

VESSEL M/V MIST COVE

MARCH 21, 2000.—Referred to the Private Calendar and ordered to be printed

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

REPORT

[To accompany H.R. 3903]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3903) to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF BILL

The primary purpose of H.R. 3903 is to deem the M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code, for purposes of applying the optional regulatory measurement under section 14305 of title 46. This will require the MIST COVE to comply with current safety requirements applicable to small passenger vessels. The bill also includes a restriction that the vessel may not be larger than 157 feet.

The Boat Company, a nonprofit company, operates two converted ex-Navy minesweepers, the M/V OBSERVER and the M/V LISERON, in Southeast Alaska during the summer season. They carry passengers on six to nine-day trips combining wildlife viewing with fishing. The Boat Company is building a new vessel, the MIST COVE, that is a replica of the OBSERVER and LISERON. The MIST COVE is 157 feet in length, and will have a maximum passenger capacity of 25 passengers. The vessel is under construction in Panama City, Florida, by Eastern Shipbuilding.

Vessel safety requirements are based upon, among other things, the tonnage of a vessel. There are two systems for measuring the tonnage of a vessel, the regulatory measurement system (domestic)

and the alternate International Tonnage Convention system (international).

Vessels measured under the domestic regulatory system often used tonnage reduction techniques to artificially lower the tonnage of a vessel. To discourage this practice, the Coast Guard Authorization Act of 1996 (Public Law 104–324) contained authority for the Coast Guard to establish tonnages under the international system that are equivalent to regulatory tonnages. The Coast Guard has established alternate international tonnages for offshore supply vessels, but not for any other type of vessel.

The MIST COVE has been measured under the new international system, and did not employ the old tonnage reduction techniques to lower the tonnage of the vessel. Because the Coast Guard has not implemented their authority to establish international tonnages for passenger vessels, it is difficult for the MIST COVE owners to determine which vessel requirements apply.

The MIST COVE will be delivered in May, and may not operate without the statutory clarification in this bill.

#### COMMITTEE ACTION

On March 9, 2000, Mr. Don Young introduced H.R. 3903, a bill to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

On March 16, 2000, the Committee on Transportation and Infrastructure met to consider H.R. 3903. Mr. Gilchrest asked unanimous consent that the Subcommittee on Coast Guard and Maritime Transportation be discharged from further consideration of H.R. 3903. The Subcommittee was discharged from consideration of the bill without objection.

H.R. 3903 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. 3903

##### *Section 1. Vessel MIST COVE*

This section deems the construction tonnage of the M/V MIST COVE (United States official number 1085817) to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code, for purposes of applying the optional regulatory measurement under section 14305 of that title.

This section also states that the 99 gross tonnage designation will not apply to the MIST COVE should the length of the vessel ever exceed 157 feet.

#### COMMITTEE OVERSIGHT FINDINGS

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 LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been time-

ly submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included 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. 3903.

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. 3903 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 20, 2000.*

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. 3903, a bill to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

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

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 3903.—A bill to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code*

H.R. 3903 would deem a vessel now under construction, the MIST COVE, to be less than 100 gross tons, which would clarify that it should be treated as a small passenger vessel for purposes of federal safety regulations. CBO estimates that enacting H.R. 3903 would have no impact on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The CBO staff contact is Deborah Reis, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of Rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint reso-

lution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104-4.)

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104-1.)