

## **Membership Sends Over 300 Letters Supporting A Strong PVSA**

The M.E.B.A. membership has peppered the U.S. Customs & Border Protection with over 300 letters supporting the agency's recent interpretive rule supporting U.S. mariners in the Hawaii cruise ship trade. At the request of the Maritime Administration, Customs looked into whether the increasing numbers of foreign-flagged cruise lines in the Hawaii trade are undercutting the Passenger Vessel Services Act. The PVSA prevents foreign-flagged vessels from transporting passengers directly between U.S. ports.

The foreign-flagged cruise lines have been bringing passengers between the U.S. West Coast and Hawaii making a quick stop at a Mexican port. The Interpretive rule found that this practice flies in the face of the PVSA to the detriment of U.S. mariners serving in the trade. Customs outlined a series of conditions that they say these foreign cruise lines should submit to as part of their West Coast-Hawaii itineraries that better serves the spirit of the law. Customs prescribes conditions such as longer port stops in Mexico and provisions for passengers to go ashore in the foreign port.

M.E.B.A. hailed the ruling and encouraged our membership to ask Customs to send comments to the agency in support of the ruling. A sample letter was sent to the M.E.B.A. Union halls and offices and was included in the December meeting packet. As mentioned, over 300 members, including the officers onboard all three U.S.-flag Norwegian Cruise Lines-America vessels, signed the letter or sent their own to Customs to be made part of the official docket.

Among other things, the suggested letter states that the foreign cruise lines in question are evading U.S. cabotage laws with these "sham port calls in Mexico" and that these actions "jeopardize American seafarer jobs and the continued operation of the nation's only three oceangoing U.S.-flag cruise ships." The letter urges immediate adoption of the rule.

In addition, M.E.B.A. Headquarters sent comments on behalf of the Union as a whole saying that

the Customs ruling "addresses blatant abuses of the PVSA by some corporations who already take advantage of flags of convenience and foreign tax regimes to

skirt their tax, labor and environmental obligations to the United States. M.E.B.A. is deeply concerned that if the foreign-flag cruise lines' behavior remains unchecked, it will result in the failure of the Hawaiian Cruise Ship initiative, which in turn, would irreparably harm the American Merchant Marine.”

M.E.B.A. commented that foreign lines have taken a skewed interpretation of the PVSA in order to take advantage of the U.S. market “while doing everything in their power to minimize their compliance with American tax, environmental, labor and maritime safety regulations.”

These practices have already had the effect of damaging the competitiveness of the U.S.-flagged cruise ships in the Hawaii trade – the NCL America vessels. This has prompted NCL-A to announce plans to redeploy the **PRIDE OF HAWAII** into the international trades in early 2008. The M.E.B.A. comments conclude, that “it is critical that Customs move swiftly and not allow the foreign flag cruise lines to delay implementation. We have already lost one vessel because of their violations of the laws of the United States. We cannot afford to wait any longer...”

A number of powerful Members of Congress have also joined forces with the M.E.B.A. on this issue sending their own comments to Customs strongly urging the agency to implement their interpretation. That letter was signed by the Chairman of the Transportation & Infrastructure Committee Rep. Jim Oberstar (D-Minn.); the Chairman of the T&I's Coast Guard Subcommittee Rep. Elijah Cummings (D-MD), the Chairman and Ranking Member of the Homeland Security Committee Rep. Bennie Thompson (D-Miss.) and Rep. Peter King (R-N.Y.); the Chairman of the House Armed Services Committee Rep. Ike Skelton (D-Missouri) and the Armed Services' Seapower Subcommittee Chairman Rep. Gene Taylor (D-Miss.) as well as the Ranking Member of the Air and Land Forces Subcommittee Rep. Jim Saxton (R-N.J.); and the Chairman of the Education and Labor Committee Rep. George Miller (D-CA). The letter was also signed by Rep. Peter DeFazio (D-OR) and Rep. Frank LoBiondo (R-N.J.), both influential members of the Transportation and Infrastructure Committee.