued industry engagement, the Coast Guard has not taken action that resolves the underlying statutory problem. The absence of a durable national solution leaves vessel operators, offshore employers, specialized workers, and Coast Guard field personnel exposed to recurring uncertainty and potentially disruptive enforcement.

This is not a request to weaken vessel safety standards or credentialing requirements for mariners. Credentialed masters and crew members responsible for a vessel's operation and safe navigation would remain subject to all applicable requirements. The legislation instead recognizes the fundamental distinction between operating a vessel and performing specialized industrial, technical, inspection, maintenance, or support work while aboard one.

Temporary enforcement pauses have not produced a lasting resolution. Without clear legislative direction, the expiration of temporary provisions or changes in Coast Guard enforcement policy will renew uncertainty. Continued reliance on short-term extensions will perpetuate the problem and prevent companies, workers, vessel owners, and Coast Guard field units from planning and operating consistently.

The attached language provides a durable and safety-conscious solution. It would preserve MMC requirements for vessel masters and required crew; clarify that personnel who do not operate or navigate a vessel are not automatically treated as merchant mariners; define the specialized work covered by the exception; apply the clarification to offshore supply vessels, industrial vessels, and similarly engaged vessels; and require an onboard safety orientation for covered individuals.

We respectfully urge you to include the attached non-operating-individual language in the next appropriate legislative vehicle, including Coast Guard authorization, National Defense Authorization or other year end legislation to ensure a solution prior to the January 1, 2027 expiration of the current waiver. Prompt enactment is necessary to prevent uncertainty and

operational disruption while providing vessel owners, workers, and Coast Guard personnel with a clear and workable statutory standard.

Thank you for your leadership on maritime safety and the offshore economy. We stand ready to work with you and your staff to advance this important solution. If you have any questions please feel free to reach out to Tim Charters with API, charterst@api.org or 703-715-7456, who will coordinate points of contact with the other trade associations.

Sincerely,

American Petroleum Institute	**Offshore Marine Service Association**
American Clean Power Association	**National Ocean Industries Association**

Attachment: Proposed amendment to 46 U.S.C. § 8701 regarding non-operating individuals

cc:

The Honorable John Thune, Majority Leader, United States Senate
The Honorable Chuck Schumer, Minority Leader, United States Senate
The Honorable Steve Scalise, Majority Leader, U.S. House of Representatives
The Honorable Hakeem Jeffries, Minority Leader, U.S. House of Representatives
The Honorable Roger Wicker, Chairman, Senate Committee on Armed Services
The Honorable Jack Reed, Ranking Member, Senate Committee on Armed Services
The Honorable Mike Rogers, Chairman, House Committee on Armed Services
The Honorable Adam Smith, Ranking Member, House Committee on Armed Services

BON26176

Senate Legislative Counsel

Draft Copy of BON26176 5G7

SEC. [BON26176]. NON-OPERATING INDIVIDUALS ON BOARD VESSELS.

(a) In General.—Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (9), by striking "and" after the semicolon;

(B) in paragraph (10), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(11) subject to subsection (e), any vessel with respect to a non-operating individual."; and

(2) by adding at the end the following:

"(e) Safety Orientation for Non-operating Individuals.—The exception under subsection (a)(11) shall not apply with respect to a non-operating individual if the operator of the vessel fails to conduct a safety orientation for the non-operating individual.

"(f) Definition of Non-operating Individual.—In this section, the term 'non-operating individual' means an individual (other than a crew member required by the certificate of inspection or to ensure the safe navigation of the vessel or a member of the steward's department) who is engaged or employed on board a vessel for the sole purpose of—

"(1) carrying out spill response, salvage, marine firefighting, or commercial diving activities;

"(2) carrying out the industrial business or function of the vessel;

"(3) performing warranty maintenance on equipment, without regard to whether the equipment is owned by the vessel owner or the maintenance is beyond the crew's capability; or

"(4) performing a task not traditionally performed by the vessel crew.".

(b) Conforming Amendment.—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 "January 1, 2027" and inserting "the date of enactment of the [___ Act of __]".