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1. Maersk Drafted Amendment Opposed by Coast Guard

By Caitlin Harrington, CQ Staff

One of the world's largest shipping companies, Maersk, drafted word for word an amendment the U.S. Coast Guard says would make it tougher to prevent suspected terrorists from getting jobs on U.S.-flagged ships.

The amendment to the Coast Guard authorization bill (HR 889) would legalize the long-standing practice of hiring foreign workers to fill certain jobs — such as waiters, blackjack dealers and maintenance workers — on U.S. ships. There are more than 12,000 such ships worldwide.

The chairman of the House Transportation and Infrastructure Committee, Don Young, R-Alaska — the only licensed mariner in Congress — introduced the amendment to the Coast Guard bill on Sept. 14.

Young's amendment is identical to legislative language circulated by Maersk in a document obtained by CQ Homeland Security. A separate memo drafted by a Maersk official in May said the shipping giant was attempting to insert the language into the Coast Guard bill.

The amendment would give legal clearance to Maersk and other shipping companies that operate U.S. vessels to keep hiring foreign workers for certain jobs.

Coast Guard officials privately oppose it, saying it would be impossible to do adequate security checks on thousands of foreign workers who may have hard-to-trace backgrounds or shoddy identification documents, or who come from countries that cannot or will not provide citizens' criminal records.

Young allowed Maersk's desire to expand its workforce to override the Coast Guard's concerns about homeland security, said Danielle Brian, executive director of the Project on Government Oversight, a watchdog group.

“It's extraordinary to think the chairman of a major committee, in a post-9/11 world, is putting a special-interests agenda above homeland security considerations,” Brian said Monday in a telephone interview.

Young's committee aides were out of the office Monday and did not respond to requests for comment.

Maersk's vice president for government affairs, Eugene Pentimonti, did not return a call seeking comment. Asked last week about the connection between Maersk and the Young amendment,

Pentimonti said that Maersk would not support any legislation that might be detrimental to security.

Industry-Penned Legislation

The practice of industry writing legislation is not uncommon, and is not necessarily unethical; private businesses and interest groups have a right to lobby, Brian said. Last year, a lobbyist for chemical and tobacco companies, Jim Tozzi, helped draft legislation that allows industries to spin government-sponsored scientific studies to their advantage, according to an Aug. 28 Boston Globe report.

Ethical questions arise, Brian said, when private interests are allowed to influence legislation without dispassionate and open debate. Maersk took its lobbying a step too far, she said, by dictating Young's amendment down to the last detail.

"I don't think they should have such a direct line to a public law that they're writing it," she said.

Young's aides said in an e-mail to CQ Homeland Security last week that the amendment simply affirms a standard industry practice over the past 30 years: hiring foreign workers to perform maintenance and other tasks on U.S.-flagged vessels. The aides said the Coast Guard never objected to the practice until recently.

Coast Guard officials say it has always been illegal for foreign workers to engage in functions the agency considers to be "seaman" jobs — such as maintenance. The agency said it only recently started cracking down on the hiring of foreign workers for such jobs because it did not know how common the practice was.

Coast Guard officials told CQ Homeland Security last week that they plan to express their concerns about Young's amendment to Congress.

In the meantime, special interests will likely continue to write legislation behind closed doors, said Sean Moulton, a policy analyst at government watchdog OMB Watch.

"It's unfortunate that this is how legislation is getting written," he said. "Too often, I think, it is par for the course — although you rarely have a smoking gun like [the Maersk document]."

Caitlin Harrington can be reached at charrington@cq.com.

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