

Public Law 96-387  
96th Congress

An Act

To authorize the documentation of certain vessels as vessels of the United States, and for other purposes.

Oct. 7, 1980

[S. 1442]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding the provisions of title 46 of the United States Code, particularly but not limited to section 27 of the Merchant Marine Act of 1920, as amended (46 U.S.C. 883), or any other provision of law, the Secretary of the department in which the Coast Guard is operating, shall cause the vessels Sara (vessel numbered 530082), Aurelia Four, Alice (vessel numbered 289731), Albatross (vessel numbered 299537), Hillbilly I, and Kailua (registration numbered AK-7716-B) to be documented as vessels of the United States, with the privileges of engaging in coastwise trade so long as each such vessel being so documented is owned by a citizen of the United States.

Vessels,  
coastwise trade  
documentation.  
Merchant  
Marine Act,  
1936,  
amendment.

SEC. 2. The vessel Sara which was constructed in a country other than the United States, is, pursuant to section 1, granted the privilege of engaging in coastwise trade only so long as the vessel is owned by a citizen of the United States and is operated for a nonprofit purpose.

SEC. 3. Section 502 of the Merchant Marine Act, 1936, is amended by adding at the end of subsection (g) thereof two new subsections to read as follows:

46 USC 1152.

“(h) The Secretary of Commerce is authorized to construct, purchase, lease, acquire, store, maintain, sell, or otherwise dispose of national defense features intended for installation on vessels. The Secretary of Commerce is authorized to install or remove such national defense features on any vessel (1) which is in the National Defense Reserve Fleet as defined by section 11(a) of the Merchant Ship Sales Act of 1946, (2) which is requisitioned, purchased, or chartered under section 902 of the Merchant Marine Act, 1936, (3) which serves as security for the guarantee of an obligation by the Secretary of Commerce under title XI of this Act, or (4) which is the subject of an agreement between the owner of such vessel and the Secretary of Commerce to install or remove such national defense features. Title to such national defense features which the Secretary of Commerce determines are not to be permanently incorporated in a vessel shall not be affected by such installation or removal unless otherwise transferred in accordance with the provisions of this title V.

National defense  
features.

“(i) The Secretary of Commerce shall submit the plans and specifications for such national defense features and the proposals for their acquisition, storage, utilization, or disposition to the Navy Department for examination thereof and suggestion for such changes therein as may be deemed necessary or proper in order that such features shall be suitable for the use of the United States Government in time of war or national emergency. If the Secretary of the Navy approves such plans, specifications, or proposals as submitted,

50 USC app.  
1744.  
46 USC 1242.  
46 USC 1271.

46 USC 1151.

Plans,  
specifications,  
and proposals.

Certification of  
approval.

46 USC 1119.

Coastwise coal  
transport,  
priority loading.  
46 USC 1121-1.Report to  
Congress.Vessel, coastwise  
trade documen-  
tation."Citizen of the  
United States."

or as modified in accordance with the provisions of this subsection, he shall certify such approval to the Secretary of Commerce."

SEC. 4. Section 209(b) of the Merchant Marine Act, 1936, is amended by (a) deleting from clause (2) the words "and cost of national defense features"; (b) inserting after clause (2) the following new clause: "(3) cost of national defense features;"; and, (c) renumbering the remaining clauses accordingly.

SEC. 5. Notwithstanding any other provisions of law, any vessel engaged in the coastwise transportation of coal produced in the United States, from a port in the United States to another port in the United States, shall until June 30, 1987, have the priority to load at any such ports ahead of any waiting vessels engaged in the export trade of coal produced in the United States: *Provided*, That, the Secretary of Commerce may, if he determines that it is in the national interest, eliminate priority loading, as provided herein, at any such port or ports, and to report such action to the Congress within 30 days.

SEC. 6. Notwithstanding section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), or any other provision of law to the contrary, the vessel known as the Scuba King, official numbered 532376, owned by Bernard Despins, shall be entitled to be documented to engage in the fisheries and the coastwise trade upon compliance with the usual requirements, so long as such vessel is, from the date of enactment of this section, continuously owned by a citizen of the United States. For the purposes of this section, the term "citizen of the United States" includes corporations, partnerships, and associations, but only those which are citizens of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802).

Approved October 7, 1980.

#### LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1221 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 96-477 (Comm. on Commerce, Science, and Transportation).

#### CONGRESSIONAL RECORD:

Vol. 125 (1979): Dec. 18, considered and passed Senate.

Vol. 126 (1980): Aug. 26, considered and passed House, amended.

Sept. 19, Senate concurred in House amendments with amendments.

Sept. 22, House agreed to Senate amendments.