

105TH CONGRESS
2D SESSION

H. R. 4490

To amend the coastwise trade laws of the United States to authorize certain freight vessels to transport common ground clay as bulk cargo.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1998

Mr. NORWOOD introduced the following bill; which was referred to the Committee on National Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the coastwise trade laws of the United States to authorize certain freight vessels to transport common ground clay as bulk cargo.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds the following:

5 (1) United States clay companies are being un-
6 fairly hindered by certain maritime laws in their
7 ability to compete against foreign producers in the
8 United States market.

1 (2) Current coastwise trade laws provide no ad-
2 ministrative authority to waive the United States-
3 built, United States-owned, and United States-
4 manned requirements of those laws for limited car-
5 riage of clay materials on vessels between United
6 States ports.

7 (3) Requests for such waivers require the enact-
8 ment of legislation by the Congress.

9 (4) The review and approval of such waiver re-
10 quests is a ministerial function that properly should
11 be executed by an administrative agency with exper-
12 tise in commerce and transportation.

13 **SEC. 2. AMENDING THE MERCHANT MARINE ACT, 1920.**

14 Section 27 of the Merchant Marine Act, 1920 (46
15 U.S.C. App. 883) is amended by inserting “(a)” after
16 “SEC. 27.” and by adding at the end the following:

17 “(b)(1) This section does not apply to the transpor-
18 tation, as bulk cargo, of merchandise that is common
19 ground clay on a freight vessel specifically designed for
20 the carriage of that merchandise if the Secretary of the
21 Treasury determines that a freight vessel built in and doc-
22 umented under the laws of the United States, and owned
23 by persons who are citizens of the United States and
24 crewed by less than 15 persons of either foreign or United
25 States citizenship, is not available.

1 “(2) The Secretary shall issue a determination under
2 paragraph (1) within 72 hours after receiving information
3 required to make the determination.

4 “(3) Any vessel transporting common ground clay
5 pursuant to a determination under paragraph (1) shall be
6 subject to the same Federal laws regarding maritime safe-
7 ty, taxes, and environmental standards as apply to a simi-
8 lar type and size freight vessel documented under the laws
9 of the United States engaged in that transportation.

10 “(4) In this subsection:

11 “(A) The term ‘bulk cargo’ has the meaning
12 that term has under section 3 of the Shipping Act
13 of 1984 (46 U.S.C. App. 1702).

14 “(B) The term ‘freight vessel’ has the meaning
15 that term has under section 2101 of title 46, United
16 States Code.”.

17 **SEC. 3. AMENDING TITLE 46, UNITED STATES CODE.**

18 Section 12106 of title 46, United States Code, is
19 amended by adding at the end the following:

20 “(f)(1) A vessel shall be issued a certificate of docu-
21 mentation with a coastwise endorsement under this sub-
22 section if the vessel—

23 “(A) is eligible for documentation, is of at least
24 5,000 net tons, and is designed for the transpor-
25 tation of common ground clay;

1 “(B) is a freight vessel that was not built in the
2 United States; and

3 “(C) otherwise qualifies under laws of the
4 United States to be employed in coastwise trade au-
5 thorized under the endorsement.

6 “(2) An endorsement under this subsection shall re-
7 strict use of the vessel in coastwise trade to carriage, as
8 bulk cargo (as that term is defined in section 3 of the
9 Shipping Act of 1984), of common ground clay.”.

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