President’s Notes

It is a little bit difficult to believe that we are already into the month of November. Halloween is behind us and Thanksgiving not far ahead of us. We recently had our second Halloween Happy Hour at Stamford’s Sign of the Whale, so I think it is fair to now call this event “annual”! Thanks to those that attended, and congratulations to those who won prizes – we do hope that everyone enjoyed the evening.

Remember that your CMA does more than just arrange social events. CMA recently co-sponsored a Ballast Water Round Table for Ship Owners, along with d’Amico, Intertanko, Intercargo, IMS/Marine Money, and LISCR. We were very grateful to have Captain Scott Kelly and Ms. Debbie Duckworth of the USCG at this event. They provided the attendees with information about the latest Coast Guard approved Ballast Water Systems and other valuable insight and expertise.

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For Reservations for all CMA Events please call Lorraine at +1.203.406.0109 Ext 3717, or email conferences@cmaconnect.com or LParsons@marinemoney.com

SAVE THE DATES

NOVEMBER 2017
Wednesday, November 15th, 2017
6th Annual New York City Speaker Luncheon
Speaker: Jack Noonan, CEO Emeritus, Chembulk Tankers and CMA Commodore 2017
The New York Yacht Club
37 West 44th Street, New York, NY 10036
(between Fifth & Sixth Avenues)
Check in: Model Room – 2nd Level
Cocktail Reception: 12 Noon – Model Room
Seating for Lunch: 12:45 pm – Model Room
$115 Members/ $130 Non-Members
Pre-payment required for this one by check or credit card.

ONLY LIMITED SEATS AVAILABLE – RESERVE TODAY AS ALMOST SOLD-OUT!

DECEMBER 2017
Monday, December 11th, 2017
(a Monday this year as Tuesday is the start of the Hanukkah holiday)
CMA Annual Holiday Party
6:00 pm – 10:00 pm
Sign of the Whale
6 Harbor Point Road, Stamford, CT 06902
(plentiful street and surface lot parking close-by and use of the Harbor Point garages is available – before 6pm just say you are going to SotW and after 6pm the barriers are up!)

We invite our members to Come Celebrate the Season at our Annual Party.

Free of charge to CMA Members in good standing
(All we ask is that you bring an unwrapped toy for the U.S. Marine Corps. sponsored “Toys for Tots” program OR make a cash or check donation to the CMA Education Foundation (any donation welcome).

For Reservations for all CMA Events please call Lorraine at +1.203.406.0109 Ext 3717, or email conferences@cmaconnect.com or LParsons@marinemoney.com
The first question to the USCG came early on in the session, and perhaps predictably, was, “What do we do if we are heading to the USA, and the BWTS stops working?” It was a very productive day. All of the Owners left with a better understanding of the US regulations, and I believe that Captain Kelly and Ms. Duckworth left with a better understanding of the concerns of the Ship Owners. I am pleased that the CMA and the other sponsors were in a position to put together a conference of such relevance, and hope that we can find more opportunities for such events in the future.

Our annual Manhattan luncheon will be next week, on November 15th, and this year it will be held at the New York Yacht Club, in the Model Room. If you have never attended an event in the Model Room, prepare to be amazed. It is a stunning venue, and frankly, a fitting back drop for our speaker, Jack Noonan, the CEO of Chembulk Tankers. As Jack is transitioning from CEO to CEO Emeritus, we will no doubt benefit from all of the insight that Jack has garnered during his impressive career thus far. This event is RSVP only, so if you would like to attend (and I would urge our members to do so), please be certain to contact Lorraine Parsons promptly.

Finally, please put the CMA Christmas Party in your calendar now – it will be here before we know it! The Christmas Party will be on Monday, December 11th, at Sign of the Whale in Stamford. We hope to see you all there!

Joe Gross

FROM THE EDITOR

With Halloween past I guess we are into the count-down to Christmas. I know that we haven’t had Thanksgiving yet, but the stores are forcing us to think beyond the turkey day.

I hope you got something out of last month’s Jones Act excursion. This month we have another installment of “The Jones Act and its discontents”. It is about non-contiguous states and territories. Once again, this is all about the laws with no politics.
The Washington Post article I referenced in last month's “From the Editor” was authored by a reporter who also works for a DC think tank. As a result I had an interesting meeting before my NAMO (National Association of Maritime Organizations) meeting in DC October 25th. It is amazing who reads our monthly Newsletter.

In this issue we have some news about future life style plans of a former Commodore, a thank you letter from a student who received a scholarship, a call for papers for our annual D’Amico scholarship essay and a peek at mediation of maritime disputes in New York.

For our members who attended Breakbulk Americas in Houston yes! there really is a Connecticut Port Authority. I appreciate your stopping at the booth.

Happy Thanksgiving
Donald (Don) Frost

Please welcome our new members.
Mr. Daniel Burrell, Operations Manager, Oldendorff Carriers, Stamford, Ct
Mr. Jose Luis Diaz Lopez, Director, Navecopa Agencies CV, New Orleans, LA
Mr. Patrick Richard Farrell, Chief Mate, Crowley Petroleum Services, Riverhead, NY
Mr. John Harms, Assistant Vice President, Brown Brothers Harriman & Co., New York, NY
Mr. Matt Heider, Head of Sales, Nautilus Labs, New York, New York
Mr. Akira Hirose, Vice President, Toyota Tsusho Petroleum USA Inc., New York, NY
Mr. Aaron Paul Kelley, Circulation Manager, Tradewinds, Stamford, Connecticut
Mr. Joshua Simonson, Mgr–Maritime Security, Meridian Global Consulting, LLC, Mobile, AL
Welcome aboard.
Greg Kurantowicz, Membership Committee Chair

GST
North America
15-17 November 2017
Manhattan, New York

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maritime.knect365.com/green-ship-tech-na
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Through a revolutionary approach to data management and performance monitoring, Accuritas helps global shipping leaders become more efficient, data-driven businesses. Our web-based Accuritas Portal and proven Business Intelligence solutions are at the forefront of solving the shipping industry’s big data dilemma. The foundation of our customized solutions is our comprehensive approach to client relationships that ensures everyone is always up to speed.

DATA MANAGEMENT • DEVELOPMENT • CONSULTING • WEATHER ROUTING AT-SEA & IN-PORT PERFORMANCE MONITORING • SPEED AND CONSUMPTION CLAIMS MULTI-VENDOR INTEGRATION • CUSTOMIZED DELIVERABLES • ON-DEMAND ANALYSIS
Thank you to all who came out for the CMA Halloween Happy Hour on Thursday, October 26th at Sign of the Whale in Stamford.

Overall there weren’t too many people dressed-up, but everyone was great with the donations to the CMA Education Foundation, and everyone not in costume was happy to make a donation – our thanks! The few that wore costumes were very impressive and showed that quality is better than quantity.

A big thank you to Moran Towing for sponsoring 4 tickets to an upcoming NY Rangers ice hockey game, that truly made it worthwhile for those that dressed-up.

The lucky winners in the costume contest were:
1. Claus Clement, Clipper Bulk – 2 tickets to a Rangers game
2. Oliver Repenning, Clipper Bulk – 2 tickets to a Rangers game

Thanks to all that showed up and thanks to all that dressed-up - it made for a great themed Happy Hour! (And thanks to our new CMA Social Chair, Bobby Rosano of Monjasa, for overseeing this event!)
CMA Education Foundation Committee,

Thank you for selecting me as one of this year’s scholarship recipients.

Since being introduced to the CMA, the outlook for my future has improved immensely. Many of you know I had an internship with Charles Weber and also a wonderful experience of traveling to China this past summer. Both of these experiences opened my eyes to many different opportunities and increased my interest in the shore side aspect of the industry.

Last year I briefly mentioned that I was in dire need of financial support in order to continue my education at SUNY Maritime. CMA’s $10,000 scholarship lessened that burden, and more recently, an additional $1,500 scholarship. In just one year, your support has moved me from being a student who was unsure of his place in the industry and opened my eyes to paths I once thought were unimaginable.

Your generosity is making a difference in the future of many students. Last month the CMA agreed to allow the Fort Schuyler, Propeller Club to participate in future monthly luncheon meetings, which allows students to network with industry professionals and gain a broader understanding of the industry. This shows that you are more than a foundation that provides financial support, but also a foundation that is truly interested in the individual development of students as they proceed forward in their careers.

I truly cannot express enough my sincere gratitude for what the education fund and the entire association has done. The knowledge and experience you share with students, such as myself, is priceless and we are eternally grateful. It is safe to say that the CMA has solidified my interest in the Maritime Industry and fueled my passion for success along with any others.

Thank you again for all of your support and guidance. I wish you all the best and a great conclusion to the year.

Very Respectfully,
Andy Mayhew
Connecticut Port Authority Woos Shippers at Breakbulk Americas Conference

Houston, TX – Under the leadership of Executive Director Evan Matthews, the Connecticut Port Authority headed to Houston this month for the largest expo of its kind in the country. Top-tier shipping companies and project cargo suppliers stopped by to hear why Connecticut is the ideal access point for the east coast and mid-Atlantic.

More than 4,000 exhibitors and attendees registered for the 28th Annual Breakbulk Americas Conference. Hosted by Port Houston and held at the George R. Brown Convention Center, the expo provided the Authority with the opportunity to speak one-on-one with industry leaders about the benefits of Connecticut’s three deepwater ports.

Conference goers also heard from panelists and keynote speakers about the favorable outlook for energy-related project opportunities. Connecticut’s easy access to rail, highway, and Atlantic shipping routes—and especially its direct pipeline from Gateway Terminal in New Haven to Bradley International Airport and the Massachusetts Air National Guard—make it well-positioned to capitalize on these strong markets and the relationships established at the conference.

CHEMBULK TANKERS APPOINTS DAVE ELLIS AS CEO

Southport, CT, 1 November 2017 – Chembulk Tankers today announced the appointment of David Ellis as Chief Executive Officer (CEO), succeeding Jack Noonan who will retire after 10 years of leading the team at Chembulk Tankers. Effective November 1, 2017, Jack will take on the role of CEO Emeritus and will continue to advise and counsel Chembulk as part of the leadership transition.

Dave Ellis has over 30 years in chemical and petroleum transportation experience, including over 20 years with Odfjell SE in various leadership roles culminating in the global leadership position in Odfjell’s joint venture with Lindsay Goldberg. He most recently served as CEO of Waypoint Solutions LLC, a Houston-based company he founded in 2016 to develop, buy, and operate midstream assets.

“I am pleased to join the Chembulk team and look forward to this new chapter. As a team we will work to maintain Chembulk’s reputation for safe and efficient product deliveries to our customers. We will continue growing Chembulk into the preeminent chemical parcel tanker company,” Ellis commented.

Chembulk Board Member Brian Dillard stated, “Jack Noonan guided Chembulk during a period of dynamic change for the company and the industry. On behalf of the Board, I thank him for his service, his commitment to our business and wish him well in his future endeavors. We are excited to have Dave as our new CEO and are looking forward to the continued success of the business under his leadership.”

“It has been an honor and privilege to work alongside, and lead, such a dedicated team at Chembulk Tankers. It will always hold a special place in my professional life. I wish the team, the Board, and Dave every success,” Noonan said.

ANCIENT SHIPWRECKS AND RIGHTS OF TREASURE SALVAGE

James A. Goold, an attorney at the Washington, D.C. office of Covington & Burling LLP, will give a video and slide presentation on ancient shipwrecks and the legal challenges involved in protecting underwater archaeological sites and sunken treasure from looting. This will include Jim’s successful representation of the government of Spain against treasure salvors to win repatriation to Spain of seventeen tons of gold and silver coins taken from the 17th century wreck of a Spanish naval frigate, Nuestra Señora de las Mercedes. Currently, Jim represents France against treasure hunters to protect sunken French warships dating from 1565 in Florida waters. Jim will also discuss marine archaeological work he has done with his non-profit organization, RPM Nautical Foundation, which includes underwater archaeological sites across the Mediterranean from Spain to Turkey. This presentation promises to be fascinating both to the lawyer, for its interesting legal issues, and to the layman, for its historical and archeological interest.

The Program will be on Wednesday, December 6, 2017 from 6-8 pm. Program Fee: Free for NY City Bar Members | $15 for Non-Members

The program will be held at the New York City Bar Association which is located at: 42 West 44th Street, New York, NY 10036-6689

See more and register to attend via the following web-link: http://services.nycbar.org/EventDetail?EventKey=ADM120617
WHY MEDIATION?

By Michael Fackler

As everyone in shipping already knows, nearly all disputes under charter parties or ship sales agreements are contractually agreed to be decided by arbitration in an agreed location and subject to pre-agreed law, and not left to the court systems of the world. Arbitration is a successful and time-tested method of alternative dispute resolution (ADR) in the international maritime community. In the US, members of the Society of Maritime Arbitrators have a long and well-documented record of success in the most complex and high-value arbitrations in the international maritime field, backed up by reasoned decisions (to date, 4300 published awards).

Less known is the SMA's assistance in the resolution of maritime disputes by mediation, for which the SMA has published its rules since 1999. Mediation is a more recently accepted method of dispute resolution than arbitration, but has been rapidly expanding in commercial disputes worldwide, and for good reason. Unlike either litigation or arbitration, the parties together decide the outcome of the argument, rather than having the decision made for them by a court or arbitral panel.

For those not familiar with mediation, it is simply the means by which disputes are settled with the help of a completely neutral party, the mediator. In international shipping, shipbrokers are frequently the “first responders” when a dispute arises under a charter party. However, since they usually have a stake in the outcome and are not truly neutral, they are not always the best intermediaries for settlement, nor may they wish to act as such when the dispute is difficult or gets emotional, since they may risk losing one or possibly more clients.

In contrast, the mediator is chosen because the mediator is indeed neutral and is trained in techniques to help facilitate a negotiated settlement. The mediator has no stake in the outcome of the mediation and is therefore likely to be better
suited to help define the issues of a dispute and thereby help to find ways to come to an amicable settlement, especially a mediator who is experienced in commercial matters.

Mediations are typically completed within one day. The mediator, especially if an SMA member who is expert in the subject matter, can work with the parties both separately and together to refine the issues and quickly get to the crux of the matters in dispute. By being voluntary (unless court ordered) and informal, without discovery or prescribed structure, the mediation process helps the parties develop their own solutions to their own disagreements. Finally, the end result is not legally binding until the signing of the written settlement agreement, at which time the settlement is final and legally enforceable. And because the parties themselves have decided the outcome, voluntary compliance with the agreement is the rule.

A charter party requiring arbitration in a location other than New York may nevertheless be mediated in New York, saving significant costs in legal fees, travel and other expenses. If the mediation is unsuccessful, the matter can still then be arbitrated in accordance with the charter party requirement.

Mediations are completely voluntary and are conducted with total confidentiality by the parties and the mediator. If a party withdraws or if the mediation does not result in a settlement, the parties may commence arbitration at any time without prejudice as a result of having first tried mediation. Under SMA Mediation Rules, all proceedings remain totally confidential after the mediation, whether successful or not in whole or in part, and cannot be used in an arbitration or litigation, nor can the mediator serve as an arbitrator or be a witness in that dispute. “What happens in the mediation stays in the mediation.”

Because it is such an effective, informal and inexpensive method of resolving disputes, the SMA recently began an initiative to better promote mediation by SMA members. In June 2017 we held a training program with the excellent instructors of the New York City Bar Association in order to qualify more members in the practice of mediation. Nearly a third of SMA members are now trained in mediation skills. We also undertook an update of our existing Mediation Rules and promulgated other documents and information, as a result of which the SMA’s newly designed website (smany.org) now has a Mediation tab under which it has published its revised Mediation Rules, model Mediation/Arbitration Clause, Model Mediation Agreement and Frequently Asked Questions about mediation. All of this information is freely available from the SMA which, unlike many other ADR organizations, does not administer or directly involve itself in either mediations or arbitrations.

SMA mediators have deep and broad experience in all aspects of maritime activities, especially in commercial disputes, may be based anywhere in the USA and can travel anywhere to conduct a mediation. An SMA mediator -- who might be a master mariner, naval architect/marine engineer or experienced ship manager, marine insurance professional or ship broker, for example -- can look at the parties’ dispute with very different eyes from those of a retired judge or non-maritime lawyer, who are frequently appointed as mediators but may have no industry knowledge or commercial experience. We believe that our members’ knowledge and experience gives SMA mediators, and therefore the disputants, an enormous advantage in reaching a settlement. SMA members who are qualified mediators have so indicated in their bios on our SMA membership roster.

We encourage parties to charters and any maritime-related contract or sales agreement, and their counsel, to consider mediation under SMA Rules using SMA mediators when conflicts, or potential conflicts, develop. Please review the Mediation tab on our website, smany.org, and contact the SMA with any questions.

**Call for Papers**

The Connecticut Maritime Association (CMA) and the CMA Education Foundation is seeking entries from students attending American maritime colleges and universities with programs and/or courses that deal with shipping, international trade and marine transportation.

The Connecticut Maritime Association, Inc., is a not-for-profit organization established in 1984 and which has an educational mission. It is an association of individuals representing every aspect of shipping and international trade, both ship and cargo interests.

CMA’s annual Trade Show and Conference, March 12-13-14, 2018, will feature a session entitled “Student Research Presentations on the Business of Shipping” on Tuesday, March 13, 2018. To qualify a student must be an individual working towards a Bachelor or Master’s degree at a US university at the time of the conference.
All papers are to be original manuscripts and the topics should have practical application to industry problems, issues, or policies. Papers will be reviewed by teams from academia and industry. Three papers will be selected and awarded a certificate, with a first place award of $2500, second place award of $1500, and third place award of $1000. The awards are courtesy of d’Amico Shipping Group.

All topics of the “Business of Shipping” are acceptable. Possible topics that students may wish to explore might include:

- Financial pressures and survival among owners of ships – tankers, bulk carriers, containerships
- Imbalance between the supply of, and the demand for, ships and their implications
- Global warming and its effect on the output of agricultural goods and demand for bulk carriers
- Global maritime policies such as those covering safety, environmental emissions, invasive species and ballast water issues, market competition, etc.
- Regulation, enforcement and governance in the maritime field
- Energy – oil, gas, coal, wind, solar – what are its effects on the shipping industry?
- Vessel operating issues – for example, crew recruiting, retention and education
- Ship waste disposal; environmental ship scrapping; population growth and migration and their impact on demand for resources
- Piracy – risks, results and solutions
- The environment – regulations and technological solutions
- Others, such as: the Maritime Labor Convention and emission issues

Submit your paper and presentation by January 08, 2018. Submissions are to be e-mailed only. Feel free to contact Shmuel Yahalom if you have any questions.

Submit to: Shmuel Yahalom, Ph.D.
Distinguished Professor
State University of New York, Maritime College
6 Pennyfield Ave.
Throggs Neck, NY 10465
Phone: 718 409 7290
E-mail: syahalom@sunymaritime.edu

THE JONES ACT AND IT DISCONTENTS – PART II

Noncontiguous Trades

Many federal laws and regulations distinguish between the Contiguous United States (CONUS) commonly known as the “U.S. Mainland” and “The Lower 48” as compared to the Noncontiguous U.S. (NONCONUS), which are those areas of the U.S. that are not geographically connected to the 48 contiguous states and include states, territories and insular possessions.

This distinction between CONUS and NONCONUS is importantly used in the regulation of the domestic maritime trades of the U.S.

The four noncontiguous trades of the United States EMBRACED by the coastwise laws of the U.S. (i.e., U.S. maritime or Jones Act cabotage) are as follows:

- State of Alaska
- Territory of Guam (unincorporated territory)
- State of Hawaii
- Commonwealth of Puerto Rico (unincorporated territory)

The three noncontiguous trades of the U.S. NOT embraced by the coastwise laws of the U.S. are as follows:

- Territory of American Samoa (unincorporated, unorganized territory)
- Commonwealth of the Northern Mariana Islands (CNMI) (unincorporated territory)
- The Territory of the Virgin Islands of the United States, commonly known as the U.S. Virgin Islands (USVI) (unincorporated territory)

American Samoa and CNMI were exempted from maritime cabotage by the international treaties that provided for their annexation to the U.S.

The U.S. acquired the USVI from the Denmark in 1917 just a couple of months prior to the U.S. entry into World War I (WWI), and the new territory remained outside the Customs Territory of the U.S. and the embrace of the coastwise laws. Subsequently, Section 21 of the Merchant Marine Act of 1920 exempted the USVI from the coastwise laws subject to a presidential proclamation making those laws apply to the USVI.

In addition, there are nine U.S. Insular Possessions without permanent local populations and governments (a.k.a., the United States Minor Outlying Islands), which are also classified as “noncontiguous” including Midway, Wake, Palmyra and Johnson Islands in the Pacific Ocean.
The coastwise laws generally apply to the five island territories and nine insular possessions as established by Section 21 of the Merchant Marine Act of 1920, “Coastwise Laws Extended to Island Territories and Possessions,” which became effective February 1, 1922, unless specifically exempted.

See attached HSC-449 Noncontiguous Domestic Seaborne Trades of the United States, for a full list of these states, territories and possessions showing the application of the coastwise laws to each.

**The Guam Exemption**

The Territory of Guam and the insular possessions of Midway and Wake Islands and Kingman Reef have a unique coastwise status. This sometimes leads to an assumption that the Jones Act (as narrowly defined in Section 27 of the Merchant Marine Act of 1920) does not technically apply to these U.S. Pacific Islands. While that very narrow interpretation is technically correct, it does not reflect the broader usage of the term “Jones Act” to mean the coastwise laws of the U.S., which do largely apply to these islands.

These islands are clearly embraced by the coastwise laws by Section 21 of the Merchant Marine Act of 1920, “Coastwise Laws Extended To Island Territories And Possessions,” which stated in part, “From and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not now covered thereby . . . .”

At that time, the Territories of Alaska, Hawaii and Puerto Rico were already embraced by the coastwise laws by effect of their respective organic acts.

The so-called “Guam Exemption” (46 U.S.C. 12111 (b)) permits the employment of U.S. flag vessels under registry endorsement in trade with those islands effectively exempting them from the U.S. build and U.S. ownership requirements and allowing the use of foreign-owned, foreign-built U.S. flag vessels in domestic trade with those islands. The U.S. flag requirement means that the ships so engaged must employ a U.S. crew and are subject to U.S. Coast Guard (USCG) inspection. The foreign ownership of a U.S. flag vessel must be arranged through a special purpose U.S. trust.

Section 46 USC 12111 reads in part, “§12111. Registry endorsement (a) Requirements. A registry endorsement may be issued for a vessel that satisfies the requirements of section 12103 of this title. (b) Authorized Activity. A vessel for which a registry endorsement is issued may engage in foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef.”

As American Samoa was made exempt from maritime cabotage by the Tripartite Convention of 1899 between the U.S., U.K. and German Empire (which inter alia divided the Samoan Islands between the U.S. and Germany and gave the U.K. dominion over the Islands of Tonga) the provisions of 46 USC 12111 are redundant in that respect.

“Registry” is a formal vessel registration status defined in law that applies to U.S. flag vessels that are not eligible for coastwise (i.e., Jones Act cabotage) trade. This is the vessel registration status assigned to the ships of the U.S. flag foreign (or, international) trade fleet, none of which are coastwise eligible, all are foreign built and about half are foreign owned.

**Maritime Trade with the U.S. Virgin Islands (USVI)**

The Territory of the Virgin Islands of the United States, commonly known as the U.S. Virgin Islands (USVI), is an organized, unincorporated territory of the U.S., which is geographically part of the Leeward Islands of the Lesser Antilles in the Caribbean Sea. The archipelago of the Virgin Islands is shared with a British overseas territory, commonly known as the British Virgin Islands (BVI).

The U.S. acquired USVI for US $25 million from the Kingdom of Denmark through the Treaty of the Danish West Indies of 1916, which was signed at New York on August 4, 1916, proclaimed (after ratification) on January 25, 1917, and the U.S. government took possession of the territory on March 17, 1917. The acquisition took place during World War I (WWI) before the U.S. declared war against the German Empire on April 6, 1917, so as to not violate Danish neutrality.

The Treaty itself did not address the application of what were known at the time and are still formally known in U.S. jurisprudence as the ‘coastwise laws of the U.S.” -- this was prior enactment of the "Jones Act," which is formally Section 27 of the Merchant Marine Act of 1920. However, as a result of the USVI being excluded from the Customs Territory of the U.S. following annexation, the coastwise laws were not administratively extended to the USVI. This was consistent with the times, as elsewhere during WWI several waivers of the coastwise laws were issued for the Territory of Hawaii and other domestic trades due to the shortage of steamers arising from their requisition for the war effort.

The application of the coastwise laws to the USVI was explicitly addressed by the Merchant Marine Act of 1920, Section 21, "Coastwise Laws Extended to Island Territories and Possessions," which stated in part:

From and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and pos-
sessions of the United States not now covered thereby, . . . . And provided further, That the coastwise laws of the United States shall not extend to the Virgin Islands of the United States until the President of the United States shall, by proclamation, declare that such coastwise laws shall extend to the Virgin Islands and fix a date for the going into effect of same.

This exemption of the USVI from the coastwise laws is codified at 46 USC Section 55101, "Application of coastwise laws, (b) exemptions (3) the Virgin Islands until the President declares by proclamation that the coastwise laws apply to the Virgin Islands."

The maritime trade between the contiguous United States (CONUS) and the USVI is provided exclusively by foreign flag ocean carriers today, and that has been the historical practice since annexation due to the significantly lower cost structure of foreign flag ship operators over time.

The major carrier between CONUS and the USVI is Tropical Shipping & Construction Company Limited (Tropical) employing 13 foreign flag containerships and providing service from the U.S. and Canadian East Coast ports to Caribbean and Central American destinations. Tropical is U.S. based (but foreign registered) and owned by the Jones Act operator, TOTE Inc. d.b.a. TOTE Maritime, a wholly owned subsidiary of the privately-held Saltchuk Resources Inc of Seattle, Washington State.

The privately-held Jones Act operator, Crowley Maritime Corporation, also operates several international liner container services from the U.S. East and Gulf Coasts to Central America and the Caribbean including the USVI employing twenty-four (24) foreign flag containerships.

These U.S.-owned foreign-flag carriers charge freight rates, to the USVI and their other foreign ports of call, which are typically half of what they charge for the carriage of cargo from CONUS to the Commonwealth of Puerto Rico. The Commonwealth is embraced by the coastwise laws of the U.S. -- i.e., the U.S. maritime cabotage regime or "Jones Act" -- and Jones Act qualified vessels must be used in trade with CONUS resulting in much higher freight rates.

The carriage of merchandise (the formal nomenclature for cargo in U.S. jurisprudence) between those areas of the U.S. embraced by the coastwise laws -- e.g., CONUS and Puerto Rico -- and the USVI by ships not eligible for the coastwise trades is not affected by the USVI being a U.S. territory providing the ships also call at one or more foreign port(s) on the same voyage that calls on the USVI.

By also calling at foreign port(s) on each voyage (in addition to the USVI), the ships remain on what is known as continuous foreign voyage status -- by arriving from and proceeding to foreign in respect of their U.S. ports of call on each voyage -- making them immune from much domestic regulation.

Without the immunity afforded by foreign voyage status, the many other federal and state laws and regulations -- other than the coastwise laws -- would apply to and frustrate the operation of foreign flag ship employed exclusively in domestic trade even where a coastwise law exemption exists. Those other regulatory constraints would include laws and regulations covering: immigration, customs, wage and hour, labor, business registration, taxation, health and safety, etc.

The History of Hawaii & The Jones Act

The coastwise laws of the U.S. applied to the Territory of Hawaii twenty years before passage of the Jones Act as part of the Merchant Marine Act of 1920.

The Territory of Hawaii was annexed in 1898 and was organized and incorporated by passage of the Hawaii Organic Act of 1900. All the coastwise laws of the U.S. in effect at the time were applied to Hawaii as an incorporated territory of the U.S. with passage of the Hawaii Organic Act of 1900.

During World War I (WWI), the Territory of Hawaii sought and obtained waivers from the coastwise laws to allow foreign flag ships to carry cargo and passengers in the domestic Hawaii trade. The waivers became necessary because so many U.S. "steamers" had been requisitioned for the war effort. This left the islands without sufficient tonnage to meet both cargo and passenger requirements. (At the time there was no commercial air service to Hawaii and all passenger traffic including interisland was seaborne.)

After the Armistice ending WWI, U.S. Representative Jonah Kuhio Kalanianaole (R-HI) introduced a joint resolution in the Congress calling on the President Woodrow Wilson (D) administration to extend Hawaii’s wartime coastwise waivers because sufficient U.S. steamers had not yet returned to the trade. The resolution was adopted and the administration did extend the waivers.

Today, Hawaii is a fully incorporated state of the Union and as such the transportation between CONUS (i.e., the U.S. mainland) and Hawaii is fully domestic. The coastwise laws of the U.S. (including the Jones Act) and hence U.S. maritime cabotage apply to all the states equally including Hawaii.
The CMA Job Mart is designed to match qualified candidates with good positions. Over the years, this service has proven to be extremely valuable to both job seekers and potential employers. Ads seeking to fill positions will run for two months at a rate of $300. Candidates seeking employment must be a CMA member at a rate of $75 per year or $35 per year for students.

To become part of the Job Mart please call (203) 406-0109 ext. 3717 or email: conferences@cmaconnect.com

The latest Job Mart is always accessible on the CMA website at: http://www.cmaconnect.com

SITUATIONS WANTED

Candidate 1: Experienced Regulatory and Compliance Executive
Seeking opportunities for advancement and growth with a company in need of an expert in compliance and regulatory affairs.

Regulatory, Quality, and Compliance
- Enforcement of the flag state Maritime Regulations and International Conventions
- Administrator of the Safety Inspection Program
- Review all vessel annual safety inspection reports and provide comments to the owners
- Review and issue Exemptions, Exceptions and Temporary Dispensation certificates IAW flag state International Regulation
- Provide Guidance to clients regarding interpretation of conventions and safety regulations
- ISO Quality Compliance
- Marketing of the Registry and it's services to existing and potential clients
- Website Administrator

The increasing responsibilities of this role in the current regulatory market have ensured that I not only keep up to date with current regulations but market trends as well. This position is a constantly growing job with an ever increasing demand for work in marketing and networking in order to ensure the growth of the registry and maintain its good standing in the International shipping community.

Underway Experience
Deck Navigating Officer: 2001-2012
Third Officer to Chief Officer
§ Deck Department Head; Supervising between 8 to 12 individuals in the department in daily shipboard operations
- Responsible for all on board required training (including company, Coast Guard and Navy required subjects)
- Vessel Security Officer and Anti-Terrorism Officer; Ensuring that all port state and military requirements are met.
- Vessel Safety Officer; Ensure that all personnel are following safe working practices and trained in the same

During this period my responsibilities increased from a Junior Officer to a Senior officer while conducting the normal duties of Deck and Navigation watches, creating voyage plans and conducting vessel maintenance.

Certifications:
- ISO 14000 Certified Internal Auditor
- ISO 9001:2015 Certified Internal Auditor
- ISO 9001: 2008 Certified Internal Auditor
- Chief Mate, Unlimited Tonnage
- Master of Vessels, up to 1600 tons
- STCW 95, Fast Rescue Boat, GMDSS, VSO and Medical PIC
- U.S.C.G. Certified Train the Trainer

Additional Information:
- Published writer for several trade magazines
- Experienced in the training and development of deck officers

Candidate 2: Experienced Deck Officer seeking opportunities in shipping operations / chartering
Seeking internship and future opportunities, 5 years world-wide tanker-sailing experience, Masters student at Texas A&M University.

On-Campus work experience (1.5 yrs)
- Currently employed as Graduate Assistant in TAMUG Information Services
- Worked as student worker-instructor in Ship Simulator for bridge resource management and ship handling classes at TAMUG.
- Worked as lab-assistant in tanker labs for Marine Cargo Operations Class.

At-sea work experience (6 Years)
Deck Navigating Officer: Nov 2008- July 2014
- Responsible for planning safe navigation of the vessel, using a range of satellite and radar systems and other navigational equipment. In charge of life-saving appliances and ship’s fire systems’ maintenance
- In charge of planning and coordinating safe loading, storage and unloading of cargo, including preparation of cargo holds to setting up of lines

Certifications:
- Certified NWKO-2nd Mates licence holder, by Govt. of India
- Certified ship security officer
- Certification in first-aid, CPR, and advanced fire fighting
- Trained in public relations and crowd management

Additional Information:
- Participant and winner of Shell Maritime Leadership weekend at TAMUG
- Comprehensive knowledge of maritime conventions & regulations such as, SOLAS, MARPOL and ISPS, ISM, IMDG Codes etc.
- Presented research paper on Financial market impacts of disasters on shipping companies, under Dr. Mileski
- Presented research paper on Economics of Global passenger transportation under Dr. Duru
- Developed and launched a mobile application specifically for MMAL program, as marketing class project
- Adept at MS Office and decision making tools such as Palisade’s regression analysis, forecasting and problem-solving technics
- Badminton gold medalist and adroit at other games and sports
- Organised inter-college events, active participant of various tech-presentations

Contact: Aditya Ammu
Cell: 1 409-392-7338
E-Mail: adityamurthy18@tamu.edu

Candidate 3: Seeking a new opportunity in the shipping-bunkering industry in sales & marketing and operations

Work Experience
REGIONAL MARKETING MANAGER – AEGEAN MARINE PETROLEUM SA (NEW YORK USA) (3 Years)
International Marketing and Marine Fuels Trading.
Developing Supplier and Client Relations in a range of selected geographical areas.
Further Development of current client platform, retain and develop business.

DIRECTOR – ICS PETROLEUM LTD (VANCOUVER & MONTREAL CANADA) (5 Years)
Successfully in charge of maintaining the barge operations in Port Metro Vancouver Harbor.
Developing Supplier and Client Relations in a range of selected geographical areas.
Candidate 4: Upcoming Graduate looking for entry-level position.
Graduating student in May 2016 at SUNY Maritime College seeking an entry level position in marine insurance, terminals, market research or demurrage, Ship Brokerage and sales. I will be graduated SUNY Maritime College with a degree in International Transportation and Trade. Coming into my senior year at SUNY Maritime I began an Internship with Bank of America merchant services a joint venture between bank of America and first date. I worked as an PMO intern and worked closely with senior management and the sales team to help learn all aspects of the company. I am willing to work within the New York, New Jersey AND Connecticut area. I am a highly motivated worker with experience as a team leader/collaborator with excellent communication and organizational skills. Will Provide Resume upon request.
Contact: Joseph Nappi
Email: jnappi22@hotmail.com
(S16-09)

Candidate 5: Recent Graduate looking for entry level position
I am a recent Graduate from SUNY Maritime College. I have B.S. in Marine Transportation, and a Third Mate’s license. I am looking for a position, Shoreside, or on a Tug. I have an avid love of technology, and love to learn new devices. I have experience speaking both Spanish and Japanese in their native countries, and a stay abroad in the latter for a month. I reside in New York, however travel is not an issue. Resume readily available upon request. If there are any additional inquiries, I would be happy to answer them.
Contact: Eric Peterson
Email: e182588@gmail.com
(S16-05)

Candidate 6: Licensed attorney with vessel operations and insurance defense experience
I am a licensed attorney with vessel operations and insurance defense experience, seeking a role in marine insurance, legal, or operations. Open to opportunities in the tri-state area. Can provide CV or references upon request.
E-Mail: lawandanchors@gmail.com
(S16-11)

Candidate 7: Upcoming Graduate looking for Entry-Level Position
Upcoming Graduate from SUNY Maritime College. I am currently a Graduate Student pursuing my M.Sc in International Transportation Management. I am seeking an entry level position in ship brokerage, ship chartering, ship management, market research or marine Insurance.

Candidate 8: Recent Graduate looking for entry level position
Candidate 9: Maritime Executive with over 20 years Drybulk Experience
Maritime Executive with over 20 years Drybulk Experience, looking for a suitable position preferably in the Greater New York area (based in CT), but for the right opportunity willing to relocate.
Experience includes:
8 years as Chartering Manager for Owner Operators (Handy/Handymax)
7 years as Chartering Manager For pure Operator (Handy/Handymax)
8 years as a Broker. (all Drybulk sizes)
2 years seagoing experience as deck officer
Created own Chartering and Operations team.
Coordinated closely with Technical, and participated in repair and routine inspections.
MBA with emphasis in Intermodal transportation from SUNY Fort Schuyler Captain Class C from Merchant Marine Academy Hydra, Greece.
Dual Citizen (USA/EU)
Fluent in English/Greek. Knowledge of Spanish.
Contact: Vasilis Maschas
Cell: 203 808 5088
E-Mail: vcmaschas@gmail.com
Notes: For further information kindly contact
(S17-03)

Candidate 10: Seeking new challenges within the shipping market
After nearly 30 years in Dry Cargo shipping field I am seeking a medium to large broker firm and/or new adventure within the maritime industry.
Experience includes:
10 years with international trading house
10 years as in-house owners broker
10 years as competitive broker
Currently located in Greenwich, Ct.
Holding dual Citizenship (Canada/Norway) and Green Card for the USA.
Contact: David C. Wold
Cell: +1 203-274 1433
E-Mail: dcwold@gmail.com
(S17-04)

Candidate 13: Looking for entry level work in transportation loss prevention, vessel/port planning and operations, marketing/business development, and personal assistant positions at a maritime-related company, government agency, nonprofit, investment bank or public/private partnership in the NYC region. Available to work October 2nd, 2017.
Graduated from SUNY Maritime College with a Master of Science in International Transportation Management in January 2017. Worked as a Loss Prevention Summer Intern for the American P&I Club in New York City until October 2017. Co-authored a member alert on collision avoidance in anchorages off of Chittagong, Bangladesh and a club guidance on seafarer’s mental health, in addition to organizing survey compliance data on member vessels.

Candidate 14: Maritime Executive with over 20 years Drybulk Experience
Maritime Executive with over 20 years Drybulk Experience, looking for a suitable position preferably in the Greater New York area (based in CT), but for the right opportunity willing to relocate.
Experience includes:
8 years as Chartering Manager for Owner Operators (Handy/Handymax)
7 years as Chartering Manager For pure Operator (Handy/Handymax)
8 years as a Broker. (all Drybulk sizes)
2 years seagoing experience as deck officer
Created own Chartering and Operations team.
Coordinated closely with Technical, and participated in repair and routine inspections.
MBA with emphasis in Intermodal transportation from SUNY Fort Schuyler Captain Class C from Merchant Marine Academy Hydra, Greece.
Dual Citizen (USA/EU)
Fluent in English/Greek. Knowledge of Spanish.
Contact: Vasilis Maschas
Cell: 203 808 5088
E-Mail: vcmaschas@gmail.com
Notes: For further information kindly contact
(S17-03)
Former tugboat dispatch intern with McAllister Towing and a former intern/admin assistant for Ted Panourgias at All Marine Spares International in Stamford, CT. Former CMA intern at Holland and Knight LLP, in New York, NY and the Seamen’s Church Institute in Port Newark, NJ. Co -wrote article for the Greek magazine “Shipping International” titled “The Challenges of Modern Piracy”. Published in October 2012. CV and recommendations available upon request. Willing to commute within the NYC metropolitan region.

Email: Rnigel.pritchard@gmail.com, Cellphone: 646-378-8446  (S17-10)

HELP WANTED

NOTE: two months of running your ad in this newsletter costs companies only $300 - and it has proven to be THE place to be seen and answered.

Position A: Staff Accountant - Wilton, CT

Staff Accountant Duties and Responsibilities include, but are not limited to the following:

• Perform general accounts analysis and balance sheet reconciliations, including bank statements, fixed assets, intercompany eliminations, accruals, deferrals and prepaid expenses. Update supporting schedules, prepare and post journal entries.
• Vendor billings and payments. Liaise with suppliers, vendors, and service providers and ensure timely payments. Initiate, record, and post wire transfers.
• Assist in the preparation of financial reports such as profit and loss statement, balance sheet, trial balance, and cash flow.
• Assist with annual year-end external audits.

Staff Accountant Requirements:

• 3-5 years of general ledger accounting experience
• Proficiency with accounting software
• Microsoft Office/Suite (Word, Access, especially Excel)
• Degree in Accounting or related field highly preferred
• Ocean transportation and/or chemical tanker shipping industry experience a plus

Attributes that will be critical to success in this position include:

• Strong interpersonal skills: outgoing, positive, energetic person with a can-do attitude.
• Familiarity with working in a multi-entity environment.
• Ability to deal with constantly shifting priorities.
• Excellent analytical and problem-solving skills.
• Highly organized and detail-oriented.
• Willingness to tackle unfamiliar tasks.
• Strong oral and written communication skills.

Competitive Salary & Comprehensive Benefits Package.
E-Mail: RAD@fairfieldchemical.com

Notes: Submit Your Resume and Cover Letter to Rosie. (HW10-17)

Position B: Business Support / Administrative Coordinator

We are looking for people who are independent thinkers and work well with Company Leadership to understand goals and strategies. Building out processes and projects to finalize them and then execute your given plan is the key component of this opportunity.

Our Business Support Coordinator roles span across the organization in realms such as administrative support, project coordination, and client services - sharing common goals and key elements. As a Business Support Coordinator, you’ll help us achieve our mission by representing our globally-known and industry-benchmark institution, being a touch point for visitors, employees, and clients, and by serving as a knowledge resource for the entire community. By applying for this opportunity, you will be considered for the entire suite of Business Support Coordinator / Administrative Assistant roles to find the best fit.

This is a 60%-40% split position. 60% will be Coordination; 40% is going to be projects and initiative.

*This is a full time position located in Westport , CT (central Fairfield County).
Recent College Graduates (B.A., B.S., and Associate’s degrees) are encouraged to apply!

You Will Be Happy Here If You:

• Tend to thrive in dynamic environments and approach challenges with common sense and practicality.
• Are a logical, smart, and thoughtful person.
• Can keep track of many threads - understanding what must happen in a day, a week, a month - while keeping the mission level in mind.
• Possess the empathy and composure to understand and work with all types of people.

Things you’ll do here:

• Partner with a manager or team to understand their goals so you can help them be as effective as possible.
• Be responsible for the execution of ideas, tasks, and strategies.
• You’ll be a time management professional, balancing deadlines and demands while organizing multiple streams of information.
• Thinking about the big picture - always stepping back to determine how you can systemize processes.
• Interface with our client base, partners, and possible job candidates (depending on your particular role).
• Put your communications skills to work, helping visitors, candidates, clients, teams, and managers stay on the same page during processes and projects.
• Build cross-departmental relationships by understanding, embracing, and implementing the company’s internal systems.
• Push Deliverables forward to help the team.
• Act like an owner of the Company to continuously help drive results.

Required Qualifications:

• Bachelor’s Degree - Full time from a recognized university,
• Associate Degree from college or university with concurrent work experience and a superior GPA.
• Detail-oriented, technically inclined, smart problem solver.
• Enthusiastic, reliable professional with excellent communication and interpersonal skills.
• Experience in a professional office setting
• Customer Support or Administrative experience.

Contact: Paul Mazzarulli
Telephone: 475.529.0122
E-Mail: pvm@Op-Exp.net

Notes: To submit your qualifications or ask questions about this role, please contact us.

Position C: Operations Coordinator / Traffic Specialist:

Looking to fill a full-time, salaried position in the Boca Raton office of a global, bulk materials trading company. Reporting to Vice President, Global Operations as part of an 8-person team. Key activities include:

• Managing vessel schedules and laycan coordination
• Oversee vessel nomination and documentary instructions
• Coordination with loading / disport agents
• Managing insurance (charterer’s liability and marine cargo insurance)
• Coordinate cargo inspection (SGS, Bureau Veritas, etc)
• Submission and management of all relevant shipping data
have been importing, exporting and off-shore trading for 35 years. CIG is a contribution company in petrochemicals, plastics, and industrial chemicals. We

Position D: Technical Coordinator
Chembulk Tankers, Southport CT
Chief Technical Officer
Summary: Provide technical and administrative coordination for the Chembulk Fleet to ensure all technical requirements are proactively met in the safest, most cost efficient, and timely way, and according to the highest standards. Act as primary liaison between Chembulk Fleet Management Control ("FMC"), Chembulk Operations/Chartering team and third party technical ship managers for daily planning and coordination of technical requirements (dry docks, repairs, Class certifications, Flag State Inspections, USCG COCs, etc.). Key responsibilities include: invoicing, coordinating/creating purchase orders, monitoring fleet class status, daily monitoring of Chembulk accounting and safety/KPI monitoring systems, and coordinating fleet wide technical related documentation.

Ideal Candidate Will Be:
• highly organized
• proactive
• able to prioritize and be self-motivated
• possess sound judgment
• a team player
• possess strong written and oral communicating skills
• possess strong Microsoft Office Skills with particular proficiency in advanced Excel.

Other:
• Travel may be required
• Maritime Academy Degree required
• Sailing experience aboard chemical tankers preferred
• Engineering background preferred
• Knowledge of chartering and commercial operations

Contact: Donna Madden
VP Human Resources & Corporate Administration
Company: Chembulk Tankers,
Address: Southport CT
E-Mail: dmadden@chembulk tankers.com
Notes: Pls send resume

Position E: Operations Manager
Continental Industries Group, Inc. is a global trading, marketing, and distribution company in petrochemicals, plastics, and industrial chemicals. We have been importing, exporting and off-shore trading for 35 years. CIG is headquartered in mid-town New York City with its own offices in Istanbul, Moscow, Shanghai and other cities (see our web site, www.continentalindustries.com) and a vast marketing and purchasing network in many other countries. Our current business portfolio is very international, with world wide sales and sourcing activities. The Company has been expanding in the past years and continues to grow.

We are interested in hiring an Operations Manager to join our Operations & Logistics team in the New York City headquarters possessing following qualifications:

Experience:
He/she would have experience organizing all phases and aspects of international multi-step product logistics from the place of origin to the point of delivery, including import, export and third countries.

Opening, negotiating and banking Letters of Credit in US and foreign banks.

He/she would have 10-15 years of relevant experience in supervising daily transactional activity for 3 or more coordinators. Prior experience in chemical and/or plastics industries is a must

Future manager would be versed in creating activity and task reports for the senior executives and make clear and concise presentations.

Skills:
• Excellent communication skills with ability to work independently and as part of a team.
• Ability to organize workflow within the department and facilitate interaction with other departments.
• Strong numerical skills with expert understanding of import/export

Experience:
Letters of Credit and bank collections processes

Excellent knowledge of ocean freight bookings, inland freight, warehousing and customs procedures - bulk shipping and charter party negotiations would be a plus.

Accuracy in keeping records and understanding of commercial documents flow is a must.

Thorough understanding of ERP IT systems and proficiency in Microsoft Excel, Word and Outlook.

Job Description:
Day to day handling of all operational tasks associated with international and domestic transactions utilizing "A to Z" concept. He/She would need to be able to perform those tasks hands on.

Manager will be in charge of daily and long term workload distribution, file control and approvals of new transaction.

Verification of transaction's Incoterms and appropriate allocation of resources in cost analysis submitted by traders and coordinators.

Supervising and developing relationships with vendors. Negotiating and problem solving.

Facilitating interaction between Operations Team and traders, utilizing advanced communication skills.

Proposing improvements in department's organization, technology, task distribution, etc...

Partnering in hiring new and evaluating existing employees.

Training and development of Operations Department employees.

Company: Continental Industries Group, Inc.
E-Mail: cig-ny@continental-industries.com
Website: www.continental-industries.com
Notes: For immediate consideration, please fill out the contact form on Continental Industries Group website or e-mail your resumes with cover letter, and include salary history/expectations.

We will review all responses promptly and confidentially.