

AMENDMENT TO H.R. 3019
OFFERED BY MR. BOREN OF OKLAHOMA

Page 312, after line 22, add the following new section:

1 **SEC. ____ . ALTERNATIVE LICENSING PROGRAM FOR OPERA-**
2 **TORS OF UNINSPECTED PASSENGER VESSELS**
3 **ON LAKE TEXOMA IN TEXAS AND OKLAHOMA.**

4 (a) IN GENERAL.—Upon the request of the Governor
5 of the State of Texas or the Governor of the State of Okla-
6 homa, the Secretary of the department in which the Coast
7 Guard is operating shall enter into an agreement with the
8 Governor of the State whereby the State shall license oper-
9 ators of uninspected passenger vessels operating on Lake
10 Texoma in Texas and Oklahoma in lieu of the Secretary
11 issuing the license pursuant to section 8903 of title 46,
12 United States Code, and the regulations issued there-
13 under, but only if the State plan for licensing the opera-
14 tors of uninspected passenger vessels—

15 (1) meets the equivalent standards of safety
16 and protection of the environment as those con-
17 tained in subtitle II of title 46, United States Code,
18 and regulations issued thereunder;

19 (2) includes—

1 (A) standards for chemical testing for such
2 operators;

3 (B) physical standards for such operators;

4 (C) professional service and training re-
5 quirements for such operators; and

6 (D) criminal history background check for
7 such operators;

8 (3) provides for the suspension and revocation
9 of state licenses;

10 (4) makes an individual, who is ineligible for a
11 license issued under title 46, United States Code, in-
12 eligible for a state license; and

13 (5) provides for a report that includes—

14 (A) the number of applications that, for
15 the preceding year, the State rejected due to
16 failure to—

17 (i) meet chemical testing standards;

18 (ii) meet physical standards;

19 (iii) meet professional service and
20 training requirements; and

21 (iv) pass criminal history background
22 check for such operators;

23 (B) the number of licenses that, for the
24 preceding year, the State issued;

1 (C) the number of license investigations
2 that, for the preceding year, the State con-
3 ducted;

4 (D) the number of licenses that, for the
5 preceding year, the State suspended or revoked,
6 and the cause for such suspensions or revoca-
7 tions; and

8 (E) the number of injuries, deaths, colli-
9 sions, and loss or damage associated with
10 uninspected passenger vessels operations that,
11 for the preceding year, the State investigated.

12 (b) ADMINISTRATION.—

13 (1) The Governor of the State may delegate the
14 execution and enforcement of the State plan, includ-
15 ing the authority to license and the duty to report
16 information pursuant to subsection (a), to any sub-
17 ordinate State officer. The Governor shall provide,
18 to the Secretary, written notice of any delegation.

19 (2) The Governor (or the Governor's) designee
20 shall provide written notice of any amendment to the
21 State plan no less than 45 days prior to the effective
22 date of such amendment.

23 (3) At the request of the Secretary, the Gov-
24 ernor of the State (or the Governor's designee) shall
25 grant, on a biennial basis, the Secretary access to

1 State records and State personnel for the purpose of
2 auditing State execution and enforcement of the
3 State plan.

4 (c) APPLICATION.—

5 (1) The requirements of section 8903 of title
6 46, United States Code, and the regulations issued
7 thereunder shall not apply to any person operating
8 under the authority of a State license issued pursu-
9 ant to an agreement under this section.

10 (2) The State shall not compel a person, oper-
11 ating under the authority of a license issued either
12 by another State, pursuant to a valid agreement
13 under this section, or by the Secretary, pursuant to
14 section 8903 of title 46, United States Code, to—

15 (A) hold a license issued by the State, pur-
16 suant to an agreement under this section; or

17 (B) pay any fee, associated with licensing,
18 because the person does not hold a license
19 issued by the State, pursuant to an agreement
20 under this section.

21 Nothing in this paragraph shall limit the authority
22 of the State to impose requirements or fees for privi-
23 leges, other than licensing, that are associated with
24 the operation of uninspected passenger vessels on
25 Lake Texoma.

1 (3) For the purpose of enforcement, if an indi-
2 vidual is issued a license—

3 (A) by a State, pursuant to an agreement
4 entered into under to this section; or

5 (B) by the Secretary, pursuant to section
6 8903 of title 46, United States Code,

7 then the individual shall be entitled to lawfully oper-
8 ate an uninspected passenger vessel on Lake
9 Texoma in Texas and Oklahoma without further re-
10 quirement to hold an additional operator's license.

11 (d) TERMINATION.—

12 (1) If—

13 (A) the Secretary finds that the State plan
14 for the licensing the operators of uninspected
15 passenger vessels—

16 (i) does not meet the equivalent
17 standards of safety and protection of the
18 environment as those contained in subtitle
19 II of title 46, United States Code, and reg-
20 ulations issued thereunder;

21 (ii) does not include—

22 (I) standards for chemical testing
23 for such operators,

24 (II) physical standards for such
25 operators,

1 (III) professional service and
2 training requirements for such opera-
3 tors, or

4 (IV) background and criminal in-
5 vestigations for such operators;

6 (iii) does not provide for the suspen-
7 sion and revocation of state licenses; or

8 (iv) does not make an individual, who
9 is ineligible for a license issued under title
10 46, United States Code, ineligible for a
11 state license; or

12 (B) the Governor (or the Governor's des-
13 ignee) fails to report pursuant to subsection (b),
14 the Secretary shall terminate the agreement author-
15 ized by this section, provided that the Secretary pro-
16 vides written notice to the Governor of the State 60
17 days in advance of termination. The findings of fact
18 and conclusions of the Secretary, if based on a pre-
19 ponderance of the evidence, shall be conclusive.

20 (2) The Governor of the State may terminate
21 the agreement authorized by this section, provided
22 that the Governor provides written notice to the Sec-
23 retary 60 days in advance of the termination date.

24 (e) EXISTING AUTHORITY.—Nothing in this section
25 shall affect or diminish the authority or jurisdiction of any

1 Federal or State officer to investigate, or require reporting
2 of, marine casualties.

3 (f) DEFINITIONS.—For the purposes of this section,
4 the term “uninspected passenger vessel” has the same
5 meaning such term has in section 2101(42)(B) of title 46,
6 United States Code.

