



The bill, expected to be signed into law any day now, encourages the growth of U.S.-flag LNG shipping, something this country has been devoid of for over six years.



MEBA officials and staff worked extensively to ensure that riding gang provisions will not infringe on the work that our members perform. Thousands of man hours have been consumed on Capitol Hill in support of the issue.

Coast Guard Bill Provides Incentives for U.S. LNG Shipping, Limits Riding Gangs

After over half a year of exhausting negotiations and much behind-the-scenes work from MEBA officials and staff, several maritime-related items placed into a Coast Guard authorization bill that is a step away from becoming law.

The legislation authorizes \$8.7 billion for Coast Guard operations for fiscal year 2006, and it includes a number of important items affecting MEBA including provisions on LNG, the background check process for the future transportation worker identification process, riding gangs, and measures to aid mariners affected by Hurricane Katrina.

The bill provides a boost for ongoing efforts to promote the transportation of LNG to the United States on U.S.-flag vessels with American officers aboard. It amends the deepwater port act to give top priority to all applications for deepwater LNG import terminals that involve the use of U.S.-flag vessels with U.S. officers. Right now there are over 50 applications for LNG import terminals pending with the Coast Guard and the Federal Energy Regulatory Commission. These applications take anywhere from six months to a year to process. By providing top priority to terminal applications that would use U.S.-flag ships and officers, it provides a competitive advantage to those terminals by speeding up the application process.

The bill also requires that all applications for deepwater LNG import terminals specify the flag of the vessel and the nationality of the officers and crew that will be used to import the gas into the United States. These provisions represent the first time that Congress has addressed the national security implications of the loss of the U.S. LNG fleet and it also represents a necessary first step in the rebuilding of that fleet.

The bill includes a provision that was backed by maritime labor in regards to the implementation of the Transportation Worker Identity Card (TWIC). Under the current law, if a worker is denied a TWIC because of an issue found during their background check, they may appeal to the Transportation Security Agency for a waiver. If that waiver is denied, there is no review process defined to provide relief for the worker. Under the provision included in the Coast Guard bill, those workers would be allowed to appeal the waiver denial to an administrative law judge.

A grassroots effort by the MEBA and several other maritime unions and organizations helped to remove an overly broad riding gang provision from the House passed bill, and replaced it with language that better reflects the past practice of the industry in the use of riding gangs. A "riding gang member" is now defined in the bill as a non-U.S. citizen or permanent alien who is used to perform certain limited repair functions on vessels. The original language would have effectively allowed an unlimited number of foreign seafarers on U.S.-flag ships for an unlimited amount of time, permitted them to perform virtually any type of repair, and allowed foreigners to perform repairs typically within the jurisdiction of U.S. Coast Guard licensed officers and crew.

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Thanks to the efforts of all of those involved, including an outpouring of letters from MEBA members to House and Senate conferees, the offending provisions were stripped out and replaced with language that regulates and sets specific limits on the practice of using riding gangs on U.S.-flag ships.

The new language creates protections that ensure that those workers don't represent a threat to the crew, the ship or to national security and it limits their numbers and the amount of time they can remain on the vessel. It also places restrictions on the kind of work they can perform. Finally, it creates a system wherein the companies must justify their use of foreign riding gangs on the basis of not being able to find qualified and available U.S. citizens to do that work, as currently exists for other sectors of the maritime industry.

Lastly, the bill includes language that would extend merchant mariner documents and certificates of inspection for mariners and vessels adversely affected by Hurricane Katrina.

Legislators expect that the bill will be forwarded to the President's desk for his signature any day now.

The bill, expected to be signed into law any day, places certain limits on the employment of foreign riding gangs on U.S.-flag vessels:

- No vessel may have more than 12 riding gang members onboard at any one time, and if there are other individuals in addition to the crew - such as training cadets or other non-crew members - those individuals count against the 12 total. In addition, no company may use a riding gang member on any one vessel for more than 60 days in a calendar year.
- All riding gang members are required to obtain a nonimmigrant visa for individuals desiring to enter the United States on business, and they must undergo a background check from all reasonably available information. The company is required to certify that they completed this background check, and the certificate has to be kept on board the vessel.
- The company is also required to ensure that the riding crew members are subject to the same random chemical testing as the crew, that they receive safety familiarization and training that satisfies the requirements listed under STCW. The companies are also required to ensure that the riding crew members are employed under conditions that meet or exceed all ILO conventions, and they are given the same seamen protection and relief as U.S. mariners.
- While onboard the vessel, the riding gang members must be supervised by Coast Guard licensed officers and work in conjunction with the unlicensed crew members.
- In terms of what work the riding gang members are allowed to perform on board the vessels, the language limits their work to include preparing the ship for entering a foreign shipyard, completion of residual repairs after the vessel has left a foreign shipyard, and technical in voyage repairs in excess of what the crew can complete on their own. Unlike the Section 425 language, there is no "blank check" that would allow riding gang members to perform work that should normally be completed by the crew as part of their traditional work.
- The language specifically exempts those riding gang members who are performing work that is customarily performed by original equipment manufacturer's technical representatives, work on equipment that is subject to a warranty, or repair work that is required by a contractual guarantee or subject to warranty from the foreign shipyard.
- The new language also requires that any company that wishes to use foreign riding gangs onboard their vessels must certify that they have attempted to find U.S.-citizens to perform the work, and that there are no qualified U.S. citizens available to perform the work.