

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 2741  
OFFERED BY MR. Auchincloss**

Page 41, strike line 7 and all that follows through page 46, line 24 and insert the following:

1 **SEC. 336. MANNING AND CREWING REQUIREMENTS FOR**  
2 **CERTAIN VESSELS, VEHICLES, AND STRUC-**  
3 **TURES.**

4 (a) CLARIFICATION OF MANNING AND CREW RE-  
5 QUIREMENT.—Chapter 81 of title 46, United States Code,  
6 is amended by adding at the end the following:

7 **“§ 8109. Exemptions from manning and crew require-**  
8 **ments**

9 “(a) IN GENERAL.—The Secretary shall require the  
10 owner or operator of a covered facility to provide each in-  
11 dividual who is manning or crewing the covered facility  
12 a minimum wage, as such term is defined in section 3141  
13 of title 40.

14 “(b) REVIEW OF COMPLIANCE.—The Secretary shall  
15 periodically, but not less than once annually, inspect each  
16 covered facility to verify the owner or operator of the cov-  
17 ered facility’s compliance with the wage requirements.

1       “(c) PENALTY.—In addition to revocation under sub-  
2 section (e), the Secretary may impose on the owner or op-  
3 erator of a covered facility a civil penalty of \$10,000 per  
4 day for each day the covered facility is manned or crewed  
5 in violation of the wage requirements under this section.

6       “(d) DEFINITIONS.—In this section:

7           “(1) COVERED FACILITY.—The term ‘covered  
8 facility’ means any vessel, rig, platform, or other ve-  
9 hicle or structure, over 50 percent of which is owned  
10 by citizens of a foreign nation or with respect to  
11 which the citizens of a foreign nation have the right  
12 effectively to control, except to the extent and to the  
13 degree that the President determines that the gov-  
14 ernment of such foreign nation or any of its political  
15 subdivisions has implemented, by statute, regulation,  
16 policy, or practice, a national manning requirement  
17 for equipment engaged in the exploring for, devel-  
18 oping, or producing resources, including non-mineral  
19 energy resources in its offshore areas and operates  
20 under section 302(a)(3) of the Outer Continental  
21 Shelf Lands Act (43 U.S.C. 1356(a)(3)).

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

1 (b) REGULATIONS.—Not later than 90 days after the  
2 date of the enactment of this Act, the Secretary shall pro-  
3 mulgate regulations that specify the requirements for min-  
4 imum wage made by the amendments made by this sec-  
5 tion.

6 (c) EXISTING EXEMPTIONS.—

7 (1) EFFECT OF AMENDMENTS; TERMI-  
8 NATION.—Each exemption under section 30(c)(2) of  
9 the Outer Continental Shelf Lands Act (43 U.S.C.  
10 1356(c)(2)) issued before the date of the enactment  
11 of this Act—

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

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

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

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

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

