AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

106TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 106–42

FEDERAL MARITIME COMMISSION AUTHORIZATION ACT OF 1999

MARCH 4, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

REPORT

[To accompany H.R. 819]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 819) to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The primary purpose of H.R. 819 is to authorize funds for the Federal Maritime Commission for fiscal years 2000 and 2001.

BACKGROUND

The Federal Maritime Commission (FMC) is an independent agency formed in 1961 following the abolition of the Federal Maritime Board. The Commission is responsible for enforcing international shipping rules and regulations involving carriers (container ship operators), shippers (companies owning goods to be transported), and transportation facilitators such as freight forwarders, nonvessel operating common carriers, and customs brokers.

The FMC is composed of five commissioners, appointed by the President by and with the consent of the Senate. The current Chairman of the FMC is the Honorable Harold J. Creel, Jr.

The FMC is primarily engaged in administering the Shipping Act of 1984. However, the FMC also enforces the Foreign Shipping Practices Act and Section 19 of the Merchant Marine Act, 1920.

69–006

Under these authorities, the FMC protects shippers and carriers from restrictive or unfair practices of foreign governments and foreign-flag carriers. Under these laws, the FMC has the authority to take action against the offending carriers, including the imposition of per voyage fees and preventing them from operating in trade with the United States.

The final major responsibility of the FMC is enforcement of the laws related to cruise vessel financial responsibility. Under sections 2 and 3 of P.L. 89–777, the FMC ensures that cruise vessel operators have sufficient resources to pay judgments to passengers for personal injury or death or for nonperformance of a voyage.

COMMITTEE ACTION

On February 11, 1999, the Subcommittee on Coast Guard and Maritime Transportation held a hearing on the Administration's fiscal year 2000 budget request for the Federal Maritime Commission. The Subcommittee received testimony from Edward P. Walsh, Managing Director of the Federal Maritime Commission.

Mr. Walsh discussed the President's request for the Commission. The fiscal year 2000 budget request for the Federal Maritime Commission is $15.3 million, a $1,150,000 increase over the fiscal year 1999 appropriated level. Nearly two-thirds of the increase is solely to fund required annual salary and benefit adjustment for the Federal employees who work for the Commission. The remainder is for increased rent costs and to support computer modernization efforts, including the final stage of upgrades to meet the upcoming year 2000 requirements. Mr. Walsh also discussed how the Ocean Shipping Reform Act, which is being implemented by the Commission, will affect the agency's budget in the upcoming year.

On February 24, 1999, the Subcommittee on Coast Guard and Maritime Transportation met to mark up a Discussion Draft of the Federal Maritime Commission Authorization Act of 1999. No amendments to the Discussion Draft were considered. The Discussion Draft was ordered reported to the full Committee by voice vote in the presence of a quorum.

The Discussion Draft bill was introduced as H.R. 819 by Chairman Shuster on February 24, 1999, with Mr. Oberstar, Mr. Gilchrest, and Mr. DeFazio as cosponsors. The bill was referred to the Committee on Transportation and Infrastructure.

On March 2, 1999, the Transportation and Infrastructure Committee met to consider H.R. 819. H.R. 819 was ordered reported to the House of Representatives by a voice vote in the presence of a quorum.

SECTION BY SECTION ANALYSIS OF H.R. 819

Section 1. Short Title

This section states that the Act may be cited as the Federal Maritime Commission Authorization Act of 1999.

Sec. 2. Authorization of Appropriations

Section 2 of H.R. 819 authorizes $15,685,000 for the activities of the FMC for fiscal year 2000. This is the amount requested for the FMC by the President, with an additional $385,000 to fund the of-

fice of the new Federal Maritime Commissioner when he is confirmed. Section 2 also authorizes $16,312,000 for the FMC for fiscal year 2001.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF THE LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred by enactment of H.R. 819. However, clause 3(d)(2) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

CONSTITUTIONAL AUTHORITY STATEMENT

Article 1, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 819.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 819.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 819 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 2, 1999.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 819, the Federal Maritime Commission Authorization Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

PAUL VAN DE WATER
(For Dan L. Crippen).

Enclosure.

H.R. 819—Federal Maritime Commission Authorization Act of 1999

Summary: H.R. 819 would authorize appropriations to the Federal Maritime Commission (FMC) of about $15.7 million and $16.3 million for fiscal years 2000 and 2001, respectively. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 819 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no impact on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 819 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation). For purposes of this estimate, CBO assumes that H.R. 819 will be enacted during fiscal year 1999 and that the authorized amounts will be appropriated for each year. The estimate of outlays is based on historical spending patterns of the FMC.

Pay-as-you-go Considerations: None.

Intergovernmental and Private-Sector Impact: H.R. 819 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no impact on the budgets of state, local, or tribal governments.

	By fiscal year, in millions of dollars					
	1999	2000	2001	2002	2003	2004
FMC spending under current law:						
Budget authority [1]	14	0	0	0	0	0
Estimated outlays	14	0	0	0	0	0
Proposed changes:						
Authorization level	0	16	16	0	0	0
Estimated outlays	0	15	16	1	0	0
FMC spending under H.R. 819:						
Authorization level [1]	14	16	16	0	0	0
Estimated outlays	14	15	16	1	0	0

[1] The 1999 level is the amount appropriated for that year.

Estimate Prepared by: Deborah Reis.

Estimate Approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104

H.R. 819 contains no unfunded mandates, as defined under Public Law 104–4.

○