

The original documents are located in Box 29, folder “8/9/75 HR5405 Emergency Carriage of Passengers on Cargo Vessels” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED

AUG 9 - 1975

ACTION

THE WHITE HOUSE

Last Day: August 14

WASHINGTON

August 8, 1975

*Portel (vail, Col.)
8/11*

MEMORANDUM FOR THE PRESIDENT
 FROM: JIM CANNON *[Signature]*
 SUBJECT: Enrolled Bill H.R. 5405 - Emergency Carriage of Passengers on Cargo Vessels

*50.0
8/12*

Attached for your consideration is H.R. 5405, sponsored by Representative Downing, which would amend the Merchant Marine Act to enable the Secretary of Transportation to permit cargo vessels engaged in the domestic trade to carry more than 16 passengers in an emergency situation.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 5405 at Tab B.



APPROVED
AUG 9 - 1975



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 7 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled bill H.R. 5405 - Emergency Carriage of
Passengers on Cargo Vessels

Sponsor - Rep. Downing (D) Va.

Last Day for Action

August 14, 1975 - Thursday

Purpose

To permit cargo vessels engaged in the domestic trade to carry more than 16 passengers in emergency situations.

Agency Recommendations

Office of Management and Budget	Approval
Department of Transportation	Approval
Department of Commerce	No Objection
Department of the Treasury	No Comment

Discussion

H.R. 5405 would amend Section 26 of the Merchant Marine Act to enable DOT to permit cargo vessels engaged in domestic trade to carry more than 16 passengers in an emergency situation. The current limit of 16 passengers was intended to ensure that vessels inspected under standards for cargo carriage would not be used as passenger vessels which are subject to more rigorous safety standards.

While the bill would limit the use of the exemption from the 16 passenger rule to cases where the Secretary determines an emergency exists, it would allow a more flexible response to transportation emergencies such as

occurred in 1972 when a tugboat hit the Chesapeake Bay Bridge-Tunnel, necessitating its closure for a period of time. The bridge had previously been closed four times for periods running up to six weeks. When the Chesapeake bridge is closed, the 17 mile crossing of the bay can be accomplished only by driving several hundred miles. Accordingly cargo vessels, including Navy equipment, were used in 1972 to alleviate the transportation problem. The Navy has indicated however, that it may not be able to help in the future if the bridge is closed.

Many cargo vessels in the area could carry 24 trucks and cars at a time across the bay, but were limited to carrying only 16 of the drivers. This resulted in decreased effectiveness of the emergency ferry facilities which were available. The enrolled bill would enable such vessels to be used temporarily for such emergencies.

The bill would not apply to any vessels engaged in international voyages and thus would not conflict with any U.S. international agreements.


Assistant Director
for Legislative Reference

Enclosures



**GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

AUG 5 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning H.R. 5405, an enrolled enactment

"To amend the Merchant Marine Act, 1920, in order to permit cargo vessels to carry more than sixteen passengers when emergency situations arise."

The purpose of H.R. 5405 is to amend section 26 of the Merchant Marine Act, 1920, so as to authorize the Coast Guard in an emergency situation to permit cargo vessels engaged in the domestic trade to carry more than the sixteen passengers currently authorized by law.

This Department would have no objection to approval by the President of H.R. 5405.

Enactment of this legislation will not involve the expenditure of any funds by this Department.

Sincerely,

Karl E. Bakke

General Counsel





THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

AUG 5 1975

Director, Office of Management and Budget
Executive Office of the President
Washington, D. C. 20503

Attention: Assistant Director for Legislative
Reference

Sir:

Reference is made to your request for the views of this Department on H.R. 5405, "To amend the Merchant Marine Act, 1920, in order to permit cargo vessels to carry more than sixteen passengers when emergency situations arise."

The enrolled enactment would amend section 26 of the Merchant Marine Act, 1920, (46 U.S.C. 882) in order to authorize the Coast Guard in an emergency situation to permit cargo vessels documented under the laws of the United States and engaged in the domestic trade to carry more than the 16 passengers currently authorized by law. The specific purpose of the legislation is to permit the State of Virginia to hire cargo vessels to ferry trucks and drivers across the Chesapeake Bay when the Bridge-Tunnel is out of service. Many cargo vessels can carry 24 trucks, however, under the present law, they would be prohibited from carrying more than 16 of the drivers.

Since the enrolled enactment deals with matters outside the jurisdiction of the Department, the Treasury has no recommendation on its merits.

Sincerely yours,

General Counsel

Richard R. Albrecht



OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

AUG 6 1975

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

Reference is made to your request for the views of the Department of Transportation concerning H.R. 5405, an enrolled bill

"To amend the Merchant Marine Act, 1920, in order to permit cargo vessels to carry more than sixteen passengers when emergency situations arise."

The enrolled bill amends section 26 of the Merchant Marine Act, 1920 (46 U.S.C. 882) to authorize the Secretary of the department in which the Coast Guard is operating, in an emergency situation, to permit cargo vessels not engaged on international voyages to carry more than the sixteen passengers currently authorized by that statute. The purpose of the statute being amended is to ensure that vessels inspected under standards for cargo carriage are not subsequently used as passenger vessels, which are inspected under more rigorous safety standards.

H.R. 5405 would increase the flexibility of transportation systems in order to allow a more efficient response to be made to transportation emergencies like the 1972 collision of the tug CAROLYN with the Chesapeake Bay Bridge.

The Department of Transportation supports the increased flexibility in the use of cargo vessels for the carriage of passengers in emergency situations; and we have commented favorably on similar legislative proposals. H.R. 5405 substantially incorporates our prior recommendations. Therefore, we recommend that the President sign the enrolled bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Hart Ely".

John Hart Ely
General Counsel

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 7

Time: 500pm

FOR ACTION: Mike Duval *MD*
 Paul Leach *PL*
 Max Friedersdorf *MF*
 Keq Lazarus *KL*

cc (for information): Jim Cavanaugh
 Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: August 8

Time: noon

SUBJECT:

H.R. 5405 - Emergency Carriage of Passengers on
 Cargo Vessels

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
 For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 7

Time: 500pm

FOR ACTION: Mike Duval
Paul Leach ✓
Max Friedersdorf
Ken Lazarus

cc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: August 8

Time: noon

SUBJECT:

H.R. 5405 - Emergency Carriage of Passengers on
Cargo Vessels

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

8-7-75 OK - PCL Call Judy

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cavanaugh

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 7

Time: 500pm

FOR ACTION: Mike Duval
Paul Leach
Max Friedersdorf
Ken Lazarus

cc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: August 8

Time: noon

SUBJECT:

H.R. 5405 - Emergency Carriage of Passengers on
Cargo Vessels

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 8/8/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cavanaugh

To
J. Casanovi
8-7-75
2:30 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 7 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled bill H.R. 5405 - Emergency Carriage of
Passengers on Cargo Vessels

Sponsor - Rep. Downing (D) Va.

Last Day for Action

August 14, 1975 - Thursday

Purpose

To permit cargo vessels engaged in the domestic trade to carry more than 16 passengers in emergency situations.

Agency Recommendations

Office of Management and Budget	Approval
Department of Transportation	Approval
Department of Commerce	No Objection
Department of the Treasury	No Comment

Discussion

H.R. 5405 would amend Section 26 of the Merchant Marine Act to enable DOT to permit cargo vessels engaged in domestic trade to carry more than 16 passengers in an emergency situation. The current limit of 16 passengers was intended to ensure that vessels inspected under standards for cargo carriage would not be used as passenger vessels which are subject to more rigorous safety standards.

While the bill would limit the use of the exemption from the 16 passenger rule to cases where the Secretary determines an emergency exists, it would allow a more flexible response to transportation emergencies such as

occurred in 1972 when a tugboat hit the Chesapeake Bay Bridge-Tunnel, necessitating its closure for a period of time. The bridge had previously been closed four times for periods running up to six weeks. When the Chesapeake bridge is closed, the 17 mile crossing of the bay can be accomplished only by driving several hundred miles. Accordingly cargo vessels, including Navy equipment, were used in 1972 to alleviate the transportation problem. The Navy has indicated however, that it may not be able to help in the future if the bridge is closed.

Many cargo vessels in the area could carry 24 trucks and cars at a time across the bay, but were limited to carrying only 16 of the drivers. This resulted in decreased effectiveness of the emergency ferry facilities which were available. The enrolled bill would enable such vessels to be used temporarily for such emergencies.

The bill would not apply to any vessels engaged in international voyages and thus would not conflict with any U.S. international agreements.

James M. Frey
Assistant Director
for Legislative Reference

Enclosures

THE WHITE HOUSE

WASHINGTON

August 8, 1975

MEMORANDUM FOR:

JIM CAVANAUGH

FROM:

MAX L. FRIEDERSDORF 

SUBJECT:

H.R. 5405 - Emergency Carriage of Passengers
on Cargo Vessels

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

PASSENGERS ON CARGO VESSELS

APRIL 30, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 5405]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 5405) to amend the Merchant Marine Act, 1920, in order to permit cargo vessels to carry more than sixteen passengers when emergency situations arise, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

That the first paragraph of section 26 of the Merchant Marine Act, 1920 (46 U.S.C. 882), is amended by striking out the period at the end of the last proviso thereto and inserting in lieu thereof the following: “: *And provided further*, That in any case in which the Secretary of the Department in which the Coast Guard is operating, finds that an emergency situation so requires, and subject to such regulations as he may prescribe, any vessel documented under the laws of the United States and not engaged in an international voyage may carry in excess of sixteen persons in addition to the crew.”

PURPOSE OF THE BILL

The purpose of the bill is to amend section 26 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 882) in order to authorize the Coast Guard in an emergency situation to permit cargo vessels engaged in the domestic trade to carry more than the 16 passengers currently authorized by law.

BACKGROUND OF THE LEGISLATION

The Chesapeake Bay Bridge-Tunnel (“Bridge-Tunnel”) crosses that Bay from Virginia Beach to Cape Charles, Virginia. This 17-mile facility is the only highway access from the Norfolk area and south to the Delaware/Maryland/Virginia (“DELMARVA”) peninsula.

When the Bridge-Tunnel is closed, a motor trip as short as 20 miles from DELMARVA to the Norfolk-Virginia Beach area can be extended up to 410 miles by alternative routes.

To date, the Bridge-Tunnel has been put out of service on five occasions. This has resulted from ships and barges colliding with the facility. These closures have ranged from a period of 2 to 6 weeks.

In the past, when the Bridge-Tunnel has been put out of service, emergency transportation across the Bay has been provided by the U.S. Navy and the U.S. Coast Guard at Federal expense. Following the last closure, the Commonwealth of Virginia was informed that they could no longer be assured of the assistance of the Navy to ferry trucks across the Bay. In view of this, the Commonwealth prepared an Emergency Plan to insure the continued flow of commerce should the Bridge-Tunnel be put out of service again. This Plan contemplates the hiring of cargo vessels by the State for this service. It is anticipated that such vessels could carry in excess of 16 trucks.

Section 26 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 882) generally provides that U.S.-flag cargo vessels, engaged in the domestic trade, are prohibited from carrying more than 16 passengers in addition to the crew. Therefore, to the extent such cargo vessels hired by the State could carry more than 16 trucks, they would be prohibited from carrying more than 16 of the truckdrivers. For example, some of the contemplated cargo vessels can carry up to 24 trucks. Under existing law, such vessels would be prohibited from carrying more than 16 of the 24 truckdrivers. Clearly, legislative relief is required, and H.R. 5405 was introduced on March 24, 1975.

SUMMARY OF THE HEARINGS

Hearings on H.R. 5405 were held on April 16, 1975. The Honorable Wayne A. Whitham, Secretary of Transportation and Public Safety for the Commonwealth of Virginia, and Rear Admiral William M. Benkert, Chief of the Office of Merchant Marine Safety of the United States Coast Guard, appeared in strong support of the bill.

Secretary Whitham informed your Committee with respect to the past history of the Bridge-Tunnel and the Emergency Plan that had been prepared by the Commonwealth of Virginia. In addition to the inconvenience of the people who use the Bridge-Tunnel, the economic consequences of having this facility out of service are severe. Mr. Whitham estimated that the economic loss of a closure in July and August would be about \$4 million a week. As a first step in implementing their Emergency Plan, the Secretary stressed that it was necessary for the existing law to be amended so that available cargo vessels could be hired should the Bridge-Tunnel be put out of service again.

Admiral Benkert testified that the Department of Transportation supports enactment of H.R. 5405, because it would facilitate the more efficient utilization of marine transportation reserves within our domestic trade when emergencies like the 1972 closure of the Bridge-Tunnel occur. The Admiral was of the opinion that during that incident, transportation difficulties could have been eased if cargo vessels had been permitted to be used as ferries. The U.S. Coast Guard supported the bill, and foresaw no difficulties administering it.

COMMITTEE AMENDMENT

Admiral Benkert informed your committee that there are times or situations when the authority for the declaration of a transportation emergency may better rest with the Secretary of Transportation. It is the view of the Department of Transportation, therefore, that the proposed amendment to section 26 to be revised to read as follows:

And provided further, That in any case in which the Secretary of the Department in which the Coast Guard is operating, finds that an emergency situation so requires, and subject to such regulations as he may prescribe, any vessel documented under the laws of the United States, and not engaged in an international voyage, may carry in excess of sixteen persons in addition to the crew.

Your committee concurred, and amended the bill accordingly.

GENERAL STATEMENT

U.S.-flag passenger vessels are not subject to the 16-passenger limitation of section 26 of the Merchant Marine Act of 1920. However, because such vessels are primarily for the carriage of passengers, they are subject to much stricter design, equipment, construction, manning, and inspection requirements than U.S.-flag cargo vessels. It is because cargo vessels are held to a lesser standard that section 26 prohibits them from carrying more than 16 passengers in the domestic trade.

However, in a transportation emergency, such as when the Bridge-Tunnel is put out of service, this 16-passenger limitation could create serious problems. As a practical matter, cargo vessels would be unable to comply with the far more stringent requirements of passenger vessels. Therefore, it is clear that some sort of an exception to this 16-passenger restriction is required when such transportation emergencies arise.

H.R. 5405 would provide for this contingency. The bill would grant the Coast Guard the discretionary authority to waive the 16-passenger limitation for cargo vessels in the domestic trade, pursuant to regulations to be prescribed by that agency. The committee understands that the Coast Guard will limit the waiver authority granted by this bill to narrowly defined emergency situations, such as when the Bridge-Tunnel is put out of service for any reason. In such an event an emergency should be declared. It is also expected that the Coast Guard will make a finding of when such emergency no longer exists and that the waiver granted will terminate with that finding. As the U.S. Coast Guard is the agency charged by the Congress with the inspection and regulation of vessels and related equipment to provide physical protection for crews, passengers, and cargo, your committee is confident that the proposed legislation will be implemented in a prudent manner.

CONCLUSION

H.R. 5405 would permit the Commonwealth of Virginia to efficiently implement its Emergency Plan to ferry trucks across the

Chesapeake Bay in the event the Bridge-Tunnel is put out of service again. It would also permit similar action elsewhere in the United States in the event of a transportation emergency. The bill has the strong support of both the Commonwealth of Virginia and the U.S. Coast Guard.

Your committee has concluded that the bill provides a long-overdue exception to section 26 of the Merchant Marine Act of 1920, is a sound piece of legislation, and will assist the U.S. Coast Guard to efficiently and appropriately carry out their safety responsibilities.

H.R. 5405 was reported unanimously, and your committee is unaware of any opposition to it.

COST OF THE LEGISLATION

Enactment of the proposed legislation will not result in the expenditure of any additional Federal funds.

COMPLIANCE WITH HOUSE RULE XI

(1) With respect to the requirements of clause 2(1)(3)(A) of rule XI, of the Rules of the House of Representatives, no oversight hearings have been held on the subject matter of this legislation, beyond the 1-day hearing on the particular matter by the Subcommittee on Merchant Marine.

(2) With respect to the requirements of clause (2)(1)(3)(D), of rule XI of the Rules, the committee has received no report from the Committee on Government Operations on this subject.

(3) The enactment of H.R. 5405 will have no inflationary impact upon the national economy.

DEPARTMENTAL REPORTS

The Department of Transportation, Department of Commerce, and the Department of the Treasury were requested to report on the proposed legislation. No reports had been received at the time the committee report was filed.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

SECTION 26 OF THE MERCHANT MARINE ACT, 1920 (46 U.S.C. 882)

SEC. 26. That cargo vessels documented under the laws of the United States may carry not to exceed sixteen persons in addition to the crew between any ports, or places in the United States or its Districts, Territories, or possessions, or between any such port or place and any foreign port, or from any foreign port to another foreign port, and such vessels shall not be held to be "passenger vessels" or "vessels carrying passen-

gers" within the meaning of the inspection laws and the rules and regulations thereunder: *Provided*, That nothing herein shall be taken to exempt such vessels from the laws, rules, and regulations respecting life-saving equipment: *Provided further*, That when any such vessel carries persons other than the crew as herein provided for, the owner, agent, or master of the vessel shall first notify such persons of the presence on board of any dangerous articles, as defined by law, or of any other condition or circumstance which would constitute a risk of safety for passenger or crew[.]: *And provided further*, That in any case in which the Secretary of the Department in which the Coast Guard is operating, finds that an emergency situation so requires, and subject to such regulations as he may prescribe, any vessel documented under the laws of the United States and not engaged in an international voyage may carry in excess of sixteen persons in addition to the crew.

The privilege bestowed by this section on vessels of the United States shall be extended insofar as the foreign trade is concerned to the cargo vessels of any nation which allows the like privilege to cargo vessels of the United States in trades not restricted to vessels under its own flag.

Failure on the part of the owner, agent, or master of the vessel to give such notice shall subject the vessel to a penalty of \$500, which may be mitigated or remitted by the Secretary of Commerce upon a proper representation of the facts.

○

EMERGENCY MARINE TRANSPORTATION

JULY 30 (legislative day, JULY 29), 1975.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Commerce,
submitted the following

REPORT

[To accompany H.R. 5405]

The Committee on Commerce, to which was referred the bill (H.R. 5405) to amend the Merchant Marine Act, 1920, in order to permit cargo vessels to carry more than sixteen passengers when emergency situations arise, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 5405 is to permit cargo vessels, documented under the laws of the United States and operating in the domestic trade of the United States, to carry in excess of sixteen passengers in any case which the Secretary of the Department in which the Coast Guard is operating, finds that a transportation emergency so requires.

BACKGROUND

Section 26 of the Merchant Marine Act, 1920 (46 U.S.C. 882) limits the number of passengers which cargo ships documented under the laws of the United States may carry to sixteen. Ships designated as cargo vessels, although not exempt from the laws, rules, and regulations respecting life-saving equipment, are not subject to the more stringent inspection and certification statutes applicable to passenger ships.

This statutory limitation presents a serious obstacle to the Commonwealth of Virginia in its efforts to plan for emergency transportation in the event of any future closings of the bridge-tunnel complex which crosses the mouth of the Chesapeake Bay. The Chesapeake Bay Bridge-Tunnel is a vital link in highway transportation between the Delmarva (Delaware, Maryland, Virginia) peninsula and Norfolk, Virginia and

points south. Since this facility was put into service on April 15, 1964, it has been closed to traffic on five occasions as a result of collisions by ships or barges.

Among the concerns addressed in the emergency plan prepared by the Virginia officials is the continued flow of commerce across the Chesapeake Bay. The estimated economic loss resulting from the last closing for a two-week period in September and October, 1972 was nearly \$3.4 million.

A cargo ship operator has expressed its willingness to participate in the emergency plan by ferrying trucks across the Bay. Some of its ships can carry up to 24 trucks, but under the limitation in present law could carry only 16 truck drivers. Transporting the truck drivers by other means would increase the logistical and financial burdens.

On March 24, 1975, H.R. 5405, which would remove the sixteen passenger limitation in emergency situations so designated by the Secretary of the Department in which the Coast Guard is operating, (currently the Department of Transportation) was introduced in the House of Representatives. The House Committee on Merchant Marine and Fisheries held a public hearing on the bill on April 16, 1975, at which the U.S. Coast Guard expressed support for H.R. 5405 and foresaw no difficulties administering it. Favorable testimony also was received from officials from the Commonwealth of Virginia. On May 5, 1975, H.R. 5405 was passed by the House of Representatives by voice vote.

On May 27, 1975, the Committee announced that it was considering H.R. 5405 and requested interested parties to submit written comments on the bill. No comments were received.

On July 30, 1975, the Committee in executive session ordered H.R. 5405 favorably reported, without amendment.

GENERAL STATEMENT

H.R. 5405 is intended to increase the flexibility of transportation systems to permit an efficient response to transportation emergencies, such as the closing of the Chesapeake Bay Bridge-Tunnel or other similar facilities in the United States. The provisions of the bill apply on all navigable waters of the United States.

The bill is also limited to U.S.-flag vessels engaged in domestic trade in order to avoid a conflict with the provisions of the International Convention for Safety of Life at Sea, 1960, (SOLAS) which defines a vessel which carries more than twelve passengers as a passenger vessel. However, this SOLAS definition is applicable only to vessels engaged on international voyages.

The authority under the bill to declare such a transportation emergency and the promulgation of any related regulations is placed with the Secretary of the Department in which the Coast Guard is operating. The waiver to be granted would extend only for the duration of the circumstances justifying the declaration of a transportation emergency.

COST OF THE LEGISLATION

Enactment of this legislation will not result in any cost to the Government.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 26 OF THE MERCHANT MARINE ACT, 1920 (46 U.S.C. 882)

SEC. 26. That cargo vessels documented under the laws of the United States may carry not to exceed sixteen persons in addition to the crew between any ports, or places in the United States or its Districts, Territories, or possessions, or between any such port or place and any foreign port, or from any foreign port to another foreign port, and such vessels shall not be held to be "passenger vessels" or vessels carrying passengers" within the meaning of the inspection laws and the rules and regulations thereunder: *Provided*, That nothing herein shall be taken to exempt such vessels from the laws, rules, and regulations respecting life-saving equipment: *Provided further*, That when any such vessel carries persons other than the crew as herein provided for, the owner, agent, or master of the vessel shall first notify such persons of the presence on board of any dangerous articles, as defined by law, or of any other condition or circumstances which would constitute a risk of safety for passenger or crew[.]; *And provided further*, That in any case in which the Secretary of the Department in which the Coast Guard is operating, finds that an emergency situation so requires, and subject to such regulations as he may prescribe, any vessel documented under the laws of the United States and not engaged in an international voyage may carry in excess of sixteen persons in addition to the crew.

The privilege bestowed by this section on vessels of the United States shall be extended insofar as the foreign trade is concerned to the cargo vessels of any nation which allows the like privilege to cargo vessels of the United States in trades not restricted to vessels under its own flag.

Failure on the part of the owner, agent, or master of the vessel to give such notice shall subject the vessel to a penalty of \$500, which may be mitigated or remitted by the Secretary of Commerce upon a proper representation of the facts.

TEXT OF H.R. 5405 AS REPORTED

To amend the Merchant Marine Act, 1920, in order to permit cargo vessels to carry more than sixteen passengers when emergency situations arise

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 26 of the Merchant Marine Act, 1920 (46 U.S.C. 882), is amended by striking out the period at the end of the last proviso thereto and inserting in lieu thereof the following: "*: And provided further*, That in any case in which the Secretary of the Department in which the Coast Guard is operating, finds that an emergency situation so requires, and subject to such regulations as he may prescribe, any vessel documented under the laws of the United States and not engaged in an international voyage may carry in excess of sixteen persons in addition to the crew."

Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To amend the Merchant Marine Act, 1920, in order to permit cargo vessels to carry more than sixteen passengers when emergency situations arise.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 26 of the Merchant Marine Act, 1920 (46 U.S.C. 882), is amended by striking out the period at the end of the last proviso thereto and inserting in lieu thereof the following: “: And provided further, That in any case in which the Secretary of the Department in which the Coast Guard is operating, finds that an emergency situation so requires, and subject to such regulations as he may prescribe, any vessel documented under the laws of the United States and not engaged in an international voyage may carry in excess of sixteen persons in addition to the crew.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

August 2, 1975

Dear Mr. Director:

The following bills were received at the White House on August 2nd:

- | | |
|---------------|---------------|
| H.R. 83 ✓ ✓ | H.R. 7716 ✓ ✓ |
| H.R. 1553 ✓ ✓ | H.R. 9091 ✓ ✓ |
| H.R. 4241 ✓ ✓ | S. 409 ✓ ✓ |
| H.R. 4723 ✓ ✓ | S. 1531 ✓ ✓ |
| H.R. 5405 ✓ ✓ | S. 1716 ✓ ✓ |
| H.R. 7710 ✓ ✓ | S. 2073 ✓ ✓ |

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.