

Calendar No. 309

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
105-163 }

**DOCUMENTATION OF THE VESSEL
OR 766 YE**

R E P O R T

OF THE

**COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

ON

S. 1235



FEBRUARY 12, 1998.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

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FEBRUARY 12, 1998.—Ordered to be printed

Mr. MCCAIN, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 1235]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1235) Documentation of the Vessel OR 766 YE “A Bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel registered as State of Oregon official number OR 766 YE”, having considered the same, reports favorably thereon without an amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

S. 1235, as reported, grants coastwise trading privileges to the vessel registered as State of Oregon official number OR 766 YE.

BACKGROUND AND NEEDS

Subject to certain limited exceptions, the law known as the Jones Act (section 27 of the Merchant Marine Acts of 1920), section 8 of the Act of June 19, 1886, and sections 12106 and 12108 of title 46, United States Code, provide that only those vessels built in the United States, continuously documented under the laws of the United States and continuously owned by U.S. citizens may transport merchandise or passengers in the coastwise trade, or engage in the fisheries, of the United States.

Where the facts applicable to a particular vessel suggest the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document granting coastwise trading or fisheries privileges for that vessel unless the requirements of those Acts are statutorily waived.

The vessel registered as State of Oregon official number OR 766 YE is a 24-foot rigid bottom inflatable boat that was constructed in Venezuela in 1997. It is owned by Mr. James M. Tate of Depoe Bay, Oregon. Mr. Tate intends to use the vessel for whale watching and sightseeing. The vessel would carry no more than 12 passengers for hire.

Because the vessel was foreign-built, the owner has not been able to obtain coastwise trade privileges for the vessel registered as State of Oregon official number OR 766 YE. Therefore, the owner is seeking a statutory waiver of the coastwise trade laws for the vessel.

LEGISLATIVE HISTORY

S. 1235 was introduced in the Senate on September 29, 1997, by Senator Wyden. In open executive session on October 8, 1997, the Committee considered S. 1235, and ordered the legislation reported favorably without objection and without amendment.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 22, 1997.

Hon. JOHN MCCAIN,
*Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1235, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel registered as state of Oregon official number OR 766 YE. The bill was ordered reported by the Senate Committee on Commerce, Science, and Transportation on October 8, 1997.

CBO estimates that enacting S. 1235 would have no significant impact on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. S. 1235 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would not affect the budgets of state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JUNE E. O'NEILL, *Director.*

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

Because S. 1235 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

SECTION-BY-SECTION ANALYSIS

The bill consists of one section. It provides that, notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S. Code App. 289), and sections 12102 and 12106 of title 46, U.S. Code, the vessel registered as State of Oregon official number OR 766 YE is eligible to engage in the coastwise trade and the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for such vessel.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

