Public Law 96-111
96th Congress

An Act

Nov. 15, 1979
[S. 1281]

To revitalize the pleasure cruise industry by clarifying and waiving certain restrictions in the Merchant Marine Act, 1936, and the Merchant Marine Act, 1920, to permit the entry of the steamship vessel United States, steamship vessel Oceanic Independence, steamship vessel Santa Rosa, and the steamship vessels Mariposa and Monterey into the trade.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Steamship vessels, waiver of trade restrictions.

SECTION 1. Notwithstanding the provisions of section 506 of the Merchant Marine Act, 1936 (46 U.S.C. 1156), section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), and any other provision of law, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel Oceanic Independence (official Coast Guard numbered 261147) and the vessel steamship Santa Rosa (official Coast Guard numbered 276598) to be documented as vessels of the United States entitled to engage in the coastwise trade, so long as—

(1) in the case of the Oceanic Independence—

(A) the vessel is in compliance with all other requirements for vessels engaging in the coastwise trade,

(B) any rebuilding of the vessel or repair work constituting a rebuilding, accomplished after enactment of this Act, shall be effected within the United States, its territories (not including trust territories), or its possessions, except that the vessel shall not lose its coastwise privileges by reason of having work necessary to install bow thrusters in the vessel and to equip it with a marine sewer sanitation system performed outside the United States, its territories (not including the trust territories) or its possessions before the vessel engages in the coastwise trade following enactment of this Act,

(C) the vessel is owned by a citizen or citizens of the United States as defined in the applicable laws prescribing the qualifications for vessels to engage in the coastwise trade, and

(D) for hire carriage in such trade is limited to passengers, their accompanying baggage, and one thousand measurement tons of cargo, of forty cubic feet each, per annum in any coastwise trade: *Provided,* That for hire carriage of cargo in excess of the aforesaid one thousand tons shall be unlawful,

(2) in the case of the steamship Santa Rosa—

(A) prior to such documentation the owner of the steamship Santa Rosa repays to the Secretary of Commerce, upon such terms and conditions as the Secretary may prescribe, an amount which bears the same proportion to the total construction differential subsidy paid for such vessel as the remaining economic life of the vessel computed from the date of documentation bears to the total economic life of the vessel, and

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(B) for hire carriage in such trade is limited to passengers, their accompanying baggage, and one thousand measurement tons of cargo, of forty cubic feet each, per annum in any coastwise trade: *Provided,* That for hire carriage of cargo in excess of the aforesaid one thousand tons shall be unlawful.

46 USC 1160 note.

SEC. 2. Section 2 of Public Law 92-296 (86 Stat. 140), as amended by Public Law 94-536 (90 Stat. 2497), is further amended by inserting after the words "American flag" the following: "in the coastwise and/or foreign commerce of the United States and/or between foreign ports notwithstanding the provision of section 506 of the Merchant Marine Act, 1936: *Provided,* That for hire carriage in coastwise commerce of the United States is limited to passengers, their accompanying baggage, and one thousand measurement tons of cargo, of forty cubic feet each, per annum in any single coastwise trade: *Provided further,* That for hire carriage of cargo in excess of the aforesaid one thousand tons shall be unlawful,".

46 USC 1156.

SEC. 3. Notwithstanding the provisions of section 506 of the Merchant Marine Act, 1936 (46 U.S.C. 1156), and any other provision of law or of prior contract with the United States, the steamship Mariposa and the steamship Monterey, may, subject to the approval of the Secretary of Commerce, be allowed to remain under the American flag and operate totally in both the coastwise and foreign commerce of the United States and/or between foreign ports: *Provided,* That for hire carriage in the domestic commerce of the United States is limited to passengers, their accompanying baggage, and one thousand measurement tons of cargo, of forty cubic feet each, per annum in any single coastwise trade: *Provided further,* That for hire carriage of cargo in excess of the aforesaid one thousand tons shall be unlawful. In the event the operator should elect to transfer either or both vessels to foreign flag operation, nothing in this Act shall be construed as permitting these vessels in such circumstances to have any rights or ability whatsoever to operate in the United States coastwise trades.

Approved November 15, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-559 accompanying H.R. 5472 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 96-298 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Sept. 6, considered and passed Senate.
Oct. 30, H.R. 5472 considered and passed House; passage vacated and S. 1281, amended, passed in lieu.
Nov. 1, Senate agreed to House amendments.