

COAST GUARD STATEMENT CONCERNING
EXTENDING FISHERY AND COASTWISE
TRADING PRIVILEGES TO CERTAIN VESSELS

PREPARED FOR THE

SUBCOMMITTEE ON MERCHANT MARINE

OF THE

HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

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THE PROPOSED BILLS WHICH, IF ENACTED, WOULD EXTEND FISHERY AND COASTWISE TRADING PRIVILEGES TO THE VESSELS HOLLAND, MARILYN, JANE E, DIANE M, ROYAL STAR, ALASKAN SHORES, AND SHEARWATER.

H.R.485 WOULD EXTEND PRIVILEGES TO THE VESSEL HOLLAND, OFFICIAL NUMBER 636433 (NOT 637433 AS INDICATED IN THE BILL). THE HOLLAND WAS BUILT ABROAD IN 1964 AND IS NOT, THEREFORE, ENTITLED TO DOCUMENTATION FOR NOR EMPLOYMENT IN THE COASTWISE TRADE OR THE AMERICAN FISHERIES UNDER THE PROVISIONS OF 46 U.S.C. 12105, 12106, 12107, AND 12108, AND OF SECTION 27, OF THE MERCHANT MARINE ACT, 1920, AS AMENDED (46 APP. U.S.C. 883). THE VESSEL MEASURES 133.7 FEET IN LENGTH, 28.5 FEET IN BREADTH, AND 11.7 FEET IN DEPTH AND HAS A GROSS TONNAGE OF 293 AND A NET TONNAGE OF 199.

H.R.739 WOULD EXTEND PRIVILEGES TO THE VESSEL MARILYN. IT IS OUR UNDERSTANDING THAT THIS VESSEL WAS BUILT ABROAD. ACCORDINGLY, IT IS RESTRICTED IN ITS DOCUMENTATION FOR AND EMPLOYMENT IN THE COASTWISE TRADE OR

THE AMERICAN FISHERIES BY VIRTUE OF THE SAME LAWS THAT APPLY TO THE HOLLAND. THE MARILYN WAS ALSO THE SUBJECT OF H.R.1505 INTRODUCED IN THE FIRST SESSION OF THE 98TH CONGRESS.

THE JANE E, WHOSE OFFICIAL NUMBER IS IDENTIFIED AS 315924, AND THE DIANE M, WHOSE OFFICIAL NUMBER IS IDENTIFIED AS 315925, ARE THE SUBJECT OF TWO IDENTICAL BILLS, H.R.735 AND H.R.743. THE OFFICIAL NUMBERS IDENTIFIED IN THE BILLS ARE UNITED KINGDOM NUMBERS. AS BEST AS THE COAST GUARD CAN DETERMINE, BOTH VESSELS ARE TUGS WHICH WERE BUILT IN THE UNITED STATES AND MOST RECENTLY WERE UNDER BAHAMIAN OWNERSHIP AND REGISTRY. THE FIRST PROVISIO OF SECTION 27 OF THE MERCHANT MARINE ACT, 1920, AS AMENDED (46 APP. U.S.C. 883), RESULTS IN A LOSS OF COASTWISE PRIVILEGES FOR A VESSEL IF IT IS SOLD TO A NONCITIZEN IN WHOLE OR IN PART OR IF IT IS PLACED UNDER FOREIGN REGISTRY. A VESSEL DOES NOT PERMANENTLY LOSE ITS FISHERY PRIVILEGES BY REASON OF SALE TO A NONCITIZEN OR BY REASON OF FOREIGN REGISTRY.

H.R.2638 WOULD EXTEND PRIVILEGES TO THE VESSEL ROYAL STAR. PURSUANT TO 46 U.S.C. 12108, TO BE ENTITLED TO DOCUMENTATION FOR AND EMPLOYMENT IN THE AMERICAN FISHERY, A VESSEL MUST BE BUILT IN THE UNITED STATES. PURSUANT TO 46 U.S.C. 12106 AND SECTION 27 OF THE MERCHANT MARINE ACT, 1920, AS AMENDED (46 APP. U.S.C. 883), TO BE ENTITLED TO DOCUMENTATION FOR AND EMPLOYMENT IN THE COASTWISE TRADE, A VESSEL MUST BE BUILT IN THE UNITED STATES, MUST NEVER HAVE BEEN SOLD TO A NONCITIZEN IN WHOLE OR IN PART, AND MUST NEVER HAVE BEEN UNDER FOREIGN REGISTRY. IN IMPLEMENTING THE ABOVE LAWS, THE COAST GUARD, BY REGULATIONS AT 46 CFR 67.05-5, REQUIRES THAT AN OWNER MUST PROVIDE EVIDENCE ESTABLISHING A COMPLETE CHAIN OF TITLE FOR THE VESSEL AND COMPETENT AND

PERSUASIVE EVIDENCE ESTABLISHING THE CITIZENSHIP OF EACH OWNER IN THE CHAIN; 46 CFR SUBPART 67.09 REQUIRES COMPETENT AND PERSUASIVE EVIDENCE OF THE FACTS OF BUILD OF THE VESSEL. REPORTEDLY, THE ROYAL STAR WAS BUILT IN THE UNITED STATES IN 1960, BUT THE OWNER IS UNABLE TO ESTABLISH THE CHAIN OF TITLE FOR THE VESSEL.

H.R.3097 WOULD EXTEND PRIVILEGES TO THE VESSEL ALASKAN SHORES, OFFICIAL NUMBER 603879. THIS VESSEL WAS BUILT IN THE UNITED STATES IN 1945 AND WAS SUBSEQUENTLY SOLD TO A NONCITIZEN AND/OR PLACED UNDER FOREIGN REGISTRY. PURSUANT TO THE FIRST PROVISIO OF SECTION 27 OF THE MERCHANT MARINE ACT, 1920, AS AMENDED (46 APP. U.S.C. 883), THE VESSEL IS NO LONGER ENTITLED TO DOCUMENTATION FOR AND EMPLOYMENT IN THE COASTWISE TRADE. AS A VESSEL BUILT IN THE UNITED STATES, IT CONTINUES ITS ENTITLEMENT TO THE AMERICAN FISHERIES. THE VESSEL MEASURES 125 FEET IN LENGTH, 30 FEET IN BREADTH, AND 12.2 FEET IN DEPTH AND HAS A GROSS TONNAGE OF 428 AND A NET TONNAGE OF 192.

THE VESSEL SHEARWATER IS IDENTIFIED AS A VESSEL FOR WHICH A HOUSE BILL WILL BE INTRODUCED TO EXTEND COASTWISE TRADING AND FISHERY PRIVILEGES. THE OFFICIAL NUMBER OF THE VESSEL IS 260827. IT WAS REMOVED FROM DOCUMENTATION ON MARCH 18, 1976, AND POSSIBLY SOLD TO A NONCITIZEN AND/OR PLACED UNDER FOREIGN REGISTRY. THE SHEARWATER WAS BUILT IN 1942 IN THE UNITED STATES. THE VESSEL IS NOT ENTITLED TO DOCUMENTATION FOR OR EMPLOYMENT IN THE COASTWISE TRADE UNDER THE FIRST PROVISIO OF SECTION 27 OF THE MERCHANT MARINE ACT, 1920, AS AMENDED (46 APP. U.S.C. 883), IF IT WAS SOLD TO A NONCITIZEN AND/OR PLACED UNDER FOREIGN REGISTRY OR IF THE OWNER IS UNABLE TO PROVIDE A COMPLETE CHAIN OF TITLE AND COMPETENT AND PERSUASIVE EVIDENCE OF EACH OWNER IN THE CHAIN OF

TITLE. THE VESSEL MEASURES 62.1 FEET IN LENGTH, 17.0 FEET IN BREADTH, AND 5.6 FEET IN DEPTH AND HAS A GROSS TONNAGE OF 58 AND A NET TONNAGE OF 51.

IF THE PROPOSED BILLS ARE ENACTED, THE VESSELS WILL BE ENTITLED TO DOCUMENTATION FOR AND EMPLOYMENT IN THE COASTWISE TRADE AND THE AMERICAN FISHERIES UPON COMPLIANCE WITH THE USUAL REQUIREMENTS, INCLUDING CITIZENSHIP REQUIREMENTS AND SAFETY INSPECTION AND CERTIFICATION REQUIREMENTS. THESE PRIVILEGES ARE NOT GENERALLY AVAILABLE TO OTHER VESSELS OF THE SAME CLASS OR TYPE WHICH SUFFER FROM THE SAME DISABILITIES. THE COAST GUARD TAKES NO POSITION ON THE MERITS OF OR NECESSITY FOR THE PROPOSED LEGISLATION.