

**AMENDMENT TO H.R. \_\_\_\_\_**  
**OFFERED BY MR. GRAVES OF LOUISIANA**

At the end of title IV, add the following:

1 **SEC. \_\_\_\_ . MANNING AND CREWING REQUIREMENTS FOR**  
2 **CERTAIN VESSELS, VEHICLES, AND STRUC-**  
3 **TURES.**

4 (a) AUTHORIZATION OF LIMITED EXEMPTIONS  
5 FROM MANNING AND CREW REQUIREMENT.—Chapter 81  
6 of title 46, United States Code, is amended by adding at  
7 the end the following:

8 **“§ 8109. Exemptions from manning and crew require-**  
9 **ments**

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

14 “(1) a citizen of the United States;

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

17 “(3) a citizen of the nation under the laws of  
18 which the vessel is documented.

19 “(b) REQUIREMENTS FOR ELIGIBILITY FOR EXEMP-  
20 TION.—An exemption under this subsection is an exemp-

1 tion from the regulations established pursuant to section  
2 302(a)(3) of the Outer Continental Shelf Lands Act (43  
3 U.S.C. 1356(a)(3)).

4 “(c) LIMITATIONS.—An exemption under this sec-  
5 tion—

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

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

17 “(d) APPLICATION.—To be eligible for an exemption  
18 or a renewal of an exemption under this section, the owner  
19 or operator of a covered facility shall apply to the Sec-  
20 retary with an application that includes a sworn statement  
21 by the applicant of all information required for the  
22 issuance of the exemption.

23 “(e) REVOCATION.—

24 “(1) IN GENERAL.—The Secretary—

1           “(A) may revoke an exemption for a cov-  
2           ered facility under this section if the Secretary  
3           determines that information provided in the ap-  
4           plication for the exemption was false or incom-  
5           plete, or is no longer true or complete; and

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

11          “(2) NOTICE REQUIRED.—The Secretary shall  
12          provides notice of a determination under subpara-  
13          graph (A) or (B) of paragraph (1) to the owner or  
14          operator of the covered facility.

15          “(f) REVIEW OF COMPLIANCE.—The Secretary shall  
16          periodically, but not less than once annually, inspect each  
17          covered facility that operates under an exemption under  
18          this section to verify the owner or operator of the covered  
19          facility’s compliance with the exemption. During an in-  
20          spection under this subsection, the Secretary shall require  
21          all crew members serving under the exemption to hold a  
22          valid transportation security card issued under section  
23          70105.

24          “(g) PENALTY.—In addition to revocation under sub-  
25          section (e), the Secretary may impose on the owner or op-

1 erator of a covered facility a civil penalty of \$10,000 per  
2 day for each day the covered facility—

3 “(1) is manned or crewed in violation of an ex-  
4 emption under this subsection; or

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

8 “(h) NOTIFICATION OF SECRETARY OF STATE.—The  
9 Secretary shall notify the Secretary of State of each ex-  
10 emption issued under this section, including the effective  
11 period of the exemption.

12 “(i) DEFINITIONS.—In this section:

13 “(1) COVERED FACILITY.—The term ‘covered  
14 facility’ means any vessel, rig, platform, or other ve-  
15 hicle or structure, over 50 percent of which is owned  
16 by citizens of a foreign nation or with respect to  
17 which the citizens of a foreign nation have the right  
18 effectively to control, except to the extent and to the  
19 degree that the President determines that the gov-  
20 ernment of such foreign nation or any of its political  
21 subdivisions has implemented, by statute, regulation,  
22 policy, or practice, a national manning requirement  
23 for equipment engaged in the exploring for, devel-  
24 oping, or producing resources, including non-mineral  
25 energy resources in its offshore areas.

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

4           (b) ANNUAL REPORT.—

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

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

15                 (A) the name and International Maritime  
16                 Organization number;

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

19                 (C) the nationality of owner or owners; and

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

24          (c) REGULATIONS.—Not later than 90 days after the  
25          date of the enactment of this Act, the Secretary shall pro-

1 mulgate regulations that specify the documentary and  
2 other requirements for the issuance of an exemption under  
3 the amendment made by this section.

4 (d) EXISTING EXEMPTIONS.—

5 (1) EFFECT OF AMENDMENTS; TERMINATION.—Each exemption under section 30(c)(2) of  
6 the Outer Continental Shelf Lands Act (43 U.S.C.  
7 1356(c)(2)) issued before the date of the enactment  
8 of this Act—  
9

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

14 (B) shall not be effective after such period.

15 (2) NOTIFICATION OF HOLDERS.—Not later  
16 than 60 days after the date of the enactment of this  
17 Act, the Secretary shall notify all persons that hold  
18 such an exemption that it will expire as provided in  
19 paragraph (1).

20 (e) CLERICAL AMENDMENT.—The analysis for chap-  
21 ter 81 of the title 46, United States Code, is amended  
22 by adding at the end the following:

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

