

105TH CONGRESS
2D SESSION

S. 2390

To permit ships built in foreign countries to engage in coastwise trade
in the transport of certain products.

IN THE SENATE OF THE UNITED STATES

JULY 30, 1998

Mr. BROWNBACK (for himself and Mr. HELMS) introduced the following bill;
which was read twice and referred to the Committee on Commerce,
Science, and Transportation

A BILL

To permit ships built in foreign countries to engage in
coastwise trade in the transport of certain products.

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 “Freedom To Transport
5 Act of 1998”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) FREIGHT VESSEL.—The term “freight ves-
9 sel” has the meaning given that term in section
10 2101(23) of title 46, United States Code.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Transportation.

3 **SEC. 3. TRANSPORTATION OF CERTAIN MERCHANDISE.**

4 (a) IN GENERAL.—Section 27 of the Merchant Ma-
5 rine Act, 1929 (46 U.S.C. App. 883) is amended by strik-
6 ing the period at the end and inserting the following: “:
7 *Provided further*, That this section shall not apply with
8 respect to the transportation of merchandise that is a for-
9 est product (as that term is defined in section 3(11) of
10 the Shipping Act of 1984 (46 U.S.C. App. 1702(11))),
11 bulk cargo (as that term is defined in section 3(4) of the
12 Shipping Act of 1984 (46 U.S.C. App. 1702(4))), includ-
13 ing agricultural products (as that term is defined in sec-
14 tion 101(1) of the Agricultural Trade Act of 1978 (7
15 U.S.C. 5602(1))) that are carried in bulk, or livestock (as
16 that term is defined in section 2(4) of the Packers and
17 Stockyards Act, 1921 (7 U.S.C. 182(4))) and that is
18 transported in a freight vessel (as that term is defined
19 in section 2101 of title 46, United States Code) of not
20 less than 1,000 gross tons that was not built in the United
21 States (or if rebuilt, not rebuilt in the United States) for
22 which the Secretary of Transportation has issued a certifi-
23 cate of documentation.”.

24 (b) COASTWISE ENDORSEMENTS.—12106(b) of title
25 46, United States Code, is amended—

1 (1) by inserting “(1)” after “(b)”;

2 (2) by inserting “to paragraph (2) and” after
3 “Subject”; and

4 (3) by adding at the end the following:

5 “(2) Paragraph (1) shall not apply with respect to
6 a vessel used for the transportation of merchandise that
7 is a forest product (as that term is defined in section 3(11)
8 of the Shipping Act of 1984 (46 U.S.C. App. 1702(11))),
9 bulk cargo (as that term is defined in section 3(4) of the
10 Shipping Act of 1984 (46 U.S.C. App. 1702(4))), includ-
11 ing agricultural products (as that term is defined in sec-
12 tion 101(1) of the Agricultural Trade Act of 1978 (7
13 U.S.C. 5602(1))) that are carried in bulk, or livestock (as
14 that term is defined in section 2(4) of the Packers and
15 Stockyards Act, 1921 (7 U.S.C. 182(4))) and that is a
16 freight vessel of not less than 1,000 gross tons that was
17 not built in the United States (or if rebuilt, not rebuilt
18 in the United States) and with respect to which the Sec-
19 retary of Transportation has issued a certificate of docu-
20 mentation.”.

21 (c) FOREIGN TRANSFER.—Notwithstanding section
22 9(c) of the Shipping Act, 1916 (46 U.S.C. App. 808), a
23 freight vessel described in the last proviso of section 27
24 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883),
25 as added by section 3 of this Act, for which the Secretary

1 has issued a certificate of documentation after the date
2 of enactment of this Act and that is used for a purpose
3 specified in that proviso may be placed under foreign reg-
4 istry without the approval of the Secretary at any time
5 after that vessel is issued a certificate of documentation.
6 At such time as that vessel is placed under foreign reg-
7 istry, the Secretary shall revoke the certificate of docu-
8 mentation issued by the Secretary.

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