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| **Reports (Oral) of Standing Committees** |
| **Source:** MLA**Doc. No.:** 750**Date:** May 5, 2000**REPORTS OF STANDING COMMITTEES (ORAL)**I will now call upon Vince DeOrchis, the present Chair of the Carriage of Goods Committee to submit his report. Vince is also leaving after five years of extraordinary service. I can only tell you that during the times that Vince and I have been heavily involved in this COGSA project, when I took over as President, Vince and I were optimistic that this would be the time that I could announce that it had been signed. Such is not the case. Vince will bring you up to date on that.This Association owes Vince DeOrchis a tremendous debt of gratitude for his hard work and efforts on behalf of this organization.MR. DeORCHIS: Thank you, Howard, sincerely, for those kind words.Board of Directors, officers, members of the Maritime Law Association, ladies and gentlemen. Five years ago Chet Hooper asked me to take over as the Chair of the Carriage of Goods Committee. At that time, I certainly had no idea that five years later I would still be pressing for the introduction of the Carriage of Goods proposal.We are very close. Indeed it's somewhat disappointing that I have to appear before you today, my last day as Chair, to report that the proposal has still not been introduced. But I can say that it sits on the corner of the desk of Senator Hutchinson in Washington, D.C. and it is on the verge of being introduced. There was a meeting on February 24th of this year, called by the Senator's office, and attended by her staff, and also attended by about a dozen organizations from around the United States involved in the maritime industry. All present gave good solid support for the proposal.The Senator's staff indicated that she was very much in favor of it. She has gone on record in writing and in speeches that she is in favor of it, and that she intends to introduce the bill.There was a minor concern raised by the National Association of Waterfront Employers at the meeting with Senator Hutchinson over some concerns as to how the bill would operate. They invited me to go out to the West Coast to speak on the proposal, which I did. Although I have not yet heard formally back from the Association of Stevedore Terminal Operators, I understood that it was a very good meeting, that they were well-informed. They are going to reconsider their position on the proposal.At this point opposition to the proposal, as it was back in 1996 and thereafter, comes from abroad, principally from organizations like CENSA, BIMCO, and to a certain extent organizations like the Canadian Maritime Law Association. With some organizations, we have been able to sit down with and work out our differences, as you have heard in the past. FIATA is an example, the AWO, even the Stevedore and Terminal Operators, and, I might add, to a certain extent the Canadian Maritime Law Association, who has been extremely open to reviewing the problems they have with this particular bill. It has been basically a matter of education. That is why a tremendous amount of travel has been required and good efforts of people like Chet Hooper, Mike Sturley, George Chandler and so forth have all been required.At this point, I believe the reason why the proposal has not been introduced is because the staff of Senator Hutchinson is concerned that if there is anything wrong with the bill, they will get into trouble. They simply don't have any technical expertise in this area. They are concerned as to how it's going to operate, what will be the effect once it's put into place, and if there is something that is unexpected, something that disappoints one of the constituents out there.There has been a recent allegation that the COGSA proposal may conflict with the Ocean Shipping Reform Act. I don't believe that's so. NIT League, who have been working with us for five years, have studied it very closely. They have found nothing in our proposal which is in conflict with the OSRA, and NIT League helped sponsor OSRA. They should know.It is an allegation, however, and one which Senator Hutchinson must dispel before she is going to go forward with our proposal. There are other senators who are looking at this proposal as well. We are not relying on a single senator. We have been told that Senator Inouye has taken a look at this, Senator Lott, Senator Brough. So this is not a bill that is sitting out there in a void, but it does need a push to get from that desk into the laps of the senators. The only ones who are going to accomplish that are formal lobbyists in Washington, D.C., the organizations such as NIT League, AIMU, various carriers who supported us in the past, FIATA and others. They have the clout, and they have the power. More importantly, they have the personal interest as to why this proposal should go into effect.I do think that they are working as hard as they can. They are taking as much interest in the bill as they can. In their opinion, the proposal is moving as quickly as it can. This will certainly be an education for me; it's not "Civics 101."I have heard everything from Senator Hutchinson showing interest in being Governor of Texas to problems with Monica Lewinsky affecting the movement of our bill. They may all be true, they may not be true. What I do know the MLA is not the organization that is finally going to push this bill forward.The MLA has come up with a very good proposal. We have put it on the laps of the industry. We have made the changes that have been requested. It is now up to the industry to get it through Congress. If they do, that's their success, as well as ours. If it doesn't get accomplished, that's a reflection upon the industry itself.Let me also speak briefly about the results of the CMI meetings in London. Howard, I assume you want me to touch on that?MR. McCORMACK: Yes, I would. It's a very important activity and it's going to be continuing. It is something I think the entire Association will want to know about, both in the minutes and also from those present.MR. DeORCHIS: The reason I would like to touch on the CMI is because, as you may recall, one of the most compelling reasons for this Association to have worked on the new COGSA proposal is because we were disappointed with the inactivity or the slowness of the CMI to meet the industry's demands to come up with a new convention, a new scheme to replace COGSA. The Hague-Visby and Hamburg Rules have been criticized for 20 or 30 years. Something newer was needed to meet today's requirements in our industry. Unfortunately, even as of three years ago the CMI seemed to be moving very slowly in response to coming up with something new.I am very pleased to report that, in large part because of the efforts of the MLA to come up with its proposal, the CMI has taken great strides in the last six to eight months to come up with a new Sea Transport law. This is a study that is going on in London. I congratulate Stuart Beare and others with the CMI who are working on this study. Several productive meetings have already occurred in London. Our own Mike Sturley is the rapporteur for that committee. It is moving forth quickly. It is moving forth with purpose and direction. And I do think that will ultimately come to fruition. Indeed, UNCITRAL has been attending some of the last meetings. They are very impressed with the direction, and the speed at which it is moving.Initially, this CMI conference was going to be dedicated only to looking at matters outside the realm of the present worldwide conventions. It was going to get primarily into areas that our present Pomerene Act and Harter Act cover, and so forth. The CMI has recently realized that there is a need for an all-encompassing statute which will cover Sea Transport as a whole. The consequence is that now a liability scheme is going to be included in the discussions. An outline draft will probably be introduced sometime in June.The bottom line is that the CMI is presently working on a convention that contains many elements of the Pomerene Act, which is exactly what we have already done with our new COGSA proposal.The CMI is also looking at multimodal transport, something we have already done in our COGSA proposal, although it has been the subject of some criticism. Multimodal coverage is going to be part of this new Sea Transport convention.The CMI is looking at liability schemes, and specifically considering whether the defenses such as error in management and error in navigation should be omitted.In short, the CMI is looking at our COGSA proposal. There is no doubt that if our COGSA proposal is not providing a template for the CMI, it is certainly a motivating factor for what is going on in London. I think this organization should be proud and feel that it has indeed accomplished something, not just for the involvement of our Senate, but also for having affected the world stage through the CMI.My picture appeared on a certain magazine as a result of an article I recently wrote. Trust me, I'm not getting any royalties from its distribution today. I appreciate what *The Maritime Advocate* has done to provide important information about our COGSA proposal.I certainly hope that Bob Connor, who will be taking over as the new Chair of this Committee, will add some new strength and some new vigor in pushing our proposal forward. It is persistence, it is patience that will bring this proposal to fruition. That is something we have to remember.My father reminded me this morning that the original COGSA proposal took 12 years to pass Congress. He said, "You know, you are seven years ahead of schedule, that's the way you should look at it." Perhaps that is the way we should be looking at it.Mr. President, that concludes my report. I thank the Association for having given me the opportunity to chair these past five years.MR. McCORMACK: Vince, thank you very much.(Applause.)MR. McCORMACK: Vince remains on the Board of directors and will continue to serve as one of our delegates to CMI's International Subcommittee on Transport Law. I will now call upon the Chair of the CMI Committee, Michael Marks Cohen for his report.MR. COHEN: Mr. President, good morning, ladies and gentlemen.The CMI will have a plenary meeting in Singapore on February 12th through 16th at which four topics will be considered. The MLA delegation will be organized into working groups for each of the topics, to prepare for and to participate in the Singapore proceedings. If you go to Singapore to attend this plenary, you will not be there just to observe. This is not an exercise in legal tourism. There will be four and a half days of conferences and everyone who attends should have significant work to do.If you are interested in one of the four topics, get in touch with the contact people I will tell you about this morning so that you will be put on the mailing list to receive all the documents you will need to get up to speed and prepare as well as participate in the meeting, thereby contributing to the development of international maritime law.The first topic is issues of transport law. You have heard from Vince DeOrchis about some of the work that's been going on. Primarily it will deal with the interface of the bill of lading with the sales contract, with negotiability, with electronic bills of lading, with freight, with liens, rights and liabilities of cargo interests and, of course, liabilities of ocean carriers. The contact person is George Chandler, who is one of the delegates on the International Subcommittee. There are already several papers available on this topic arising out of the first two meetings of the International Subcommittee, and there will be other papers available within the next four to six weeks. So if you interested in working on this topic in Singapore, send a fax to George and get your name on the mailing list. He will send all of these papers and other information too as it comes out.The second topic is issues of marine insurance law. There are 12 issues. Coincidentally, the Government of Australia has announced that it will be looking at a review of the Australian Marine Insurance Act this year. The Australians have identified several issues they want to take up. These issues sound very familiar because they are similar to the ones that UNCTAD described almost 20 years ago when it took a look at marine insurance. Three of them, I think, are of particular interest. One has to do with warranties, whether or not there should be a causation connection between breach of warranty and avoidance of the policy. The second is a failure to disclose something material in the application for the policy. Again, whether there ought to be causation between the failure to disclose and avoidance of the policy. Finally, insurable interests: whether a party who purchases goods after they have been damaged can acquire an insurable interest to sue the underwriters for damage to the goods, and also whether under a hull policy the assured can get excess disbursements insurance, which is now PPI. Gray Staring is our representative on the International Working Group. However, the Chair of the Marine Insurance Committee, Jean Knudsen, will appoint someone to act as the contact person to distribute all of the papers in connection with this project. Until Jean appoints someone, I urge you to contact her. Send her a fax, tell her you want to be put on the list, and she will relay it to whoever is going to be the contact person.The third topic is general average. This is a IUMI proposal to eliminate post-peril general average expenses for the common benefit. The proposal has not been favored by our Association. However, there may be one or two issues that are worth taking a look at, particularly the statute of limitations. Howard Myerson, a non-lawyer members of our Association, has been appointed as our representative of the Association on the International Working Group, along with Brett LeBreton, and Brett is the contact person. So if you want to find out about the IUMI proposals and you want to know what the CMI questionnaire was all about, what the U.S. answers were, and other associations' answers, too, get in touch with Brett and he will fill you in, put you on the list and keep you informed.Finally, the fourth topic is piracy. The CMI proposes to develop a model law for the multi-national prosecution of piracy and what are called crimes of maritime violence, not only on the high seas, but also in territorial waters where most of the piracies actually occur today. The Chair of the subcommittee is Frank Wiswall, and Sam Menefee is the reporter. Sam is the contact person. There is a proposed model law. He can give you a copy of it. There is a paper about a related IMO project. Sam can provide you with this information. There is a CMI questionnaire. There are U.S. answers. There is a compendium of answers of other countries. If you are interested in piracy, Menefee is your pirate man.Now, because they think you are not going to have enough to do in Singapore, the CMI is also putting on two seminars, one will be a comparison of passenger rights under the Warsaw and the Athens Conventions. The second seminar will the implementation of the 1976 Limitation of Liability Convention. This second program is a pilot program. The CMI wants to see whether they ought to have this kind of program at future CMI events. Therefore, some of us will be looking at it for the structure more than content since, of course, the United States has not ratified the '76 Convention, and as far as I know, is unlikely to do so.In addition to all this, the Assembly will meet. Chris Davis, the Vice Chair of the Committee is a member of the Long Range Planning Committee, which will report to the Assembly about what the CMI should do next. If you have any ideas about future work for the CMI, drop a note to Chris and clue him in so that he will be able to pass it on when he makes his report in Singapore.I want to say something about expenses. The registration fee is estimated to be about $900. It hasn't been set yet. The hotel rooms probably will run about $150 a night, which if that's true, I think is quite reasonable. The airfare: You ought to be able to get a round trip coach ticket to Singapore by the time all this comes together for about 1,000 bucks. A business class fare would cost 6,000 dollars. However, if you buy an Amex Platinum Card, you can get two business class tickets for the price of one. They give you a companion ticket free. So that if you want to take your wife, or as Gordon Paulsen is so fond of saying, other loved one, down to Singapore, you can do it for 6 grand, or if you want to form an odd couple and buddy up, two of you can go there for $3,000 apiece. Since I'm not a tax lawyer I won't explain what the tax consequences of all that are.In the run-up to the Singapore Convention the CMI is holding two Colloquia. One will be right here in New York on the 6th of July at the United Nations. It's free, but by invitation only, for security reasons. If you want to attend, and perhaps even have an opportunity to speak-it will be on issues of transport law, and my recollection is in the past UNCITRAL has encouraged people to put in papers and even to address the meeting-you can get an invitation by sending a fax to Chet Hooper, and he will put you on the invitation list.The second Colloquium will be in Toledo, Spain with the cooperation of Spanish Maritime Law Association. It will take up all four issues that will be eventually debated in Singapore and it runs from the 17th to the 20th of September. Registration forms for that are available from Chris Davis, the Vice Chair of the Committee. I would tell you it's a fairly inexpensive program to attend. The registration fee is 800 dollars, but it covers four nights in a hotel, several meals, and a tour. In addition to that will be the airfare, of course, but the airfare should be quite low around that time of year for travel to Spain.There are many other international law and Committee projects which I am sure will interest many of you. You will see the details in the written report. I do want to mention now only one: The project to recycle obsolete and excess maritime law books.Ladies and gentlemen, please do not throw your advance sheets away. When you get a third edition of a maritime law treatise, please do not throw the second edition away. There are maritime law libraries at universities abroad that cannot afford to pay for law books to accumulate an American maritime law collection. They would love to get our excess books and advance sheets. Hill Rifkins is sending its books and advance sheets to the University of Capetown. Burlingham's is sending theirs to Malta. There are at least three dozen other maritime law libraries abroad that would be delighted to receive books. If you would send me a fax, the Committee will try to pair you up with one of them. But please, don't throw those books away. They really are valuable and could help us in educating people abroad about American maritime law.Thank you, Mr. President.MR. McCORMACK: Thank you very much, Michael.(Applause.)MR. McCORMACK: Frank Wiswall was kind enough to advise me of the new web site for the CMI. They have been working on it quite a bit and it's very worthwhile to visit. The web site address is the usual www.comitemaritime, one word, dot org. I repeat that, www.comitemaritime.org, and I would encourage you all to visit this web site.I now call upon the Chair of our Fisheries Committee, George Birkhead, for his report.MR. BIRKHEAD: Thank you, Howard.Ladies and gentlemen, my Committee met yesterday at the offices of Bigham Englar. Before I give my report, I would like to express as a non-New York Chair my appreciation for the hospitality that all of us get from the New York law firms. In my case Bigham Englar gives unstinting support. One of their attorneys, Joe Yamali, just gets me anything I need, including good conference rooms and support. We needed a television for a video presentation yesterday; it was forthcoming immediately. So I do want to thank and to let the New York firms know that we out-of-towners do appreciate the hospitality we get every time we come up here.(Applause.)MR. BIRKHEAD: A good part of our meeting was taken up with pursuing and discussing the federal regulations requiring ecosystem damage evaluation with respect to new fisheries regulation and with respect to almost all federal water activities. We would like to get some uniformity, some *Daubert* type of approach to the question of ecosystem damage instead of having in each instance a duel of experts who are 180 degrees apart.We have Andy Wilson of New Orleans and Dave Farrell from Massachusetts as a Subcommittee looking into this. Once their pilot program is put together, we intend to approach the National Marine Fisheries Service to see if we can get them on board. They have indicated a real interest in trying to work on this topic with us.The next topic we had discussed was the American Fisheries Act and the overdue regulations. Steve Johnson from Seattle gave us a report on that topic. That is going to have a major effect, especially on the West Coast, on the ownership and operation of the fishing vessels, since the Act and the expected regulations will make significant changes to the citizenship requirements, both for owners and mortgagees and even others who have a strong relationship with fishing vessels. That law and the regulations which are still not promulgated are supposed to become effective in October of next year and will create some real changes.The fisheries industry-and that's not a good term because it's made up of many distinct industries-is probably the least uniform of the maritime disciplines. I from the East Coast know very little of the fisheries on the West Coast, and especially in Alaska. Our Committee, while we have representation from all coasts, really needs to be beefed up. So this is a commercial. I would like to have additional people, especially from the Gulf Coast and the West Coast, added to our Committee so that we can appreciate the fisheries questions and problems from all over the country and not just from the East Coast.That concludes my report. Thank you.(Applause.)MR. McCORMACK: Next will be a report from the Vice Chair of the International Law of the Sea Committee, Sam Menefee.Doug Burnett, the present Chair of this Committee, is one of the outgoing Committee Chairs, having served his four years as Chair. The new Chair of the Committee will be Professor Sam Menefee.PROF. MENEFEE: After Mr. Cohen's kind words, I feel like beginning "Arrr, matey."(Laughter)PROF. MENEFEE: In any case, we had a meeting of our Committee on Wednesday at the South Street Seaport Museum.Our first order of business was the introduction of new Committee officers. A vote of thanks to Doug Burnett for his leadership as Chair of the Committee was passed unanimously.One of the things that the Committee on International Law of the Sea will be doing is to revise its Subcommittees; we will be going into new areas, such as the IWC and whaling issues, as well as naval matters. While we have further areas under consideration, we will try to make sure we do not step on any other Committee Chair's feet. If there is any possibility of an overlap, we will be touching base with you.We had a report on contemporary piracy from Phillip Buhler, which was followed by a discussion of initiatives by the CMI Working Group on Uniformity of the Law of Piracy.Professor David Bederman reported on the UNESCO draft Convention, and Mark Davis offered his views about the Titanic draft treaty. There was also which was followed by a general discussion on the use of naval forces in the Persian Gulf.The Committee urges young lawyers to participate in our work. Finally, we are considering publication of a newsletter.Thank you very much, Mr. President.(Applause.)MR. McCORMACK: The next report will be given by my partner, Matt Marion, as Chair of the Marine Ecology Committee.MR. MARION: Thank you, Howard, members of the Board, officers, ladies and gentlemen.The Marine Ecology Committee met on Wednesday to a standing room crowd. I won't add to what has already been discussed about marine criminal law other than to note that the Committee is carefully monitoring the developing case law and prosecutorial policies of the U.S. Department of Justice.As you might imagine, at least half of our agenda concerned the*INTERTANKO* decision and its likely impact on the future development of state laws. Since the case was remanded, there have been two legislative attempts at the federal level to have it overturned in some fashion. The first bill died in conference. The second bill, we understand, is pending. It will certainly be a matter that we will monitor over time. The proposed legislation by Senator Gorton seeks to grant states the authority to regulate all vessels and, therefore, would abrogate the *INTERTANKO*decision. The State of Washington, we understand, has disagreed sharply with INTERTANKO's interpretation of the Supreme Court's decision. Thus, it appears that the Federal District Court or perhaps even the Court of Appeals for the Ninth Circuit will have to resolve the differences of interpretation and will play, I think, a significant role in offering future guidance to states regarding how they regulate the marine industry. We will receive a follow-up report on the aftermath of *INTERTANKO* in the fall.In terms of regulatory developments, we have been monitoring the Coast Guard's Ballast Water Management Program, which is in full force and effect. The Coast Guard issued a NAVIC last year offering guidance about the non-mandatory aspects of the ballast water program, which is mandatory in the Great Lakes and not mandatory outside of the Great Lakes. The basic premise of the program is that to avoid the introduction of aquatic nuisances into U.S. waters, ballast water exchanges take place more than 200 miles offshore in water exceeding 2,000 meters in depth. States such as California are following suit with their own ballast water programs, so again that's a point that we are monitoring very closely.The Committee received an interesting report about the expanded role of the EPA in regulating the marine industry. The EPA, we understand, is playing a more active role with respect to cruise vessels, monitoring the waste streams that are emitted by cruise vessels in the water and the air. Notably, the EPA is now applying the Ocean Dumping Act to commercial ships in some contexts. Given the enormity of the EPA, we think that they are potentially a very significant new regulatory force with respect to the shipping industry.The Marine Ecology Committee has two ongoing special projects. The first concerns monitoring state laws and regulations. We have received semi-annual updates from a Subcommittee headed by Laurie Crick Sahatjian of Washington, summarizing current state laws and regulations and also proposed laws. We expect to provide this summary to the membership of the MLA this coming fall in what we think will be the first newsletter of the Marine Ecology Committee in a number of years.At the Orlando meeting I was either bold or foolish enough to predict that we would have a web page up and running. We don't yet, and we understand that there are some issues that have to be resolved before any of the Committees will have the opportunity to present material on the web page. In the interim we have formed a group headed by Ann Michelle Higgins of Philadelphia and Jim Moseley, Jr. of Jacksonville to edit a newsletter on behalf of the Committee, so this coming fall you should expect to see the Committee's work in print in the MLA Report.In closing my report, I would like to extend my personal thanks to Howard McCormack for his energetic support for the Marine Ecology Committee. Those of you who know Howard may realize that he is an inveterate newspaper article clipper. We have been the recipient of many of those clippings over the years. While it might be nice someday to open Lloyd's List and not see daylight through the front page, we have been very much the beneficiary of those clippings and the tremendous support he's offered.Thank you very much.MR. McCORMACK: Thank you very much, Matt. I also want to thank Matt and my other two partners, Gordon Paulsen and Leroy Lambert, who are the editor and associate editors of the MLA Report, a copy of which is at the door. I know in addition to Matt's duties as Chair of the Ecology Committee, he and Leroy and Gordon work very hard on these MLA reports.I would encourage all of you who have some information, data or papers or information you think would like to be communicated to the Association as a whole, to communicate with any one of those individuals. I recall Matt's comments about my paper clipping, and indeed he is right. That is one factor of a 45 to 50-minute commute each way on the railroad, one gets to have a fair amount of time to read various things. There are a lot of publications out there, and far more than our office gets, but I try to keep the Committee Chairs highlighted and informed about things that may be of public knowledge in England and other places, as well as information that I may become aware of that I think may have an impact on the various members of the Committee. That's how information gets distributed.My fellow officers have congratulated me and rushed out to sell their stock in Xerox and IBM on the basis that they will no longer be having that much paperwork involved and, therefore, the stock is likely to go down. But it has been interesting, and I will mark some remarks about that later. I thank Matt for his comments.I will now call upon the outgoing Chair of the Marine Finance Committee, Charlie Brown.MR. BROWN: Our new Chair, Sandy Knapp from Philadelphia has a wonderful rapport with the U.S. Coast Guard, but she is going to need a little help to start.Title 46 section 12106(e) is the exception to the Jones Act. It permits a dummy Delaware leasing company or bank to own a Jones Act vessel. This means a Japanese bank or a Dutch bank or a British bank or leasing company can fund a subsidiary which can own a Jones Act vessel. This was the purpose of this section. The Coast Guard added some new requirements, and one of the requirements is that each tier of the structure of the ownership of the leasing company must also be a documentary citizen. This means that there will be no more funds from Sumitomo. CIT would have a problem owning vessels, and leasing them to a Jones Act citizen.The savings part for the Jones Act is that when this dummy Delaware company owns the vessel, it must bareboat charter the vessel to a Jones Act citizen. So really the Jones Act is not affected that much. We just get the money and the control is in an apple pie 75 percent good U.S. citizen for Coast Guard's purposes. The Coast Guard itself has asked us to go back and ask for some new rules. Procedures were made by Coast Guard without hearings or without notice. If we get rule making, we can tell them what's wrong with their requirements.I would like to get a resolution from you to help Sandy out which would require the Coast Guard to modify their procedures to conform with the statute, or the alternative, we want new rules in a hurry. We have actual cases pending now.At a meeting of the Coast Guard Subcommittee at this May meeting we passed by unanimous consent the resolution, and I will read it to you."Resolved that the President of this Association or his designee inform the Coast Guard that in absence of the rules, the additional procedural requirements for Section 12106(e) of Title 46 U.S.C.A. promulgated by the Office of Maritime and International Law that make substantive changes to Section 12106(e) be modified to comply with Section 12106(e) or in the alternative, new rule making include Section 12106(e)."I would like to have a second to that.MR. McCORMACK: The resolution has been moved by the Chair of the Maritime Finance Committee. Is there a second to the resolution?(Second.)MR. McCORMACK: Any discussion?All in favor?(A chorus of ayes.)MR. McCORMACK: Any opposition?(No response.)MR. McCORMACK: The resolution is carried. The Chair is directed to send a copy of that to our Secretary and it will appear in the report of the Proceedings. Continue, please, Charlie.MR. BROWN: In the Subcommittee on Foreclosure and Insolvency, we came up with the new FAA Act which contains a section of Title 11, which modifies Section 1111, 120160 of the Bankruptcy Law applying to vessels. This section only affects ICC-type public vessels that were licensed formally by ICC, now by DOT. This amendment really doesn't affect all vessels. Very limited kind of thing. But it gives the lender the right to grab a vessel under certain circumstances even though there is an automatic stay in bankruptcy.All aircraft have this exception. So we have a very limited section on vessels affected by this act. Only Phil Berns, John Edginton, Diedre Dillon and people like that can understand it. You can read about it in our minutes.In yachting, the novel thing-Bob McIntosh came up with Theresa Bennett of Fort Lauderdale who caused to be issued on behalf of a New Hampshire Insurance Company out of Swiss Re, title insurance for vessels. You plunk down your $500 to $1,000, you get title insurance which would insure your title and also insure that there are no maritime liens. Coverage insures the owner up to $5 million for pleasure vessels. Let's see how it goes.This title insurance was done by copying a real estate title policy. You can imagine that we will have to work on that to get it in shape for the maritime liens. Charley Donovan and his Maritime Lien Committee were working on a way to get rid of maritime claims that are filed with the Coast Guard. Assume you are a barge owner and you want to sell a barge. There is a maritime claim against this barge filed 20 years ago, and the company who filed the claim is bankrupt. You can't find that company, and you just can't get rid of this claim. If you want to sell the barge, or you are a yacht owner and you try to flag it foreign, and you can't get rid of the claims, the Coast Guard won't give you a deletion certificate.We wanted to extinguish maritime claims after a certain period. We gave up on that. It has just got too many worms so we will try again. But we would like to proceed with the idea of getting rid of the maritime claims for pleasure vessels that the Coast Guard says must be extinguished before transfer foreign. We don't see why the Coast Guard has the power to block a yacht transfer because of a stale maritime claim.Ned Summer from MARAD told us all about the new Title XI regs, the plain language regs for Title XI. I don't think you will ever come up with a plain language regulation for Title XI, but they are going to try. It would be wonderful if they do. We will try to help.The rest of the report will be in your written matter.MR. McCORMACK: Thank you very much, Charlie.(Applause.)MR. McCORMACK: I want to thank Charlie for the fours year of dedicated service to the Association as Chair of this very important Committee. I must confess, since I don't do that type of work that I have to call upon my partners, who do, to make sure that I am indeed following what is going on. Charlie keeps us very well informed and very well advised. This new Chair will be Sandy Knapp from Philadelphia.I now call upon Jean Knudsen, Marine Insurance.MS. KNUDSEN: Good morning, ladies and gentlemen.Our Committee held a very well attended and informative and lively discussion on Wednesday in our offices at 40 Wall Street. We discussed various ongoing projects and our two working groups which have been pursuing various issues concerning P&I, hull, energy and harbor insurance.Our paper on P&I annotations is shortly to be concluded and we hope to have it published in the MLA Report in the fall.Our Hull and P&I Subcommittee has a new project to annotate the American Institute hull clauses. John Woods, who unfortunately couldn't join us this morning, will be heading up that group. Anyone who is interested in working with us on that project, please contact Joe Grasso.Also, we wish to thank the Young Lawyers Group for their help in our all risks paper, as well as their upcoming help in working with us on the hull project.During the year our Committee has prepared responses to the CMI's questionnaire on the York-Antwerp rules. We look forward to working with the CMI Committee on the issues that are going to be discussed at the CMI plenary in Singapore in February 2001.My Vice Chair, Gene George, together with Josh Force and George Proios, have prepared an excellent newsletter, which is available at the front desk. I urge all of you to please take one.Before I conclude my report, I would like to offer our congratulations to you, Howard, on an excellent presidency and your support.MR. McCORMACK: Thank you very much, Jean.(Applause.)MR. McCORMACK: Some of you may know before I started in the practice of law, I labored in the field of marine insurance for four years, I have a very soft spot in my heart for the those who practice that kind of activity.I was an average adjuster for a few years, and every now and then I do get the opportunity to work on GA cases. As I said, to anyone who really wants to know what GA adjustment is all about, you turn to the last two pages, see how much your client is asked to pay, if it sounds reasonable, forget reading the other 125 pages.I now call upon the Chair of Maritime Arbitration Committee, Don Kennedy.MR. KENNEDY: Thank you. We have had a very active year and we have prepared a formal report which will be submitted.I would like to take this opportunity today to advise you of my involvement with the State Department and being a private sector advisor to the UNCITRAL Working Committee on Arbitration. Basically we were advising the State Department and helping them with a commercial outlook on some of the issues that were being presented to them.There is one issue that may affect our practice, and that is the New York Convention on the Enforcement and Recognition of Foreign Arbitral Awards. In that Convention there is a provision that to have an enforceable agreement to arbitrate, it must be in writing. The difficulty arises in interpreting that provision internationally. Different courts interpret it differently, and they have a requirement that it has to be signed.We have the same problem here in the States. We have a conflict between the Fifth Circuit, which has a liberal interpretation of the New York Convention, and the Second Circuit, which has a stricter interpretation of the New York Convention that requires a signed agreement. I think that's noteworthy, and it may impact your practice.Thank you.MR. McCORMACK: Thank you very much, Don. I would like to read a letter I just received from Jeff Kovar, who is the assistant legal advisor for private international law of the Department of State and was the head of the delegation on which Don served. It's addressed to me as President.Dear Howard:I would like to thank you and the MLA for facilitating Don Kennedy's participation on the U.S. delegation to the recent meeting of the UNCITRAL working group on Arbitration. The meeting was successful in charting out an ambitious course of work for the working group and Don made very important contributions to the delegation.It is critical to the success of this venture that maritime issues being fully taken into account in our work. We hope very much that we can count on the continued support of the MLA.This gives you an idea of the type of activities in which we are engaged and the sacrifices and time spent by members of our Association, and indeed the recognition given to the Association by our State Department and others. I want to thank Don for the work he has done on that.We will now hear from Hal Watson, Chair of the Committee on Maritime Legislation.MR. WATSON: Mr. President, ladies and gentlemen, the Maritime Legislation Committee met yesterday. The principal point of our discussion was the recent amendments to the Death of the High Seas Act. Paul Edelman of New York made a presentation on these amendments, which, while not a model of drafting clarity in certain respects, allow the recovery of non-pecuniary damages in accidents involving commercial aviation. The normal rules will not change with regard to traditional maritime accidents.In a case involving commercial aviation, the rules have changed, but punitive damages will not be allowed. We continue to monitor legislative developments.That concludes my report.(Applause.)MR. McCORMACK: We now have a report from the new Chair of our Navigation & Coast Guard Committee, Dennis Bryant.MR. BRYANT: Thank you, President McCormack.Our Committee met on Wednesday morning, and we spent most of our time identifying emerging issues. The first one was state regulation of commercial vessels in the post-*Locke* era. It's going to focus mostly on the environment, ballast water regulation and other emissions. The states can be expected in large measure not to repeat the course taken by the State of Washington, but to find new ways to be involved in commercial vessel traffic in their waters. It bears close watching. They will have free rein if they can properly denominate their regulation as environmental.Speaking of which, to parrot the remarks of Matt Marion, the EPA has discovered ships, and we are going to see more and more efforts in that regard. They are engaged right now in a major ruling-making process with the Department of Defense to identify and regulate emissions from vessels of the Armed Forces of the United States. They can be expected to turn around and impose those standards on commercial vessels shortly after they agree to them for military vessels.Our Committee is going to make an effort to try to open channels of communication with federal agencies other than the Coast Guard. We have very good relations with the Coast Guard, but we have not worked very hard at opening channels of communication with other agencies in Washington that deal with our industry. We are going to try to open those channels.Finally, we spent a lot of time, as a lot of Committees did this week, discussing environmental crimes. It's a significant issue, which bears heavily both on our clients and on us as maritime counsel. The Department of Justice is starting to carefully examine our role as counsel to the ship owner when they perceive a maritime crime has occurred.Look carefully at the issue. You are probably going to want to make friends with a traditional criminal defense counsel and maybe start cross-marketing your activities.Two final more personal items. First I would note that Captain Malcolm Williams is retiring this summer. Our Association has very close relations with the Coast Guard in large part through him. He will be missed. He will be replaced by Captain Joe Ahearn, who is coming to the Coast Guard headquarters from Miami. In addition, I will miss the leadership of Bob Parrish, who has chaired this Committee for the last two years, and I thank him for all his fine work.Thank you. This concludes my report.(Applause.)MR. McCORMACK: Thank you very much.A lot of things Dennis did not tell you is that one reason why our relations with the Coast Guard have been quite good and will continue to be good is that Dennis is also known as Captain Dennis Bryant, U.S. Coast Guard, retired. We are aided a great deal by that fact and we are delighted to have Dennis as the Chair of our Committee. And at this stage I certainly would like to thank Bob Parrish for his time and activity as Chair of that Committee. Bob will be coming up later to discuss something on 2001, but I have Bob's certificate, which I have given to all the outgoing Chairs in recognition of their time and service.I would now call upon John Schaffer, the Maritime Personnel Committee.MR. SCHAFFER: Thank you, Howard, good morning everyone.The Maritime Personnel Committee met yesterday afternoon. We had a lively discussion and I am pleased to say that we had 31 members and guests participate.One of the items that we also discussed, as did the Legislation Committee, was the changes to the Death on the High Seas Act. Since they are so short, I thought I would put them in the record.In the case of a commercial aviation accident, whenever the death of a person shall be caused by wrongful act, neglect or default occurring on the high seas 12 nautical miles or closer to the shore of any State, this act shall not apply, and all rules applicable under Federal, State and other appropriate law shall apply.If the death resulted from a commercial aviation accident occurring on the high seas beyond 12 nautical miles from the shore of any State, additional compensation for non-pecuniary damages is recoverable, and non-pecuniary damages means loss of care, comfort and companionship.Punitive damages are not recoverable, and these amendments are retroactive to July of 1996.In addition to monitoring changes to the Death on the High Seas Act, our Committee continues to keep an eye on developments in the area of punitive damages.We talked about tort reform as far as what states are putting damage caps on and other limits on punitive damages and tort liability.We also discussed and reviewed a dozen significant opinions from around the United States involving the area of law of claimants and employers, as well as ship owners.We always welcome suggestions from the Association for any new projects that we can get into, and are looking for more significant decisions that anyone may have, as well as for new members of the Committee.Thank you very much. That concludes our report.(Applause.)MR. McCORMACK: The Recreational Boating Committee, Don Greenman.MR. GREENMAN: Thank you, Mr. President, members and guests.Our Committee met yesterday. We received the usual good work from Frank DiGiulo in the form of *Boating Briefs*, which I hope everyone has picked up this morning. If you haven't, please do so. We also received a report that has been mentioned earlier by Charlie Brown about the availability of title insurance on recreational boats. This will be an interesting project to see how people deal with liens.We heard that there has been a recent decision or a jury award of $8.2 million against the operator and manufacturer of a jet ski. As far as we know, or has been reported, this is the first case that has resulted in liability of a jet ski manufacturer, and it appears to be based on the off-power steering problem that is well known in the industry. It is also reported the case is on appeal, so there may be more to hear from it.Kurt Trombly brought a copy of the recently enacted New Hampshire statute that deals with licensing of boat operators. I am pleased to report that it is largely based on the MLA's Model Act and that Ken Volk was instrumental, or at least testified in favor of it, in the New Hampshire Legislature.Finally, our proposal that I had mentioned at the fall meeting to amend the Inland Rules of the Road to harmonize the conflict that exists between the Sail Racing Rules and the Inland Rules produced a lively debate. It was so lively that the lateness of the hour caused us to table it. We may be back later on that subject, but we have no position to take on it at this time.Thank you Mr. President, ladies and gentlemen.(Applause.)MR. McCORMACK: Thank you, Don. The next Committee report will be by Bob Zapf, the outgoing Chair of the Practice and Procedure Committee.MR. ZAPF: Thank you, ladies and gentlemen.I wish to give you a brief report on the activities of the Practice and Procedure Committee. As the President noted, one of the efforts of the MLA over the course of the years has been to try and get recognition from Federal agencies of our expertise in the maritime field. I am happy to report that the Advisory Committee to the Standing Committee on Civil Rules of the Judicial Conference has recognized the MLA as its primary source of assistance in addressing issues relating to the Admiralty Rules.At the October '99 meeting of the Advisory Committee, a very nice statement commending the MLA's efforts in this area was made by the outgoing Chair, Judge Niemeyer, of the Fourth Circuit, who wrote the recent *Titanic* opinion.I also wish to recognize the efforts of our member Mark Kasanin, who is member of the Advisory Committee and has been appointed Chair of the New Admiralty Rules Subcommittee of that Advisory Committee to the Standing Committee on the Civil Rules. We are being recognized, and the Advisory Committee looks to us for assistance in addressing issues in connection with changes to the Admiralty Rules.One of the things that we are trying to head off is a resurgence of the constitutional challenges to the*in rem* procedures. This is why we have had to bifurcate the resolution that was passed last year at this time concerning amendments to Rule B and Rule C. Rule B was a relatively simple fix.The Rule C change deals with notice, what notice must be given when an in rem action is commenced, to whom must it be given and when it must be given. Originally the thought was to make a simple change in the rule to expressly refer to the fact that not only in ship mortgage foreclosure proceedings, but also whenever a maritime lien is asserted and a vessel is arrested, notice should be given in accordance with the notice provisions in the Statute 46 U.S.C. Section 31325(d).However, we are now looking at the statute. That statute requires that notice be given to only three categories of persons. They are the master or person in charge of the vessel, those who have filed a notice of a claim of lien which has not been discharged, and a mortgagee. Noticeably absent from the categories are notice to the owner. It has been presumed that notice to the master or notice to the person in charge or seizure of the vessel itself was sufficient notice to the owner. However, in a First Circuit decision in the *McDougal* case, in a very peculiar situation, all of the rules were followed in respect of the notice that was given. Publication was made, notice as required by the statute was given, but, deliberately, notice was not given to the owner, although the yard knew where the owner was. On the basis of those facts, the Court found that there was a constitutional violation of due process as to the required notice.We are going to try and look at these rules and the statute and fix this so that we don't get into the situation we had in the 1980's where a number of courts found that the admiralty procedures were constitutionally defective. We think additional and evolving concepts of due process may require that other steps be taken to provide notice. It's gotten to be a fairly complex and thorny issue as to who must be given notice, when and how. We will continue to address this under the new chairmanship of Jim Bartlett, who will succeeding me as Chair of the Practice and Procedure Committee.I also wanted to mention that the changes we have discussed in the past at a number of meetings have now been approved by the Supreme Court and sent to Congress. We expect them to go into effect on December 1st.We will be looking at the Model Local Admiralty Rules and revising them accordingly.A third area I think which will require additional focus by our Committee in the future is a new forfeiture act pending in Congress which we will have to review because the forfeiture procedures are based upon maritime procedures, and we want to make sure that everything fits together very well.That concludes my report.I did want to thank the officers and the Board for all the support they have give to me and to our Committee over the past five years. It's been a pleasure to serve as the Chair of such an active Committee. Thank you all for your assistance and support.(Applause.)MR. McCORMACK: Thank you Bob. Don't go away.The outgoing Chairs were given testimonials at the meeting of Committee Chairs, but Bob was unable to make the meeting, so I'll read Bob's testimonial. It says:The Maritime Law Association of the United States, in recognition and appreciation of the services of Robert J. Zapf as Chair of the Committee on Practice and Procedure, presents this testimonial as a token of its gratitude.Bob, thanks very much.(Applause.)MR. McCORMACK: James Shirley, Chair of the Salvage Committee, is next.MR. SHIRLEY: Thank you Mr. President.We had, as usual, a very active meeting on Wednesday morning. It was fully attended, and we had a full agenda; we didn't have enough time for the entire agenda. I just want to mention three of the highlights.One, Bob Umbdenstock, who I was pleased to hear is now a non-lawyer member of our Association, gave a presentation on the Special Compensation P&I Clause, used in some salvage operations where Lloyd's Form has been executed. Bob is one of only two Americans who have been designated by the Council at Lloyd's as a Shipowner's Casualty Representative. Bob recently served as SCR on a salvage case in Canada, and he gave us a brief report on that experience.I had not intended that the draft UNESCO Convention on the Preservation of Underwater Cultural Heritage would take very much time. We were going to get a brief update on it from our Vice Chair, and those who were interested could attend the session later that day of the special working group on that treaty. However, it seems always to come up. We ended up with a very lively discussion, and I was very pleased to have the President, the First Vice President and the Second Vice President of the MLA present to state the MLA's position with regard to that treaty. I think that helped to quell some of the impassioned arguments that we often get whenever that treaty comes up for discussion.Finally, the issue of "abandonment" with respect to treasure and archeological salvage cases was discussed. We were looking forward to that discussion because there are Fourth Circuit, Sixth Circuit and Ninth Circuit decisions on it. There are two parties who have lost two of those decisions, who think that the Supreme Court should be petitioned for *certiorari*. The parties who won believe the Supreme Court should not should not be petitioned for*certiorari*. We are taking no position on that issue in our Committee. I think there is an application before the officers of the MLA as to whether or not the MLA should file an *amicus* brief in favor or not of a petition for *certiorari*. But it was interesting at least to hear the two sides argue, one, why there is inconsistency amongst the Circuits that needs to be addressed by the Supreme Court, and the other arguing why there is no inconsistency amongst the Circuits.That concludes my report. Thank you very much.MR. McCORMACK: Thank you. Please don't go away, Jim.(Applause.)MR. McCORMACK: Jim is an outgoing director of the Maritime Law Association, and we have for you, James, a testimonial:The Maritime Law Association of the United States in appreciation for the services of James T. Shirley as member of the Board of Directors presents this token of its gratitude.I want to give you this to you, Jim, and thank you very much for your time and help.(Applause.)MR. McCORMACK: Until Pat Cooney comes up, I am going to ask the other outgoing directors if they care to come up, that is Dave Davies, Fred Kuffler and Denise Blocker. We have similar testimonials for these individuals. I can tell you it's been a pleasure to be here with all of them.Denise, let me give he this to you, and thank very much for your help.(Applause.)MR. McCORMACK: Fred, thank you very much, Fred.(Applause.)MR. McCORMACK: This is for Dave. Thank you.(Applause.)MR. McCORMACK: These directors labor long and hard in the service of the organization and at times don't necessarily get the recognition they deserve. I am delighted, as one of my last acts as President of the Association, to hand out these certificates of appreciation for the service of these individuals.Fred was and continues to be the Chair of the Study Group on Environmental Crimes. Denise is the incoming Vice Chair of our newly reconstituted CLE Committee. Dave has been very active on the CLE Committee in the past. Jim, as you see, is Chair of the Salvage Committee. They tend to wear more than one hat as a director, and for that we are very grateful. We thank them all.I now call on Pat Cooney, our very successful protagonist in*INTERTANKO*.MR. COONEY: Thank your, Mr. President, ladies and gentlemen.Indeed, it was an interesting meeting that we had, having been involved in preparing the *amicus* brief both on the petition for*certiorari* and on the merits in the Supreme Court, and then to have a decision that was virtually as much as we could have hoped to get. I have to say right now that I was guided carefully by our President, Mr. McCormack, who was my editor-in-chief and was deeply involved in the preparation of both briefs. I also want to thank Professor Bederman, who contributed to the brief on the merits.Needless to say, the meeting of the Uniformity Committee was devoted to *INTERTANKO*. We looked at the case from a broad perspective. I can say that we have gotten what is probably the most significant uniformity decision of the last 25, 30 years even though the decision did not mention the phrase "uniformity doctrine" once, and in fact, used the word "uniformity" only four or five times. We are all having to transfer over to the notion of a preemption analysis. I want to assure you that there is no movement afoot in our Committee to change the name of the Committee to the Maritime Preemption Committee.Having said that, we were delighted, in one of those rare instances where you get a 9-0 decision from the U.S. Supreme Court that said almost everything that you wanted them to say, a resounding reinforcement of what we all thought we knew with regard to uniformity in the maritime world.The case is interesting because its focus is not on rules and decisions in the courts, but in regulation of the maritime industry. Quite clearly what we have seen is the Congress is preeminent in the area if it chooses to act. It gives sufficient scope to the United States Coast Guard and affirms that the Coast Guard has the power of preempting regulation by the States. Nonetheless, Congress can also not do as much as it wants to: It can fill the field or can grant regulatory power to the States, so we have much to look out for in the future.I think that I have to end my comments on a note of caution. I think we have had a great victory, but there is still tremendous tension, not only between the States and the federal government with regard to the role of regulating vessels as it has to do with the environment, but within the federal government itself as to who is going to do what and how those powers are going to be delegated. We are really at the beginning. We start out, however, with an extremely strong decision. If we can get Congress to act, if the Coast Guard will issue regulations, the law is there to support the position of the preeminent role of the federal government in the regulation of maritime commerce. We will look to the future and see what happens.The other thing that I can report to you is now having concentrated so much on this particular aspect of uniformity, our Committee intends to go back and start looking at the broader aspects of uniformity conflicts among the circuits. I hope this time next year to be reporting on some fairly more mundane issues, but we savor the day.Thank you, Mr. President.MR. McCORMACK: Thank you very much, Pat.(Applause)MR. McCORMACK: I want to publicly thank Pat as Chair of the Committee for the outstanding job that he did. Pat and I were working on the petition for *certiorari* at the same time as we were attending the SEALI meeting, passing notes back and forth to each other on drafts. After the petition was granted, we were working on the brief on the merits.A big thrill of my life, and I hope for Pat and Bill Dorsey, as well, is when we got to attend the argument on December 7th before the Supreme Court. We wound up sitting in the very first row with an unimpeded view of the entire Supreme Court. I must say that's as close as I ever want to get, I think, to the questioning, but it was fascinating.I also have to give credit to the attorney for the State of Washington. He had some very, very tough questions from the Court which didn't bother him. I was extremely impressed with his work. The attorney for INTERTANKO had about ten minutes. Then Dave Fredericks, a young man from the Solicitor General's office, did a superb job.I remember Justice Breyer making some comment and analogy to the counsel for the State of Washington. He said, "If this is true, sir, then it's not very good for you, is it?" To this guy's credit, he said, "No, your Honor, it won't be very good for me if that's the way you find it."As Pat said, this case now goes back probably to the District Court. We may well see it back up there again, but this is the first time in a long time all the *amicus* briefs that we had filed with the Supreme Court actually came to fruition. It was one of the many *amicus* briefs that was filed in the Supreme Court. For that we thank Pat and his work on the Uniformity Committee.I now call upon the Chair of Young lawyers Committee, Doug Muller.MR. MULLER: Thank you, Mr. President.I find myself repeating at every meeting at which I speak an explanation that our Young Lawyers Committee consists of lawyers generally who are age 38 and under, in a few instances lawyers who are slightly older than that, but new to the Association. Our mailing list as of last count was 170 lawyers, but the core group is much smaller. We are constantly looking for new members who want to get involved in the activities of the Association.Our Spring Committee meeting was held yesterday. Like the Fisheries Committee, we were the beneficiary of a New York law firm who hosted us. Larry Kahn of Freehill, Hogan & Mahar was our host. We had interesting meeting. Our speaking was Andy Tsukamoto, a former Chair of our Committee. Andy has a unique perspective in that he was in private practice with the Haight Gardner firm for some years, and now is a client working in-house for Maersk Sealand. In true client form, the subject of his discussion or his speech was how the transportation industry is achieving efficiency and how he would like us as lawyers to also achieve efficiency with what we do for our clients.A lively discussion that ensued, and thereafter we went into a discussion of the various projects that we are involved in. I won't go into detail about all of them, but suffice it to say we have about 12 projects in which we are actively involved assisting the standing Committees.Larry Kahn was also very kind to set up a social event for the Young Lawyers last night. We had it in a restaurant in Little Italy, very nice event, very well attended.The one thing that I always like to reiterate is that part of the focus of Andy's discussion was how to further your professional development. Our Committee is one way to do that. If you are a young lawyer who is interested in becoming involved, I encourage you to contact me or Josh Force, who is our secretary, or Larry Kahn, and we will figure out a way to get you involved. If you have young lawyers in your firm, I encourage you to do the same thing. This is an excellent way to further your professional development in the Association, and we could always use new, active members of our Committee.In closing, I would like to thank President McCormack. Like past President Moseley, President McCormack has been very supportive of our Committee. He encourages us when we need encouraging, and we are very thankful for his help over his tenure as President.That concludes my report.(Applause.)MR. McCORMACK: As I explained to Doug on a couple of occasions, and I am sure my successor will continue to do so, the Young Lawyers are the backbone of our organization as we move up in age and move on and do other things. This Association to continue has got to have the input and enthusiasm of the Young Lawyers. Doug has been a fantastic Chair of the Young Lawyers Committee. I am delighted to have been able to work with him on this. I know that he will continue to give the same enthusiasm and support to my successor. |