APPENDIX

PUBLIC LAWS OF THE 106TH CONGRESS, FIRST SESSION, PROVIDING OR AMENDING CERTAIN MARITIME LAWS.

AMERICAN FISHERIES ACT. Section 3027 of Public Law 106-31, approved May 21, 1999 (113 STAT. 57, 101)[1], the 1999 Emergency Supplemental Appropriations Act: (a) made technical corrections to the American Fisheries Act, Title II of Division C of Public Law 105-277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and (b) excluded certain menhaden fishery vessels from the registered length limitation in 46 U.S.C.12102(c)(6).

DEFERRAL OF DUTY ON YACHTS. Section 2406 of Public Law 106-36, approved June 25, 1999 (113 STAT. 127, 170)[2], the Miscellaneous Trade and Technical Corrections Act of 1999, amended Section 484b of the Tariff Act of 1930 (19 U.S.C. 1304 et seq.), to defer the duty on large previously owned yachts imported for sale at United States boat shows.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FY 2000. Public Law 106-65, approved October 5, 1999 (113 STAT. 512)[3], contains the following provisions of particular interest.

A. National Defense Sealift Fund. Section 302(2) of Public Law 106-65 (113 STAT. 557), authorizes $434,700,000 for these activities. Leg. History: Conference Report, page 709. House Report, page 84.

B. Large Medium-Speed Roll-On/Roll-Off (LMSR) Program. Section 313(a) of Public Law 106-65 (113 STAT. 559), generally authorizes the Secretary of the Navy to procure the large LMSR ship to be designated T-AKR 307 or 317. Section 313(b) provides that $80 million of the amount authorized for the National Defense Sealift Fund is available "for the advance procurement and advance construction of

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[1] Public Law 106-31 (H.R. 1141/S. 544). Legislative History set forth in H. Rpt. 106-143 (Conference Report), H. Rpt. 106-64 (House Report), and S. Rpt. 106-8, accompanying S. 544 (Senate Report).

[2] Public Law 106-36 (H.R. 435/S. 262). Legislative History set forth in S. Rpt 106-2, accompanying S. 262 (Senate Report).

[3] Public Law 106-65 (S. 1059/H.R. 1401). Legislative History set forth in H. Rpt. 106-301 (Conference Report), H. Rpt. 106-162 accompanying H.R. 1401 (House Report), and S. Rpt. 106-50 (Senate Report).

components for the LMSR program . . . The Secretary of the Navy may enter into a contract . . . with the shipbuilder and other entities for the advance procurement and advance construction of those components." Leg. History: Conference Report, page 710. House Report, page 84.

C. Report on Naval Vessel Force Structure Requirements. Section 1013 of Public Law 106-65 (113 STAT. 740), generally requires a February 1, 2000 report to the Congress, that is to include a detailed long-range DOD shipbuilding plan, risks associated with any deviation from this plan, including implications on the domestic shipbuilding industrial base. Leg. History: Conference Report, page 792. House Report, page 396.

D. DOD Auxiliary Vessels Acquisition Program. Section 1014(a) of Public Law 106-65 (113 STAT. 741), adds a new section 7233 to title 10, generally authorizing the Secretary of the Navy (Secretary) to enter into contracts with private U.S. shipyards for the construction of new surface vessels to be acquired on a long-term basis by the United States from the shipyard or other private person. The Secretary is authorized to enter into a contract for the operation of such vessels by a "United States corporation with experience in the operation of vessels for the United States." Provision is made for the crewing of these vessels by the Secretary with civil service mariners. 10 U.S.C. 2218 , provides for the National Defense Sealift Fund. Section 1014(b) of Public Law 106-65 (113 STAT. 742), generally amends 10 U.S.C. 2218(k) to expand the definition of "Department of Defense sealift vessel" to include a strategic sealift ship, a combat logistics force ship, a maritime prepositioned ship, and "any other auxiliary support vessel." Leg. History: Conference Report, page 792. House Report, page 396.

E. National Defense Features Program. 10 U.S.C. 2218, provides for the National Defense Sealift Fund. Section 1015 of Public Law 106-65 (113 STAT. 743), amends 10 U.S.C. 2218, by redesignating subsection (k) as (l), and inserting a new subsection (k), generally authorizing the Secretaries of Defense, Army, Navy, Air Force, Transportation and Administrator of the NASA to entered into a contract with a company to install and maintain defense features for national defense purposes in commercial vessels owned or controlled by that company. Any such contract is required to provide that (a) the contractor shall operate the vessel for DOD so long as it is owned or controlled by the contractor, and (b) DOD is to pay the contractor "fair and reasonable rates." Leg. History: Conference Report, page 793. House Report, page 396. Senate Report, page 275.

F. Nuclear Shipyard Articles & Services. Section 1016 of Public Law 106-65 (113 STAT. 744), adds a new 10 U.S.C. 7300, to facilitate the commercial construction of a nuclear vessel under a DOD contract

by generally authorizing the sale by a Navy shipyard to such commercial shipyard of certain articles or services related to such construction. Leg. History: Conference Report, page 793. Senate Report, page 354.

G. Exclusion from Federal Reports Elimination and Sunset Act of 1995. Section 3003 of Public Law 104-66, approved December 21, 1995 (109 STAT. 734)(31 U.S.C. 1113 note), provides that certain reports to the Congress shall not be required after December 31, 1999. Section 1031 of Public Law 106-65 (113 STAT. 749), provides that this exclusion does not apply to section 12 of the Suits in Admiralty Act, and sections 208, 901(b)(2) and 1211 of the Merchant Marine Act, 1936.

H. Report on Lift and Prepositioned Support Requirements to Support the National Military Strategy. Section 1034 of Public Law 106-65 (113 STAT. 752), requires the Secretary of Defense to submit to the Congress such a report by February 15, 2000. This report is to include the "identity, size, structure, and capabilities of the . . . sealift requirements for the full range of shaping, preparing, and responding missions called for under the National Military Strategy." Leg. History: Conference Report, page 797. Senate Report, page 355.

I. Defense Production Act Extension. Section 1063 of Public Law 106-65 (113 STAT. 769), amended Sections 711 and 717 of this Act (50 U.S.C. App. 2161(b) & 2166(a)), to provide authorization authority and extend its termination date to September 30, 2000. Leg. History: Conference Report, page 803. Senate Report, page 369.

J. MARAD Authorization Act for FY 2000. Section 3602 of Public Law 106-65 (113 Stat. 769), authorizes the following:

(1) $79,764,000 for Operations & Training expenses.

(2) $14,893,000 for Title XI Loan Guarantee expenses, of which (a) $11 million is for the cost of the Federal Credit Reform Act, and (b) $3,893,00 for administrative expenses. Leg. History: Conference Report, page 939. House Report, page 498, 499.

K. War Risk Insurance Extension. Section 3603 of Public Law 106-65 (113 STAT. 976), amended Section 1214 of the Merchant Marine Act, 1936, to extend this Title XII Program until June 30, 2005. Leg. History: Conference Report, page 939. House Report, page 499.

L. SS Jeremiah O'Brien. Section 3604 of Public Law 106-65 (113 STAT. 976), made a technical correction to the vessel inspection exclusion provided by 46 U.S.C. 3302(l)(1)(c), to give recognition to the vessel's ownership by National Liberty Ship Memorial, Inc. Leg. History: Conference Report, page 939. House Report, page 500.

M. Legislative History Items of Interest.

1. The Conference Report, page 598, also contains the following provision of interest: ***Defense Export Loan Guarantee program.*** The House amendment contained a provision (sec. 109) that would authorize $1.3 million for the Defense Loan Guarantee program. The Senate bill contained no similar provision. The House recedes.

2. The House Report also contains the following provisions of interest:

   At page 327, concerning outsourcing of Navy towboat operations.

   At page 350, Merchant Marine Academy Midshipmen ID cards.

   At page 499, proposed Amendment to the Title XI Program.

3. The Senate Report also contains the following provisions of interest:

   At page 138, concerning outsourcing of Navy towboat operations.

   At page 183, on advanced water-jet technology.

   At pages 9, 10, 236 & 237, comments on the need for a strong Navy.

OCEAN FREIGHT DIFFERENTIAL. Public Law 106-78, approved October 22, 1999 (113 STAT. 1135, 1158)[4], the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000, appropriates $21 million for Ocean Freight Differential Costs for the shipment of agricultural commodities pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954 and the Food for Progress Act of 1985. Leg. History: Conference Report, page 110.

DOD APPROPRIATIONS FY 2000. Public Law 106-79, approved October 25, 1999 (113 STAT. 1212)[5], contains the following provisions of particular interest:

A. National Defense Sealift Fund/National Defense Reserve Fleet. At 113 STAT. 1228, appropriates $717,200,000 for these activities. Leg. History: Conference Report, page 252. House Report, page 273.

B. Competition between DOD Maintenance Activities and Private Firms. Section 8037 (113 STAT. 1239) generally authorized the DOD to acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles through such competition.

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[4] Public Law 106-78 (H.R. 1906/S. 1233). Legislative History is set forth in H. Rpt. 106-354 (Conference Report), H. Rpt. 106-157 (House Report), S. Rpt. 106-80, accompanying S. 1233 (Senate Report).

[5] Public Law 106-79 (H.R. 2561/S. 1122). Legislative History set forth in H. Rpt. 106-371 (Conference Report), H. Rpt. 106-244 (House Report), S. Rpt. 106-53, accompanying S. 1122 (Senate Report).

C. Naval Shipyards/Manufacturing Extension Program. Section 8069 (113 STAT. 1245) authorizes Naval Shipyards to participate in any manufacturing extension program.

D. Waiver of Buy American. Section 8091 (113 STAT. 1253), generally authorizes the Secretary of Defense, subject to certain conditions, to waive the Buy American requirement, on a case-by-case basis, with respect to a particular foreign country. Contains a prohibition on the foreign acquisition of a nuclear-capable shipyard crane.

E. Legislative History Items of Interest.

1. The Conference Report provides:

   At page 140, recommends funds for Improved Cargo Methods.

   At page 224, reprogramming 1999 RDT&E funds from Marad to Naval Research.

   At page 252, provides funds for LMSR vessel, and TS for Mass Maritime Academy.

2. The House Report, commencing at page 273, provides for the National Defense Sealift Fund, LMSR Ships, Maritime Prepositioning Force Enhancement Conversion, and National Defense Features, DOD Requirements for Commercial Tanker Ships, and Massachusetts Maritime Academy Training Ship. .

3. The Senate Report, commencing at page 22, provides for Shipyard Apprenticeship Program, Shipyard Infrastructure Repairs, Propeller Maintenance and Overhaul, Sale of Navy DryDock No. 9, and Public Service Initiative.

CONSOLIDATED APPROPRIATIONS ACT FY 2000.

Public Law 106-113, approved November 29, 1999 (113 STAT. 1501)[6], An Act Making Consolidated Appropriations for the fiscal year ending September 30, 2000, and for other purposes, consists of Division A and Division B. Section 1000 of Division B (113 STAT. 1535), enacted into law the provisions of H.R. 3421 through H.R. 3426, and part of H.R. 3427, as introduced on November 17, 1999. Provisions of particular interest are as follows:

Appendix A. H.R. 3421, as enacted, provides for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, and contains the following provisions of particular interest:

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[6] Public Law 106-113 (H.R. 3194). Legislative History set forth in H. Rpt. 106-479 (Conference Report).

1. Marad. Title V appropriates funds for the Maritime Administration at 113 STAT. 1501A-46, as follows:

Maritime Administration.

Maritime Security Program. For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $96,200,000, to remain available until expended.

Operations and Training. For necessary expenses of operations and training activities authorized by law, $72,073,000.

Maritime Guaranteed Loan (Title XI) Program Account. For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $6,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,809,000, which shall be transferred to and merged with the appropriation for Operations and Training. administrative provisions maritime administration

Administrative Provisions-Maritime Administration

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

2. FMC. Title V appropriates funds for the Federal Maritime Commission at 113 STAT. 1501A-48, as follows:

Federal Maritime Commission.

Salaries and Expenses. For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111),

including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, $14,150,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

3. General Provisions. Title VI contains the following provisions of particular interest:

a. ***NOAA.*** Sec. 606 (113 STAT. 1501A-53), generally requires NOAA vessels to be constructed and repaired in U.S. shipyards.

b. ***Buy American.*** Sec. 607 (113 STAT. 1501A-53), is a standard Buy American clause.

c. ***American Fisheries Act.*** Sec. 624 (113 STAT. 1501A-59), provides that funds made available under Public Law 105-277, for costs associated with implementation of this Act for vessel documentation activities shall remain available until expended.

Appendix B. H.R. 3422, as enacted , provides for the Foreign Operations, Export Financing, and Related Programs Appropriations Act, FY 2000, and contains the following provisions of particular interest:.

1. Public Law 480. Sec. 541(b) (113 STAT. 1501A-96), provides:

(b) Public Law 480. During fiscal year 2000, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act, and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committee on Appropriations.

The Conference Report, page 340, makes clear that this refers to a prohibition on assistance to countries that violate internationally recognized human rights.

2. OPIC Maritime Fund. Sec. 598 (113 STAT. 1501A-127), provides:

Sec. 598. It is the sense of the Congress that the Overseas Private Investment Corporation shall within 1 year from the date of the enactment of this Act select a fund manager for the purpose of creating a maritime fund with total capitalization of up to $200,000,000. This fund shall leverage United States commercial maritime expertise to support international maritime projects.

Appendix D. Reactivated Shipyards. H.R. 3424, as enacted, sets forth the Department of Labor Appropriations Act, FY 2000. Title I, Employment and Training Administration, appropriates $5,465,618,000 for Training and Employment Service (113 STAT. 1501A-217). The Conference Report (H. Rpt. 106-479), provides at page 583, 584:

> The conference agreement appropriates $5,465,618,000 . . . . Of the amount appropriated, $2,463,000,000 becomes available on October 1, 2000 . . . .
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> The agreement includes language authorizing the use of funds under the dislocated workers program for projects that provide assistance to new entrants in the workforce and incumbent workers as proposed by the Senate. . . .
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> The Department is expected to make every effort to be flexible in the use of worker training funds for reactivated shipyards, such as those referenced in the Senate Report. The conference agreement encourages the Department to use national emergency grants under the dislocated workers program to supplemental available resources for (1) worker training needs at reactivated shipyards that have experienced large-scale worker dislocation, (2) continuing training to utilize the workplace as site for learning, (3) supporting training for American workers at state-of-the-art foreign shipyards, and (4) continuing upgrading of workers skills to increase employability and job retention.

The Senate Report (S. Rpt. 106 -166), provides at page 19:

> The Committee notes that funding is requested for the International Shipyard Worker Training Demonstration Project at the Quincy, Massachusetts shipyard. Quincy Shipyard could create hundreds of new, highly skilled jobs. Once trained, shipyard workers could assist in training hundreds of other workers in advanced shipyard techniques and systems.
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> The reopening of America's commercial shipyards is an opportunity to create high skilled jobs, strengthen our national security, and bring into the United States technology currently available only in competing economies. Traditional worker training programs may not fit the needs of these workers. The Department of Labor is expected to make every effort to be flexible in the use of worker training funding for reactivated shipyards, such as those in Philadelphia, Pennsylvania, Ketchikan, Alaska, and Quincy, Massachusetts. The Committee encourages the Department to use National Emergency Grants to supplement available resources for (1) worker training needs at reactivated shipyards that have experienced large scale worker dislocation, (2) continuing training to utilize the workplace as a site for learning, (3)

supporting training for American workers at state-of-the-art foreign shipyards, and (4) continuing upgrading of workers skills to increase employability and job retention.

Appendix G. USS LST Ship Memorial. H.R. 3427, as enacted, provides for the Admiral James W. Nace and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001. Sec. 1305 (113 STAT. 1501A-511), authorizes the further transfer of the USS BOWMAN COUNTY from Greece to the USS LST Ship Memorial.