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Jones Act, MSP, cargo preference needed to secure nation's defense

General Darren McDew, Commander of the U.S. Transportation Command, says without the maritime statutes, America's ability to project force would be in jeopardy

In both prepared and oral testimony before a joint meeting of two subcommittees of the House Armed Services Committee on March 30, the head of the U.S. Transportation Command (USTRANSCOM) declared his support for vital U.S.-flag maritime programs like the Jones Act and the Maritime Security Program (MSP).

U.S. Air Force General Darren McDew, Commander of USTRANSCOM, stated the Jones Act and MSP are needed to provide trained American mariners who contribute to the nation's defense.

When questioned by Congressman Duncan Hunter (R-California), who served in Iraq as a Marine before being elected to Congress, about the importance of the Jones Act—the nation's freight cabotage law—McDew replied: "There are several pieces of U.S. law that are part of the industrial base and it's not just one. The Jones Act is probably the anchor for it, but without the Jones Act, without the Maritime Security Program, without cargo preference, our maritime industry is in jeopardy and our ability [to] project the force is in jeopardy."

"If we think we need to project our force with U.S.-flagged vessels, with U.S. mariners on board, we need all of those things right now to secure that," added McDew who oversees the military's logistics operations.

The general was the lone witness before a joint hearing of the Readiness and Seapower and Projection Forces Subcommittees. He answered questions dealing not only with the U.S.-flag merchant fleet, but also on air power, rail operations, cyber warfare and the budget. His written testimony noted, "Nearly 90% of wartime transportation requirements are delivered through strategic organic [government-owned] and U.S.-flagged commercial sealift. Without a healthy and viable U.S. Commercial Sealift Fleet, (Military Sealift Command's) Surge Fleet and (the Maritime Administration's) Ready Reserve Force, our nation's military may not be able to deploy as quickly and efficiently as it can today." The written testimony went on to call the U.S.-flag companies involved in MSP "essential to our wartime U.S. commercial sealift capability."

McDew noted in both writing and verbally his concern about the aging Ready Reserve Force fleet, which he said averages 39 years of age.

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SUP President's Report

Matson attempts to scuttle MSP for APL's Guam run

In an effort to maintain its U.S.-flag monopoly in the Guam trade, Matson is attempting to make legislative changes to the Maritime Security Program (MSP) to force American President Lines out of that service.

Matson maintained a monopoly in the Guam trade from 2011 when Horizon Lines discontinued its service until 2015 when APL began calling the island with the container ship *APL Guam*, which has an MSP operating agreement. During all or most of this same period, Waterman Steamship Corporation which operates U.S.-flag roll-on/roll-off vessels with MSP operating agreements offered and continues to offer service to Guam. However, since Waterman provides no direct competition to Matson's container service, Matson has not tried to black-ball Waterman from Guam.

Currently, using five vessels (*Manukai, Manulani, Maunalei, Maunawili, R.J. Pfeiffer*), Matson calls Guam weekly via the West Coast and Honolulu then outbound from Guam to East Asia. APL operates two vessels (*APL Guam, APL Saipan*) that call Pusan, Yokohama, Saipan and Guam fortnightly.

Since its inception in 1996, the Maritime Security Program has explicitly granted MSP operators the right to call Guam from the U.S. mainland or while engaged in foreign trade. Section 652(b) of the 1996 Act provided that an MSP vessel: "...shall be operated exclusively in the foreign trade or in mixed foreign and domestic trade allowed under a registry endorsement under Section 12105 of Title 46 of the United States Code..." Section 12111, provides that a vessel for which a registry endorsement is issued: "...may engage in foreign trade or trade with Guam..."

The current statute, enacted in 2003, similarly provides that MSP vessels "...shall be operated exclusively in foreign commerce or in mixed foreign commerce and domestic trade allowed under a registry endorsement..." Moreover, both the 1996 and 2003 MSP statutes reinforce the distinction between Guam and the major domestic or Jones Act offshore – for example: Hawai'i, Alaska and Puerto Rico – where MSP vessels are not permitted to trade – by providing that, Guam apart, an MSP vessel "...shall not otherwise be operated in coastwise trade."

Therefore, there cannot be a dispute that APL, as every other MSP operator – including Waterman – is fully authorized to call Guam with MSP vessels.

This is what Matson wants to change to regain its monopoly.

The treatment of Guam, in contrast to Hawai'i, Alaska and Puerto Rico, represents a recognition by Congress of the small size of the Guam market and its remoteness from primary commercial trade routes between the U.S. mainland and Asia, and reflects Congressional recognition of the need to encourage U.S.-flag service there.

This condition has publicly been acknowledged by Matson's President and CEO Matthew Cox. On August 22, 2016, in an interview with Guam's local news station, KUAM, Cox stated: "Guam has always been a two-carrier market...I do think that the natural state is a two carrier market from the U.S. and I think that provides many of the customers a good choice... so I think Guam is relatively well-served."

The need for U.S.-flag service to and from Guam has taken on increased importance given the dramatic Department of Defense (DOD) buildup that Guam is experiencing. DOD has been outspoken in support of the

APL service. This support is evidenced, among other things, by DOD's statutorily required findings that the two APL vessels calling Guam, the *APL Guam* and the *APL Saipan*, are "militarily useful" and in the "best interest of the United States" in the context of their planned service to Guam.

Also, it must be noted, under the 2003 MSP statute, Matson, as a Jones Act carrier, is eligible to participate in MSP and to continue to serve all of the domestic offshore trades, including Hawai'i and Alaska, while APL, as an MSP operator, is totally barred from those ports of call with any of its vessels.

On March 23, Guam's Governor Eddie Baza Calvo, wrote to key members of the Senate Appropriations Committee, the Senate Commerce, Science and Transportation Committee, the House Appropriations Committee, the House Armed Services Committee, Transportation Secretary Elaine Chao and General Darren McDew, Commander of the U.S. Transportation Command, strongly opposing Matson's move to modify the Maritime Security Program and supporting APL's service to Guam.

On April 7, your secretary sent the following letter to Matson's Mr. Cox:

"It is my understanding that Matson is spearheading an effort to legislatively modify the Maritime Security Program (MSP) to prevent American President Lines' vessels from calling Guam.

While this initiative would benefit Matson by restoring its U.S.-flag Guam monopoly, it would be detrimental to the U.S. Merchant Marine by jeopardizing the Maritime Security Program.

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- | | | | |
|--------------------|------------|----------------|------------|
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Long Beach names new Port Director

The Federal Maritime Commission (FMC) announced this month that Commissioner Mario Cordero will leave his position at the FMC in May in order to accept the job of Executive Director of the Port of Long Beach.

The Long Beach Board of Harbor Commissioners voted in April to hire Cordero to run the port. He intends to continue his service to the FMC through Friday, May 12. He will assume his duties at the Port of Long Beach on Monday, May 15.

In his new position, Cordero will be responsible for daily leadership of the country's second busiest container port. When considered in combination with the neighboring Port of Los Angeles, the two complexes are the largest gateway by volume for international commerce entering and leaving the United States.

"It has been a privilege to serve on the Federal Maritime Commission these past six years, and it was a distinct honor that during my tenure I was entrusted with the Chairmanship of the agency," said Cordero. "The Commission is routinely at the front of critical issues affecting international trade and I am proud of the work my fellow Commissioners and the dedicated staff of the FMC did on topics related to congestion, supply chain efficiency, and guaranteeing a competitive marketplace for ocean transportation services even as the industry consolidated. I will always fondly remember my time at the Commission, and the people with whom I worked."

A native of Southern California, Cordero began his service on the FMC in June 2011. In April 2013, he was designated by President Barack Obama as the Chairman of the Commission, a position he held until January of this year when President Donald Trump designated Khouri as Acting Chairman.

Prior to his service on the Commission, Cordero was a Commissioner on the Port of Long Beach Harbor Commission and an attorney in private practice.

Final Departures

- | | |
|---|--|
| Raymond Carreau , Book No. 4116. Born in Canada in 1921. Joined SUP in 1946. Died in Seattle, Washington, March 11, 2017. (Pensioner) | George Mendoza , Book No. 6392. Born in California in 1928. Joined SUP in 1944. Died in the Philippines, February 16, 2017. (Pensioner) |
| Edward Coester, Jr. , Book No. 4749. Born in Washington in 1946. Joined SUP in 1965. Died in Wenatchee, Washington, April 1, 2017. (Pensioner) | Troy Tichenor , Book No. 3149. Born in Texas in 1927. Joined SUP in 1948. Died in Arcadia, California, March 13, 2017. (Pensioner) |

Anti-Union legislation to prevent port slowdowns introduced in the Senate

Legislation was introduced last month in the U.S. Senate aimed at preventing labor Union slowdowns at ports.

The bill, known as the Prevent Labor Union Slowdowns (PLUS Act), S.702, is sponsored by Senators Jim Risch (R-Idaho), Mike Crapo (R-Idaho), and David Perdue (R-Georgia).

"Experience has demonstrated that frequent and periodic disruptions to commerce in the maritime industry in the form of deliberate and unprotected labor slowdowns at the ports of the United States have led to substantial and frequent economic disruption and loss, interfering with the free flow of domestic and international commerce and threatening the economic health of the United States, as well as its citizens and businesses," S.702 says. "Such frequent and periodic disruptions to commerce in the maritime industry hurt the reputation of the United States in the global economy."

Senator Crapo said, "Idaho farmers, ranchers, producers and manufacturers suffered significant losses due to the West Coast port slowdown in late 2014."

Work slowed at U.S. West Coast ports in 2014 and 2015 when the International Longshore and Warehouse Union (ILWU) and employers were negotiating a new labor contract for West Coast dockworkers.

The Pacific Maritime Association, which negotiated the contract with the ILWU, said the ILWU's actions "needlessly brought West Coast ports to the brink of gridlock," and temporarily suspended weekend vessel operations in February 2015. *[Editor's Note: What PMA fails to mention is that it locked-out the ILWU by not calling gangs when ships were in port.]* A contract agreement was finally reached later that month and ratified in May 2015, more than a year after the contract talks began.

The three senators said S.702 would change the National Labor Relations Act, defining a labor slowdown by maritime workers as an unfair labor practice, and would prevent massive financial damage

to the food and other industries. A similar bill, S.1630, was introduced in June 2015.

"Local businesses in Idaho have experienced significant financial loss due to labor Union disputes beyond their control," Senator Risch said. "By qualifying the 'slowdown' tactic as an unfair labor practice, this bill will ensure businesses can continue to import and export their goods regardless of these disputes." Senator Crapo said the legislation "will enable Idaho's business community to remain competitive when faced with labor disputes outside the state and out of our control."

"The slowdown method is detrimental to port managers because remuneration for full benefits and salaries is required, and replacing or firing employees cannot occur," a press release issued by Senator Risch's office said. "In addition, since a slowdown is currently restricted from classification as an unfair labor practice under federal labor law, port managers lack the power to call in an order from an arbiter during contract negotiations directing workers to work at a normal pace. These disputes have resulted in both shipping companies and port managers terminating their contracts to service individual ports."

"The U.S. Potato Board estimates that in 2015, West Coast slowdowns caused massive financial damage to the food industry, including a \$50 million loss to the Idaho potato industry," the release said. "Other estimates include \$70 million in wasted fruit in Washington, and \$40 million per week loss in meat sales."

The release added the PLUS Act would allow "injured parties to file civil actions in federal court to seek double augmented damages resulting from slowdowns, as well as recover their attorney and expert witness fees and costs."

Neither the ILWU nor the International Longshoremen's Association (ILA), the Union which represents dockworkers on the East and Gulf Coast, had an immediate comment on the legislation.

DEFEND THE JONES ACT SUPPORT THE SUP POLITICAL FUND

SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2017:

	Hdq.	Branch
May	8	15
June	Tues. 13	19
July	10	17
August	14	21
September	11	18
October	Tues. 10	16
November	Tues. 14	20
December	11	18

West Coast Sailors

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- Gunnar Lundeborg,**
President/Secretary-Treasurer
- Teresa Anibale, Editor**
BRANCH OFFICES
- Seattle, WA 98199
- 4269 22nd Ave. W. (206) 467-7944
FAX: (206) 467-8119
- Wilmington, CA 90744
- 533 N. Marine Ave. (310) 835-6617
FAX: (310) 835-9367
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Union hits fines levied on Aussie sailors forced off their ship

The Maritime Union of Australia (MUA) and the International Transport Workers' Federation (ITF) Cabotage Task Force has condemned as "unbelievable" the fines levied by Australia's "Fair Work Ombudsman" against crewmembers of the *MV Portland*.

The five-person crew was forcibly removed from the ship in January 2016 after the government issued a waiver of Australia's cabotage law allowing it to operate instead with foreign crew sourced from low-wage countries.

"This is shameful, unbelievable news," said ITF Cabotage Task Force Chair James Given. "These men were defending their jobs when they were ejected from the ship that was their workplace in a dawn raid. Pursuing them in the court literally adds insult to injury."

"These hardworking Australian seafarers have been replaced by flag-of-convenience shipping which pays exploited foreign workers as little as \$2 an hour and registers ships in places like Liberia, Mongolia and Panama as part of one of the biggest tax avoidance scams on the

planet," said ITF President Paddy Crumlin. Crumlin is also President of the MUA. "One of the replacement vessels for the *MV Portland* even got busted for paying bribes in Nigeria and Argentina," he added.

"What is going on here?"

The Australians had refused to sail the ship to Singapore where it was to be turned over to the new crew. They were woken up at 0100 on the morning of January 13, 2016, by security guards, marched off the ship and dumped on the Portland, Victoria, wharf.

The government agency pressing the claim is now asking for \$10,800 in fines from each one.

None of the workers has been able to find stable employment in the intervening year, according to the MUA. The government has also levied a fine of \$54,000 on the MUA in relation to the case and has ordered it to pay \$500,000 to the ship's owner, Alcoa.

Before the incident, Australian mariners had operated the vessel in the country's domestic trades for almost three decades.

MarAd concerned about mariner shortage

Maritime Administration (MarAd) Executive Director Joel Szabat said this month during testimony to the House Subcommittee on Coast Guard and Maritime Transportation that the decline in the U.S.-flagged domestic fleet and international commercial fleet is concerning and that there are not enough qualified mariners to sustain an activation of the entire sealift fleet, though there has never been a full activation of the entire sealift fleet.

Szabat noted there are three programs that ensure there are enough U.S.-flag vessels available to provide sealift capacity, including the Jones Act, which requires the use of U.S.-flag ships and mariners in domestic trade; cargo preference, which requires certain cargo, including food aid, be transported on U.S. ships; and the Maritime Security Program (MSP), which provides a stipend to operators of 60 U.S. ships engaged in foreign trade that are considered to be militarily useful.

The MSP is scheduled to receive around \$300 million for FY 2017 and provides a stipend of around \$4.9 million per vessel. Sixty of the 81 U.S.-flag ships that trade internationally full time participate in the MSP program.

MarAd also manages and maintains a fleet of 45 ships in the Ready Reserve Force that can be activated in five days to transport cargo, and one off-shore petroleum discharge vessel that can be activated within 10 days.

"In many ways, the Maritime Administration serves as a component command of the USTRANSCOM (U.S. Transportation Command) in providing 46 of the 61 vessels that they need out of the surge fleet," Szabat said.

Szabat said MarAd has a responsibility to come back to Congress with a list of options. "And we owe it to our new political team as they come on board to vet those options to determine what the recommendations would be, so I can't speak to our recommendations, but I can speak broadly to what the range of options are," he said.

MarAd has estimated that the U.S. has a shortage of about 2,000 mariners, and that one logical way to overcome that shortage would be to add 40-45 vessels to the U.S. commercial fleet, Szabat said.

Szabat said that could be done through "expansion of the MSP or an MSP-like program where we include vessels not just for their military capability but for their ability to serve in commerce but also to employ enough mariners so that the pool is large enough to meet our national security needs. The second way, which would not involve a direct subsidy, or a direct stipend to the vessels would be trade policies."

The trade policies could require certain U.S. exports to be carried on U.S.-flag vessels, or bilateral agreements with countries like China that would require a certain number of vessels to sail under the U.S. flag.

In February, Representative John Garamendi (D-California) introduced the Energizing American Maritime Act (H.R. 1240), that would require 15% of the liquefied natural gas (LNG) and crude oil exported from the United States be carried on U.S.-flag ships from 2020 to 2024, with the percentage increasing to 30% in 2025 and subsequent years.

"If we're going to export a strategic American resource such as natural gas and oil, it ought to be on American-built ships with American sailors, thus providing a solution to the overarching problem," Garamendi said.

Szabat said the Government Accountability Office indicated that Garamendi's proposal would mean about 30 additional ships for moving LNG and 9-10 ships moving oil under the U.S. flag.



SUP gang in Matson Navigation Company's *Kauai* on March 30, in Oakland, from the left: Mike O'Boyle, Arsenio Purganan, Bosun Frank Portanier, Spencer Thompson with the standbys in the back: James Linderman, Hal Thomas, and John Linderman.

Trump signs bill making it easier for employers to hide workplace injuries

President Donald Trump signed legislation this month loosening the reporting requirements that employers face when workers get hurt or sick due to their jobs.

By scuttling a rule issued by former President Barack Obama, Trump and Republicans in Congress have effectively shortened the amount of time that employers in dangerous industries can be required to keep accurate records of worker injuries — from five years to just six months.

The GOP-controlled Congress used an arcane legislative tool known as the Congressional Review Act in an effort to repeal the Obama regulation last month, drawing sharp rebukes from Democrats. By signing the bill, Trump may be legally preventing the Occupational Safety and Health Administration (OSHA) from rolling out a similar rule in the future.

Workplace safety experts warn that the rollback of the OSHA record-keeping rule will enable unscrupulous companies to fudge their injury data and conceal ongoing hazards from regulators. That, in turn, could make it harder for OSHA to identify recurring problems at particular employers and in broader industries.

"This will give license to employers to keep fraudulent records and to willfully violate the law with impunity," Debbie Berkowitz, a former OSHA policy adviser now with the National Employment Law Project, said.

Republicans have tried to peel back more than 30 regulations using so-called "resolutions of disapproval" under the Congressional Review Act. Such a maneuver enables Congress to nullify rules that were finalized late in the previous presidency but have not yet gone into effect. Because the resolutions only need a simple majority to pass in the Senate, Democrats have not been able to filibuster them.

So far, Trump has signed 11 of the repeals that Republicans have sent his way. Along with killing the OSHA rule, Trump also spiked a regulation limiting hunting on federal refuges in Alaska, and another protecting internet users' privacy. He is expected to sign many other repeals approved by the GOP.

In the case of the OSHA standard, safety experts say the effects of the repeal could be significant. Under OSHA rules, certain large employers in high-hazard industries must keep an accurate record of worker injuries stretching back five years. OSHA uses the data to determine where recurring problems are and how to deploy its resources, while the Bureau of Labor Statistics relies on it to track occupational health trends. If an employer doesn't keep an accurate record of an injury, OSHA can penalize them for it.

But a court ruled in 2012 that federal law gives OSHA only six months to issue a citation from the time the record-keeping violation occurred. Former OSHA officials say they always interpreted the law as giving them five years, not six months, to hold employers accountable for record-keeping failures. So the Obama administration wrote the record-keeping rule to clarify the five-year window.

Republicans deemed the rule an unlawful "power grab" by OSHA, and joined the Chamber of Commerce and other business lobbies in an ultimately successful effort to kill it.

The record-keeping rule is the second major Obama-era labor regulation that Trump and Republicans have managed to repeal. The first one would have made it harder for companies to secure federal contracts if they have a history of egregious labor law violations.

Imports boom at Long Beach

Containers arriving at the Port of Long Beach spiked 20.2% during the month of March, compared to the same month in 2016, pushing the port to its best first quarter since 2007.

Dockworkers at the Port of Long Beach offloaded 249,534 TEUs worth of imports during March, however, shipments to overseas markets continue to face challenges due to the strong dollar, as exports decreased 5.3%, to 120,435 TEUs. The number of empty containers sent out to be refilled overseas numbered 135,413 containers, up 4.2%. In total, the Port of Long Beach moved 505,382 TEUs last month, an 8.7% increase.

The Port of Long Beach had a modest boost in cargo during the first quarter of the year, with overall throughput increasing 1.5% compared to the same period a year ago. All segments of containerized cargo grew year-over-year in the opening quarter of 2017, as imports climbed 2.1%, exports 0.4% and empties 1.5%.

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Navy League panel urges growth in U.S.-flag fleet, maritime infrastructure

During a panel focused on the U.S. commercial maritime fleet at the Navy League's Sea-Air-Space Exposition April 4, at National Harbor, Maryland, participants expressed concern over the decline of the U.S.-flag fleet and argued for its growth as beneficial to both the nation's economic and national security.

Representatives from industry, the Maritime Administration (MarAd) and the Coast Guard focused on the success of the public-private partnership between the maritime community and the government, and discussed ways in which greater investment in the fleet could alleviate a number of problems facing the country, from truck congestion on highways to preventing the weaponization of commerce during peacetime.

James Caponiti, President of the American Maritime Congress, outlined the three-legged stool on which the American maritime community depends: the Maritime Security Program, cargo preference and the Jones Act.

All the panelists saw a future for the maritime community in the development of marine highways and greater use of inland waterways. Domestic and international freight flow is expected to increase by nearly 45% in the next 30 years and the population of the United States will increase by 80 million over the same period, Caponiti said.

Those numbers mean the United States will need to move an additional 7.3 billion tons of cargo, placing stress on all aspects of our shipping capacity. Using inland waterways could alleviate the stress this will put on highways and rail infrastructure. The Marine Highway would take significant numbers of trucks off the highways, alleviating congestion.

Additionally, the Jones Act and the maritime community play a crucial role in homeland security. As Tom Allegretti, Chairman of the American Maritime Partnership (AMP) and President and Chief Executive Officer of the American Waterways Operators, pointed out, the southern U.S. border, which has received significant national attention, is 1,900 miles long, while the nation's navigable water borders are 50 times that at more than 95,000 miles. The SUP is a member of AMP.

Panelists argued the security of America's maritime borders is augmented by the Jones Act – that requires that all goods transported by water between U.S. ports be carried on U.S.-flag ships, constructed in the United States, owned by U.S. citizens, and crewed by U.S. citizens and U.S. permanent resident – and security oversight from the Coast Guard. Without the Jones Act, they said, foreign actors would have unfettered access to the nation's infrastructure, waterways and ports, and that kind of access could empower smuggling, illegal migration and intelligence collection.

MarAd Deputy Associate Administrator for Commercial Sealift Anthony Fisher made a big-picture push for why the United States must grow its commercial fleet, arguing its bigger than protecting U.S. commerce. As he noted, without a U.S. fleet, the economy has a "kill switch:" there is no way for the U.S. government to compel foreign-flag ships to service a U.S. port during a time of war, leaving a trade-dependent country vulnerable.

Fisher said peer competitors are making their own investments in their fleets and have their own cabotage laws. The Chinese are the clearest example of foreign aspirations to maritime dominance; they have grown their flag fleet by more than 400% to become the world's largest shipbuilder. And with their \$1.7 trillion investment in their One Belt, One Road initiative, the Chinese are making serious investments in their own shipping capabilities.

Fisher argued that these investments demonstrate that the Chinese understand commercial maritime dominance, which he fears more than military dominance.

"Commercial maritime dominance can be weaponized in peacetime," he said.

Fisher dryly noted after a question about parallel Chinese investments in its Coast Guard and submarine fleet, "The Chinese and other nations have read their Mahan," referring to military strategist Alfred Thayer Mahan, a proponent of sea power and strategic importance of the maritime commons.

Icebergs disrupt North Atlantic shipping

An unusually large number of icebergs have drifted into the shipping lanes of the North Atlantic in recent weeks, forcing vessels to detour well to the south to avoid danger. Icebergs have even been spotted outside of the Coast Guard's ice navigation warning area, prompting at least one notice to mariners urging additional caution.

"I've never seen anything like it in my decade of experience," said U.S. Coast Guard Commander Gabrielle McGrath, Commander of the USCG's International Ice Patrol IIP), in a recent interview. McGrath says that recent storms have led to a larger and earlier spring breakup: IIP's satellite observations recently identified 455 icebergs in one week, five times the average in years past.

The hazard is forcing mariners to alter their course or to throttle back, with delays in the range of one to one-and-a-half days. One vessel manager told the *Associated Press* that one of his ships recently suffered damage after it struck ice, requiring time out of service for repairs.

Offshore activity has also been affected. On March 29, the oil firm Husky Energy reported a close encounter between an iceberg and the *SeaRose* FPSO (Floating Production Storage and Offloading) vessel, which is permanently anchored at Husky's White Rose field about 200 nm off Newfoundland. The 30-foot-tall berg came to within about 200 yards of the vessel. Husky said that it had been monitoring the iceberg's approach, and that the berg changed course towards the *SeaRose*. As a precautionary measure, the FPSO operator depressurized the production wells, flushed flowlines with water and mustered the crew in preparation for a potential disconnect from the sub-sea production system. The iceberg passed by without further incident.

**DEFEND THE MARITIME SECURITY PROGRAM
SUPPORT THE SUP POLITICAL FUND**

"America: Keep it Moving" campaign launched by U.S. port association

The American Association of Port Authorities (AAPA) has announced the launch of a campaign that will advocate for transportation infrastructure investment on behalf of the nation's manufacturers, farmers and other workers who count on modern and efficient seaports to move American products to vital overseas markets.

Called the "America: Keep It Moving" campaign, AAPA's U.S. members in the coming months will coordinate actions to inform policymakers, and those who influence policy, about the job-creating power of U.S. ports as the Trump Administration and Congress consider plans for national infrastructure improvements and funding.

"The nation's seaports serve a vital role in U.S. job creation, economic prosperity and international competitiveness," said AAPA President and CEO Kurt Nagle. "To help American businesses compete in overseas markets, the Administration and Congress must make investments today to build a 21st century seaport infrastructure."

The health of U.S. port infrastructure affects not only coastal, Great Lakes and river communities, but has a nationwide impact. Port activity supports 23 million American jobs and generates \$321 billion in federal, state and local tax revenue each year. According to a 2015 Martin Associates report, the total value of economic activity related to America's ports is \$4.6 trillion, representing 26% of the U.S. economy – and projected to reach 60% by 2030.

The U.S. Chamber of Commerce notes that one of every three acres on American farmland is planted for export markets, and nearly 12 million jobs are supported by exports nationwide, including a quarter of all manufacturing jobs.

Infrastructure investment impacts how efficiently U.S. goods are transported to port facilities for export. Among the highways that take U.S. goods to market, some 1,200 miles of the nation's road, bridges and tunnels serve as vital freight connections to ports, much of which is in dire need of investment. According to

the American Society of Civil Engineers, the cost of deficient highways could cost U.S. businesses and households up to \$575 billion by 2025, reaching a \$3.2 trillion loss by 2040.

The volume of freight in the U.S. is projected to grow more than 40% by 2045, while the value of that same freight is projected to increase about 92%, according to the U.S. Department of Transportation. By 2037, the U.S. will export more than 52 million shipping containers through U.S. seaports each year.

To meet the growing demand, AAPA is working to make seaports a key priority for policymakers considering plans for investment in U.S. infrastructure, and is advocating for the following:

- **Elimination of Bottlenecks and Expanded Capacity:** Increasing investments in U.S. Department of Transportation programs that target seaport infrastructure, including FAST Act freight programs, and the StrongPorts and marine highways programs.

- **Modernized and Fully Maintained Federal Navigation Channels:** The U.S. Corps of Engineers Coastal Navigation program that manages the maintenance and modernization of federal navigation channels should be fully funded, along with NOAA's navigation programs that ensure safe vessel passage.

- **Secure Ports and Borders:** Adequate staffing and resources for Customs and Border Protection (CBP) and the U.S. Coast Guard are critical, along with making port authority projects a high priority for FEMA Port Security grants.

- **Environmental Protection:** Federal investments help ports reduce the environmental impact of freight transportation. These investments can help make ports resilient to natural disasters and other potential hazards to avoid a long-term disruption of the nation's freight transportation system.

"With American jobs at stake, we must prepare the nation's infrastructure to meet a growing demand for the safe, efficient movement of freight," said Nagle. "To keep America moving, the time to invest in port infrastructure is now."

Senators introduce bill to address marine debris

Senators Dan Sullivan (R-Alaska), Sheldon Whitehouse (D-Rhode Island) and Cory Booker (D-New Jersey) this month introduced S. 756, the Save our Seas (SOS) Act, to help address the marine debris epidemic affecting America's ocean shorelines and inland waterways, as well as other coasts across the globe. Senators Chris Coons (D-Delaware), Jim Inhofe (R-Oklahoma), Lisa Murkowski (R-Alaska), Gary Peters (D-Michigan) and Thom Tillis (R-North Carolina) have also co-sponsored the bill.

"The global marine debris problem threatens treasured natural areas, endangers iconic wildlife species, and litters shorelines in Alaska and around the world," said Sullivan. "It is time for our government to hold accountable the countries responsible for the majority of the debris in our oceans. This bill encourages the Trump Administration to forge alliances with these countries and to take a stand against the dangerous levels of debris in our oceans and make sure that they do not reach America's coastlines. I am honored to work on a bipartisan basis in the Senate to provide NOAA (National Oceanic and Atmospheric Administration) with the necessary resources to clean our beaches and protect our coastlines for future generations."

The Save our Seas (SOS) Act works to address three critical areas:

- Allow the NOAA Administrator to declare severe marine debris events and authorize funds to assist with cleanup and response. The governor of the affected state may request the NOAA Administrator to make this declaration.
- The bill would reauthorize NOAA's Marine Debris Program through FY2022. Its mission is to conduct research on the source of marine debris and take action to prevent and clean up marine debris.
- Encourages the Executive Branch—led by the U.S. State Department—to engage with the leaders of nations responsible for the majority of marine debris, examining the causes of ocean debris, effective prevention and mitigation strategies, and the economic benefits for treaty nations in addressing the crisis.

Foreign vessels rack up fire fighting detentions in U.S.

Foreign vessels detained in the United States because of fire safety deficiencies rose for the third straight year, even as overall detentions dropped.

According to the U.S. Coast Guard's Port State Control in the United States 2016 annual report, released on April 14, firefighting and fire protection systems topped the detention list, representing 27% of cases. That compared with 21% in 2015, when fire safety was also the highest deficiency category, and 17% in 2014, when it ranked third overall.

Firefighting-related safety issues also topped the list in 2013, when it accounted for 31% of all detentions.

"As in 2015, there were a high number of detentions issued due by port state control officers [PSCOs] identifying quick-closing fuel shut-off valves on fuel oil tanks blocked in the open position," said Paul Thomas, the agency's top safety official, in explaining the 2016 results. "Additionally, there were detentions issued for inoperable main fire pumps, and instances where manual valves on hyper-mist systems located in unattended machinery spaces were discovered in the closed position, rendering the system inoperative."

While fire safety issues continued to be a top safety concern, total foreign-vessel detentions for safety and environmental deficiencies were cut in half, from 202 in 2015 to 103 last year. Ships detained in 2016 for security-related deficiencies decreased from 11 to 8.

Thomas noted that the sharp overall decrease "may be a sign that owners and operators are putting greater emphasis on ship maintenance," even as shipowners struggle to generate enough revenue to turn a profit in many business lines.

He pointed out that illegal oil dumping—violations under MAR POL Annex I—has also declined over the past few years. However, detentions, civil penalties, and criminal prosecutions for such violations persist. "When [oily water separator equipment] is discovered to be intentionally bypassed, or when PSCOs are presented with a false record book or given a false statement during a PSC examination, the United States will continue to enforce our laws and treaty obligations, as well as pursue available domestic enforcement options, whether civil or criminal."

Foreign-flag Princess Cruise lines paid a record \$40 million fine in the United States in December for deliberately dumping untreated oil waste.

Keeping up with its mandate to enforce safety and environmental regulations, in addition to carrying out its other missions, could prove a challenge for the USCG in 2017. President Donald Trump's Administration has threatened to slash the Coast Guard's budget by 14%.

"There would be very painful but necessary decisions that we would have to make" if such a cut were carried through, USCG Commandant Paul Zukunft told lawmakers at a Senate hearing in March. However, he added, "I'm confident and sleeping well that we're going to navigate through this when the final budget rolls out in May."

Alaska offshore oil driller violates Jones Act: fined \$10 million

An Alaska natural gas producer has agreed to pay the U.S. government \$10 million in what amounts to the largest penalty ever levied in the history of the Jones Act, the U.S. Justice Department said this month.

But the penalty against Furie Operating Alaska was crafted in part with the natural gas needs of Southcentral Alaska in mind, said Richard Pomeroy, the Assistant U.S. Attorney who represented the U.S. Department of Homeland Security in the case.

After violating the Act in 2011, Furie discovered natural gas in the Kitchen Lights Unit in Cook Inlet, helping resolve concerns about a looming gas shortage in Alaska's most populated region. Now Furie produces some of the fuel that heats homes and provides electricity across the region.

"I think it's a good settlement for everyone," Pomeroy said. It shows that the government takes violations of the Jones Act seriously, he said. It also supports continued operations in Cook Inlet by Furie, in part because payments can be made over several years, smoothing out the impact to Furie, he said.

The Jones Act (Merchant Marine Act of 1920) preserves U.S. jobs and the U.S. transportation and shipbuilding industries by requiring that American ships and crews be used to haul goods from one U.S. port to another. A waiver can be obtained from the Secretary of

Homeland Security if no U.S. ship is available and the transport is considered important to national defense.

The company violated the Act when it used a foreign ship to haul the Spartan 151 jack-up drill rig from Texas to Alaska. U.S. Customs and Border Protection, an agency within Homeland Security, assessed a penalty of \$15 million. Furie sued the federal agency in 2012.

Furie has applied for a waiver but was denied when the department said U.S. vessels were available to carry the drilling rig. Furie disagreed and sought reconsideration of the denial. It began moving the rig, believing a waiver would be granted. "They assumed incorrectly," Pomeroy said.

Furie officials reached by email declined to comment. The company is based in League City, Texas.

The Jones Act allows the value of the transported merchandise to be factored into the penalty. Pomeroy said the drilling rig's value was assessed between \$12 million and \$15 million.

Justice Department approval of a settlement was delayed for months after a preliminary agreement was reached in 2016. In a January 31 court filing, Pomeroy said the paperwork was apparently lost, after it had been sent to different sections within the agency, and key employees had left. He said it caused "embarrassing" delays.



ABs Jennifer Corner and David Ibarra in the APL Philippines getting the gangway ready before arrival in Shanghai last month.

Matson to partner with SSA Terminals at Tacoma

Matson Navigation Company, a subsidiary of Matson Inc., will partner with SSA Terminals (SSAT) for stevedoring and terminal services at the Port of Tacoma.

Matson currently uses APMT at the Pacific Northwest port, but the agreement will expire December 31, 2017. Tacoma is the only Matson terminal on the U.S. West Coast not handled by SSAT, Matson said.

"APMT has served us well. It just makes more sense to work with our strategic partner at Tacoma as we do at all of our other terminals on the West Coast," said Ron Forest, Senior Vice President, Operations, for Matson. "We expect a seamless transition and no change in our Tacoma operations from a customer standpoint."

Shipping groups express opposition to proposed California container tax

Approximately 100 groups representing shippers, distributors, transportation and logistics business have written a letter to the South Coast Air Quality Management District (SCAQMD) in California that they oppose its plans to impose a tax on container shipments to fund incentives for further reducing ozone levels.

The SCAQMD is the air pollution control agency for Orange County and major portions of Los Angeles, San Bernardino and Riverside counties, which includes the ports of Los Angeles and Long Beach.

In its draft funding plan, the SCAQMD said the \$35 per TEU fee could be used "to help fund deployment of near zero and zero emission trucks operating in and out of the ports" and for cargo handling equipment at the port as well as incentives for cleaner vessels and locomotives.

"It is our strong belief that the container tax proposals sought by the SCAQMD present significant legal issues and were drafted without any consideration as to the impact that the tax would have on jobs or port competitiveness," the letter said. "The lack of analysis and lack of outreach to the trade community is troubling and discouraging. Past efforts have repeatedly failed due to the serious economic injury such a tax would cause California. It is for these reasons that we urge you to reconsider your position and efforts in Sacramento to implement a container tax."

The Pacific Merchant Shipping Association said in its March West Coast Trade Report newsletter that the \$100 per TEU fee proposed by the SCAQMD Legislative Committee would also be imposed on shipments moving through the Port of Oakland.

Last month, the SCAQMD adopted a plan that it said would "improve the health and lives of all residents across our region" by reducing ozone and particulate matter emissions as required by the federal Clean Air Act. The blueprint was adopted by the California Air Resources Board and was then forwarded to the United States Environmental Protection Agency.

Sam Atwood, a spokesman for the SCAQMD, said the plan seeks to reduce ozone to 80 parts per billion by 2023 by reducing emissions of nitrogen oxides (NOx) by 45% from current rules and regulations, and an additional 10% reduction in NOx to meet a requirement to reduce ozone to 75 parts per billion by 2031. He said the goals are extremely challenging and that SCAQMD's analysis said it will take \$1 billion per year over the next seven to 15 years.

The proposed container fee is contained in a separate "Funding Action Plan" that identifies about two dozen possible ways to fund the goals set out by the SCAQMD, Atwood said. He noted the container fee is a "concept" and that "there is no proposed legislation which would be needed at a state level to enact it."

The SCAQMD said the amount of funding needed to achieve the NOx emission reductions associated with the further deployment of cleanest engine technologies proposed in California's "mobile source strategy" and its air quality management plan is "on the order of \$1 billion per year if funding is available beginning in 2017."

Atwood said the SCAQMD may provide funds to create incentives to replace older, dirtier trucks, particularly those used to dray containers to and from the ports; increase the number of ships that are "cold ironing" or using shore power when in port; and to fund so-called "sock on a stack" systems, where exhaust fumes from ships are captured and cleaned while they are docked.



THE TRUSTEES OF THE SAILORS' SNUG HARBOR IN THE CITY OF NEW YORK

History

The Trustees of the Sailors' Snug Harbor (SSH) was incorporated in 1806 as the result of a bequest made by Captain Robert Richard Randall, a wealthy New York merchant. It was Captain Randall's desire to have his estate utilized to assist 'aged, decrepit and worn-out seamen...'

Who We Are

SSH is a non-profit organization whose mission is to financially aid retired career mariners with a proven need of assistance. SSH no longer owns or operates a retirement facility for mariners in Sea Level, NC, Staten Island, NY or anywhere else. Today, we assist mariners in their home communities.

Whom we assist

We offer support to career mariners who can demonstrate they have a need for financial assistance and meet the following requirements:

- 2555 days of deep sea time, at least 5 years on U.S. flagged ships or 14 years working on inland waters
- 65 years of age or older (exceptions may be made if mariner is disabled)
- Proven need for financial assistance
- An individual with at least \$50,000 in assets will not be eligible (primary residence excluded)
- All public benefits available to a mariner must be accessed (if eligible) before any subsidy from SSH is approved. For example, VA benefits, Medicaid, food stamps etc.

More than 16,500 mariners have been assisted since its inception in the early nineteenth century.

Each interested Mariner must complete an application that requires detailed information about present living arrangements, financial history etc.

Contact Sailors' Snug Harbor

If you have any questions or are in need of assistance, please call our Mariner Counselor at 1-888-257-5456. The web site www.thesailorssnugharbor.org includes our application. If you do not have access to a computer, please call and we will send you one.

We look forward to hearing from you.

40 Exchange Place, Suite 1701 New York, New York 10005
Tel: 646-465-8585 1-888-257-5456 Fax: 212-513-0243
Website: www.thesailorssnugharbor.org Email: info@thesailorssnugharbor.org

Trump Administration moving ahead with ending Jones Act exemptions

The Trump Administration appears to be moving ahead with an Obama Administration proposal aimed at reversing long-standing Jones Act exemptions and is not considering weakening its criteria for waivers from the maritime law, a U.S. Customs and Border Protection (CBP) spokeswoman said.

Those waivers "may only be granted if necessary in the interest of national defense," as they traditionally have been, Katrina Skinner, the CBP spokeswoman, said this month. The issue centers on a change CBP proposed on January 18, just two days before the Obama Administration ended, that would revoke decades of rulings allowing foreign-built vessels to transport certain equipment, such as repair pipe, between U.S. ports and oil and gas operations in U.S. waters.

The change, which is backed by the U.S. maritime industry and a bipartisan swath of Congress, would represent a significant strengthening of the federal government's enforcement of the Jones Act. The 100-year-old Jones Act requires vessels transporting goods between U.S. ports to be U.S.-flagged, U.S.-built and majority U.S.-owned.

The proposed change is opposed by drilling and marine contractors and the American Petroleum Institute (API), which released a study claiming the change could reduce oil and natural gas production in the U.S. Gulf of Mexico by about 500,000 barrels over the next 13 years.

In her statement, CBP's Skinner said the agency was accepting comments on the proposed change through April 18, and is expected to issue a decision on the potential change by mid-May. While Skinner declined to comment further, sources said the Trump Administration has indicated that it plans to go forward with the proposed change and will likely oppose any efforts seen as weakening the Jones Act.

Proponents of the change pointed to initial statements made by members of Trump's cabinet in favor of the maritime law.

"The Jones Act is the law of the land and it will be obeyed unless the Congress changes its mind on that," Transportation Secretary Elaine Chao said during her January 11 confirmation hearing.

"I intend to consult closely with Congress on any Jones Act-related issues and ensure that our position in trade negotiations does not undermine our ability to enforce the statute," U.S. Trade Representative Robert Lighthizer said during his March 17 confirmation hearing.

During a press call this month, Jack Gerard, API's President and CEO, said his trade association was not pushing for a repeal of the Jones Act, but said the exceptions needed to stay in place since there were not enough U.S.-flagged vessels available to meet demand from U.S. Gulf operations.

But Aaron Smith, president and CEO of the Offshore Marine Service Association, said this issue will be solved by ending the long-standing exemptions that have allowed companies to "skirt" the Jones Act. "The only relevant economic impact is the adverse impact that CBP's erroneous rulings have had for decades on US shipowners, mariners and shipyards," Smith said. "CBP's course correction ensures that more ships will be built in U.S. shipyards employing U.S. citizens."

In a March 30 letter to Department of Homeland Security Secretary John Kelly, 30 House members, including seven Democrats, wrote that the exceptions, which they called "flawed letter rulings," have hurt U.S. maritime and shipyard industries. "The CBP action restores the integrity and intent of the Jones Act in the offshore maritime industry, and will create American jobs and opportunities to the benefit of our national and economic security," the House members wrote.

The Obama Administration initially proposed ending Jones Act exemptions in 2009, but faced opposition including within the Administration, and apparently delayed the effort until January 18.

Thai human traffickers jailed for slavery aboard fish boats

Thailand's Trang Provincial Court has sentenced six defendants to 14 years behind bars for the human trafficking of migrant workers onto fishing vessels.

The six defendants sentenced in Trang included the former chairman of the Trang Fishing Association and owner of Boonlarp Fishing Company, Sompon Jirotemontree, who ran his fishing vessels using forced and slave labor, and Somjit Srisawang, who helped supply Sompon's business with trafficked laborers from Myanmar.

As well as the 14 year sentences, the Boonlarp Fishing Company was also given a 600,000 baht fine (\$17,321), while the victims were awarded 1.9 million baht (\$54,849,903) compensation. Four other defendants were released.

Sompon, Somjit and six others were arrested on November 7, 2015, after the British-based charity Environmental Justice Foundation (EJF) shared a detailed dossier of evidence of forced labor and exploitation with Thai authorities, including the testimonies of trafficked workers who had managed to escape their boats.

The Trang court's verdict is the culmination of EJF's three-year investigation into the use of slavery in Kantang's seafood industry.

Steve Trent, EJF Executive Director said: "The court's decision is a vital step towards getting justice for the victims of the unspeakable human rights abuses witnessed within Thailand's fishing sector. Coming after a decision by the Ranong Provincial Court in February to acquit two people of their trafficking and abuse charges, this ruling is an important precedent for future human trafficking cases in Thailand and provides hope for many others still awaiting justice. "The prosecution of those people controlling and benefiting from human trafficking, slavery and exploitation has been, and continues to be, an essential tool in the fight against the abuses taking place at sea. By taking definitive action against these individuals and organizations, Thai authorities will help to deter others

from using forced and slave labor, and protect the lives of thousands of vulnerable workers."

In March 2013, EJF carried out its first investigation into trafficked and forced labor on-board Thai fishing vessels in Kantang, detailed in the report "Sold to the Sea" (<http://ejffoundation.org/report/sold-sea-human-trafficking-thailands-fishing-industry>). In EJF's 2015 follow-up "Thailand Seafood Slaves" (<http://ejffoundation.org/report/thailands-seafood-slaves>) report identified and named key individuals involved in a sophisticated system for trafficking, exploitation and violent abuse of vulnerable migrant workers. Intelligence is corroborated by in-depth interviews with victims of slavery escaped from key fishing operators.

The report documented the route and processes used to enslave trafficked workers from Myanmar on to fishing boats; provided detailed eye-witness testimony to the violence and murders at sea on fishing vessels and on land; reported corruption and involvement of local police in the ongoing human rights abuses and illegal fishing operations; and highlighted the nexus between the illegal pirate fishing operations, exploitation and use of bonded, forced and slave labor.

Thailand's seafood industry is worth over \$5.5 billion, employing more than 800,000 people. Over 90% of workers on Thailand's fishing boats are migrants.

Catch per unit effort—the amount of fish caught in one hour of fishing effort—has fallen by 75% and 93% in the Andaman Sea and Gulf of Thailand respectively since the 1960s. This has pushed vessels further to sea—often fishing illegal in other countries waters—and has fueled the use of cheap or unpaid labor.

In April, 2015 Thailand was issued a warning or "yellow card" by the European Union for its failure to combat "pirate" fishing which damages marine environments and threatens human rights. It remains on Tier 2 of the U.S. State Department Trafficking in Persons report for failing to address human trafficking.

ESU Office Assignments

For the month of May,
Leo DeCastro will be in the
Seabrook office.

ESU NEWS

APRIL 2017

Official Publication of the Exxon Seamen's Union

SeaRiver Inc. at it again! AB John McCarthy retires

After the last few years when the profession of being a merchant mariner got turned upside down by numerous additional governmental and international regulations that makes all mariners jump through numerous hoops to maintain our necessary documents in order to sail, along comes SeaRiver with another high hurdle to jump.

SeaRiver now wants to add an additional hardship for fleet personnel that go way beyond the federal and international physical fitness and ability guidelines for seagoing mariners. SeaRiver management has decided that having all fleet personnel perform an "Agility Test", (cycle with Company Long Physical) as they call it and is supposedly based on the USCG NVIC 04-08 physical fitness guidelines. The problem for the ESU is their Agility Test goes far beyond the physical fitness standards established by the U.S. Coast Guard for service aboard ship. Furthermore, some parts of the proposed Agility Test run contrary to everything that SeaRiver Inc. has been practicing and preaching aboard ship over the last 15 years of the Company's Safety Program (LPS) that has been proven to be the best in industry. A program that encourages all fleet personnel to always look to a safer and better way to do the job at hand. This proposed test will subject mariners in certain situations to physical extremes that would never be done aboard SeaRiver vessels and possibly suffering injury in the process.

The ESU was notified verbally of the company's intentions on March 21, and of course we see this as a violation of our Collective Bargaining Agreement and potentially a violation of labor law if they refuse to bargain and make a unilateral change to working conditions. A big question for the Union is why after all this time is the Company introducing this idea? Our safety record in the fleet is second to no one in the industry, so why now? Many of our members think its no more than a thinly veiled age/gender discrimination tool to weed out those that can't keep up with the excessive physical demands of the Company.

SeaRiver has been the leader in the industry in Safety and Environmental Stewardship for numerous years, just a month ago the Company received numerous awards (Personnel Safety, Environmental, Overall Excellence) from ExxonMobil Refining and Supply President Jerry Wascom. So, the question remains WHY have we been so deficient that the Company needs to implement this? It is considered a big slap in the mariners face not only for the unlicensed but also the officer ranks which are not represented. After the last several years of great relations between employee/union and the company where many great milestones have been accomplished it seems that gray days may be ahead if we can't come up with a satisfactory compromise.

The ESU reminds its members to stay focused at the task at hand and be safe, especially during the upcoming influx of the new hires in May with minimal experience. As we go to print the Union is scheduled to meet with the company in Houston on April 21. We are willing to discuss a practical compromise to address our concerns and the company's needs, but make no mistake we will use all our legal paths available to the ESU if the meeting is not productive.

After more than 35 years of combined service in the Exxon/SeaRiver fleet, Able Seaman John McCarthy has elected to retire effective March 31. John first began his career in December 1980 with Exxon Shipping Company as Utility with his first seagoing assignment aboard the *Exxon Philadelphia*. During John's first hitch with Exxon he decided to pursue a career path through the Deck department and sailed as Ordinary Seaman before moving up the ranks to Able Seaman.



After leaving in 1989, he returned two years later in August 1991 as Maintenance Seaman and was stepped up to AB during his first tour on the *Exxon New Orleans*. Already a proven AB, John was quickly promoted in short order. Later in John's career he enrolled in the EREP program where he acquired his Pumpman endorsement and sailed step up a few times in the later part of his time with the Company.

John sailed on just about every ship in the Ocean fleet and during that time he was always a strong supporter of the ESU. He served as Deck Trustee and Board Member at Large and was a valuable part of the ESU Executive Board during numerous rounds of contract negotiations.

During a recent phone conversation with the ESU office, John asked that the ESU pass along to all his former shipmates a heartfelt "thank you" for all the years of sailing alongside his brothers and sisters at SeaRiver and that he will truly miss everyone. The immediate retirement plans include some bucket list items this year, like going to the famous and world renown motorcycle race TT Isle of Mann, in England.

John was always a welcomed presence aboard ship, soft spoken and an enjoyable person to stand a watch with. John's last vessel assignment was the *Liberty Bay*. The Exxon Seamen's Union would like to express its most sincere thanks to John for his support to the ESU throughout his career. The ESU Board and the entire membership wish John the best of times in his retirement.

Mileage reimbursement rate for 2017

As of January 1, 2017, the optional standard mileage rate for all miles of use for business will decrease to 53 cents per mile. Reimbursements made using this rate will satisfy IRS accounting requirements and will not be included in the employee's W-2 income or subject to tax withholding.

Mileage reimbursement is intended to cover normal vehicle operation costs including: gas, oil, repairs, tires, registration fees, licenses, depreciation, lease payments, and insurance. Road tolls and parking fees are not included in the standard mileage reimbursement but are reimbursable when incurred during business travel and submitted with receipts.

Under the current Collective Bargaining Agreement unlicensed employees are permitted to use an automobile for business travel and receive reimbursement from the company. Current contract language states in part, "When an employee uses an automobile as transportation from his/her home to a vessel, to/from a training program, or to/from a meeting, or for other reasons approved by the COMPANY, the employee shall be paid for the actual miles driven for a reasonably direct route at the mileage rate then current for the COMPANY. Actual miles driven shall include round trip mileage when an employee is driven by another person who returns to the employee's home. The COMPANY will also reimburse any tolls actually paid for the trip. In no case will the total payment be greater than the cost of the prevailing coach class airfare as described herein plus ground transportation allowances provided when traveling by air."

Ship reports

S/R American Progress

ESU board officer Leo DeCastro visited the vessel at Copper Shipyard in Galveston on April 9, while the vessel was undergoing minor tank boundaries repairs. After a couple of days, the vessel returned to ExxonMobil Refinery in Beaumont, TX, to load for delivery to Port Everglades, FL. Tentatively, it looks like the *Progress* will leave Gulf service in June to head west for her shipyard period, still not determined if it will take a load to Asia. AB Larry Miles filling in with the Ship Rep. duties and reports everything is going well.

Eagle Bay

The vessel scheduled to load in Valdez, AK and head south for a split discharge between Long Beach and San Francisco. Regular Ship Rep. AB Thor Floreen aboard and in frequent communication with the ESU office. Crew having good ESU meetings and discussions with the members on board about the proposed Agility Test Protocol by the company (see article above). Otherwise, everything else is running smoothly.

Liberty Bay

Leo DeCastro visited the vessel on March 28, in Long Beach, CA. The vessel is scheduled for one more load in Valdez for full discharge at Tesoro 121 in Long Beach, CA around May 1. It will then go out to sea for tank cleaning to prepare for a mini yard period between Port Angeles, WA, where it will conduct a UWILD and rafting operations then shift to Vigor Shipyard in Portland, OR, for surveys and repairs. It is expected to resume its normal trade routes between Valdez, AK, and Southern California the first week of June. Regular Ship Rep. Joe Buffington on board and reports everything going well.

EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

P.O. Box 754, Seabrook, TX 77586

Tel (832) 295-3047 Fax (832) 201-0441

E-Mail: esusea@sbcglobal.net

President/Secretary John Straley

Vice President/Treasurer Leo DeCastro

Board Member at Large Don Picou

Board Member at Large Ein Cooley

Deck Trustee Jeffrey Harris

Engine Trustee William Ackley

Steward Trustee Joel Mitchell

Annual letter carriers' Stamp-Out-Hunger Food Drive, Saturday, May 13

Millions of Americans live from one day to the next uncertain where their next meal will come from – a sad statistic that helps to reinforce the importance of the annual national Stamp Out Hunger Food Drive, to be held this year on Saturday, May 13.

“Letter carriers see many of these folks along our routes each day,” National Association of Letter Carriers, AFL-CIO (NALC) President Fredric Rolando said. “Our food drive can make a positive difference in the lives of those who have been dealt difficult hands.”

This year marks the 25th anniversary of the national drive, Rolando noted. “Our work and our success will be just as crucial this year as ever, since the problem of hunger in this country shows little sign of going away,” he said.

Please leave canned food and other non-perishable food by your mailbox on

Saturday, May 13. Food is delivered by your Union Letter Carriers to local food banks nationwide.

The NALC Stamp Out Hunger Food Drive is the largest one-day food drive in the nation. Since the nation’s largest single-day food drive began in 1993, letter carriers –ably assisted by untold thousands of family members, friends and other volunteers– have collected more than 1.5 billion pounds of non-perishable food left by customers’ mailboxes and delivered to local food banks in more than 10,000 cities and towns in all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands and Guam.

Last year, carriers collected more than 80 million pounds of food, well above the previous record of 77 million pounds.

For more information, check www.nalc.org/community-service/food-drive.

Captain charged with drunkenness after near miss near Copenhagen

Swedish prosecutors have charged the captain of the Estonian-owned cargo vessel *Helt* for intoxication after his ship nearly ran aground northeast of Copenhagen.

On the night of March 10, the 2,100 dwt *Helt* was heading northbound in the Øresund Strait when she altered course and headed for shore near Rydebäck, south of Helsingborg. The marine traffic service attempted to contact the vessel, but they were unsuccessful, and they alerted the Coast Guard. Two patrol boats, the *KBV 034* and *KBV 314*, headed out to intercept the *Helt*.

At the last moment, the *Helt* turned to avoid a grounding. With the danger of serious damage and pollution averted, she continued on a northerly course with the Swedish Coast Guard boats in pursuit. They caught up with her to the north of Helsingborg and sent a boarding team aboard. The officers reportedly ordered the crew to anchor up while they investigated.

“When we entered the cabin we felt a distinct stench of alcohol and the captain was sitting on the sofa,” an officer wrote in the incident report. “He was visibly

affected, red eyes, flushed face, his breath smelled noticeably of alcohol.”

The officers administered a breathalyzer test, and the captain tested for 1.83 parts-per-thousand BAC, or about 0.19% by volume – more than double the legal limit for driving in the United States. The captain admitted that he had consumed nearly a pint of vodka over the course of the day, a statement confirmed by an almost-empty bottle found nearby. He was taken off the vessel and held pending trial.

In court, the captain admitted the charges and expressed regret. Prosecutors estimated that he would be sentenced to a term of several months in jail. As for the *Helt*, her operator said that a relief captain was quickly brought in, and the vessel continued on her commercial voyage with little delay.

The *Helt*’s Equasis records show a number of inspection deficiencies last year, including unsatisfactory watchkeeping records and an inoperable Bridge Navigation Watch Alarm System (BNWAS), which sounds a series of alarms if it suspects that the watchstander is absent or asleep. The vessel was not detained.

Abu Sayyaf beheads captain of Philippine fishing vessel

Philippine officials reported on April 17, that fighters with the terrorist organization Abu Sayyaf (ASG) have beheaded a fisherman, Noel Besconde, who was taken hostage during the hijacking of the *Ramona 2* late last year. Besconde was the vessel’s captain.

“We express our sincerest condolences to the bereaved family of FB *Ramona 2* captain Noel Besconde, who met untimely death in the hands of the kidnap-for-ransom group Abu Sayyaf,” said Philippine presidential spokesman Ernesto Abella in a statement. “We strongly condemn this senseless and coldblooded murder committed during the Holy Week.” Besconde was killed on April 13, one day before Good Friday. The Armed Forces of the Philippines (AFP) believes that the murder occurred near Patikul, Jolo, but Besconde’s remains have not been found.

Unlike Abu Sayyaf’s last four hostage beheadings, which the group carried out when ransom deadlines passed, the killing appeared to be motivated by the need for mobility. “The reason why he was beheaded is that he was delaying their movement,” said Brigadier-General Cirilito Sobejana, speaking to *Al Jazeera*. “They are highly mobile and we are pursuing them.”

The pirates are still holding Reyjim Rocabo, the *Ramona*’s engineer, and crewmembers Roy Ramos and Roel Liones. In total, Philippine authorities believe that Abu Sayyaf has over two dozen hostages, including 20 seafarers who were captured during the yearlong campaign of piracy.

The Philippine military successfully thwarted an Abu Sayyaf terrorist operation on the island of Bohol on April 1, and ten people were killed when security forces made contact with the ASG infiltrators. Second Lieutenant Estelito Saldua, Jr. was among the four servicemembers who died in the encounter. Philippine president Rodrigo Duterte recognized Saldua’s sacrifice with the Gold Cross medal, the nation’s third highest combat award. The governor of Batangas gave Saldua’s three brothers and sisters all scholarship awards, according to Philippine media reports, and Duterte reportedly told the family that they should contact him directly if they need anything.

Welfare Notes April 2017

Tax Advantages of SUP 401(k) and SUP Money Purchase Pension Plans

April 15 is a good reminder that there are smart ways to reduce your taxes:

The SUP bargained with your employers to provide two tax advantageous retirement plans: the Money Purchase Pension Plan, which is funded by an allocation from wages, and the 401(k) plan, which provides participants an opportunity to contribute **voluntarily** on a tax-deferred basis. Through your 401(k) contributions, you can shelter up to \$18,000 (\$24,000 if you are age 50 or over) from current taxes. Your contributions are made prior to federal income tax withholding and earn on a tax-deferred basis. You determine the amount of the contributions and the investment selections. Over time, the compounding return of your investments without taxes can help your savings grow considerably more than an equal investment that is taxed annually.

Upon retirement, you can rollover your 401(k) monies to an Individual Retirement Account and continue with the same tax deferred benefit. It is only the money that is withdrawn from the Plan or your IRA that is subject to taxes; the balance continues tax deferred, which will help it last further in retirement.

Forms for enrollment, investment selection and beneficiary designation are available on ships, or may be requested from your Port Agent or the SUP Welfare Plan Office. For more information about investment options in either the SUP Money Purchase Pension Plan or SUP 401(k) Plan, please contact The Standard at (800) 858-5420 or log into your account at www.standard.com/retirement. First time users to the Plans website will need to register their account and create a unique user name and password. There are a number of resources through the Plans website –articles, videos, and calculators, etc.– to assist you in planning your future retirement security.

Michelle Chang, Administrator mcsupsiupd@sbcglobal.net

Patty Martin, MPP & 401(k) Plans, Death Benefits
martinpatty59@sbcglobal.net

Virginia Briggs, Claims vbriggs80@sbcglobal.net

Michael Jacyna, Eligibility mjacyna67@sbcglobal.net

Training Representative, Berit Eriksson 206-551-1870

berittrainrep@sbcglobal.net

SUP Welfare Plan 730 Harrison Street, #415, San Francisco, CA 94107

Phone Numbers: 415-778-5490 or 1-800-796-8003 Fax: 415-778-5495

SIU-PD Pension Plan 415-764-4987

SIU-PD Supplemental Benefits Fund 415-764-4991

Seafarers’ Medical Center 415-392-3611

Los Angeles cargo volume jumps 29% in March

The Port of Los Angeles has announced that cargo volumes there increased 29% to 788,524 TEUs during the month of March compared to the same time frame a year ago, pushing cargo volumes for the first quarter 10% above the first quarter of 2016.

The port said that the robust numbers came through a combination of strong export volumes (up 20%), a post Lunar New Year surge of cargo from Asia, and retailers in the United States shipping merchandise ahead of the new vessel alliance deployments that began this month.

The Port’s most recent five-year average of March container volumes is 646,724, and this year’s volumes represent a 22% increase over the five-year average.

Imports coming into the port jumped 30% on a year over year basis to 373,549 TEUs, while exports increased 20% to 191,772 TEUs. Empty containers grew 34% to 223,203 TEUs.

Membership and Ratings Committee

Met on April 7, and found the following members eligible for advancement in seniority and rating stamps in the various departments:

Name and Membership Number	Seatime	Rating	Seniority
Taufiq Wasel 19500	1 Year	A.B	B
Abdullah Sankofa 19501	1 Year	A.B.	B
Kalaniualu Loe 19502	1 Year	A.B.	B
Andrew Sullivan 19503	1 Year	O.S.	B
Erica Andrews 19504	1 Year	A.B	B
Isiah Montoya 19505	1 Year	A.B.	B
Nicholas Wedel 19506	1 Year	A.B.	B
Fernando Liencres C2664	30 Days	A.B.	C
Patrick Bush C2665	30 Days	A.B.	C
John Springfield C2666	30 Days	A.B.	C
Ian Adams C2667	30 Days	O.S.	C

Bosun Stamp - None

Membership and Ratings Committee’s Report: M/S to concur in the Committee’s report. Carried unanimously. Membership and Ratings Committee: Wilfredo Aquino #19494, Leszek Jeziorski #19212, and Romelito Linatoc #C2552.

South Korea raises ferry that capsized in 2014

A South Korean ferry that sank nearly three years ago, killing more than 300 people, most of them teenagers on a school trip, was raised to the surface on March 23. It was an emotional moment for families who are still looking for their missing children and a step toward closing one of the most traumatic episodes in South Korea's history.

The ferry, the 6,825-ton *Sewol*, capsized and sank off the southwestern tip of South Korea on April 16, 2014. The accident was the country's worst catastrophe in decades, and it contributed to the recent ouster of President Park Geun-hye. The ship went under while teenagers trapped inside sent text messages asking for help that never came or saying goodbye to their families.

A months long underwater search of the ship ended after 295 bodies were recovered. Nine people who were on board remain missing, including four students and two teachers from Danwon High School in Ansan, south of Seoul, the South Korean capital. Of the 324 students from the school on board for a field trip, 250 drowned.

Bereaved families have demanded that the ship be salvaged, hoping that the bodies of the missing would be found inside. They also hoped that the wreckage would reveal more clues to what caused the ship to sink. Government investigators have blamed overloading, the ship's structural imbalance and poor decisions by the crew for the disaster.

In 2015, the government announced plans to raise the ship, contracting a consortium of Chinese and South Korean salvage crews for the \$76 million operation. Their work has been painstakingly slow because of strong currents, frequent periods of bad weather, poor underwater visibility and the complicated engineering maneuvers needed to raise the ship, which was lying on its side about 145 feet below the surface.

Divers spent months placing 33 lifting beams underneath the ferry and tying cables to both ends of them. After days of testing, two salvage barges began pulling up the cables on March 22, raising the ship inch by inch. The ferry's mud-covered, rusting hull broke through the surface by morning, March 23, and workers began fastening the ferry to the barges. Family members of the victims watched the operation overnight from a government ship.

In the next few weeks, the ferry will be transferred to a semi-submersible vessel, which will lift it out of the water completely and carry it to Mokpo, a port 55 miles away. There, officials will conduct a thorough search.

The investigation of the sinking has exposed numerous loopholes in safety standards in South Korea. The *Sewol's* operator, Chonghaejin Marine, routinely overloaded the ship with poorly secured cargo, including on the ferry's final voyage. Inspectors colluded in the practice by giving the *Sewol* and other ships just a cursory check from the pier, or none at all. When the *Sewol* capsized, its crew members were among the first to flee, after repeatedly telling passengers to stay in their cabins. The first Coast Guard boat that arrived at the scene did little more than pick up the fleeing crew members, while passengers trapped inside the ferry banged on the windows as the ship slowly disappeared beneath the waves.

The captain of the ferry, Lee Jun-seok, was sentenced to life in prison after being convicted of murder through willful negligence. Fourteen other crew members received prison sentences of 18 months to 12 years. Dozens of ferry company officials, safety inspectors and Coast Guard officials have also been jailed or convicted on various criminal charges related to the sinking.

Many South Koreans remain outraged by the disaster. Some of the bereaved family members and sympathetic activists have camped out in Seoul and kept watch on the salvage operation from islands near the site, calling for a more thorough investigation into the government's response. When huge crowds of people rallied in central Seoul in recent months to demand that Ms. Park be removed, the government's botched rescue operation was a central grievance voiced against the president. When lawmakers in the National Assembly voted to impeach her on December 9, they accused her of negligence in the handling of the disaster.

When the Constitutional Court formally removed Ms. Park from office on March 10, it said she had stayed in her residence, not in her office, for seven hours after she first heard of the sinking. But the court said her actions in that case were not grounds to oust her. Instead, the court voted to remove Ms. Park based on other charges; including corruption and abuse of power.

Indonesian farmer swallowed whole by 23-foot-long python

A missing Indonesian man was found inside a massive python on the island of Sulawesi, according to local authorities and news reports.

Villagers found the body of Akbar Salubiro, 25, after cutting open a 23-foot-long reticulated python, *The Jakarta Post* reported.

Salubiro was reported missing March 27, after he failed to return from harvesting palm oil the following day, a spokesperson for the police in West Sulawesi province told BBC Indonesian. While searching for the man, villagers found the python and suspected that it might have eaten Salubiro.

"They didn't find him (Akbar), but the villagers saw an unmoving python in the

ditch," Mashura, who goes by his first name, told BBC Indonesia. "They grew suspicious that maybe the snake had Akbar. When they cut it open, Akbar was inside the snake."

Villagers found one of Salubiro's boots, his harvesting tool and palm fruit at the site, *The Associated Press* reported.

Tribun Timur posted the video of people cutting open the snake at night. In the video, people crowd around as the snake's skin is pulled back, revealing an intact body laying on its side.

Reticulated pythons typically eat small to medium-sized mammals and squeeze their prey to death before swallowing it whole, according to the *Associated Press*. Attacks on humans are extremely rare.



Cape Horn this month: In the front, from the left: Allen Gonzalez, Ramon Duran, Graham Sharpe and Bosun Paul Fuentes. Behind from the left: Joel Tretrault, Kinard Ray, Hal Thomas, Ron Brito, Lee Bloden, and Charles Wood. Missing from the photo are: Robert Richards and Marvin Tingle. The Cape Horn is part of MarAd's Ready Reserve Fleet and is operated by SUP-contracted Matson Navigation Company.

Bill to increase port maintenance funding introduced in House

Congressman Mike Kelly (R-Pennsylvania) and Peter DeFazio (D-Oregon), have filed a bipartisan bill aimed at increasing investment in "critical" harbor and port maintenance projects.

The bill, Investing in America: Unlocking the Harbor Maintenance Trust Fund Act (H.R. 1908), includes provisions to "guarantee that money intended to dredge the nation's coastal and inland commercial ports would actually go toward harbor maintenance," according to a joint statement from the Congressmen.

Under the legislation, \$18 billion would be allocated to port dredging and maintenance projects over the next 10 years, a 29% increase from current funding levels.

What's more, the bill would provide the necessary funding to dredge all federal commercial harbors to their constructed widths and depths and maintain them for the next decade, without increasing port user fees—the primary funding source for the Harbor Maintenance Trust Fund (HMTF)—or taxes.

In order to fund the bill, the HMTF would be taken "off budget," allowing the Army Corps of Engineers to use HMTF revenues solely on authorized maintenance activities. The legislation also preserves Congress' authority to appropriate additional funds for harbor maintenance needs from the existing \$9 billion balance in the fund.

The HMTF is funded via a 0.125% ad valorem user fee on the value of imported cargo for use of coastal or inland ports by importers and domestic shippers, which is generally passed on to U.S. taxpayers in the form of higher prices for imported goods.

Revenues deposited into the HMTF are then appropriated to the Corps by Congress for harbor dredging and maintenance.

According to Kelly and DeFazio, however, the HMTF collects "far more" revenues than Congress has provided to the Corps to maintain our harbors, including \$8.8 billion currently sitting idle in the U.S. Treasury.

The problem, the lawmakers say, is not a lack of funding, but rather that those funds aren't always used for port projects as intended.

"As a result, shippers continue to honor their commitment to pay for promised maintenance activities that the federal government then fails to carry out," they said. "There are sufficient funds in the Trust Fund to meet the maintenance dredging needs of all federally-authorized

ports. The problem is that the Trust Fund is being treated by appropriators more like a slush fund."

According to the Congressional Budget Office (CBO), the HMTF will collect an additional \$18.5 billion in new revenues over the next decade, but federal appropriations from the fund over the next decade are only expected to total \$14.3 billion. This would mean that the balance of the HMTF would double to \$17.2 billion by fiscal year 2026.

"The Investing in America: Unlocking the Harbor Maintenance Trust Fund Act would finally reverse this trend and all money collected for harbor maintenance would actually go toward harbor maintenance," Kelly and DeFazio said.

"The Harbor Maintenance Trust Fund was created by the Reagan Administration to ensure that our nation's ports and harbors, like the Port of Erie, would always be properly dredged and fully operational," Kelly said of the bill. "Unfortunately, much of its annually collected revenue is no longer making it back to the ports where it is desperately needed. The result is the inexcusable deterioration of our ports from the Great Lakes to the Gulf Coast, which negatively impacts our economy in Erie and nationwide.

"Failing to maintain our ports and channels destroys American jobs and forces families to pay more money for the goods they need," he said. "This commonsense, bipartisan bill will make sure that America's ports and harbors are once again fully maintained, which will save and create jobs, grow businesses, and keep us competitive on the global stage.

"We will ensure that the United States is equipped with a modern and efficient transportation system to meet the needs of a 21st century economy without raising a single dime in taxes."

"The federal government has a responsibility to maintain the ports, harbors and waterways that support thousands of jobs and economic growth in communities across the country," added DeFazio. "This bipartisan, common sense legislation guarantees that funds collected in the Harbor Maintenance Trust Fund will not be diverted and will only be used for their intended purpose—harbor maintenance. Our legislation will create and sustain thousands of needed jobs, it will provide a tremendous boost to economic competitiveness, and it does all of this without adding a penny to the deficit."



SUP President's Report

April 10, 2017

continued from page 1

Matson's attempt to knock APL out of the Guam trade is an attack on the livelihoods of the members of the Sailors' Union of the Pacific (SUP) and the members of the other maritime Unions that crew APL's U.S.-flag vessels. Be advised that the SUP in conjunction with others, shall oppose Matson's ill-advised, avaricious effort by all means necessary.

I urge Matson to cease and desist."

The current collective bargaining agreement with Matson expires on June 30. An SUP Negotiating Committee shall be elected at the June Headquarters meeting. Members are urged to send written bargaining proposals to Headquarters.

MARITIME TRADES DEPARTMENT

Along with MFOW President Anthony Poplawski, attended the annual Executive Board meeting of the Maritime Trades Department (MTD), AFL-CIO, on March 9, and 10, in San Antonio, Texas.

Resolutions of direct importance to the membership were acted upon including those in support of the Jones Act, the Maritime Security Program (MSP), cargo preference and Food for Peace.

Speakers included Texas AFL-CIO President John Patrick; Rear Admiral Thomas Callahan, Commander of the U.S. Coast Guard's 8th District; Will Fischer, Director of Government Affairs at VoteVets and AFL-CIO President Richard Trumka.

The speaker that brought the house to its feet was Anthony Fisher, the Maritime Administration's Deputy Associate Administrator of the Office of Commercial Sealift, who urged MTD attendees to continue promotion of the use of U.S.-flag vessels. Excerpts from his remarks follow:

"When somebody tells you that cargo preference is too expensive, you ask them whether or not they would prefer that a foreign government control our economy and control our future," said Fisher.

Fisher also debunked the myth that using U.S.-flag ships and American crews adds significant cost to cargo preference programs. "The reality is, ocean transportation in itself is dirt cheap. Ocean transportation is such a nominal cost component of a supply chain that whether or not you're going to spend that extra \$1,000 a box to move that 40-foot container from this side of the globe to the other side of the globe, it's budget dust. It doesn't make a difference when you look at the grand scheme. It makes an incredibly nominal difference when you look at the total cost to provide that commodity to where it's going," said Fisher.

He used an example from the Food for Peace website. "Ocean transportation makes up 9% of their budget, and they're complying at the 50% level," Fisher said. "Meaning, half of that 9% is going U.S.-flag. The other half is going foreign-flag. The rest is going towards overhead; 29% is going to buy the commodity; 42% involves logistics overseas at destination So, only 5% or thereabouts is going towards employment of American merchant vessels."

Fisher added, "If you did away with cargo preference, as some have suggested, that 5% doesn't just magically go away, because foreign-flag carriers aren't going to lift the commodities for free. They might do it a couple of dollars cheaper, but they're not going to lift those cargoes for free."

"Cargo preference laws require that all government-impelled military cargoes and half of government-impelled civilian cargoes move on U.S.-flagged vessels and are manned by U.S. crews. However, the latter percentage had been 75 before it was reduced in 2012. That reduction has taken a severe toll, Fisher explained. Since 2012, "We've lost close to a quarter of our oceangoing merchant fleet. We've dropped down from 106 vessels to 81 vessels," he said.

He added that the industry also is confronted by "shrinking volumes. This is the problem we face at MarAd, and this is the problem that you face in the fleet. We're getting a smaller slice of a smaller pie."

The total cost of cargo preference is around \$300

million per year, but even that relatively small figure essentially shrinks "when you talk about taxable revenues and economic multipliers," Fisher added.

It should appear even smaller when comparing U.S. investment in the maritime industry with that of other nations. Fisher spotlighted examples of foreign subsidies for the maritime industries in China and Korea, respectively, both of which completely dwarf such spending in the U.S. It has worked for China, which quadrupled its merchant fleet in the last decade. France, Germany and India also either have in place or are implementing laws and programs to bolster their fleets, Fisher reported.

TRANSPORTATION TRADES DEPARTMENT

As a member of the Executive Committee of the Transportation Trades Department (TTD), AFL-CIO, attended and participated in a meeting of the Committee on March 12, in San Antonio.

The 32 members of the Executive Committee laid out an aggressive strategy focused on shaping President Trump's \$1 trillion transportation package to include billions in new federal funding, not mostly tax incentives, with high labor standards. Also discussed were the unprecedented challenges faced by frontline transportation workers including the looming transportation automation wave, risks to jobs and safety and the reckless political forces taking aim at workers' rights to bargain collectively for good wages and benefits.

The Executive Committee also passed a strong policy

statement on cargo preference will be published in next month's *West Coast Sailors*.

Congressman Jeff Denham (R-California, Chairman of the House Transportation and Infrastructure Committee's Subcommittee on Railroads, Pipelines and Hazardous Materials, addressed the Committee and discussed the need to advance a robust infrastructure package.

QUARTERLY FINANCE COMMITTEE

In accordance with Article XVII, Section 2, of the SUP Constitution, a Quarterly Finance Committee shall be elected at today's Headquarters' meeting to review the finances of the Union of the first quarter of 2017 and report back to the membership at the May membership meetings.

In the event the Committee cannot be filled today, recommend that when the quarterly audit is completed, which will be in about three weeks, necessary Committee members be shipped off the hiring hall deck as per past practice. The Quarterly Finance Committee will turn-to on Monday, May 8, at 8:00 A.M.

ACTION TAKEN

M/S to elect Quarterly Finance Committee. Nominated and elected: Quentin Brown, Diane Ferrari, Kaj Kristensen, Dave Larsen and Arthur Thanash.

M/S to concur with the balance of the President's Report. Carried unanimously.

Gunnar Lundeberg

Vice President's Report

April 2017

Able Seafarer Deck

In January of this year the Manila Amendments to the STCW Code, first adopted in 2010 and following transitional implementation begun in 2012, finally went into full force and effect.

From an unlicensed deck point of view, the greatest change is the transition from "Able Seamen," now a domestic qualification, to "Able Seafarer/Deck" which is the STCW endorsement that replaces the offshore AB.

For sailors who began their careers after March 23, 2014 the requirements of "Able Seafarer Deck" or AS/D apply. For sailors (Ordinary Seaman) that began before that date the old rules apply although there are not many OS's left in this category.

The basic rules are that candidates for Able Seafarer/Deck must first possess Rating Forming Part of a Navigation Watch (in terms of both the qualifying seetime and the assessments laid out in II/4 of the Code) before the seetime will count towards AS/D. This means that since there is a minimum of 60 days required for RFPNW (within an approved program such as that supported by the Andrew Furuseth School of Seamanship) the AS/D endorsement will take at least 14 months to achieve (since AS/D requires a minimum additional seetime after RFPNW of 12 months). It is not necessary to hold the endorsement for RFPNW but all training /assessment and sea service required for RFPNW must be completed before accruing the sea service towards AS/D. Seetime requirements are considerably longer outside an approved program.

Sailors will also need the Proficiency in Survival Craft endorsement (formerly known as "lifeboatman") before applying for AS/D. In practical terms, this means that Ordinary Seaman who are part of the AFSS program will need at least three assignments to ships with qualifying seetime before they are eligible for AS/D.

For additional information contact Andrew Furuseth School of Seamanship Workforce Development Director Berit Eriksson at 206-551-1870.

STCW Rest Hours

Britain's Maritime and Coast Guard Authority (MCA) recently issued a Marine Guidance Note (566) with far reaching implications. Making a common-sense interpretation in a regulatory area that is critical to ship operations, the MCA did what the USCG has been either too timid or too heavily influenced by corporate interests to do, i.e., explain acceptable exceptions to the rules. The MCA tackled for example the broad exemption contained in the heretofore cryptic phrase "that the minimum rest periods need not be maintained in the case of an emergency or in *other overriding operational conditions*." Part B of the Code vaguely defined overriding operational conditions as "only essential shipboard work which cannot be delayed for safety, security or environmental reasons or which could not reasonably have been anticipated at the commencement of the voyage." This left open the standard for "reasonable anticipation" which MCA in MGN 565 for the first time clearly defines. The MCA "interprets this to mean that a planned passage under pilotage or the additional work due to cargo operations during a scheduled port call – unless bad weather or unexpected port delays disrupt normal schedules to an unforeseen extent – cannot be considered to be 'overriding operational conditions' which would justify a breach of minimum hours of rest."

Although it is stated in the negative, this means that bad weather or any unexpected port delay that disrupts a normal schedule is in fact legitimate reason for something less than the minimum hours of rest. "Unexpected port delays" and "normal schedule" should then be defined according to their plain meanings which would include berth congestion, engine or machinery malfunction, unexpected problems with cargo or government clearance to name only a few of the most likely delays.

Although the MCA is not the USCG, it is a respected and influential port state control authority. Ship operators and the sailors that work for them would be well-served to mind their guidance.

continued on next page

Maritime/Agriculture Coalition Vice President's Report *continued* calls for food aid funding

The following letter was sent to Congressman Robert Aderholt (R-Alabama) Chairman of the House Subcommittee on Agriculture and Ranking Member Sanford Bishop (D-Georgia) on April 5:

Dear Chairman Aderholt and Ranking Member Bishop:

As drought and conflict persist around the world, 2017 has brought unprecedented need for food assistance globally. American farmers, fishing families, manufacturers, the maritime industry and Private Voluntary Organizations (PVOs) are proud to partner with the U.S. Department of Agriculture (USDA) and U.S. Agency for International Development (USAID) to provide food and tools which help alleviate hunger and malnutrition in those regions and countries with the greatest need. The undersigned organizations write in support for continuing at least current levels of funding for the Food for Peace and McGovern-Dole International Food for Education and Child Nutrition Programs in FY2018.

According to the World Food Program, 795 million people, or one in nine, are currently suffering from chronic hunger, while one in three suffer from malnutrition daily. This year alone, USAID's Famine Early Warning Systems Network projects that 70 million people will need emergency food assistance in 45 countries, and four of those countries –Nigeria, Somalia, South Sudan and Yemen– could suffer famine. In 2016, conflict and the El Nino caused a 40% increase in acute food insecurity compared to 2015. This year, all signs point to similar and potentially greater levels of need.

America is the largest donor of food assistance in the world, and proudly displays "from the American people" on Food for Peace donations. From 2010 to 2015, Food for Peace benefited 52 million people in 50 countries annually. This program has not only proven vital to recipients, but also to U.S. national security. In a letter to House and Senate leadership on February 27, over 120 generals and admirals showed their support for USAID funding as it helps in "preventing conflict." Importantly, past recipient countries have "graduated" from receiving assistance to donating assistance; those countries include South Korea, France, Belgium, Austria, Italy, the United Kingdom, Spain, Greece, Portugal, Cyprus, Turkey, and Poland – and all have since become trading partners.

The McGovern-Dole International Food for Education and Child Nutrition Program provides millions of children access to education, and thus increases the likelihood of attending school and retaining information, by serving a meal –often the only meal those children will receive that day– every school day. Since its inception in 2003 it has reached over 44 million children in 40 countries, and in addition to serving children, also serves infants and pregnant and nursing women. In a June 2016 report to Congress entitled "The Global Effort to Reduce Child Hunger and Increase School Attendance," USDA's Foreign Agricultural Service outlined successful projects that provided technical assistance, created a sustainable program, educated girls, improved literacy and increased health and dietary practices in local communities, while also supplying meals daily. According to the 2013 World Food Program report "State of School Feeding Worldwide," the United States contributed 60% of the overall global investment in school feeding programs. Again, to provide relief in critical times and to help in "preventing conflict," McGovern-Dole remains a critical tool for feeding and educating the future leaders of the most vulnerable countries.

With recent trends moving toward an increase in food assistance needs and global security threats, now is the time for America to continue our leadership role in the world by showing full support for Food for Peace, a program that has touched three billion lives in over 150 countries since 1954, and the McGovern-Dole School Feeding Program, which fosters knowledge through food. We urge you to maintain at least FY2016 funding levels for both Food for Peace and McGovern-Dole for FY2018.

Sincerely,

American Soybean Association
1,000 Days Adventist Develop. & Relief Agency Int'l.
AFL-CIO Maritime Trades Department
Agricor, Inc.
Alliance to End Hunger
American Farm Bureau Federation
American Maritime Congress
American Maritime Officers
American Maritime Officers Service
APL Ltd.
Bread for the World
Catholic Relief Services
Central Gulf Lines, Inc.
Christian Connections for Int'l. Health
Church World Service
Congressional Hunger Center
Cultivating New Frontiers in Agriculture
Didion Milling
Evangelical Lutheran Church in America
Fabretto Children's Foundation
Federal Marine Terminals
Fontheim International
Food for the Hungry
Foods Resource Bank
Global Child Nutrition Foundation
Global Food & Nutrition Inc.
Hapag-Lloyd USA
InterAction
Intermarine, LLC
Int'l Organ. of Masters, Mates & Pilots
Islamic Relief USA
Liberty Maritime Corporation
Lifeline Foods
Maersk Line Limited

Marine Engineers' Beneficial Association
Maritime Inst. for Research & Indust. Devel.
Mercy Corps
National Association of Wheat Growers
National Barley Growers Association
National Corn Growers Association
National Council of Farmer Cooperatives
National Farmers Union
National Milk Producers Federation
National Potato Council
National Shipping Agencies, Inc.
National Sorghum Producers
Navy League of the United States
North America Stevedoring Company
North American Millers' Association
Port of Beaumont
Port of Galveston
Port of Lake Charles
Port of New Orleans
Potomac Maritime LLC
Project Concern International
Sailors' Union of the Pacific
Schuyler Line Navigation Company, LLC
Seafarers International Union
Soylent
The Hunger Project
Transfer Logistics, LLC
Transportation Institute
U.S. Dry Bean Council
USA Dry Pea & Lentil Council
USA Rice
Virginia Port Authority
Waterman Steamship Corporation
World Food Program USA

In addition to the routine duties of the Front Office, I helped prepare various wage and benefit schedules for contract renewals and bids in both military and commercial work, prepare for coming negotiations, defended the Union against baseless charges, assisted dispatch, and checked the following ships:

USNS Pomeroy: Brian McCarthy, delegate. Clarification on SUP 401(k) Plan – **voluntary** contributions are deducted from paychecks and allocated as directed by the member to investment mutual funds under a separate account. This retirement account is with the Standard Co. and is similar to but entirely separate from the SUP Money Purchase Plan. The Money Purchase Plan contributions come out of the contract and are made automatically without a paycheck deduction.

In the Watson-Class, the daily Money Purchase contribution is \$27.00 per day. The SUP 401(k) Plan is entirely voluntary and deductions can be made up to 100% of your paycheck subject to the annual maximum of \$18,000 (or \$24,000 if you are over age 50).

Together with the traditional defined benefit SUP Pension, the Money Purchase Plan and SUP 401(k) Plan are essential elements of the SUP retirement benefit package. For more, see Welfare Notes on page 8.

USNS Watkins: Stephen Alarcon, delegate. No cargo rate payable for tank entry or cleaning duties in Watson-Class contract – straight time on straight time hours and overtime on overtime hours. Bosun Dennis Belmonte relieved by Gearoid DeCleur. The Military Sealift Command has begun implementing changes to its medical exam requirements for contract mariners. The new requirements maintain the same standards but try to align minimum qualifications with the USCG medical examination requirements. In practical terms it appears that this means there will be less MSC physicals and more reliance on the USCG's for 719k form. That form is what is required to file for an STCW medical certificate. All mariners, and especially MSC mariners, should keep form 719k as part of their seaman's papers.

USNS Charlton: Matt Blom, delegate. Activated in Charleston yard for FOS operation. Shipped a full and fully qualified crew in less than 24 hours after the call. Engine trouble on activation will delay overseas deployment.

USNS Gilliland: Scott Stokes, delegate. Activated for shipyard passage to same New Jersey shipyard as Charlton but deactivated due to Charlton engine trouble.

USNS Dahl: Matt Henning, delegate. Investigated alleged misconduct issues. In good shape.

USNS Waters: Bruce McNeil will turn over the sheets to Zach Yanak as delegate. Meeting minutes reviewed and issues clarified or action taken. Hydration during mission operations in the tropics an ongoing concern. In good shape with Michael Jean as bosun.

Cape Horn: Graham Sharpe, delegate. Ordinary Seamen in Full Operating Status revert to either General Utility Deck and Engine or General Vessel Assistant in ROS and can be assigned as necessary.

Activated at San Francisco Pier 50 for sea trials on April 4. Ship and crew cleared all tests including full-blown COI drill with flying colors. Another outstanding demonstration of SUP readiness with bosun Paul Fuentes directing an experienced break out crew.

Moku Pahu: Dino Cobrador, delegate. Delivering U.S. food aid cargo this vessel was diverted from a high risk Yemeni port to Djibouti after U.S. Navy issued high danger warnings. Clarifications on hand steering and watchstanding in pirate waters: necessary work payable at the straight time rate of pay even in a short-handed ship where hand steering hitches are longer than one hour. In Djibouti where handling cargo gear such as bucket power cord and breaker switches is actually related to the handling of cargo is payable at the cargo rate of pay. Awaiting additional information.

Manulani: John Drolla, delegate. Restrictions due to "Aqua-Lane" activity have been stopped by the swift and forceful action of SUP President Gunnar Lundberg. Outstanding claims for restriction are still pending and expect discussion during bargaining later this quarter.

APL Korea: Janan Johair, delegate. Decision on delayed sailing and other claims pending further information and investigation. Question on STCW rest and work hours answered.

APL Belgium: Arthur Brosnan, delegate. Collected long-standing shipyard subsistence claim.

APL Coral: Hussein Ali relieved by Roger Berioso as delegate. Under bosun Teo Rojas gang prepared ship for reflagging in Singapore. If the Company does not properly store the ship prior to pending re-flag then subsistence claims should be filed promptly and the Union advised.

Mississippi Voyager: John McAuliffe, delegate. Scott Oliphant has things under control as bosun. SUP Business Agent Roy Tufono made the ship at Richmond Long Wharf.

Oregon Voyager: Dave Fadoul, delegate. Ron Gill is the bosun. Message from the ship indicated over 33 days at sea from Singapore through the Panama Canal enroute Pascagoula.

Florida Voyager: Rey Gabarra, delegate. Discussion on new contract. Anchored in the stream at New Orleans and shifting to a load port to load a West Coast-bound cargo. William Fisher, bosun.

San Francisco Bar Pilots: Mike Koller, delegate. Leo Moore, bosun. Membership voted for new run boat change times to be midnight and noon; station boats will go six on and six off. Thanks to the delegate and bosun for a smooth election process and implementation.

Dave Connolly

SUP Branch Reports

Seattle

March 20, 2017

Shipped during the period: 3 Boat-swains shipped and filled with 1 A filling an ETO on *Maui*, and 2 B's to Navy bottoms; 4 Able Seaman jobs shipped, 1 B, 1 C and 2 D's all to navy bottoms; 3 Ordinary Seaman jobs taken by 3 C's; and 3 standbys went to 2 A-cards and 1 B for a total of 13 jobs shipped.

Registration for the period: 4 A cards for a total of 18; 9 B cards for a total of 26; 7 C cards for a total of 17.

Ships Checked

Mahimahi, Maui - no problems.

I represented the SUP at the following meetings: The King County Labor Council Executive Board and Delegates meetings, the Puget Sound Harbor Safety Committee meeting, and the King County Labor Council Port Coalition meeting.

Greetings all members. There are a lot of new faces in the hall since my permit days and I look forward to getting to know the new membership of both the SUP and MFOW. Brother O'Halloran has been kind enough to spend any spare time he has "showing me the ropes" concerning the day-to-day operation of the hall and dispatch. I should mention there is no stronger voice or advocate concerning the maritime industry and maritime labor on the Seattle waterfront than Vince O'Halloran. I have been fortunate to have him usher me through the introductions to industry, government, and labor leaders over the past few months. The respect and attention Brother O'Halloran has won for our trade craft is immense and I hope to help preserve these relationships and assist him with the industry challenges ahead.

Over the next few months I would like to focus on meeting with the new members one-on-one to discuss and clarify Union shipping and its fine nuances. For many of you this is your first Union job and you should be fully aware of your responsibilities as well as the shipping rules and protocols. My door is always open and I will find time for any member.

All hands, check your documents at least monthly. If you have any questions about them call the hall and I will work to find an answer.

Brendan Bohannon, Acting Branch Agent

Dispatcher's Report

Headquarters—March 2017

Deck	
Bosun.....	4
Carpenter.....	0
MM.....	6
AB.....	13
OS.....	2
Standby.....	22
Total Deck Jobs Shipped.....	47
Total Deck B, C, D Shipped.....	32
Engine/Steward	
QMED.....	0
Pumpman.....	0
Oiler.....	0
Wiper.....	0
Steward.....	0
Cook.....	0
Messman.....	0
Total E&S Jobs Shipped.....	0
Total E&S B, C, D Shipped.....	0
Total Jobs Shipped - All Depts.....	47
Total B, C, D Shipped-All Depts.....	32
Total Registered "A".....	19
Total Registered "B".....	43
Total Registered "C".....	17
Total Registered "D".....	34

Wilmington

March 20, 2017

Shipping for the period: Bosun: 4, AB: 6, AB Maint: 1, STOS: 2 and standby: 39. Total jobs shipped: 52.

Registrations: A:22 B:40 C:10 D:16
Ships Checked

APL Thailand: Peter Johanson Bosun, Angelito Lopez delegate no beefs.

R.J. Pfeiffer: Relief Bosun Daniel Tin Tun running smooth.

APL Philippines: Bob Burns Bosun, Gary McDevitt, delegate. Shortage of food stores still a problem.

Manukai: Julian Torre Bosun, John Decaug, delegate. No beefs.

APL China: Dave Reinking returns as Bosun, Mike Henderson, delegate.

Mokihana: John Benson Bosun, Chris Bujnowski, delegate.

Manulani: Manuel Roxas Bosun, John Drolla delegate. Ship cleared upon arrival no problems.

APL Belgium: Kim Sloggett Bosun, Art Brosnan, delegate. Running smoothly.

Matson ships running smoothly with little or no problems among the crew. The ships returning from the Far East are being cleared upon arrival now.

SUP Welfare Plan Administrator, Michelle Chang's visit was a great benefit to members who had questions about medical and dental plans, retirement and beneficiary information. Thank you, Ms. Chang.

National Maritime Day Observance and Memorial Service will be held at the American Merchant Marine Veterans Memorial in San Pedro, California on May 22, at 11 AM.

*Leighton Gandy
Branch Agent*

TOTE settles with all *El Faro* families

TOTE, Inc. has announced that it has reached settlements with the families of crew members who died when the cargo ship *El Faro* sank on October 1, 2015, while passing through Hurricane Joaquin near Crooked Island, Bahamas, on its way from Jacksonville, Florida to San Juan, Puerto Rico.

"Since the loss of the *El Faro*, we have focused every effort on supporting the families of those on board. An important part of this support has entailed reaching fair and swift legal settlements for those who may choose them," the company said. "We can confirm that we have settled financially with all families through a respectful, equitable and meaningful mediation process, and have reached a full and final settlement of all claims filed in this action consistent with the prior settlements reached in this matter," the company added. "We stress that our support of all the families will continue. Out of respect for the legal process and the privacy of the families, we will not discuss the specifics of any individual settlements."

All 33 people on board died when the ship sank, including 28 crew members and five Polish shipyard workers who were readying the vessel for maintenance work at a shipyard.

Honolulu

March 20, 2017

Shipped the following jobs in the month of March: 2 Bosun steady, 4 AB Day steady, 5 AB Watch steady, 1 AB Watch relief, 2 AB Maintenance steady, and 3 OS watch steady. The shipping jobs were filled by 6 A cards, 7 B cards, and 4 C cards. Also shipped 33 standby jobs. The standby jobs were filled by 7 A cards, 8 B cards, 15 C cards, and 3 D cards.

Registered in March: 3 A cards, 3 B cards, 5 C cards and 3 D cards. To date totaled registered: 9 A cards, 13 B cards, 9 C cards and 5 D cards.

Ships Checked

I visited the *R.J. Pfeiffer, Manukai, Maunawili, Manulani, Maunalei, Mokihana, Kauai, Maui, Mahimahi, Matsonia*, and the Paint and Rigging gang. All are running with few or minor beefs.

Big crew change on the *APL Saipan*: 5 out of 6 SUP sailors asked for reliefs after doing their 120 days. This ship is not yet up to SUP standards, accommodation wise, (a work in progress) and the SUP sailors that I talked to report that one of the chief mates is an ex-SUP sailor who is a pain in the ass.

APL Guam reports that things are going well.

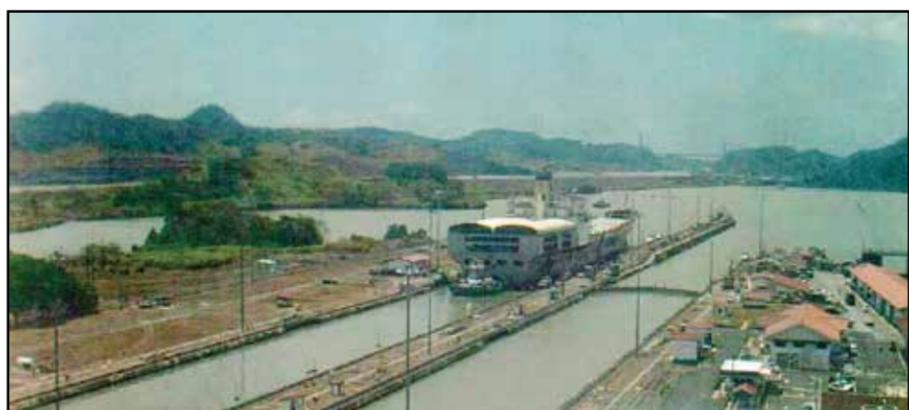
The *USNS Charlton* called for a full gang to take the ship out of the shipyard and return to Full Operating Status, (FOS) and return to Saipan. The Honolulu branch managed to ship 5 out of the 8 jobs. (3 B-cards and 2 C-cards) I recommend that any SUP sailors who have B seniority or less take the LMSR training. A-books are always encouraged as well to take the training.

I represented the SUP at the Hawai'i Maritime Port Council meeting and the AFL-CIO executive board meeting.

Last month the Honolulu membership had the pleasure of having SUP President/Secretary-Treasurer Gunnar Lundeberg attend our meeting. Gunnar answered questions about the AQUA Lane program that Matson has used to hold SUP members hostage in the port of LA/LB, the *APL Coral* leaving the U.S.-flag service and being replaced by the *APL Gulf Express*, and many other various questions. All questions were answered, most to the satisfaction of the membership. (You can't please everyone.) Mahalo,

Michael Dirksen, Branch Agent

ATTEND YOUR MONTHLY SUP UNION MEETINGS!



Ex-Lurline leaving Mira Flores Locks in Panama, headed to the breakers in Brownsville, Texas.

Business Agent's Report

April 10, 2017

Mississippi Voyager- In at Richmond Long Wharf. On a steady run between El Segundo and the Richmond Long Wharf. Running smooth with Scott Oliphant, Bosun and John McAuliffe as delegate.

California Voyager; Florida Voyager; Oregon Voyager - All running out of the Gulf of Mexico.

APL Singapore- In at Oakland #58. Having minimum food storing issues. Not living up to the West Coast standards. Serving chicken nuggets and chicken strips kid's meals as an entree. Grilled cheese sandwich on the menu later on that week same sandwich turns into a grilled deli sandwich. Wilmington Branch Agent Leon Gandy made the ship spoke to the steward about these issues and his classic response was the last steward left him a short order and says thing will improve but this is yet to be seen. Followed up when the ship arrived in Oakland spoke with Bosun Dale Gibson and Delegate Corey Burton and will continue to address these issues.

APL Philippines- In at Oakland #58. Storing issues. West Coast standards were addressed last trip. Gary McDevitt, Delegate, Bob Burns, Bosun.

APL Belgium- In and out Oakland #58, with no beefs. Nick Hoogendam, Bosun and Arthur Brosnan, Delegate.

APL Thailand- In at Oakland #58. Called for a Bosun. With no qualified man in the hall, promoted Dimtri Seleznev to Bosun. Bill DeBenedictis, Delegate.

Maui- In at Oakland #62. Robin Colonas took an emergency trip off in Seattle. Relief Bosun Norm Christianson running the gang. Sam Worth, Delegate.

Kauai- Sailed for the Honolulu with no beefs. Sahri Ali, Delegate and Frank Portanier, Bosun.

Matsonia- In and out Oakland #62 with no beefs. Mick McHenry, Bosun and Joe Eckert, Delegate.

Cape Horn- Activation this week on the *Cape Horn*. Paul Fuentes, Bosun and Lee Bolden, Delegate.

Cape Hudson- Pier 50. Talk of an activation in mid April subject to change. Mike Worth, Bosun

Worked the front office and assisted in dispatching.

Roy Tufono

SUP member joins pension ranks

The following SUP members joined the rank of pensioner, bringing the total number of SUP members to 190:

Michael McLavy, 68, Book No. 6528, joined SUP in 1996, 32 years seetime.