

July 13, 2010

Dear Senator:

On behalf of the undersigned American longshore and maritime labor organizations, we urge you to support the inclusion of critical provisions from the House-passed version of the HR 3619, the Coast Guard Authorization Act of 2010, as the legislation moves to conference. These provisions are necessary for the continuation of a safe and robust maritime sector that protects workers and maintains the free flow of marine commerce.

The Coast Guard authorization makes several urgently needed improvements to the Transportation Worker Identification Credential (TWIC) program. Section 1123 requires the Coast Guard to coordinate with owners and operators of port facilities and vessels to allow workers with a pending TWIC application escorted access on port facilities. To date, over 10,000 workers have lost their jobs while awaiting an initial decision on their application, and this provision would considerably improve this problem moving forward. This section also provides a procedure for processing TWIC applications more expeditiously by instructing the Transportation Security Administration (TSA) to respond to applicants and process requests for appeals and waivers in a timely manner. While over 40,000 workers have used the waivers process, with 97 percent of requests granted, they have waited, on average, seven months in limbo. Additionally, this provision would eliminate the onerous burden of the TWIC distribution process by allowing credentials to be sent to a card holder's home and be subsequently activated at a TWIC enrollment center. These changes are essential for the creation of a more functional TWIC program that not only improves our nation's maritime and port security but also does not unnecessarily disrupt the livelihoods of thousands of workers.

Section 1123 would also prohibit state and local governments from imposing separate, additional security checks that are duplicative of both the purpose and requirements of the TWIC. The TWIC and other federal security checks were created to provide a uniform, national security standard that minimizes costs and creates one level of security. By allowing states to impose their own, duplicative security checks without any limitation undermines the intent of the TWIC program and also poses unnecessary burdens to the movement of workers and commerce. In addition, unlike the TWIC program which provides a waiver and appeals process, individual states are not required to have a similar due process regimen. This endangers the very rights afforded to workers by the TWIC program. However, this provision is quite modest and allows the Department of Homeland Security to waive the prohibition if a state can demonstrate a compelling security rationale for imposing additional checks.

The Coast Guard bill also addresses the increasing threat posed by criminal acts of marine piracy. Since the April 2009 attacks on two U.S.-flag ships, American crews unfortunately remain under the constant threat of lethal attacks from pirates as they simply attempt to do their jobs. Section 1334 of this legislation seeks to ensure, at a minimum, that American mariners are not held liable for authorizing or engaging in force in defense of either their crew or vessel in the event of such an attack. As these mariners continue to serve the nation, delivering goods and

materials on behalf of our military and aid missions, it is unconscionable for them to face liability for actions taken to protect either themselves or their U.S. government impelled cargo. Although we believe much more can and should be done, this provision provides the necessary assurance against any legal vulnerability in the case of an attack and sends an unequivocal message to American mariners and the U.S.-flag industry that the United States government stands with them as they face down the threats of piracy.

In addition, the bill makes a number of overdue improvements for merchant mariners that will improve working conditions and industry efficiency. By creating a Merchant Mariner Medical Advisory Committee composed of physicians and mariners, the legislation (section 210 of H.R. 3619) ensures that individuals with the proper expertise will help inform the Coast Guard on mariner safety and fitness and ease the medical evaluation backlog that has delayed the expeditious credentialing of these workers. Another provision in the House Coast Guard legislation (section 1115 of H.R. 3619) facilitates seamless shoreside access for mariners by requiring port security plans to allow vessel personnel to move through a port in a timely manner at no cost to the individual. At present, a number of facilities unnecessarily and arbitrarily require individual mariners who already possess a TWIC to pay private security firms to merely travel to and from their ships. The legislation (section 1317 of H.R. 3619) would also put an end to the contradictory and unfair tax burden placed on workers whose companies operate in multiple states. Unlike workers in other modes of transportation, some maritime workers are still subject to the tax burdens of states in which they operate but do not reside.

Finally, we support the Maritime Workforce Development provision, which creates a loan program for mariners seeking to comply with new, more stringent safety and training standards. The variable schedule and frequency of maritime training programs preclude working mariners from qualifying for traditional student loans, imposing considerable costs. Moreover, as the current maritime workforce nears retirement, the absence of a viable loan program to bolster mariner employment places the U.S. shipping industry at risk of being at a competitive disadvantage just as the nation hopes to recover from a painful recession and the Administration focuses on initiatives to increase exports.

As representatives of America's longshore and maritime workers, we urge you to support these critical provisions and work with your colleagues to ensure they are included in the final FY 2010 Coast Guard authorization.

Sincerely,

American Maritime Officers
International Longshoremen's Association
International Longshore and Warehouse Union
International Organization of Masters, Mates & Pilots
Marine Engineers' Beneficial Association
Marine Firemen's Union
Maritime Trades Department, AFL-CIO
Transportation Trades Department, AFL-CIO
Sailors' Union of the Pacific
Seafarers International Union