



## Current Positions of the Council of American Master Mariners

The following are CAMM's current positions on maritime matters. **Positions** were agreed on by attendees at our 2017-2018 AGM or revised by the Positions Committee as instructed by membership.

### POSITION 2004-01 Criminalization of Shipmasters

OPPOSE the immediate arrest of shipmasters after civil maritime incidents until appropriate criminal investigations are completed and all rights of the master are protected.

OPPOSE the detention of shipmasters by any arresting Port State not respecting the warrant and status of the shipmaster.

OPPOSE the use of "risk of flight" as the sole judicial reason for detention of the shipmaster under domestic law.

SUPPORT IFSMA Resolution 1/2004 (AGA 30) calling on IMO, ILO and other regulatory interests to develop guidelines for Port States with regard to the arrest and detention of Masters without trial following maritime casualties. (See IFSMA AGA 30 - Resolution 1/2004 for full statement.)

*Adopted 2004; 2013: Sent to committee for re-wording, amended 2014; continued 2015, amended 2016, Referred to committee for update 2017, No update as of AGM 2018.*

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### POSITION 2004-02 Ports of Refuge

SUPPORT the ancient doctrine of Port of Refuge and support the clarification of international law of said doctrine.

*Adopted 2004; amended 2013, continued 2016, 2017, 2018*

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### POSITION 2004-07 One Man Bridge Watch

OPPOSE one-man bridge watch.

*Adopted 2004; amended 2013, continued 2016, 2017, 2018*

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**POSITION 2006-05      Witness Treatment by U.S. Officials**

OPPOSE detention of crew of violating ships for the purpose of serving as material witness(es), for an unreasonable period of time, resulting in loss of liberty, wages, and proper due process. “Unreasonable period of time” is defined in this instance as exceeding the 29-day shore pass period.

*Adopted 2006; amended 2008, 2013; continued 2015, amended 2016, 2017, 2018*

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**POSITION 2006-09      ILO Maritime Labor Convention 2006**

SUPPORT U.S. ratification of the ILO Maritime Labor Convention (MLC) 2006.

*Adopted 2006; amended 2008, 2013; continued 2015, amended 2016, 2017, 2018*

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**POSITION 2007-03      Watch Stander’s Fatigue and Task-based Manning**

SUPPORT flag state implementation and enforcement of new IMO requirements under IMO resolution A.1047, Principles of Minimum Safe Manning, SOLAS Chapter V/14, Ships’ Manning, and ISM revision to Chapter 6, placing responsibility on owners for proper manning under all operational conditions.

*Adopted 2007; reworded in 2012 to condense two related positions to one; amended 2014, 2015; continued 2016, 2017, 2018*

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**POSITION 2007-06      Seaman’s Manslaughter Act**

SUPPORT changing the Seaman’s Manslaughter Act (U.S. Code, Title 18, Section 1115) to require a higher standard of proof than simple negligence.

Note: CAMM to provide information of organizations or law enforcement bodies that may be opposed to a change or elimination of this act.

*Proposed 2007; adopted 2008, continued 2016, 2017, 2018*

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**POSITION 2008-04      Vessel Documentation, Inspection and Mariner Credentialing**

SUPPORT the transfer of vessel documentation, vessel inspection and mariner credentialing from Department of Homeland Security to the U.S. Department of Transportation.

*Proposed 2007; adopted 2008, amended 2013, continued 2015, amended 2016, Continued 2017, 2018*

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**POSITION 2009-04 International Piracy On the High Seas – Elimination of**

SUPPORT the re-authorization of United Nations Security Council Resolution #2442 (renewed 2018 and recalling its previous resolutions) to authorize funding for international action to fight piracy, and to urge the governments of the world to work to defeat piracy wherever it occurs.

*NB: Position 2013-01 deals with an IMO recommendation making the Flag State responsible for a much broader range of Flag State mariner care.*

*Adopted 2009; amended (for resolution number and date) 2013, 2014, 2015, 2016, 2017, 2018*

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**POSITION 2011-03 Requirements for Foreign Crew Aboard U.S. Flag Vessels**

OPPOSE any expansion of the language of CFR 46 USC 8103 (b) (3) to include any vessel other than those specifically cited therein. Furthermore, require that any non-US citizen employed on a US Flagged vessel be required to meet the same standards of certification, endorsement and security check as a U.S. Seafarer.

*Adopted 2011; amended 2013, 2014; continued 2016, 2017, 2018*

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**POSITION 2012-01 Redundant Navigation Systems**

SUPPORT international effort to require that redundant and independent electronic navigation system(s) (such as e-Loran) be established to back up Global Navigation Satellite System (GNSS) technology.

*Adopted 2012; amended 2014, 2015, continued 2016, 2017, 2018*

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**POSITION 2012-02 Training in Celestial Navigation**

SUPPORTS the inclusion of celestial navigation competency as a component of deck officer certification.

*Adopted 2012, continued 2015, 2016, 2017, 2018*

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**POSITION 2012-04 Jones Act**

REAFFIRM our staunch SUPPORT for and retention of the Jones Act, Section 27 of the Merchant Marine Act of 1920 (Public Law 66-261)

*Adopted 2012, Continued 2016, 2017, 2018*

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**POSITION 2013-02 Administrative Burden on Ship Masters**

SUPPORT efforts to review and reduce the administrative burden imposed on vessel masters.

*Proposed 2012; adopted 2013; amended 2014, continued 2015; retiled, amended 2016, Continue 2017, 2018*

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**POSITION 2013-04 Food for Peace Program – Public Law (P.L.) 480**

SUPPORT U.S. maritime industry efforts to prevent changes in the Food for Peace Program, proposed in the Administration’s FY 2020 Budget.

*Adopted 2013, amended 2015, Continued with yearly update to FY, 2017, 2018*

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**POSITION 2013-05 Increase in USF Requirement under Food for Peace Program**

SUPPORT the U.S. maritime industry’s position that the percentage of PL 480 cargoes which must be carried on U.S. Flag ships be restored to 75 percent. Further SUPPORT efforts to legislate a meaningful penalty for failure to ship on U.S. Flag vessels, at the required percentage.

*Adopted 2013, amended 2015 Continued, 2017, 2018*

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**POSITION 2014-01 U.S. Coast Guard ownership of Merchant Mariner Credential (MMC) / License**

Continue to OPPOSE Coast Guard position that the agency owns the new Merchant Mariner Credential (MMC)/License issued to a seaman and that USCG can revoke or recall the document any time without cause as set forth in the Code of Federal Regulations. CAMM contends that the credential is the property of the user, and that it is to be surrendered to the Coast Guard only after due process. CAMM SUPPORTS changing the CFRs to that affect.

*CLARIFICATION: Positions Committee notes that the Original Position was discontinued because the USCG has taken actions indicating that it considers this a moot point. USCG no longer uses the word “license” when referring to the merchant mariner’s license. Revived because CAMM members wish to press the issue with Congress. CAMM does not challenge USCG right to revoke the Z card, as long as due process is followed.*

*Adopted 2008; discontinued 2013; reinstated 2014, Continued 2015, 2017, 2018*

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**POSITION 2014-02 Safety Requirement for New Ship Construction**

SUPPORT a safety requirement whereby all new ship construction shall include an elevator/lift from the main deck or pilot embarkation point to the navigation bridge.

*Adopted 2012; tabled 2013; reinstated 2014, continued 2015, amended 2017, 2018*

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**POSITION 2017-01 Support H. R. 1240**

SUPPORT H.R. 1240 sponsored by Congressman John Garamendi's (D-CA-03) and Congressman Duncan Hunter (R-CA – 05). This bill requires that a fixed percentage of LNG and crude oil exports be transported on vessels documented under U.S. law (U.S. Flag Ships). The bill states that the percentage will be 30 % by 2025.

*Adopted 2017, continued 2018*

NOTE: Bill died in 115<sup>th</sup> Congress It is expected that Congressman Garamendi will reintroduce this bill in the 216<sup>th</sup> Congress

**Current Views**

The following are CAMM's proposed current views on maritime matters. **Views** will be discussed and voted as official positions or dismissed at the 2017 AGM. Please email Committee Chair [Captain Frank Zabrocky](#) with additional comments.

**VIEW 01-2013 UN Convention of the Law of the Seas Treaty**

OPPOSE U.S. ratification of the Law of the Sea Treaty, which would give important domestic powers to an international authority based in Brussels. Specifically oppose provisions which would result in American ship masters accused of offenses at sea being tried by an international court in Europe, and proceedings conducted without the benefit and protection guaranteed by the Constitution of the United States.

*Adopted 2004; tabled for further analysis 2013, 2014, 2015, 2017, 2018*

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**VIEW 02-2015 Authority of MODU/DP Masters**

CAMM SUPPORTS the rightful authority of the MODU or Dynamic Positioning (DP) certified Master to cease operations for safety reasons, without pressure from the company to take actions he considers unsafe.

*Proposed 2015. Maintain as View, 2017, 2018*

**VIEW 04-2015 Flag State Responsibilities in Incidents of Piracy**

RECCOMEND that the International Maritime Organization create a regulation holding the flag state of any merchant vessel held captive by pirates politically and financially responsible for patrolling the pirate zone, freeing the crew, releasing the vessel from the control of the pirates and compensating the crew and their families for lost wages and hardship.

*NB: 2009-04 Recommends U.S. support for U.N. Resolution urging world governments to defeat piracy.*

*Proposed 2012; adopted 2013 as Position 2013-01; 2015 tabled for further discussion*

## **VIEW 05-2015 Under-Qualified Officer Promotions**

OPPOSE Coast Guard's proposed regulations which would allow a third or second mate to progress to an unlimited master's license with only 36 months' service as a third or second mate, removing the requirement of six-months service as Chief Mate on unlimited tonnage vessels. (*Formerly View 03-2013, offered as Officer Promotion Requirements.*)

OPPOSE Coast Guard proposal to allow a third mate with only 12 months' service as an Officer in Charge of Navigational Watch (OICNW) to progress directly to Chief Mate Unlimited Tonnage. (*Formerly View 04-2013, offered as USCG Advancement to Chief Mate Requirements.*)

To view full text on the USCG proposed changes, view/download the [Federal Register](#).

*Adopted 2010; tabled 2013 to combine two related positions; adopted 2014 as position 2014-04; tabled 2015 pending further review.*

## **VIEW 01-2017 Vessel Safety Reporting Procedures Under the ISM Code**

All ISM procedural language requiring Masters to route and/or report vital information affecting vessel safety (i.e., as required by USCG "Casualty" form 2692) initially to and through Company DPAs, be rescinded or modified to permit unhindered direct communication with the responsible MSO of the U.S. Coast Guard.

The above proposed "View", or amendment to View# 01-2015, was unanimously passed by the NOLA Chapter at the monthly November meeting held on this date, 11/10/16, and is herewith submitted by Ed Higgins, CAMM NOLA Chapter President, for adoption into an official "Position" at the next AGM.

August 2018 Update: After the AGM this view was re-written as follows:

CAMM supports the right of the Ship's Master, in accordance with SOLAS Provisions, to exercise whatever lawful means or measures are deemed necessary to ensure the safety of the vessel, including, but not limited to direct communication with any RESCUE agency, or the USCG in an expeditious manner if the situation so requires.

It was voted down by the BOG as a position in August 2018. It will be presented in its present form at the 2019 AGM for discussion and resolution.