

## Union Calendar No. 360

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2940

[Report No. 104-692, Part I]

To amend the Deepwater Port Act of 1974.

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 1996

Mr. HAYES (for himself, Mr. TAUZIN, Mr. BAKER of Louisiana, Mr. JEFFERSON, and Mr. MCCRERY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 18, 1996

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 18, 1996

Referral to the Committee on the Judiciary extended for a period ending not later than July 18, 1996

JULY 18, 1996

Committee discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 1, 1996]

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## A BILL

To amend the Deepwater Port Act of 1974.

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 “Deepwater Port Mod-*  
5 *ernization Act”.*

6 **SEC. 2. DECLARATIONS OF PURPOSE AND POLICY.**

7        (a) *PURPOSES.*—*The purposes of this Act are to—*

8            (1) *update and improve the Deepwater Port Act*  
9 *of 1974;*

10           (2) *assure that the regulation of deepwater ports*  
11 *is not more burdensome or stringent than necessary*  
12 *in comparison to the regulation of other modes of im-*  
13 *porting or transporting oil;*

14           (3) *recognize that deepwater ports are generally*  
15 *subject to effective competition from alternative trans-*  
16 *portation modes and eliminate, for as long as a port*  
17 *remains subject to effective competition, unnecessary*  
18 *Federal regulatory oversight or involvement in the*  
19 *ports’ business and economic decisions; and*

20           (4) *promote innovation, flexibility, and effi-*  
21 *ciency in the management and operation of deepwater*  
22 *ports by removing or reducing any duplicative, un-*  
23 *necessary, or overly burdensome Federal regulations*  
24 *or license provisions.*

1           (b) *POLICY.*—Section 2(a) of the Deepwater Port Act  
2 of 1974 (33 U.S.C. 1501(a)) is amended—

3           (1) by striking “and” at the end of paragraph  
4 (3);

5           (2) by striking the period at the end of para-  
6 graph (4) and inserting a semicolon; and

7           (3) by inserting at the end the following:

8           “(5) promote the construction and operation of  
9 deepwater ports as a safe and effective means of im-  
10 porting oil into the United States and transporting  
11 oil from the outer continental shelf while minimizing  
12 tanker traffic and the risks attendant thereto; and

13           “(6) promote oil production on the outer con-  
14 tinental shelf by affording an economic and safe  
15 means of transportation of outer continental shelf oil  
16 to the United States mainland.”.

17 **SEC. 3. DEFINITIONS.**

18           (a) *ANTITRUST LAWS.*—Section 3 of the Deepwater  
19 Port Act of 1974 (33 U.S.C. 1502) is amended—

20           (1) by striking paragraph (3); and

21           (2) by redesignating paragraphs (4) through (19)  
22 as paragraphs (3) through (18), respectively.

23           (b) *DEEPWATER PORT.*—The first sentence of section  
24 3(9) of such Act, as redesignated by subsection (a), is  
25 amended by striking “such structures,” and all that follows

1 through “section 23.” and inserting the following: “struc-  
2 tures, located beyond the territorial sea and off the coast  
3 of the United States and which are used or intended for  
4 use as a port or terminal for the transportation, storage,  
5 and further handling of oil for transportation to any State,  
6 except as otherwise provided in section 23, and for other  
7 uses not inconsistent with the purposes of this Act, includ-  
8 ing transportation of oil from the United States outer con-  
9 tinental shelf.”.

10 **SEC. 4. LICENSES.**

11 (a) *ELIMINATION OF UTILIZATION RESTRICTIONS.*—  
12 Section 4(a) of the Deepwater Port Act of 1974 (33 U.S.C.  
13 1503(a)) is amended by striking all that follows the second  
14 sentence.

15 (b) *ELIMINATION OF PRECONDITION TO LICENSING.*—  
16 Section 4(c) of such Act is amended—

17 (1) by striking paragraph (7); and

18 (2) by redesignating paragraphs (8), (9), and  
19 (10) as paragraphs (7), (8), and (9), respectively.

20 (c) *CONDITIONS PRESCRIBED BY SECRETARY.*—Sec-  
21 tion 4(e)(1) of such Act is amended by striking the first  
22 sentence and inserting the following: “In issuing a license  
23 for the ownership, construction, and operation of a deep-  
24 water port, the Secretary shall prescribe those conditions  
25 which the Secretary deems necessary to carry out the provi-

1 *sions and requirements of this Act or which are otherwise*  
2 *required by any Federal department or agency pursuant*  
3 *to the terms of this Act. To the extent practicable, conditions*  
4 *required to carry out the provisions and requirements of*  
5 *this Act shall be addressed in license conditions rather than*  
6 *by regulation and, to the extent practicable, the license shall*  
7 *allow a deepwater port's operating procedures to be stated*  
8 *in an operations manual approved by the Coast Guard*  
9 *rather than in detailed and specific license conditions or*  
10 *regulations; except that basic standards and conditions*  
11 *shall be addressed in regulations.”.*

12 *(d) ELIMINATION OF RESTRICTION RELATING TO AP-*  
13 *PLICATIONS.—Section 4(e)(2) of such Act is amended by*  
14 *striking “application” and inserting “license”.*

15 *(e) FINDINGS REQUIRED FOR TRANSFERS.—Section*  
16 *4(f) of such Act is amended to read as follows:*

17 *“(f) AMENDMENTS, TRANSFERS, AND REINSTATE-*  
18 *MENTS.—The Secretary may amend, transfer, or reinstate*  
19 *a license issued under this Act if the Secretary finds that*  
20 *the amendment, transfer, or reinstatement is consistent*  
21 *with the requirements of this Act.”.*

22 **SEC. 5. INFORMATIONAL FILINGS.**

23 *Section 5(c) of the Deepwater Port Act of 1974 (33*  
24 *U.S.C. 1504(c)) is amended by adding the following:*

1       “(3) Upon written request of any person subject to this  
2 subsection, the Secretary may make a determination in  
3 writing to exempt such person from any of the informa-  
4 tional filing provisions enumerated in this subsection or the  
5 regulations implementing this section if the Secretary deter-  
6 mines that such information is not necessary to facilitate  
7 the Secretary’s determinations under section 4 of this Act  
8 and that such exemption will not limit public review and  
9 evaluation of the deepwater port project.”.

10 **SEC. 6. ANTITRUST REVIEW.**

11       Section 7 of the Deepwater Port Act of 1974 (33 U.S.C.  
12 1506) is repealed.

13 **SEC. 7. OPERATION.**

14       (a) AS COMMON CARRIER.—Section 8(a) of the Deep-  
15 water Port Act of 1974 (33 U.S.C. 1507(a)) is amended  
16 by inserting after “subtitle IV of title 49, United States  
17 Code,” the following: “and shall accept, transport, or convey  
18 without discrimination all oil delivered to the deepwater  
19 port with respect to which its license is issued,”.

20       (b) CONFORMING AMENDMENT.—Section 8(b) of such  
21 Act is amended by striking the first sentence and the first  
22 3 words of the second sentence and inserting the following:  
23 “A licensee is not discriminating under this section and”.

1 **SEC. 8. MARINE ENVIRONMENTAL PROTECTION AND NAVI-**  
2 **GATIONAL SAFETY.**

3 *Section 10(a) of the Deepwater Port Act of 1974 (33*  
4 *U.S.C. 1509(a)) is amended—*

5 *(1) by inserting after “international law” the*  
6 *following: “and the provision of adequate opportuni-*  
7 *ties for public involvement”;*

8 *(2) by striking “shall prescribe by regulation*  
9 *and enforce procedures with respect to any deepwater*  
10 *port, including, but not limited to,” and inserting the*  
11 *following: “shall prescribe and enforce procedures, ei-*  
12 *ther by regulation (for basic standards and condi-*  
13 *tions) or by the licensee’s operations manual, with re-*  
14 *spect to”;* and

15 *(3) by redesignating clauses (A), (B), and (C) as*  
16 *clauses (1), (2), and (3), respectively.*

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