

117TH CONGRESS
2D SESSION

S. 3705

To amend the Outer Continental Shelf Lands Act to provide for an exemption to the manning and crewing requirements for certain outer Continental Shelf vessels, vehicles, and structures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2022

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

A BILL

To amend the Outer Continental Shelf Lands Act to provide for an exemption to the 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”.

1 **SEC. 2. MANNING AND CREWING REQUIREMENTS FOR CER-**
 2 **TAIN OUTER CONTINENTAL SHELF VESSELS,**
 3 **VEHICLES, AND STRUCTURES.**

4 (a) AUTHORIZATION OF LIMITED EXEMPTIONS
 5 FROM MANNING AND CREW REQUIREMENT.—Section
 6 30(c) of the Outer Continental Shelf Lands Act (43
 7 U.S.C. 1356(c)) is amended—

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

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

15 “(c) EXEMPTIONS.—

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

19 (3) in paragraph (2)—

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

22 “(2) EXEMPTION FOR CERTAIN FOREIGN-
 23 OWNED VESSELS, RIGS, PLATFORMS, AND OTHER
 24 VEHICLES OR STRUCTURES.—

25 “(A) IN GENERAL.—Subject to the re-
 26 quirements of this paragraph, the regulations

1 issued under subsection (a)(3) shall not apply
2 to any vessel”;

3 (B) in subparagraph (A) (as so des-
4 ignated), by striking “the exploration, develop-
5 ment, or production of oil and gas” and insert-
6 ing “exploring for, developing, or producing re-
7 sources, including nonmineral energy re-
8 sources,”; and

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

10 “(B) CONDITION.—An exemption under
11 subparagraph (A) shall be subject to the condi-
12 tion that each individual who is manning or
13 crewing the vessel, rig, platform, or other vehi-
14 cle or structure is—

15 “(i) a citizen of the United States;

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

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

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 clause (ii)
2 or (iii) of subparagraph (B) may not ex-
3 ceed 2.5 times the number of individuals
4 required to man or crew the vessel, rig,
5 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 of an exemption under
19 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-
25 erating for the issuance of the exemption.

“(E) REVOCATIONS.—

“(i) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may revoke an exemption for a vessel, rig, platform, or other vehicle or structure under subparagraph (A) if the Secretary of the department in which the Coast Guard is operating determines that information provided in the application for the exemption—

“(I) was false or incomplete; or

“(II) is no longer true or complete.

“(ii) MANNING OR CREWING VIOLATION.—The Secretary of the department in which the Coast Guard is operating shall immediately revoke an exemption for a vessel, rig, platform, or other vehicle or structure under subparagraph (A) if the Secretary of the department in which the Coast Guard is operating determines that, during the effective period of the exemption, the vessel, rig, platform, or other vehicle or structure was manned or crewed in a manner that—

1 “(I) was not authorized by the
2 exemption; or

3 “(II) does not otherwise comply
4 with this paragraph.

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

12 “(F) REVIEW OF COMPLIANCE.—

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

23 “(ii) REQUIREMENT.—During each
24 inspection of a vessel, rig, platform, or
25 other vehicle or structure under clause (i),

1 the Secretary of the department in which
2 the Coast Guard is operating shall require
3 all individuals who are manning or crewing
4 the vessel, rig, platform, or other vehicle or
5 structure to hold a valid Transportation
6 Worker Identification Credential.

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

15 “(i) is manned or crewed in violation
16 of this paragraph; or

17 “(ii) operates under the exemption, if
18 the Secretary of the department in which
19 the Coast Guard is operating determines
20 that—

21 “(I) the exemption was not val-
22 idly obtained; or

23 “(II) information provided in the
24 application for the exemption was
25 false or incomplete.

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

7 (b) REGULATIONS.—Not later than 90 days after the
8 date of enactment of this Act, the Secretary of the depart-
9 ment in which the Coast Guard is operating shall promul-
10 gate regulations that specify the application requirements
11 and process and other requirements for an exemption
12 under subsection (c)(2)(A) of section 30 of the Outer Con-
13 tinental Shelf Lands Act (43 U.S.C. 1356).

14 (c) EXISTING EXEMPTIONS.—

15 (1) IN GENERAL.—During the 120-day period
16 beginning on the date of enactment of this Act, each
17 exemption granted under section 30(c)(2) of the
18 Outer Continental Shelf Lands Act (43 U.S.C.
19 1356(c)(2)) (as in effect on the day before the date
20 of enactment of this Act) before the date of enact-
21 ment of this Act—

22 (A) shall remain in effect; and

23 (B) shall not be affected by the amend-
24 ments made by subsection (a).

1 (2) TERMINATION.—On the day after the last
2 day of the period described in paragraph (1), each
3 exemption described in that paragraph shall termi-
4 nate.

5 (3) NOTIFICATION.—Not later than 60 days
6 after the date of enactment of this Act, the Sec-
7 retary of the department in which the Coast Guard
8 is operating shall notify all persons that hold an ex-
9 emption described in paragraph (1) that the exemp-
10 tion will terminate in accordance with paragraph
11 (2).

12 (d) ANNUAL REPORT.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of this Act, and annually
15 thereafter, the Secretary of the department in which
16 the Coast Guard is operating shall submit to Con-
17 gress a report that describes the number of exemp-
18 tions granted under subsection (c)(2)(A) of section
19 30 of the Outer Continental Shelf Lands Act (43
20 U.S.C. 1356) during the preceding year.

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

1 (A) the name and International Maritime
2 Organization number of the vessel, rig, plat-
3 form, or other vehicle or structure;

4 (B) the flag of the vessel, rig, platform, or
5 other vehicle or structure;

6 (C) the nationality of the 1 or more owners
7 of the vessel, rig, platform, or other vehicle or
8 structure; and

9 (D) any changes to the information de-
10 scribed in subparagraphs (A) through (C) appli-
11 cable to the vessel, rig, platform, or other vehi-
12 cle or structure if the vessel, rig, platform, or
13 other vehicle or structure has received a prior
14 exemption under subsection (c)(2)(A) of section
15 30 of the Outer Continental Shelf Lands Act
16 (43 U.S.C. 1356) or section 30(c)(2) of the
17 Outer Continental Shelf Lands Act (43 U.S.C.
18 1356(c)(2)) (as in effect on the day before the
19 date of enactment of this Act).

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