

# MARINE ENGINEERS' BENEFICIAL ASSOCIATION (AFL-CIO)

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Oral Testimony Delivered by  
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Before the Coast Guard and Maritime Transportation Subcommittee  
of the House Transportation & Infrastructure Committee Hearing on  
"Piracy Against U.S.-Flagged Vessels: Lessons Learned."  
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## **Good morning, Mr. Chairman and Members of the Subcommittee:**

My name is Bill Van Loo and I am the Secretary-Treasurer of the Marine Engineers' Beneficial Association. The four maritime unions sitting here appreciate the opportunity to testify before you this morning. The merchant mariners our organizations represent crew U.S.-flag vessels that frequently operate in waters where the threat of piracy is the greatest. Our members deeply appreciate your leadership, Mr. Chairman, in scheduling this hearing. We look forward to working with you and your Subcommittee to formulate responses to the threats posed by piracy which offer the greatest measure of protection for U.S.-flag vessels and their citizen crews.

American mariners working aboard U.S.-flag vessels transiting through the Gulf of Aden around the Horn of Africa and into the Indian Ocean, continue to face an immediate and ongoing threat from international pirates. Make no mistake, the Pirates are targeting U.S.-Flag vessels.

As evidenced by the Administration's response to the recent attacks on the U.S.-flag vessels MAERSK ALABAMA and LIBERTY SUN, the U.S. Navy and its personnel have the ability and expertise to effectively respond. The Navy officers and sailors attached to the USS BAINBRIDGE executed the extremely difficult mission of rescuing Captain Richard Phillips, master of the MAERSK ALABAMA. While it is true, the pirates never took control of either the ALABAMA or the SUN, we, the United States, have to assume the

circumstances will be quite different should pirates hijack another American-Flag vessel, and the result may not be quite as fortuitous.

The U.S. Merchant Marine is the 4<sup>th</sup> Arm of Defense. The United States cannot allow pirates to force the American-flag from plying the oceans of the world, nor can we allow these criminals to drive American citizens out of the maritime industry. Absent a U.S. Merchant Marine, our armed forces overseas would have to rely on foreign-flag vessels and crews to deliver their necessary machinery, equipment and other supplies. The mariners aboard those foreign-flag vessels may not be willing to deliver cargo for the purpose of supplying the U.S. military, as was the case in the 1st Gulf War in 1991.

Consequently, we are extremely disappointed that the Department of Defense has apparently decided that pre-emptive protection of U.S.-flag vessels and U.S. citizen crews is not their responsibility. We strongly believe, first and foremost, that it is the responsibility of the U.S. government to provide the necessary protection to life and property aboard U.S.-flag vessels. Flying the U.S.-Flag is an extension of the United States itself, regardless of where the ship is operating. The unions believe the most effective way to protect its U.S.-citizen crews is to attach a handful of military personnel to each vessel transiting pirate infested waters.

We understand the waters of the Gulf of Aden where recent pirate activity has been the greatest encompasses an enormous area. Yes, an international coalition of Navies is now patrolling these waters. But, nonetheless, vessels are still being hijacked. The area is just too large to patrol.

We also understand that private industry needs to assume some responsibility. And, any agreement between the international maritime community must be balanced, applied equally to all nations and not economically disadvantage the U.S.-flag Merchant Marine.

Our maritime unions are prepared to consider any and all steps that may be necessary to protect the lives of the men and women we represent. We believe that attaching private security teams aboard vessel may provide some measure of protection against pirate attacks. These non-U.S. military teams must be properly equipped and trained to take aggressive action when a vessel is under attack. However, it should be noted that there are serious concerns and risks throughout the maritime industry regarding this approach. The employment of private security detachments have raised command and liability issues which must be thoroughly considered before proceeding in this fashion.

In addition, Mr. Chairman, we would like to address the issue of "arming the crew". We categorically reject the notion that this should be considered the best or even a primary solution to the problem of piracy or that it is "the answer" to the threat posed by pirates. Rather, we believe it should be considered as only one part of the overall, comprehensive response. Such a program should encompass only the most highly qualified mariners on each vessel, who, as determined by the ship owner and Master, have extensive training and expertise in the use of weapons. Conversely, we do not believe that an individual should have access to arms aboard the vessel simply and exclusively because he happens to hold a certain rating or license.

We would ask, Mr. Chairman that you and your Subcommittee work with us to help eliminate whatever statutory and regulatory impediments may exist to the employment of a private security force and to allow a limited number of crewmembers access to arms aboard U.S.- flag commercial vessels.

In conclusion, we again wish to express our appreciation for your efforts, Mr. Chairman, and the efforts of your Subcommittee to focus attention on this extremely serious problem. We stand ready to continue to work with you and your Subcommittee and we request that our formal statement be included as part of hearing record.