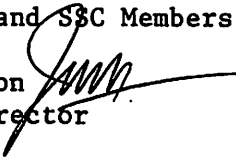


M E M O R A N D U M

TO: Council, AP and SSC Members

FROM: Jim H. Branson   
Executive Director

DATE: September 18, 1987

SUBJECT: Legislative Update

ACTION REQUIRED

Information Only.

BACKGROUND

Reflagging

The fishery issue that has generated the most Congressional interest and action since the last Council meeting is the reflagging of foreign processing vessels. In July, the proposed reflagging of four vessels by Korean fishing interests caused Congress to quickly approve a temporary moratorium on the practice, effective until October 15, 1987 (copy attached). In passing the moratorium Congress intended to buy time to consider the various reflagging bills currently pending. The Senate Commerce Committee was to have held a mark-up on S. 377, Senators Stevens and Murkowski's reflagging bill on September 22 but cancelled because proposed amendments were not yet fully developed.

Floor action on H.R. 2598, the House reflagging legislation may be scheduled in mid-October. Since the last Council meeting, language has been added to that bill to require all rebuilding or reconstruction of U.S. fish processing vessels be done in American yards and that, after July 28, 1987 all vessels seeking U.S. documentation have at least 51% ownership by U.S. citizens.

User Fees

A bill is expected to be introduced in the House in the near future levying a license fee on fish processors and commercial and recreational fishermen in federal waters. The bill is to be entitled "The Fisheries Research Funding Act of 1987" and is intended to raise money for research programs. The money is to be channeled through the Marine Fisheries Commissions, the Regional Councils, and National Marine Fisheries Service.

On September 29, 1987 the House Merchant Marine and Fisheries Committee, as part of budget reconciliation, is expected to consider the imposition of Coast Guard user fees.

## Oceans Policy Commission

During the week of September 21-25, the House is expected to act on H.R. 1171, Representative Walter Jones' bill that seeks to establish a National Oceans Policy Commission. The 17-member Commission would make recommendations to Congress and the President regarding a comprehensive oceans policy.

## Plastics Pollution

Since the last Council meeting, another bill to implement Annex V to the International Convention for the Prevention of Pollution from Ships (MARPOL) was introduced. S 1562 which was introduced by Senator Stevens on July 29, 1987 has been added to S. 560, S. 663, and H.R. 940 which also seek to implement Annex V. During the week of September 14-18, 1987 the Fisheries and Wildlife and Coast Guard and Navigation Subcommittees of the House Merchant Marine and Fisheries Committee were scheduled to mark up H.R. 940. An important issue to be decided at that session is whether Title II of the bill, which addresses entanglement and pollution problems associated with high seas driftnets, was to be deleted or amended.

## Vessel Safety and Insurance Legislation

On September 16 the Senate Commerce Committee held a hearing on S. 849, a bill that seeks to set safety standards for commercial fishing vessels and provide compensation for injured fishermen. The Council was briefed on this bill in May. No substantive changes to the legislation were proposed at the hearing.

Mark-ups on the House vessel safety legislation, H.R. 1830 and H.R. 1841 are expected in the near future.

## NMFS to Department of Agriculture or Department of Interior

While there is pending legislation to establish NOAA as an independent agency -- S. 330, S. 821 and H.R. 2135-- some consideration is being given to moving NMFS out of the Department of Commerce. Senator Pat Leahy is reported to be working on legislation that would move NMFS to the Department of Agriculture and some members of the oceans sciences community are, reportedly, lobbying Congress to move the Service to the Department of Interior.

## Seafood Inspections

Senator Pat Leahy is also preparing legislation that would require the Department of Agriculture to inspect all commercially processed fish products used for human consumptions. Senator Leahy's bill may be similar to H.R. 1483, introduced earlier this year by Representative Dorgan, that also proposes to establish a mandatory seafood inspection program.

## Council Funding

Prospects for level funding of the Regional Fishery Management Councils for the next fiscal year are very good. The current sentiment in both the Senate and the House is to provide \$7.7 million to the Councils next year.

This is the text of the stop-gap reflagging bill as amended by the House.

S. 1591

Notwithstanding Chapter 121 of Title 46 of the United States Code, the Secretary of the department in which the Coast Guard is operating may not document a foreign-built vessel for which an application for documentation was submitted after July 20, 1987 for use as a fish processing vessel as defined in Section 2101(11b) of Title 46, United States Code. This prohibition is effective until October 15, 1987. The Secretary may issue regulations to obtain information about the intended use of a vessel for which an application for documentation has been submitted to prevent the documentation of a foreign-built fish processing vessel.