

105TH CONGRESS
2D SESSION

H. R. 4673

To stimulate increased domestic cruise ship opportunities for the American cruising public by temporarily reducing barriers for entry into the domestic cruise ship trade.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 1998

Mr. SMITH of Michigan 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 stimulate increased domestic cruise ship opportunities for the American cruising public by temporarily reducing barriers for entry into the domestic cruise ship trade.

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. SHORT TITLE.**

4 This Act may be cited as the “Cruise America Act
5 of 1998”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) CRUISE SHIP.—The term “cruise ship”
2 means a self-propelled ship that—

3 (A) is of at least 9,000 gross tons (as
4 measured under chapter 143 of title 46, United
5 States Code) and has a stateroom or berth ca-
6 pacity of at least 200 passengers;

7 (B) provides a full range of accommoda-
8 tions, entertainment, dining, and other services
9 for its passengers; and

10 (C) does not operate as a ferry providing
11 intrastate or interstate commuter service for
12 passengers, vehicles or other cargo for com-
13 pensation.

14 (2) PERSON.—The term “person” means a cor-
15 poration, partnership, limited liability company, as-
16 sociation, or other entity, the controlling interest of
17 which is owned by citizens of the United States
18 within the meaning of section 2(a) of the Shipping
19 Act, 1916 (46 U.S.C. App. 802(a)).

20 (3) SECRETARY.—The term “Secretary” means
21 the Secretary of Transportation.

22 **SEC. 3. EMPLOYMENT OF FOREIGN-BUILT, U.S.-FLAG**
23 **CRUISE SHIPS IN THE COASTWISE TRADE.**

24 (a) IN GENERAL.—Notwithstanding section
25 12106(a)(2) of title 46, United States Code, section 27

1 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883),
2 and section 8 of the Act of June 19, 1886 (46 U.S.C.
3 App. 289), the Secretary may issue a certificate of docu-
4 mentation with coastwise endorsement for a cruise ship
5 not built in the United States, or if rebuilt, not rebuilt
6 in the United States, to a person that is an owner or oper-
7 ator of such cruise ship.

8 (b) LIMITATIONS.—

9 (1) A certificate of documentation with coast-
10 wise endorsement may be issued pursuant to sub-
11 section (a) of this section only for a cruise ship that
12 was built or rebuilt not more than 10 years before
13 the date of enactment of this Act.

14 (2) A certificate of documentation with coast-
15 wise endorsement may be issued pursuant to sub-
16 section (a) of this section only for a cruise ship
17 that—

18 (A) is of at least 20,000 gross tons (as
19 measured under chapter 143 of title 46, United
20 States Code); or

21 (B) has a stateroom or berth capacity of at
22 least 800 passengers.

23 (3) Certificates of documentation with coastwise
24 endorsement may be issued pursuant to subsection
25 (a) of this section for not more than 3 cruise ships.

1 (4) The Secretary may require any additional
2 appropriate conditions the Secretary deems nec-
3 essary.

4 (b) CONSTRUCTION STANDARDS.—

5 (1) CERTIFICATE OF INSPECTION.—A cruise
6 ship issued a certificate of documentation with
7 coastwise endorsement pursuant to subsection (a) of
8 this section shall be eligible for a certificate of in-
9 spection (as prescribed by 46 U.S.C. 3309) if the
10 Secretary determines that—

11 (A) the cruise ship is classed by and de-
12 signed in accordance with the rules of a classi-
13 fication society accepted by the Secretary; and

14 (B) the cruise ship complies with applica-
15 ble international agreements and associated
16 guidelines, as determined by the Secretary. Ad-
17 ditionally, such cruise ship shall be equipped
18 with automatic sprinkler and fire detection sys-
19 tems meeting the requirements of the 1992
20 Amendments to the Safety of Life at Sea Con-
21 vention of 1974 (SOLAS 74) throughout all
22 service and accommodation spaces.

23 (2) CONTINUED ELIGIBILITY FOR CERTIFI-
24 CATE.—Paragraph (1) of this subsection does not
25 apply to any cruise ship after any date on which the

1 cruise ship fails to comply with the applicable inter-
2 national agreements and associated guidelines de-
3 scribed in paragraph (1)(B) of this subsection.

4 (3) RELIANCE ON CLASSIFICATION SOCIETY.—

5 The Secretary may rely on a certification from a
6 classification society accepted by the Secretary to es-
7 tablish that the cruise ship is in compliance with the
8 requirements of paragraphs (1) and (2) of this sub-
9 section.

10 (c) FOREIGN TRANSFER.—Notwithstanding section
11 9(c) of the Shipping Act, 1916 (46 U.S.C. App. 808), a
12 coastwise qualified United States-flag, foreign-built cruise
13 ship may be placed under foreign registry without the ap-
14 proval of the Secretary any time after its documentation
15 under subsection (a)(1) of this section. The Secretary shall
16 revoke the coastwise endorsement of any such cruise ship
17 when it is placed under foreign registry.

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