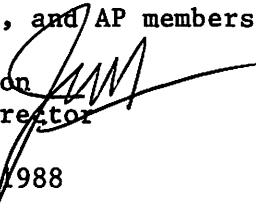


M E M O R A N D U M

TO: Council, SSC, and AP members

FROM: Jim H. Branson 
Executive Director

DATE: January 15, 1988

SUBJECT: Legislative update.

ACTION REQUIRED

Information only.

BACKGROUND

In the final days of the first session of the 100th Congress two bills impacting the fishing industry were passed and sent to the President. H.R. 3674 and H.R. 2598 are summarized below and included as attachments.

H.R. 3674: Signed by the President December 29, 1987.

Title I - amends and extends for two years the GIFA between the U.S. and Japan.

Title II - implements Annex V of MARPOL which prohibits the disposal of all garbage within 12 miles of the U.S. shore and the disposal of plastic garbage anywhere in the U.S. EEZ. The provision also prohibits the disposal of plastic refuse anywhere at-sea from U.S. vessels. Onshore disposal facilities are required as well. Additionally, NOAA is required to identify the damaging effects of plastics on the marine environment and the EPA is required to identify landbased sources of plastic pollution and other garbage and recommend methods of reducing those sources of pollution.

Title III - reauthorizes the Sea Grant Program for FY 1988 at \$45 million, FY 89 at \$58 million, and FY 90 at \$64 million. This section also creates a Marine Affairs and Resource Management Improvement grants program to improve marine affairs and resource management curricula at colleges and universities. Further, this section creates a Strategic Marine Research Program that is to concentrate on critical resource and environmental areas not currently provided with adequate funding.

Title IV - implements the Driftnet Fishing Control Act of 1987. Key elements of this section are:

- (a) The Secretary of Commerce through the Secretary of State is required to negotiate monitoring and enforcement agreements with foreign countries whose fleets fish with high seas driftnets in the North Pacific. Failure

by a foreign country to enter into an enforcement agreement within 18 months of the bill's enactment will result in certification under Section 8(a) of the Fishermen's Protective Act.

- (b) The Secretary of Commerce must develop recommendations on a driftnet marking and registration system, a driftnet fishing vessel tracking system, and the use of biodegradable materials in driftnets. The Secretary must also evaluate and develop recommendations on a driftnet bounty system.

H.R. 2598 - The Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987, signed by the President on January 11, 1988. This bill includes the following provisions:

- (a) Foreign-built vessels applying for U.S. documentation after July 28, 1987 may not be used for fish processing.
- (b) With exemptions provided for vessels in the process of conversion, U.S. vessels rebuilt in a foreign yard may not be used for fish processing if the conversion has begun after July 28, 1987.
- (c) Controlling interests must be owned by U.S. citizens in any U.S. corporation applying for documentation of a fishing, fish processing, or fish tender vessel after July 28, 1987.
- (d) Seventy-five percent of the unlicensed seamen on a U.S. fishing, fish processing, or fish tender vessel engaged in the fisheries in the navigable waters of the U.S. must be U.S. citizens or aliens legally admitted for permanent residence.
- (e) Within six months of the date of the legislation's enactment the Secretary of Commerce must report to the Congress on the impacts on the development of the U.S. fishing industry by the transportation of fish products by vessels of the U.S. from foreign fish processing vessels to points in the U.S. The Secretary must also report on the development of fishery resources within the EEZ.

Matters left for the next session of Congress include legislation concerning:

1. Seafood inspection
2. TBT paints
3. Vessel safety
4. User fees
5. National Ocean Policy Commission

Congress is expected to devote considerable time over the next six months to the reauthorization of a Marine Mammal Protection Act. Because this is an election year Congress may only be in session a total of 26 weeks.

December 18, 1987

CONGRESSIONAL RECORD — HOUSE

H 11733

nature of a substitute, now printed in the reported bill, as modified by the amendment printed in section 2 of House Resolution 337, shall be considered as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1. The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Japan Fishery Agreement Approval Act of 1987".

The CHAIRMAN. Is there an amendment to section 1?

The Clerk will designate section 2. The text of section 2 is as follows:

SEC. 2. TABLE OF CONTENTS.

The contents of this Act are as follows:

- Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—APPROVAL OF GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH JAPAN

Sec. 1001. Approval of agreement.

TITLE II—PLASTIC POLLUTION RESEARCH AND CONTROL

- Sec. 2001. Short title.
Sec. 2002. Purposes.
Sec. 2003. Effective date.

SUBTITLE A—AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS

- Sec. 2101. Definitions.
Sec. 2102. Application of Act.
Sec. 2103. Pollution reception facilities.
Sec. 2104. Violations.
Sec. 2105. Reference of violation to country of registry or nationality.
Sec. 2106. Proposed amendments to protocol.

- Sec. 2107. Legal actions.
Sec. 2108. Refuse record books; waste management plans; notification of crew and passengers.
Sec. 2109. Compliance with international law.

Subtitle B—Studies and Report

- Sec. 2201. Compliance with Annex V, generally.
Sec. 2202. Compliance by Federal agencies.
Sec. 2203. Land-based sources of plastic materials.
Sec. 2204. Effects of plastic materials on the marine environment.
Sec. 2205. Plastic pollution public education program.
Sec. 2206. New York bight plastics study.

TITLE III—MARINE SCIENCE, TECHNOLOGY, AND POLICY DEVELOPMENT

- Sec. 3001. Short title.
Subtitle A—National Sea Grant College Program Authorization
Sec. 3101. Short title.
Sec. 3102. Reference to the National Sea Grant College Program Act.
Sec. 3103. Declaration of policy.
Sec. 3104. Definitions.
Sec. 3105. Contracts and grants.
Sec. 3106. Sea grant strategic research program.
Sec. 3107. Fellowships.
Sec. 3108. Sea grant review panel.
Sec. 3109. Marine affairs and resource management improvement grants.
Sec. 3110. Authorization of appropriations.
Sec. 3111. Sea grant international program.

Subtitle B—Great Lakes Mapping

- Sec. 3201. Short title.
Sec. 3202. Great Lakes shoreline mapping plan.
Sec. 3203. Preparation of Great Lakes shoreline maps.
Sec. 3204. Contract authority.
Sec. 3205. Definitions.
Sec. 3206. Authorization of appropriations.

TITLE IV—DRIFTNET IMPACT MONITORING, ASSESSMENT, AND CONTROL

- Sec. 4001. Short title.
Sec. 4002. Findings.
Sec. 4003. Definitions.
Sec. 4004. Monitoring agreements.
Sec. 4005. Impact report.
Sec. 4006. Enforcement agreements.
Sec. 4007. Evaluations and recommendations.

TITLE V—MISCELLANEOUS

- Sec. 5001. Jones Act modifications.
Sec. 5002. Towing of valueless material by U.S. tug.
Sec. 5003. Transporting valueless material by U.S. barge.
Sec. 5004. Exemption from restriction on subsidized operators.
Sec. 5005. Limitation on documentation.

The CHAIRMAN. Is there an amendment to section 2? The Clerk will designate title I. The text of title I is as follows:

TITLE I—APPROVAL OF GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH JAPAN

SEC. 1001. APPROVAL OF AGREEMENT.

Notwithstanding section 203 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the Government of Japan Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States, dated November 17, 1987—

- (1) is approved by Congress as a governing international fishery agreement for the purpose of such Act; and
(2) shall enter into force and effect with respect to the United States on the date of the enactment of this Act.

The CHAIRMAN. Are there any amendments to title I?

The Clerk will designate title II. The text of title II is as follows:

TITLE II—PLASTIC POLLUTION RESEARCH AND CONTROL

SEC. 2001. SHORT TITLE.

This title may be cited as the "Plastic Pollution Research and Control Act of 1987".

SEC. 2002. PURPOSES.

The purposes of this title are—

- (1) to implement Annex V to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter in this title referred to as "Annex V"); and
(2) to identify and reduce the effects of plastic pollution on the marine environment.

SEC. 2003. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), this title shall be effective on the date on which Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, enters into force for the United States.

(b) EXCEPTIONS.—Section 2003, 2108, 2110, 2201, 2203, 2204, 2205, and 2206 of this title

shall be effective on the date of the enactment of this title.

(c) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—The authority to prescribe regulations pursuant to this title shall be effective on the date of enactment of this title.

(2) EFFECTIVE DATE OF REGULATIONS.—Any regulation prescribed pursuant to this title shall not be effective before the effective date of the provision of this title under which the regulation is prescribed.

Subtitle A—Amendments to Act to Prevent Pollution From Ships

SEC. 2101. DEFINITIONS.

Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) is amended as follows:

- (1) "(a)" is inserted after "Sec. 2."
(2) Subsection (a)(1) (as redesignated) is amended to read as follows:
"(1) 'MARPOL Protocol' means the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, and includes the Convention;"
(3) Subsection (a)(1) (as redesignated) is amended by striking all after "Annexes I" and inserting "I, II, and V thereto, including any modifications or amendments to the Convention, Protocols, or Annexes which have entered into force for the United States;"
(4) Subsection (a)(1) (as redesignated) is amended by inserting "and 'garbage'" after "discharge".

(5) The following is added at the end of section 2:

"(b) For purposes of this Act, as used in Annex V to the Convention, the term 'sea' includes the navigable waters of the United States."

SEC. 2102. APPLICATION OF ACT.

(a) IN GENERAL.—Section 3(a) of the Act to Prevent Pollution from Ships is amended to read as follows:

"(a) This Act shall apply—
(1) to a ship of United States registry or nationality, or one operated under the authority of the United States, wherever located;

"(2) with respect to Annexes I and II to the Convention, to a ship, other than a ship referred to in paragraph (1), while in the navigable waters of the United States;

"(3) with respect to the requirements of Annex V to the Convention, to a ship, other than a ship referred to in paragraph (1), while in the navigable waters or the exclusive economic zone of the United States; and

"(4) with respect to regulations prescribed under section 6 of this Act, any port or terminal in the United States."

(b) EXCLUSIONS.—Section 3(b) of the Act to Prevent Pollution from Ships is amended to read as follows:

"(b)(1) Except as provided in paragraph (2), this Act shall not apply to—

"(A) a warship, naval auxiliary, or other ship owned or operated by the United States when engaged in noncommercial service; or

"(B) any other ship specifically excluded by the MARPOL Protocol.

"(2)(A) Notwithstanding any provision of the MARPOL Protocol, and subject to subparagraph (B) of this paragraph and (Section 202(c) of the Plastic Pollution Research and Control Act of 1987), the requirements of Annex V to the Convention shall apply after 5 years after the effective date of this paragraph to a ship referred to in paragraph (1)(A).

"(B) This paragraph shall not apply during time of war or a declared national emergency.

(c) REGULATIONS.—Section 3(c) of the Act to Prevent Pollution from Ships is amended to read as follows:

"(c) The Secretary shall prescribe regulations applicable to the ships of a country not a party to the MARPOL Protocol, including regulations conforming to and giving effect to the requirements of Annex V as they apply under subsection (a) of section 3, to ensure that their treatment is not more favorable than that accorded ships to parties to the MARPOL Protocol."

SEC. 2103. POLLUTION RECEPTION FACILITIES.

(a) DETERMINATION OF ADEQUACY OF FACILITIES.—Section 6(a) of the Act to Prevent Pollution from Ships is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) in the first sentence of subsection (a)(1) (as redesignated) by inserting "for mixtures containing oil or noxious liquid substances" after "reception facilities"; and

(3) by adding at the end the following:

"(2) The Secretary, after consulting with appropriate Federal agencies, shall prescribe regulations respecting the adequacy of reception facilities for garbage at ports and terminals which specify the ports and terminals which are required to provide the reception facilities. Persons in charge of a port or terminal shall provide reception facilities, or ensure that the facilities are available, for receiving garbage in accordance with these regulations."

(b) CONSIDERATION OF NUMBER AND TYPES OF SHIPS.—Section 6(b) of the Act to Prevent Pollution from Ships is amended—

(1) by inserting ", and in prescribing regulations under subsection (a) of this section," after "reception facilities"; and

(2) by inserting ", or, as appropriate, ships," after "seagoing ships".

(c) CERTIFICATE ISSUANCE.—Section 6(c) of the Act to Prevent Pollution from Ships is amended to read as follows:

"(c)(1) If reception facilities of a port or terminal meet the requirements of Annexes I and II to the Convention and the regulations prescribed under subsection (a)(1), the Secretary shall, after consultation with the Administrator of the Environmental Protection Agency, issue a certificate to that effect to the applicant.

"(2) If reception facilities of a port or terminal meet the requirements of the Annex V to the Convention and the regulations prescribed under subsection (a)(2), the Secretary may, after consultation with appropriate Federal agencies, issue a certificate to that effect of the person in charge to the port or terminal.

"(3) A certificate issued under this subsection—

"(A) is valid until suspended or revoked by the Secretary for cause or because of changes conditions; and

"(B) shall be available for inspection upon the request of the master, other person in charge, or agent of a ship using or intending to use the port or terminal.

"(4) The suspension or revocation of a certificate issued under this subsection may be appealed to the Secretary and acted on by the Secretary in the manner prescribed by regulation."

(d) ENTRY DENIAL.—Section 6(e) of the Act to Prevent Pollution from Ships is amended by—

(1) striking "(1)" and inserting "(A)";

(2) striking "(2)" and inserting "(B)";

(3) inserting "(1)" after "(e)";

(4) in paragraph (1)(A) (as redesignated), striking "the MARPOL Protocol" and inserting "Annexes I and II to the Convention"; and

(5) adding at the end the following:

"(2) The Secretary may deny entry to a ship to a port or terminal required by regu-

lations issued under this section to provide reception facilities for garbage if the port or terminal is not in compliance with those regulations."

SEC. 2104. VIOLATIONS.

(a) SHIP INSPECTIONS.—Section 8(c) of the Act to Prevent Pollution from Ships is amended by—

(1) striking "(1)" and inserting "(A)";

(2) striking "(2)" and inserting "(B)";

(3) inserting "(2)" immediately after "(c)";

(4) in paragraph (2) (as redesignated), inserting "or otherwise within the navigable waters of the United States" after "jurisdiction of the United States";

(5) in the last sentence of paragraph (2) (as redesignated), striking "If a report made under this subsection involves a ship, other than one of United States registry or nationality or one operated under the authority of the United States, the" and inserting "The"; and

(6) inserting before paragraph (2) (as redesignated) the following: "(1) This subsection applies to inspections relating to possible violations of Annex I or Annex II to the Convention by any seagoing ship referred to in section 3(a)(2) of this Act."

(b) SHIP INSPECTIONS OTHER THAN AT PORT OR TERMINAL.—Section 8 of the Act to Prevent Pollution from Ships is amended by redesignating subsection (d) as subsection (f) and inserting after subsection (c) the following:

"(d)(1) The Secretary may inspect a ship referred to in section 3(a)(3) of this Act to verify whether the ship has disposed of garbage in violation of the requirements of Annex V to the Convention.

"(2) If an inspection under this subsection indicates that a violation has occurred, the Secretary may undertake enforcement action under section 9 of this Act.

"(e)(1) The Secretary may inspect at any time a ship of United States registry or nationality or operating under the authority of the United States to which the MARPOL Protocol applies to verify whether the ship has discharged a harmful substance or disposed of garbage in violation of that Protocol.

"(2) If an inspection under this subsection indicates that a violation of the MARPOL Protocol has occurred the Secretary may undertake enforcement action under section 9 of this Act."

SEC. 2105. REFERENCE OF VIOLATION TO COUNTRY OF REGISTRY OR NATIONALITY.

Section 9(f) of the Act to Prevent Pollution from Ships is amended by striking "to that country" and inserting "to the government of the country of the ship's registry or nationality, or under whose authority the ship is operating".

SEC. 2106. PROPOSED AMENDMENTS TO PROTOCOL.

Section 10 of the Act to Prevent Pollution from Ships is amended—

(1) in subsection (a), by striking

"Inter-Governmental Maritime Consultative Organization" and inserting "International Maritime Organization"; and

(2) in subsection (b), by striking "Annex I or II, appendices to the Annexes, or Protocol I of the MARPOL Protocol," and inserting "Annex I, II, or V to the Convention, appendices to those Annexes, or Protocol I of the Convention", and by striking "Inter-Governmental Maritime Consultative Organization" and inserting "International Maritime Organization".

SEC. 2107. LEGAL ACTIONS.

Section 11 of the Act to Prevent Pollution from Ships is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (b) the following:

"(c) Any person suffering damage or loss from an action of the Secretary taken pursuant to section 8(d) of this Act which is alleged to have been unlawful or to have exceeded that which is reasonably required in the light of available information, may bring an action under this section to recover compensation for that damage or loss."

SEC. 2108. REFUSE RECORD BOOKS; WASTE MANAGEMENT PLANS; NOTIFICATION OF CREW AND PASSENGERS.

Section 4(b) of the Act to Prevent Pollution from Ships is amended—

(1) inserting "(1)" after "(b)"; and

(2) adding at the end the following:

"(2) The Secretary of the department in which the Coast Guard is operating shall—

"(A) within 1 year after the effective date of this paragraph, prescribe regulations which—

"(i) require certain ships described in section 3(a)(1) to maintain refuse record books and shipboard management plans, and to display placards which notify the crew and passengers of the requirements of Annex V to the Convention; and

"(ii) specify the ships described in section 3(a)(1) to which the regulations apply;

"(B) seek an international agreement or international agreements which apply requirements equivalent to those described in subparagraph (A)(i) to all vessels subject to Annex V to the Convention; and

"(C) within 2 years after the effective date of this paragraph, report to the Congress—

"(i) regarding activities of the Secretary under subparagraph (B); and

"(ii) if the Secretary has not obtained agreements pursuant to subparagraph (B) regarding the desirability of applying the requirements described in subparagraph (A)(i) to all vessels described in section 3(a)(1) which call at United States ports."

SEC. 2109. COMPLIANCE WITH INTERNATIONAL LAW.

The Act to Prevent Pollution from Ships is amended by adding at the end the following:

"SEC. 17. Any action taken under this Act shall be taken in accordance with international law."

SEC. 2110. CIVIL PENALTY UNDER REFUSE ACT.

Section 16 of the Act of March 3, 1899 (33 U.S.C. 411) is amended—

(1) by inserting "(a)" after "Sec. 16."; and

(2) by adding at the end the following:

"(b)(1) A person who, after notice and an opportunity for a hearing, is found to have violated section 13 shall be liable to the United States for a civil penalty of not to exceed \$25,000 for each violation.

"(2) Each day of a continuing violation of section 13 shall constitute a separate violation.

"(3) The amount of a penalty under this subsection—

"(A) except as provided in paragraph (4) shall be assessed by written notice; and

"(B) shall be determined by taking into account—

"(i) the nature, circumstances, extent, and gravity of the prohibited acts committed; and

"(ii) with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and other matters as justice may require.

"(4) The amount of a penalty under this subsection may exceed \$25,000 only if such penalty is assessed and collected in the manner, and subject to the same provisions, as in the case of civil penalties assessed and collected after notice and opportunity for a

hearing on the record in accordance with section 554 of title 5, United States Code.

"(5) A penalty under this subsection which is subject to assessment or which has been assessed may be compromised, modified, or remitted, with or without conditions.

"(6) If a person fails to pay an assessment of a penalty under this subsection after it has become final, the matter may be referred to the Attorney General for collection in any appropriate district court of the United States."

Subtitle B—Studies and Report

SEC. 2201. COMPLIANCE WITH ANNEX V, GENERAL- LY.

Within 2 years after the date of the enactment of this title, and biennially thereafter for a period of 10 years, the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall report to the Congress regarding compliance with Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, in United States waters.

SEC. 2202. COMPLIANCE BY FEDERAL AGENCIES.

(a) **REPORT ON EXTENT OF COMPLIANCE.**—Within 1 year after the effective date of this title, and each thereafter until the ships are brought into compliance with the refuse disposal requirements of Annex V which applies to commercial vessels, the head of each Federal agency that operates or contracts for the operation of any ship referred to in section 3(b)(1) of the Act to Prevent Pollution from Ships shall report to the Congress on the extent to which their ships are in compliance with the requirements referred to in that section.

(b) **REPORT ON INABILITY TO COMPLY.**—Within 3 years after the effective date of this title, the head of each Federal agency that operates or contracts for the operation of any ship referred to in section 3(b)(1)(A) of the Act to Prevent Pollution from Ships that may not be able to comply with the requirements of that section shall report to the Congress describing—

(1) the technical and operational impediments to achieving that compliance;

(2) an alternative schedule for achieving that compliance as rapidly as is technologically feasible;

(3) the ships operated or contracted for operation by the agency for which full compliance with section 3(b)(2)(A) is not technologically feasible; and

(4) any other information which the agency head considers relevant and appropriate.

(c) **CONGRESSIONAL ACTION.**—Upon receipt of the compliance report under subsection (b), the Congress shall modify the applicability of Annex V to ships referred to in section 3(b)(1)(A) of the Act to Prevent Pollution from Ships, as may be appropriate.

SEC. 2203. LAND-BASED SOURCES OF PLASTIC MATERIALS.

Not later than September 30, 1988, the Administrator of the Environmental Protection Agency shall submit to the Congress a report on land-based sources of plastic materials in the marine environment. The report shall include—

(1) description of the types and classes of plastic materials in the marine environment which are from land-based sources, including medical wastes;

(2) description of specific statutory and regulatory authority available to the Administrator, and the steps being taken by the Administrator, to reduce the amount of plastic materials that enter the marine environment from those sources;

(3) analysis of whether the production or sale of particular types or classes of nondegradable plastic materials should be prohibited, taxed, or regulated in any other manner; and

(4) recommendation of legislation which is necessary to prohibit, tax, or regulate land-based sources of plastic materials that enter the marine environment.

SEC. 2204. EFFECTS OF PLASTIC MATERIALS ON THE MARINE ENVIRONMENT.

Not later than September 30, 1988, the Secretary of Commerce shall submit to the Congress a report on the effects of plastic materials on the marine environment. The report shall include—

(1) identification and quantification of the harmful effects of plastic materials on the marine environment;

(2) assessment of the specific effects of plastic materials on living marine resources in the marine environment;

(3) identification of the types and classes of plastic materials that pose the greatest potential hazard to living marine resources;

(4) analysis, carried out in consultation with one Director of the National Bureau of Standards, of plastic materials which are claimed to be capable of reduction to environmentally benign subunits under the action of normal environmental forces (including biological decomposition, photodegradation, and hydrolysis); and

(5) recommendation of legislation which is necessary to prohibit, tax, or regulate sources of plastic materials that enter the marine environment.

SEC. 2205. PLASTIC POLLUTION PUBLIC EDUCATION PROGRAM.

Not later than April 1, 1988, the Secretary of Commerce, in consultation with the Administrator of the Environmental Protection Agency, shall commence a program, to be conducted for a period of at least 3 years, to educate the public (including recreational boaters, fishermen, representatives of the plastics industry, representatives of the beverage industry, representatives of the glass industry, representatives of the paper industry, representatives of the metals industry, and consumer interest groups) regarding the harmfulness of plastic materials (regardless of source) in the marine environment. The program may include workshops, public service announcements, symposia, and any other means to educate the public regarding the harmfulness of plastics in the marine environment and the need to further reduce sources of plastics entering the marine environment.

SEC. 2206. NEW YORK BIGHT PLASTIC STUDY.

The Administrator of the Environmental Protection Agency shall conduct a study of problems associated with plastic debris in the New York Bight, with specific attention to the effect of such debris on beaches, marine life, the environment, and coastal waters, and shall report to the Congress within 6 months after the date of the enactment of this title with recommendations for the elimination of the threats posed by such plastic debris.

The **CHAIRMAN**. Are there amendments to title II?

AMENDMENT OFFERED BY MR. STUDDS

Mr. **STUDDS**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. **STUDDS**:

Amend title II of the bill to read as follows:

TITLE II—PLASTIC POLLUTION RESEARCH AND CONTROL

SEC. 2001. SHORT TITLE.

This title may be cited as the "Marine Plastic Pollution Research and Control Act of 1987".

SEC. 2002. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided in subsections (b) and (c), this title shall be effective on the date on which Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, enters into force for the United States.

(b) **EXCEPTIONS.**—Sections 2001, 2002, 2003, 2108, 2202, 2203, 2204, and subtitle C of this title shall be effective on the date of the enactment of this title.

(c) ISSUANCE OF REGULATIONS.—

(1) **IN GENERAL.**—The authority to prescribe regulations pursuant to this title shall be effective on the date of enactment of this title.

(2) **EFFECTIVE DATE OF REGULATIONS.**—Any regulation prescribed pursuant to this title shall not be effective before the effective date of the provision of this title under which the regulation is prescribed.

SEC. 2003. PREEMPTION: ADDITIONAL STATE REQUIREMENTS.

(a) **PREEMPTION.**—Except as specifically provided in this title, nothing in this title shall be interpreted or construed to supersede or preempt any other provision of Federal or State law, either statutory or common.

(b) **ADDITIONAL STATE REQUIREMENTS.**—Nothing in this title shall be construed or interpreted as preempting any State from imposing any additional requirements.

Subtitle A—Amendments to Act to Prevent Pollution From Ships

SEC. 2101. DEFINITIONS.

Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) is amended as follows:

(1) "(a)" is inserted after "Sec. 2."

(2) Subsection (a)(1) (as redesignated) is amended to read as follows:

"(1) 'MARPOL Protocol' means the Protocol of 1978 relating to the International Convention of Pollution from Ships, 1973, and includes the Convention."

(3) Subsection (a)(2) (as redesignated) is amended by striking all after "and" the second time it appears and inserting in lieu thereof the following: "Annexes I, II, and V thereto, including any modification or amendments to the Convention, Protocols, or Annexes which have entered into force for the United States:"

(4) Subsection (a)(3) (as redesignated) is amended by inserting "and 'garbage'" and after "discharge".

(5) The following is added at the end of section 2:

"(b) For purposes of this Act, the requirements of Annex V shall apply to the navigable waters of the United States, as well as to all other waters and vessels over which the United States has jurisdiction."

SEC. 2102. APPLICATION OF ACT.

(a) **IN GENERAL.**—Section 3(a) of the Act to Prevent Pollution from Ships is amended to read as follows:

"(a) This Act shall apply—

"(1) to a ship of United States registry or nationality, or one operated under the authority of the United States, wherever located;

"(2) with respect to Annexes I and II to the Convention, to a ship, other than a ship referred to in paragraph (1), while in the navigable waters of the United States;

"(3) with respect to the requirements of Annex V to the Convention, to a ship, other

than a ship referred to in paragraph (1), while in the navigable waters or the exclusive economic zone of the United States; and

"(4) with respect to regulations prescribed under section 6 of this Act, any port or terminal in the United States."

(b) EXCLUSIONS.—Section 3(b) of the Act to Prevent Pollution from Ships is amended to read as follows:

"(b)(1) Except as provided in paragraph (2), this Act shall not apply to—

"(A) a warship, naval auxiliary, or other ship owned or operated by the United States when engaged in noncommercial service; or

"(B) any other ship specifically excluded by the MARPOL Protocol.

"(2)(A) Notwithstanding any provision of the MARPOL Protocol, and subject to subparagraph (B) of this paragraph, the requirements of Annex V to the Convention shall apply after 5 years after the effective date of this paragraph to a ship referred to in paragraph (1)(A).

"(B) This paragraph shall not apply during time of war or a declared national emergency.

(c) REGULATIONS.—Section 3(c) of the Act to Prevent Pollution from Ships is amended to read as follows:

"(c) The Secretary shall prescribe regulations applicable to the ships of a country not a party to the MARPOL Protocol, including regulations conforming to and giving effect to the requirements of Annex V as they apply under subsection (a) of section 3, to ensure that their treatment is not more favorable than that accorded ships to parties to the MARPOL Protocol."

SEC. 2103. POLLUTION RECEPTION FACILITIES.

(a) DETERMINATION OF ADEQUACY OF FACILITIES.—Section 6(a) of the Act to Prevent Pollution from Ships is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) in subsection (a)(1), as so redesignated, by striking "reception facilities of a port or terminal" and inserting in lieu thereof the following: "a port's or terminal's reception facilities for mixtures containing oil or noxious liquid substances"; and

(3) by adding at the end the following:

"(2) The Secretary, after consulting with appropriate Federal agencies, shall establish regulations setting criteria for determining the adequacy of reception facilities for garbage at a port or terminal, and stating such additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that such facilities are available, for receiving garbage in accordance with those regulations."

(b) CONSIDERATION OF NUMBER AND TYPES OF SHIPS.—Section 6(b) of the Act to Prevent Pollution from Ships is amended by striking "terminal," the first time it appears and inserting in lieu thereof the following: "terminal, and in establishing regulations under subsection (a) of this section," and by striking "seagoing ships" and inserting in lieu thereof the following: "ships or seagoing ships".

(c) CERTIFICATE ISSUANCE.—Section 6(c) of the Act to Prevent Pollution from Ships is amended to read as follows:

"(c)(1) If reception facilities of a port or terminal meet the requirements of Annexes I and II to the Convention and the regulations prescribed under subsection (a)(1), the Secretary shall, after consultation with the Administrator of the Environmental Protection Agency, issue a certificate to that effect to the applicant.

"(2) If reception facilities of a port or terminal meet the requirements of the Annex

V to the Convention and the regulations prescribed under subsection (a)(2), the Secretary may, after consultation with appropriate Federal agencies, issue a certificate to that effect to the person in charge of the port or terminal.

"(3) A certificate issued under this subsection—

"(A) is valid until suspended or revoked by the Secretary for cause or because of changed conditions; and

"(B) shall be available for inspection upon the request of the master, other person in charge, or agent of a ship using or intending to use the port or terminal.

"(4) The suspension or revocation of a certificate issued under this subsection may be appealed to the Secretary and acted on by the Secretary in the manner prescribed by regulation."

(d) ENTRY DENIAL.—Section 6(e) of the Act to Prevent Pollution from Ships is amended—

(1) by inserting "(1)" immediately after "(e)";

(2) by striking "(1)" and inserting in lieu thereof "(A)";

(3) by striking "(2)" and inserting in lieu thereof "(B)";

(4) in subparagraph (A), as so redesignated, by striking "the MARPOL Protocol" and inserting in lieu thereof the following: "Annexes I and II of the Convention"; and

(5) by adding at the end the following:

"(2) The Secretary may deny the entry of a ship to a port or terminal required by regulations issued under this section to provide adequate reception facilities for garbage if the port or terminal is not in compliance with those regulations."

SEC. 2104. VIOLATIONS.

(a) SHIP INSPECTIONS.—Section 8(c) of the Act to Prevent Pollution from Ships is amended by—

(1) striking "(1)" and inserting "(A)";

(1) striking "(2)" and inserting "(B)";

(3) inserting "(2)" immediately after "(c)";

(4) in the last sentence of paragraph (2) (as redesignated), striking "If a report made under this subsection involves a ship, other than one of United States registry or nationality or one operated under the authority of the United States, the" and inserting "The"; and

(5) inserting before paragraph (2) (as redesignated) the following: "(1) This subsection applies to inspections relating to possible violations of Annex I or Annex II to the Convention by any seagoing ship referred to in section 3(a)(2) of this Act."

(b) SHIP INSPECTIONS OTHER THAN AT PORT OR TERMINAL.—Section 8 of the Act to Prevent Pollution from Ships is amended by redesignating subsection (d) as subsection (f) and inserting after subsection (c) the following:

"(d)(1) The Secretary may inspect a ship referred to in section 3(a)(3) of this Act to verify whether the ship has disposed of garbage in violation of Annex V to the Convention or this Act.

"(2) If an inspection under this subsection indicates that a violation has occurred, the Secretary may undertake enforcement action under section 9 of this Act.

"(e)(1) The Secretary may inspect at any time a ship of United States registry or nationality or operating under the authority of the United States to which the MARPOL Protocol applies to verify whether the ship has discharged a harmful substance or disposed of garbage in violation of that Protocol or this Act.

"(2) If an inspection under this subsection indicates that a violation of the MARPOL Protocol has occurred the Secretary may undertake enforcement action under section 9 of this Act."

SEC. 2105. CIVIL PENALTIES.

(a) PAYMENT FOR INFORMATION.—

(1) INFORMATION LEADING TO CONVICTION.—Section 9(a) of the Act to Prevent Pollution From Ships is amended by inserting after the first sentence the following: "In the discretion of the Court, an amount equal to not more than 1/2 of such fine may be paid to the person giving information leading to conviction."

(2) INFORMATION LEADING TO ASSESSMENT OF PENALTY.—Section 9(b) of the Act to Prevent Pollution From Ships is amended by adding at the end the following: "An amount equal to not more than 1/2 of such penalties may be paid by the Secretary to the person giving information leading to the assessment of such penalties."

(b) REFERENCE OF VIOLATION TO COUNTRY OF REGISTRY OR NATIONALITY.—Section 9(f) of the Act to Prevent Pollution From Ships is amended by striking "to that country" and inserting "to the government of the country of the ship's registry or nationality, or under whose authority the ship is operating".

SEC. 2106. PROPOSED AMENDMENTS TO PROTOCOL

Section 10 of the Act to Prevent Pollution From Ships is amended—

(1) in subsection (a), by striking "Inter-Governmental Maritime Consultative Organization" and inserting "International Maritime Organization"; and

(2) in subsection (b), by striking "Annex I or II, appendices to the Annexes, or Protocol I of the MARPOL Protocol," and inserting "Annex I, II, or V to the Convention, appendices to those Annexes, or Protocol I of the Convention", and by striking "Inter-Governmental Maritime Consultative Organization" and inserting "International Maritime Organization".

SEC. 2107. ADMINISTRATION AND ENFORCEMENT

REFUSE RECORD BOOKS; WASTE MANAGEMENT PLANS; NOTIFICATION OF CREW AND PASSENGERS.

(a) ADMINISTRATION AND ENFORCEMENT, GENERALLY.—Section 4(a) of the Act to prevent pollution from ships is amended to read as follows:

"(a) Unless otherwise specified in this Act, the Secretary shall administer and enforce the MARPOL Protocol and this Act. In the administration and enforcement of the MARPOL Protocol and this Act, Annexes I and II of the Convention apply only to seagoing ships."

(b) REFUSE RECORD BOOKS; WASTE MANAGEMENT PLAN; NOTIFICATION OF CREW AND PASSENGERS.—Section 4(b) of the Act to Prevent Pollution from Ships is amended by—

(1) inserting "(1)" after "(b)"; and

(2) adding at the end the following:

"(2) The Secretary of the department in which the Coast Guard is operating shall—

"(A) within 1 year after the effective date of this paragraph, prescribe regulations which—

"(i) require certain ships described in section 3(a)(1) to maintain refuse record books and shipboard management plans, and to display placards which notify the crew and passengers of the requirements of Annex V to the Convention; and

"(ii) specify the ships described in section 3(a)(1) to which the regulations apply;

"(B) seek an international agreement or international agreements which apply requirements equivalent to those described in subparagraph (A)(i) to all vessels subject to Annex V to the Convention; and

"(C) within 2 years after the effective date of this paragraph, report to the Congress

"(i) regarding activities of the Secretary under subparagraph (B); and

"(ii) if the Secretary has not obtained agreements pursuant to subparagraph (B)

regarding the desirability of applying the requirements described in subparagraph (A)(i) to all vessels described in section 3(a) which call at United States ports."

SEC. 2108. COMPLIANCE WITH INTERNATIONAL LAW.

The Act to Prevent Pollution from Ships is amended by adding at the end the following:

"Sec. 17. Any action taken under this Act shall be taken in accordance with international law."

Subtitle B—Studies and Report

SEC. 2201. COMPLIANCE REPORTS.

(a) **IN GENERAL.**—Within 1 year after the effective date of this section, and biennially thereafter for a period of 6 years, the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall report to the Congress regarding compliance with Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, in United States waters.

(b) **REPORT ON LIABILITY TO COMPLY.**—Within 3 years after the effective date of this section, the head of each Federal agency that operates or contracts for the operation of any ship referred to in section 3(b)(1)(A) of the Act to Prevent Pollution from Ships that may not be able to comply with the requirements of that section shall report to the Congress describing—

(1) the technical and operational impediments to achieving that compliance;

(2) an alternative schedule for achieving that compliance as rapidly as is technologically feasible;

(3) the ships operated or contracted for operation by the agency for which full compliance with section 3(b)(2)(A) is not technologically feasible; and

(4) any other information which the agency head considers relevant and appropriate.

(c) **CONGRESSIONAL ACTION.**—Upon receipt of the compliance report under subsection (b), the Congress shall modify the applicability of Annex V to ships referred to in section 3(b)(1)(A) of the Act to Prevent Pollution from Ships, as may be appropriate with respect to the requirements of Annex V to the Convention.

SEC. 2202. EPA STUDY OF METHODS TO REDUCE PLASTIC POLLUTION.

(a) **IN GENERAL.**—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Commerce, shall commence a study of the adverse effects of the improper disposal of plastic articles of the environment and on waste disposal, and the various methods to reduce or eliminate such adverse effects.

(b) **SCOPE OF STUDY.**—A study under this section shall include the following:

(1) A list of improper disposal practices and associated specific plastic articles that occur in the environment with sufficient frequency to cause death or injury to fish or wildlife, affect adversely the habitat of fish or wildlife, contribute significantly to aesthetic degradation or economic losses in coastal and waterfront areas, endanger human health or safety, or cause other significant adverse impacts.

(2) A description of specific statutory and regulatory authority available to the Administrator of the Environmental Protection Agency, and the steps being taken by the Administrator, to reduce the amount of plastic materials that enter the marine and aquatic environment.

(3) An evaluation of the feasibility and desirability of substitutes for those articles identified under paragraph (1), comparing the environmental and health risks, costs,

disposability, durability, and availability of such substitutes.

(4) An evaluation of the impacts of plastics on the solid waste stream relative to other solid wastes, and methods to reduce those impacts, including recycling.

(5) An evaluation of the impact of plastics on the solid waste stream relative to other solid wastes, and methods to reduce those impacts, including—

(A) the status of a need for public and private research to develop and market recycled plastic articles;

(B) methods to facilitate the recycling of plastic materials by identifying types of plastic articles to aid in their sorting, and by standardizing types of plastic materials, taking into account trade secrets and protection of public health;

(C) incentives, including deposits on plastic containers, to increase the supply of plastic material for recycling and to decrease the amount of plastic debris, especially in the marine environment;

(D) the effect of existing tax laws on the manufacture and distribution of virgin plastic materials as compared with recycled plastic materials; and

(E) recommendations on incentives and other measures to promote new uses for recycled plastic articles and to encourage or require manufacturers of plastic articles to consider re-use and recycling in product design.

(6) An evaluation of the feasibility of making the articles identified under paragraph (1) from degradable plastics materials, taking into account—

(A) the risk to human health and the environment that may be presented by fragments of degradable plastic articles and the properties of the end-products of the degradation, including biotoxicity, bioaccumulation, persistence, and environmental fate;

(B) the efficiency and variability of degradation due to differing environmental and biological conditions; and

(C) the cost and benefits of using degradable articles, including the duration for which such articles were designed to remain intact.

(c) **CONSULTATION.**—In carrying out the study required by this section, the Administrator shall consult with the heads of other appropriate Federal agencies, representatives of affected industries, consumer and environment interest groups, and the public.

(d) **REPORT.**—Within 18 months after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall report to the Congress the results of the study required by this section, including recommendations in connection therewith.

SEC. 2203. EFFECTS OF PLASTIC MATERIALS ON THE MARINE ENVIRONMENT.

Not later than September 30, 1988, the Secretary of Commerce shall submit to the Congress a report on the effects of plastic materials on the marine environment. The report shall—

(1) identify and quantify the harmful effects of plastic materials on the marine environment;

(2) assess the specific effects of plastic materials on living marine resources in the marine environment;

(3) identify the types and classes of plastic materials that pose the greatest potential hazard to living marine resources;

(4) analyze, in consultation with the Director of the National Bureau of Standards, plastic materials which are claimed to be capable of reduction to environmentally benign submits under the action of normal environmental forces (including biological decomposition, photodegradation, and hydrolysis); and

(5) recommend legislation which is necessary to prohibit, tax, or regulate sources of plastic materials that enter the marine environment.

SEC. 2204. PLASTIC POLLUTION PUBLIC EDUCATION PROGRAM.

(a) **OUTREACH PROGRAM.**—

(1) **IN GENERAL.**—Not later than April 1, 1988, the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall jointly commence and thereafter conduct for a period of at least 3 years, a public outreach program to educate the public (including recreational boaters, fishermen, and other users of the marine environment) regarding—

(A) the harmful effects of plastic pollution;

(B) the need to reduce such pollution;

(C) the need to recycle plastic materials; and

(D) the need to reduce the quantity of plastic debris in the marine environment.

(2) **AUTHORIZED ACTIVITIES.**—A public outreach program under paragraph (1) may include—

(A) workshops with interested groups;

(B) public service announcements;

(C) distribution of leaflets and posters; and

(D) any other means appropriate to educating the public.

(b) **CITIZEN POLLUTION PATROLS.**—The Secretary of Commerce, along with the Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating, shall conduct a program to encourage the formation of volunteer groups, to be designated as "Citizen Pollution Patrols", to assist in monitoring, reporting, cleanup, and prevention of ocean and shoreline pollution.

Subtitle C—New York Bight

SEC. 2301. NEW YORK BIGHT RESTORATION PLAN.

(a) **IN GENERAL.**—Within 3 years after the effective date of this section, the Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and other Federal, State, and interstate agencies, shall prepare a New York Bight Restoration Plan. In preparing such plan, the Administrator shall seek the views and comments of interested persons and hold public hearings in States to be affected by the plan. The first such public hearing shall occur not later than 8 months after the effective date of this section.

(b) **SCOPE OF PLAN.**—The New York Bight Restoration Plan prepared under subsection (a) shall, at a minimum—

(1) identify and assess the impact of pollutant inputs, such as treated and untreated sewage discharge, industrial outfalls, agricultural and urban runoff, storm sewer overflow, upstream contaminant sources, atmospheric fallout, and dumping, that are affecting the water quality and marine resources of the New York Bight;

(2) identify those uses in the New York Bight and other areas that are being adversely affected by such pollutant inputs;

(3) determine the fate of the contaminants from such pollutant inputs and their effect on human health and the marine environment;

(4) identify technologies and management practices necessary for controlling such pollutant inputs;

(5) identify the costs of implementing such technologies and practices and any impediments to such implementation;

(6) devise a schedule of economically feasible projects to implement such technologies

and practices and to remove such impediments;

(7) develop recommendations for funding and coordinating the various Federal, State, and local government programs necessary to implement the projects referred to in paragraph (6); and

(8) comprehensively assess alternatives to dumping of municipal sludge and the burning of timber in the New York Bight.

SEC. 2302. NEW YORK BIGHT PLASTIC STUDY.

The Administrator shall conduct a study of problems associated with plastic debris in the New York Bight, with specific attention to the effect of such debris on beaches, marine life, the environment, and coastal waters, and shall report to the Congress within 6 months after the effective date of this section with recommendations for the elimination of the threats posed by such plastic debris.

SEC. 2303. REPORTS.

(a) **SCHEDULE FOR PRELIMINARY REPORTS AND RESTORATION PLAN.**—Not later than 6 months after the effective date of this section, the Administrator shall submit to the Congress a detailed schedule (including associated funding requirements) for completing preliminary reports and the New York Bight Restoration Plan under this subtitle.

(b) **PRELIMINARY REPORT ON ALTERNATIVES.**—Not later than the earlier of January 1, 1990, or the date of any decision by the Administrator affecting the redesignation of the 106-mile Ocean Waste Dump site for municipal sludge or the designation of any additional municipal sludge dump site, the Administrator shall submit to the Congress a preliminary report assessing alternatives to the ocean dumping of municipal sludge.

(c) **PRELIMINARY REPORT ON POLLUTANT INPUTS.**—Not later than 1 year after the effective date of this section, the Administrator shall submit to the Congress a preliminary report on the examinations required under section 2301(b)(1), (b)(2), and (b)(3).

(d) **PRELIMINARY REPORT ON CONTROL MEASURES.**—Not later than 2 years after the effective date of this section, the Administrator shall submit to the Congress a preliminary report on the examinations required under section 2301(b)(4), (b)(5), (b)(6), and (b)(7).

(e) **SUBMISSION OF RESTORATION PLAN TO CONGRESS.**—Not later than 3 years after the effective date of this section, the Administrator shall submit to the Congress the New York Bight Restoration Plan prepared under section 2301.

SEC. 2304. DEFINITIONS.

For purposes of this subtitle—

(1) **NEW YORK BIGHT.**—The term "New York Bight" means an area comprised of the Hudson-Raritan Estuary and waters of the Atlantic Ocean—

(A) west of Montauk, Long Island, New York (71 degrees, 50 minutes west longitude);

(B) north of Cape May, New Jersey; and

(C) extending seaward to the edge of the Continental Shelf.

(2) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of the Environmental Protection Agency.

SEC. 2305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator not more than \$3,000,000 for carrying out this subtitle during fiscal years 1988, 1989, and 1990.

Amend the table of contents in section 2 accordingly.

Mr. STUDDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be consid-

ered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

(Mr. STUDDS asked and was given permission to revise and extend his remarks.)

Mr. STUDDS. Mr. Chairman, this substitute for the title represents a compromise between the House-passed bill, H.R. 940, and the bills that emerged from the two Senate committees of jurisdiction. Very briefly, this compromise contains subtitle I which relates to MARPOL annex 5. There are no major differences in this regard between the various bills. The compromise does contain all the major provisions in the House-passed bill with more minor modifications to reflect different stylistic approaches only.

Subtitle II contains several reporting requirements. The compromise adopts the Senate Environmental and Public Works Committee report on plastics pollution calling on the Environmental Protection Agency to study the impacts of plastics on the environment, the role of plastics in the waste disposal problem facing this country, and methods to recycle and reuse and substitute for plastics in order to alleviate the waste problem.

In adopting this proposal, our committee would like to thank the leadership of the House Committee on Energy and Commerce, particularly the gentleman from Michigan [Mr. DINGELL], the chairman, and at the appropriate time we will have inserted in the RECORD a letter from the chairman of the committee.

The compromise also contains a public education program on the impacts of plastics on the marine environment that was in the House bill and in the Senate committee bill.

Finally subtitle III applies to the New York bight restoration plan. It combines elements from the House bill and the Senate bills. It calls for a 6-month study of plastics in the New York bight, and this was authored by the gentleman from New Jersey [Mr. HUGHES] and the other gentleman from New Jersey [Mr. HOWARD].

It directs the Environmental Protection Agency to undertake a major New York bight restoration plan that will identify the sources of pollution in the bight and methods to reduce those sources, and that was offered by the entire New Jersey delegation with the cooperation of the Senator from New Jersey as well.

Mr. Chairman, in the spirit of this package, this represents our best efforts to obtain a compromise reflecting the views of both sides of the aisle on this committee and of the relevant committees of jurisdiction in the Senate.

ADDITIONAL EXPLANATION OF SECTION 2202: EPA STUDY OF METHODS TO REDUCE PLASTIC POLLUTION

The study of methods to reduce plastic pollution required by section 2202 of the amendment shall focus on two distinct components of the plastic waste problem: plastic in the marine environment, especially as it affects marine life and contributes to the aesthetic degradation or economic losses in beach, coastal and waterfront areas; and plastic in the solid waste stream. Witnesses testifying before congressional committees noted that plastic comprises an increasing percentage of the waste that is filling landfills. Critical shortages of landfill capacity are predicted for several States within the next decade.

EPA, in consultation with NOAA, shall undertake a study describing the adverse effects that the disposal, both proper and improper, of plastics have on the environment, including the effects on fish and wildlife and the habitat of such species and the effects on beaches and other waterfront areas. The study shall identify the various means that are or, due to technological advances, may be available, to control or eliminate such adverse effects.

The study shall also evaluate the relative impact of plastics, as compared to other wastes, on the solid waste stream. The study shall include a compilation of improper disposal practices and associated specific plastic articles that occur in the environment with sufficient frequency to cause death or injury to fish or wildlife, affect adversely the habitat of fish or wildlife, contribute significantly to aesthetic degradation or economic losses in beach, coastal or waterfront areas, endanger human health or safety, or cause other significant impacts. In compiling such a list, it is the intention of Congress that EPA draw on existing studies, such as The Use and Disposal of Nondegradable Plastic in the Marine and Great Lakes Environment, EPA contract number 68-02-4228.

The study shall also evaluate the land-based sources of marine and aquatic plastic pollution, such as landfills and municipal sources, and identify whether improved enforcement of existing laws or regulations is necessary. The study shall evaluate the feasibility and desirability of substitutes for those articles identified in the list under paragraph (1), including comparisons between the article identified and the substitute with regard to relative environmental risks, cost effectiveness, disposability, durability, impact on public health and safety, and the availability of such alternatives.

The study shall include an evaluation of the feasibility, and if feasible, the desirability of using recycling initiatives (including recovery of energy value), to reduce the amount of plastic entering the solid waste stream, including an analysis of the status of and need for public and private research and development to develop and market recycled plastics. The Congress realizes that if recycling of plastics is to become an economically viable alternative, it will be necessary to develop new uses for recycled plastics and analyze methods to facilitate the recycling of plastic materials by identifying different types of plastic material in common use and identifying methods to aid in the sorting of such different materials. Congress realizes that one obstacle to recycling of plastics is the many different plastic materials in common use. The study shall recommend methods for sorting plastic to facilitate recycling, including the desirability and feasibility of standardizing the types of plastic materials, considering protection of public health and trade secrets.

The study shall include an analysis of incinerators, including deposits on plastic containers, to increase the supply of plastic material for recycling, and to decrease the amount of plastic debris, especially in the marine environment.

The effect of existing tax laws on the manufacture and distribution of virgin plastic material as compared with recycled material shall be addressed in the study. This part of the analysis should be conducted in consultation with the Secretary of the Treasury and the Secretary of Commerce, and should focus on whether a bias exists to favor virgin over recycled materials. The study shall include recommendations regarding measures, including fees or tax incentives, that can be implemented by the Federal Government or Congress to promote the development of new uses for recycled plastic articles. Recommendations shall be included regarding measures that can be implemented to provide incentives for manufacturers of plastic articles to consider reuse and recycling in product design.

The study shall make recommendations regarding a public education campaign, carried out under another section of this act, to promote any environmental and economic advantages to recycling of plastic materials. The study shall also include a list of recycled plastic products which could be purchased by the Federal Government.

The study shall include an evaluation of the feasibility of making articles identified under paragraph (1) from degradable plastic materials, taking into account the risk to human health and the environment, the properties of the end-products of the degradation of plastic materials, including biotoxicity, potential for bioaccumulation, persistence and fate within the environment under various physical conditions.

The study of degradable plastics should address the efficiency and variability of degradation due to differing environmental and biological conditions, and the relative benefits and purpose of such articles, including the duration for which such article was designed to remain intact, paying particular attention to the protection of human health, technical considerations and cost considerations.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. Mr. Chairman, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I certainly agree with the explanation of the gentleman from Massachusetts [Mr. STUDDS]. I agree with his assessment of this amendment and I compliment him and of course the gentleman from New York [Mr. LENT] and other people on the Committee on Public Works and Transportation who worked toward this solution. This is an example of what can be done as thinking people get together and solve a problem.

The gentleman from New Jersey [Mr. HOWARD] and everybody else worked very well on this legislation. I want to compliment them.

Mr. STUDDS. Mr. Chairman, may I finally state my appreciation to the gentleman from Alaska [Mr. YOUNG] and to the minority Members as well and to the hard-working staff of the Committee on Merchant Marine and Fisheries who have had very little sleep in the past few days.

The CHAIRMAN. The question is on the amendment offered by the gentle-

man from Massachusetts [Mr. STUDDS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate title III.

The text of title III is as follows:

TITLE III—MARINE SCIENCE, TECHNOLOGY, AND POLICY DEVELOPMENT

SEC. 3001. SHORT TITLE.

This title may be cited as the "Marine Science, Technology, and Policy Development Act of 1987".

Subtitle A—National Sea Grant College Program Authorization

SEC. 3101. SHORT TITLE.

This subtitle may be cited as the "National Sea Grant College Program Authorization Act of 1987".

SEC. 3102. REFERENCE TO THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Unless otherwise provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, section, subsection, or other provision, the reference shall be considered to be made to a title, section, subsection, or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3103. DECLARATION OF POLICY.

Section 202 (33 U.S.C. 1121) is amended as follows:

(1) Subsection (a) is amended—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (4), (5), and (6), respectively; and

(B) by inserting before paragraph (4) (as redesignated) the following:

"(1) The national interest requires a strategy to—

"(A) provide for the understanding and wise use of ocean, coastal, and Great Lakes resources and the environment;

"(B) foster economic competitiveness;

"(C) promote public stewardship and wise economic development of the coastal ocean and its margins, the Great Lakes, and the exclusive economic zone;

"(D) understand global environmental processes; and

"(E) promote domestic and international cooperative solutions to ocean, coastal, and Great Lakes issues.

"(2) Investment in a strong program of research, education, training, technology transfer, and public service is essential for this strategy.

"(3) The expanding use and development of ocean, coastal, and Great Lakes resources resulting from growing coastal area populations and the increasing pressures on the coastal and Great Lakes environment challenge the ability of the United States to manage such resources wisely."

(2) Subsection (b) is amended by striking "ocean and coastal resources" and all that follows through the end of such subsection and inserting in lieu thereof the following: "ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, and multidisciplinary approaches to environmental problems."

SEC. 3104. DEFINITIONS.

(a) IN GENERAL.—Section 203 (33 U.S.C. 1122) is amended—

(1) by striking paragraph (2);

(2) by renumbering paragraph (3) as paragraph (2) and inserting immediately thereafter the following:

"(3) the term 'director of a sea grant college' means a person designated by their

university or institution to direct a sea grant colleges, programs, or regional consortium.";

(3) by striking paragraphs (6) and (7) and inserting in lieu thereof the following:

"(6) The term 'ocean, coastal, and Great Lakes resources' means the resources that are located in, derived from, or traceable to, the seabed, subsoil, and waters of—

"(A) the coastal zone, as defined in section 304(1) of the Coastal Zone Management Act (16 U.S.C. 1453(1));

"(B) the great Lakes;

"(C) the territorial sea;

"(D) the exclusive economic zone;

"(E) the Outer Continental Shelf; and

"(F) the high seas.

"(7) The term 'resource' means—

"(A) living resources (including natural and cultured plant life, fish, shellfish, marine mammals, and wildlife);

"(B) nonliving resources (including energy sources, minerals, and chemical substances);

"(C) the habitat of a living resource, the coastal space, the ecosystems, the nutrient-rich areas, and the other components of the marine environment that contribute to or provide (or which are capable of contributing to or providing) recreational scenic, esthetic, biological, habitational, commercial, economic, or conservation values; and

"(D) man-made, tangible, intangible, actual, or potential resources.";

(4) by adding at the end the following: "(15) The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere."

(b) CONFORMING AMENDMENTS RELATING TO GREAT LAKES RESOURCES.—

(1) Each of the following provisions of the National Sea Grant College Program Act are amended by striking "ocean and coastal resources" each place it appears and inserting in lieu thereof "ocean, coastal, and Great Lakes resources":

(A) Paragraphs (4) and (5) of section 202(a) (as redesignated by section 3103(a)(X) of this subtitle).

(B) Section 202(c).

(C) Paragraphs (4) and (11) of Section 203.

(D) Sections (b)(1)(A) and (d)(3) of section 204.

(E) Paragraphs (2)(A) and (3) (A) and (B) of section 207(a).

(F) Paragraph (1) of section 209(c).

(G) Section 210.

(2) Paragraph (5) of section 204(c) is amended by striking "ocean and coastal resource" and inserting in lieu thereof "ocean, coastal, and Great Lakes resources".

(c) CONFORMING AMENDMENTS RELATING TO UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.—Section 204(c) is amended by striking "Administrator" each place it appears and inserting in lieu thereof "Under Secretary".

SEC. 3105. CONTRACTS AND GRANTS.

(a) MINIMIZATION OF PRIOR APPROVAL REQUIREMENTS.—Section 205 (33 U.S.C. 1124) is amended by adding at the end of subsection (d)(1) the following: "Terms, conditions, and requirements imposed by the Secretary under this paragraph shall minimize any requirements of prior Federal approval."

(b) ACCEPTANCE OF FUNDS FROM OTHER FEDERAL AGENCIES.—Section 204(d)(6) is amended by striking "under section 205(a)".

SEC. 3106. SEA GRANT STRATEGIC RESEARCH PROGRAM.

(a) IN GENERAL.—Section 206 (33 U.S.C. 1125) is amended to read as follows:

"SEC. 206. STRATEGIC MARINE RESEARCH PROGRAM.

"(a) GRANT AND CONTRACT AUTHORITY.—The Under Secretary may make grants and enter into contracts to carry out the strategic research program provided for under

this section. A grant or contract may cover up to 100 percent of the cost of the research for which the grant or contract is made or awarded.

"(b) STRATEGIC RESEARCH PLAN.—Within 1 year after the effective date of the Marine Science, Technology and Policy Development Act of 1987, and every 3 years after that date, the Under Secretary shall develop and publish in the Federal Register, a sea grant strategic research plan for the next 3 years. The plan shall—

"(1) identify and describe a limited number of priority areas for strategic research in fields associated with oceans, coastal, and Great Lakes resources; and

"(2) indicate the goals and timetables for the research in those fields.

"(c) CONSULTATION AND CONGRESSIONAL REVIEW.—

"(1) CONSULTATION.—In developing each sea grant strategic research plan, the Under Secretary shall consult with relevant Federal agencies; sea grant directors; other representatives of sea grant colleges, sea grant programs, and sea grant regional consortia; non-governmental marine scientists; and other interested parties, both public and private.

"(2) SUBMITTAL TO CONGRESS.—Upon publication of each sea grant strategic research plan under subsection (b), the Under Secretary shall submit the plan to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Merchant Marine and Fisheries of the House of Representatives.

"(3) RESTRICTION ON GRANTS AND CONTRACTS.—The Under Secretary shall not make a grant or enter into a contract under this section for priority area research under a strategic research plan before the 45th day after the date of receipt of the plan by the Committees referred to in paragraph (2).

"(d) CRITERIA FOR AREAS TO BE INCLUDED IN PLAN.—In selecting priority areas for inclusion in the sea grant strategic research plan, the Under Secretary shall concentrate on—

"(1) critical resource and environmental areas that are precluded from adequate funding under other provisions of this Act because of—

"(A) their national, international, or global scope, fundamental nature, or long-range aspects;

"(B) the scale of the needed research effort; or

"(C) the need for the broadest possible university involvement; and

"(2) areas where the strength and capabilities of the sea grant colleges, sea grant programs, and sea grant regional consortia in mobilizing talent for sustained programmatic research and technology transfer make them particularly qualified to manage strategic marine research under this section.

"(e) CONTRACT AND GRANT REQUIREMENTS.—Subsections (c) and (d) of section 205 apply to applications for grants or contracts, and to grants made and contracts entered into, under this section.

(b) REGULATIONS.—Within 1 year after the effective date of this title, the Under Secretary of Commerce for Oceans and Atmosphere shall adopt rules and regulations in accordance with section 553 of title 5, United States Code, to carry out section 206(a), after giving notice and opportunity for full participation by relevant Federal agencies; State agencies; local governments; regional organizations; nongovernmental marine scientists; sea grant directors and other representatives of sea grant colleges, programs, and regional consortia; and other interested parties, both public and private.

SEC. 3107. FELLOWSHIPS.

Section 208 (33 U.S.C. 1127) is amended to read as follows:

"SEC. 208. FELLOWSHIPS.

"(a) IN GENERAL.—To carry out the educational and training objectives of this Act, the Under Secretary shall support a program of fellowships for qualified individuals at the graduate and post-graduate level. The fellowships shall be related to ocean, coastal, and Great Lakes resources and awarded pursuant to guidelines established by the Under Secretary.

"(b) DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.—The Under Secretary may award marine policy fellowships to support the placement of individuals at the graduate level of education in fields related to ocean, coastal and Great Lakes resources in positions with the executive and legislative branches of the United States Government. A fellowship awarded under this subsection shall be for a period of not more than 1 year.

"(c) POSTDOCTORAL FELLOWSHIP.—The Under Secretary shall establish and administer a program of postdoctoral fellowships to accelerate research in critical subject areas. The fellowship awards—

"(1) shall be for 2 years;

"(2) may be renewed once for not more than 2 years;

"(3) shall be awarded on a nationally competitive basis;

"(4) may be used at any institution of post-secondary education involved in the national sea grant college program;

"(5) shall be for up to 100 percent of the total cost of the fellowship;

"(6) may be made for any of the priority areas of research identified in the sea grant strategic research plan in effect under section 206; and

"(7) may be made to recipients of terminal professional degrees, as well as doctoral degree recipients."

SEC. 3108. SEA GRANT REVIEW PANEL.

Section 209 (33 U.S.C. 1128) is amended as follows:

(1) Subsection (b) is amended—

(A) by striking the matter preceding paragraph (1) and inserting "The Panel shall advise the Secretary, the Under Secretary, and the Director concerning—"; and

(B) by inserting "and section 3 of the Sea Grant Program Improvement Act of 1976" before the semicolon at the end of subsection (b)(1).

(2) Subsection (c) is amended—

(A) by striking the second sentence of paragraph (1) and inserting in lieu thereof the following: "The Director and a director of a sea grant program who is elected by the various directors of sea grant programs shall serve as nonvoting members of the panel."; and

(B) by striking "five" in paragraph (1) and inserting in lieu thereof "8";

(C) by adding at the end of paragraph (2) the following: "At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the panel."; and

(D) by striking "office, or until 90 days after such date, whichever is earlier." in paragraph (3) and inserting in lieu thereof "office."

SEC. 3109. MARINE AFFAIRS AND RESOURCE MANAGEMENT IMPROVEMENT GRANTS.

Section 211 (33 U.S.C. 1130) is amended to read as follows:

"SEC. 211. MARINE AFFAIRS AND RESOURCE MANAGEMENT IMPROVEMENT GRANTS.

"(a) IN GENERAL.—The Under Secretary may provide annual grants during fiscal years 1988 through 1990 to institutions eligi-

ble under subsection (b) to assist the institutions in achieving the following objectives:

"(1) Development and improvement of curriculum offering in marine affairs and resource management at the graduate level, and development of related educational materials.

"(2) Fostering support of graduate students, through scholarships and teaching and research fellowships, in marine affairs and resource management.

"(3) Increasing multidisciplinary research in marine resources management.

"(b) ELIGIBILITY.—An institution is eligible for grants under this section if it is a sea grant college, sea grant regional consortium, or institution of higher education having a sea grant program that—

"(1) maintains a graduate program in, or institute or center for, marine affairs and resource management;

"(2) has prepared a development plan to improve and strengthen that program, institute, or center; and

"(3) has demonstrated, to the extent consistent with State law, its intention to support such improved and strengthened education and training after financial assistance under this section has ceased.

"(c) APPLICATIONS.—Applications for grants under this section shall be made in such manner as the Under Secretary shall require.

"(d) LIMITATIONS ON GRANTS.—No grant in excess of \$400,000 may be made to an eligible institution under this section for any year, and no more than 2 annual grants may be made to any such institution.

"(e) REPORT BY GRANT RECIPIENT.—Each institution receiving a grant under this subsection shall report to the Under Secretary, in such manner as the Under Secretary may require annually, and within 90 days following the termination of the grant, regarding the activities conducted with the grant.

SEC. 3110. AUTHORIZATION OF APPROPRIATIONS.

Section 212 (33 U.S.C. 1131) is amended to read as follows:

"SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out the provision of this Act other than sections 206 and 211, an amount—

"(1) for fiscal year 1988, not to exceed \$41,500,000;

"(2) for fiscal year 1989, not to exceed \$50,500,000; and

"(3) for fiscal year 1990, not to exceed \$51,000,000.

"(b) STRATEGIC MARINE RESEARCH.—There is authorized to be appropriated to carry out section 206 and section 208(c), an amount—

"(1) for fiscal year 1988, not to exceed \$500,000;

"(2) for fiscal year 1989, not to exceed \$5,000,000; and

"(3) for fiscal year 1990, not to exceed \$10,000,000.

"(c) MARINE AFFAIRS AND RESOURCE MANAGEMENT GRANTS.—There is authorized to be appropriated to carry out section 211, an amount—

"(1) for fiscal year 1988, not to exceed \$2,000,000;

"(2) for fiscal year 1989, not to exceed \$2,500,000; and

"(3) for fiscal year 1990, not to exceed \$3,000,000.

"(d) AVAILABILITY OF SUMS.—Sums appropriated pursuant to this section shall remain available until expended.

"(e) REVERSION OF UNOBLIGATED AMOUNTS.—The amount of any grant portion of a grant, made to a person under any section of this Act that is not obligated by the person during the first fiscal year for

which it was authorized to be obligated or during the next fiscal year thereafter shall revert to the Secretary. The Secretary shall add that reverted amount to the funds available for grants under the section for which the reverted amount was originally made available."

SEC. 3111. SEA GRANT INTERNATIONAL PROGRAM

Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is amended to read as follows:

"SEC. 3. SEA GRANT INTERNATIONAL PROGRAM

"(a) IN GENERAL.—The under Secretary of Commerce for Oceans and Atmosphere may enter into contracts and make grants under this section to—

"(1) enhance cooperative international research and educational activities on ocean, coastal and Great Lakes resources;

"(2) promote shared marine activities with universities in countries with which the United States has sustained mutual interest in ocean, coastal, and Great Lakes resources;

"(3) encourage technology transfer that enhances wise use of ocean, coastal, and Great Lakes resources in other countries and in the United States;

"(4) promote the exchange among the United States and foreign nations of information and data with respect to the assessment, development, utilization, and conservation of such resources;

"(5) use the national sea grant college program as a resource in other Federal civilian agency international initiatives whose purposes are fundamentally related to research, education, technology transfer and public service programs concerning the understanding and wise use of ocean, coastal, and Great Lakes resources; and

"(6) enhance regional collaboration between foreign nations and the United States with respect to marine scientific research, including activities which improve understanding of global oceanic and atmospheric processes, undersea minerals resources within the exclusive economic zone, and productivity and enhancement of living marine resources in—

"(A) the Caribbean and Latin American regions;

"(B) the Pacific Islands region;

"(C) the Arctic and Antarctic regions;

"(D) the Atlantic and Pacific Oceans; and

"(E) the Great Lakes.

"(b) ELIGIBILITY, PROCEDURES, AND REQUIREMENTS.—Any sea grant college, sea grant program, or sea grant regional consortium, and any institution of higher education, laboratory, or institute (if the institution, laboratory, or institute is located within a State, as defined in section 203(14) of the National Sea Grant College Program Act (33 U.S.C. 1122(14)), may apply for and receive financial assistance under this section. The Under Secretary shall prescribe rules and regulations, in consultation with the Secretary of State, to carry out this section. Before approving an application for a grant or contract under this section, the Under Secretary shall consult with the Secretary of State. A grant made, or contract entered into, under this section is subject to section 205(d) (2) and (4) of the National Sea Grant College Program Act (33 U.S.C. 1124(d) (2) and (4)) and to any other requirements that the Under Secretary considers necessary and appropriate."

Subtitle B—Great Lakes Mapping

SEC. 3201. SHORT TITLE.

This subtitle may be cited as the "Great Lakes Shoreline Mapping Act of 1987".

SEC. 3202. GREAT LAKES SHORELINE MAPPING PLAN.

(a) PREPARATION OF PLAN.—Not later than nine months after the date of the enact-

ment of this subtitle, the Director, in consultation with the Director of the United States Geological Survey, shall submit to the Congress a plan for preparing maps of the shoreline of the Great Lakes under section 3203.

(b) CONTENT OF PLAN.—A plan prepared under paragraph (1) shall include—

(1) a work proposal and a division of responsibilities between the National Oceanic and Atmospheric Administration and the United States Geological Survey;

(2) a time schedule for completion of maps;

(3) recommendation of funding needed for preparing the maps; and

(4) an area mapping schedule, with first priority given to shoreline areas subject to a high risk of erosion or flooding.

SEC. 3203. PREPARATION OF GREAT LAKES SHORELINE MAPS.

(a) IN GENERAL.—The following completion of a shoreline mapping plan under section 3202 and subject to authorization and appropriation of funds, the Director, in consultation with the Director of the United States Geological Survey, shall prepare maps of the shoreline areas of the Great Lakes.

(b) CONTENT OF MAPS.—Maps prepared under this section—

(1) shall include—

(A) bathymetry of the nearshore area, to the extent that this area will affect coastal erosion and flooding;

(B) topography of the adjacent shoreline, to the extent that this area will directly affect or be affected by coastal erosion and flooding;

(C) the geological conditions of the nearshore area and shoreline to the extent that these areas will directly affect or be affected by coastal erosion and flooding;

(D) information on the recent geological past of the nearshore area and shoreline areas described in paragraph (3); and

(E) appropriate information for use in predicting and preventing damage caused by erosion and flooding in the Great Lakes;

(2) shall be of appropriate scale and detail and take into account the greater informational needs of areas subject to a high risk of erosion or flooding; and

(3) to the maximum extent practicable, shall be consistent with similar practicable, shall be consistent with similar shoreline maps prepared by, or for the use of, the Government of Canada.

(c) CONSULTATION.—In preparing maps under this section, the Director shall consult with, and take into consideration, the information needs of—

(1) the Army Corps of Engineers;

(2) the Federal Emergency Management Agency;

(3) other appropriate Federal agencies;

(4) the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin;

(5) appropriate local government units; and

(6) the general public.

(d) AVAILABILITY OF MAPS.—The Director shall make maps prepared under this section available to—

(1) Federal agencies;

(2) State governments;

(3) local government units;

(4) the Government of Canada; and

(5) the general public.

(e) RECOVERY OF COSTS.—The costs of reproducing and distributing maps prepared under this section may be recovered under section 9701 of title 31, United States Code, or another law.

SEC. 3204. CONTRACT AUTHORITY.

The Director may, subject to appropriations, enter into contracts and agreements

on a reimbursable or cost-sharing basis with other Federal agencies, State governments, local governments, and private entities, to carry out this subtitle.

SEC. 3205. DEFINITIONS.

For purposes of this subtitle—

(1) The term "Director" means the Director of Charting and Geodetic Services of the National Ocean Service, within the National Oceanic and Atmospheric Administration.

(2) The term "Great Lakes" means Lake Erie, Lake Huron, Lake Michigan, Lake Ontario, Lake St. Clair, Lake Superior, the Saint Mary's River, the Saint Clair River, the Detroit River, the Niagara River, the Saint Lawrence River to the Canadian border, to the extent such lakes and rivers are subject to the jurisdiction of the United States.

(3) The term "high risk of erosion" means subject to erosion at a rate greater than 1 foot per year.

SEC. 3206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out section 3202 not more than \$100,000 for fiscal year 1988. Amounts appropriated pursuant to this section shall remain available until expended.

The CHAIRMAN. Are there any amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—DRIFTNET IMPACT MONITORING, ASSESSMENT, AND CONTROL

SEC. 4001. SHORT TITLE.

This title may be cited as the "Driftnet Impact Monitoring, Assessment, and Control Act of 1987".

SEC. 4002. FINDINGS.

The Congress finds that—

(2) the use of long plastic driftnets is a fishing technique that may result in the entanglement and death of enormous numbers of target and nontarget marine resources in the waters of the North Pacific Ocean, including the Bearing Sea;

(2) there is a pressing need for detailed and reliable information on the number of marine resources that become entangled and die in actively fished driftnets and in driftnets that are lost, abandoned, or discarded; and

(3) increased efforts are necessary to monitor, assess, and reduce the adverse impacts of driftnets.

SEC. 4003. DEFINITIONS.

As used in this title—

(1) DRIFTNET.—The term "driftnet" means a gillnet composed of a panel of plastic webbing one and one-half miles or more in length.

(2) DRIFTNET FISHING.—The term "driftnet fishing" means a fish-harvesting method in which a driftnet is placed in water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing.

(3) EXCLUSIVE ECONOMIC ZONE OF THE UNITED STATES.—The term "exclusive economic zone of the United States" means the zone defined in section 3(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(b)).

(4) MARINE RESOURCES.—The term "marine resources" includes fish, shellfish, marine mammals, seabirds, and other forms of marine life or waterfowl.

(5) MARINE RESOURCES OF THE UNITED STATES.—The term "marine resources of the United States" means—

(A) marine resources found in, or which breed within, areas subject to the jurisdiction of the United States, including the ex-

clusive economic zone of the United States; and

(B) species of fish, wherever found, that spawn in the fresh or estuarine waters of the United States.

(6) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 4004. MONITORING AGREEMENTS.

(a) NEGOTIATIONS.—The Secretary, through the Secretary of State and in consultation with the Secretary of Interior, shall immediately initiate, negotiations with each foreign government that conducts, or authorizes its nationals to conduct, driftnet fishing that results in the taking of marine resources of the United States in waters of the North Pacific Ocean outside of the exclusive economic zone and territorial sea of any nation, for the purpose of entering into agreements for statistically reliable cooperative monitoring and assessment of the numbers of marine resources of the United States killed and retrieved, discarded, or lost by the foreign government's driftnet fishing vessels. Such agreements shall provide for—

(1) the use of a sufficient number of vessels from which scientists of the United States and the foreign governments may observe and gather statistically reliable information; and

(2) appropriate methods for sharing equally the costs associated with such activities.

(b) REPORT.—The Secretary, in consultation with the Secretary of State, shall provide to the Congress not later than 1 year after the date of enactment of this Act a full report on the results of negotiations under this section.

SEC. 4005. IMPACT REPORT.

(a) IN GENERAL.—The Secretary shall provide to the Congress within 1 year after the date of the enactment of this Act, and at such other times thereafter as the Secretary considers appropriate, a report identifying the nature, extent, and effects of driftnet fishing in waters of the North Pacific Ocean on marine resources of the United States. The report shall include the best available information on—

(1) the number and flag state of vessels involved;

(2) the areas fished;

(3) the length, width, and mesh size of driftnets used;

(4) the number of marine resources of the United States killed by such fishing;

(5) the effect of seabird mortality, as determined by the Secretary of the Interior, on seabird populations; and

(6) any other information the Secretary considers appropriate.

(b) INFORMATION FROM FOREIGN GOVERNMENTS.—The Secretary, through the Secretary of State, shall—

(1) request relevant foreign governments to provide the information described in subsection (a), and

(2) include in a report under this section the information so provided and an evaluation of the adequacy and reliability of such information.

SEC. 4006. ENFORCEMENT AGREEMENTS.

(a) NEGOTIATIONS.—The Secretary shall immediately initiate, through the Secretary of State and in consultation with the Secretary of the Department in which the Coast Guard is operating negotiations with each foreign government that conducts, or authorizes its nationals to conduct, driftnet fishing that results in the taking of marine resources of the United States in waters of the North Pacific Ocean outside of the exclusive economic zone and territorial sea of any nation, for the purpose of entering into agreements for effective enforcement of laws, regulations, and agreements applicable

to the location, season, and other aspects of the operations of the foreign government's driftnet fishing vessels. Such agreements shall include measures for—

(1) the effective monitoring and detection of violations;

(2) the collection and presentation of such evidence of violations as may be necessary for the successful prosecution of such violations by the responsible authorities;

(3) reporting to the United States of penalties imposed by the foreign governments for violations; and

(4) appropriate methods for sharing equally the costs associated with such activities.

(b) CERTIFICATION FOR PURPOSES OF FISHERMEN'S PROTECTIVE ACT OF 1967.—If the Secretary, in consultation with the Secretary of State, determines that a foreign government has failed, within 18 months after the date of the enactment of this Act, to enter into and implement an agreement under subsection (a) or section 4004(a) that is adequate, the Secretary shall certify such fact to the President, which certification shall be deemed to be a certification for the purposes of section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)).

SEC. 4007. EVALUATIONS AND RECOMMENDATIONS.

(a) MARKING, REGISTRY, AND IDENTIFICATION SYSTEM.—The Secretary shall evaluate, in consultation with officials of other Federal agencies and such other persons as may be appropriate, the feasibility of and develop recommendations for the establishment of a driftnet marking, registry, and identification system to provide a reliable method for the determination of the origin by vessel, of lost, discarded, or abandoned driftnets and fragments of driftnets. In conducting such evaluation, the Secretary shall consider the adequacy of existing driftnet identification systems of foreign nations and the extent to which these systems achieve the objectives of this title.

(b) ALTERNATIVE DRIFTNET MATERIALS.—The Secretary, in consultation with such other persons as may be appropriate, shall evaluate the feasibility of, and develop appropriate recommendations for, the use of alternative materials in driftnets for the purpose of increasing the rate of decomposition of driftnets that are discarded or lost at sea.

(c) DRIFTNET BOUNTY SYSTEM.—The Secretary, in consultation with such other persons as may be appropriate, shall evaluate the feasibility of and develop appropriate recommendations for the implementation of a driftnet bounty system to pay persons who retrieve from the exclusive economic zone and deposit with the Secretary lost, abandoned, and discarded driftnet and other plastic fishing material.

(d) DRIFTNET FISHING VESSEL TRACKING SYSTEM.—The Secretary, in consultation with such other persons as may be appropriate, shall evaluate the feasibility of, and develop appropriate recommendations for, the establishment of a cooperative driftnet fishing vessel tracking system to facilitate efforts to monitor the location of driftnet vessels.

(e) REPORT.—The Secretary shall transmit to the Congress not later than 18 months after the date of the enactment of this Act a report setting forth—

(1) the evaluations and recommendations developed under subsections (a), (b), (c), and (d);

(2) the most effective and appropriate means of implementing such recommendations;

(3) any need for further research and development efforts and the estimated cost and time required for completion of such efforts; and

(4) any need for legislation to provide authority to carry out such recommendations.

SEC. 4008. CONSTRUCTION WITH OTHER LAWS.

This title shall not serve or be construed to expand or diminish the sovereign interests of the United States, as stated by Presidential Proclamation Numbered 5030, dated March 10, 1983, and reflected in existing law on the date of the enactment of this Act.

SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Commerce and the Department of State, such sums as may be necessary to carry out the purposes of this title.

The CHAIRMAN. Are there any amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—MISCELLANEOUS

SEC. 5001. JONES ACT MODIFICATIONS.

Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), is amended—

(1) by inserting "(a)" after "Sec. 27";

(2) in the first sentence by striking "Treasury" and inserting in lieu thereof "Treasury, or in the case of valueless material the actual cost of transportation"; and

(3) by adding at the end the following:

"(b)(1) For the purpose of this section, the term 'merchandise' includes valueless material.

"(2) This section applies to the transportation of valueless material from a point or place in the United States to a point or place on the high seas within the Exclusive Economic Zone, as defined in the Presidential Proclamation of March 10, 1983.

"(c)(1) The transportation of any platform jacket in or on a launch barge shall not be deemed transportation subject to this section if—

"(A) the launch barge—

"(i) has a carrying capacity of 12,000 long tons or more;

"(ii) was built or under construction as of the date of the enactment of this paragraph; and

"(iii) is documented under the laws of the United States; and

"(B) the platform jacket cannot be transported on and launched from a launch barge of lesser capacity.

"(2) Notwithstanding the provisions of this section, a vessel may transport municipal sewerage to a deep water disposal site designated by the Administrator of the Environmental Protection Agency under the Marine Protection, Research, and Sanctuaries Act of 1973 (33 U.S.C. 1401 et seq.) if that vessel is documented under the laws of the United States and—

"(A) is under construction for use for a municipality for the transportation of sewerage sludge on the date of the enactment of this paragraph; or

"(B) is under contract with a municipality for the transportation of sewerage sludge on the date of the enactment of this paragraph."

SEC. 5002. TOWING OF VALUELESS MATERIAL BY U.S. TUG.

Section 4370(a) of the Revised Statutes of the United States (46 U.S.C. App. 316(a)) is amended by adding at the end the following: "This section applies to the towing of a vessel transporting valueless material from a point or place in the United States to a point or place on the high seas within the Exclusive Economic Zone, as defined in the Presidential Proclamation of March, 10, 1983."

SEC. 5003. EXEMPTION FROM RESTRICTION ON SUBSIDIZED OPERATORS.

For the purpose of the first paragraph of section 805(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1223(a)), a vessel described in section 5003(2) of this Act is not a vessel engaged in domestic intercoastal or coastwise services, but the prohibitions of the second paragraph of section 805(a) apply to that vessel.

SEC. 5004. LIMITATION ON DOCUMENTATION.

Notwithstanding another law, the Secretary of the Department in which the Coast Guard is operating may issue a certificate of documentation under section 12108 of title 46, United States Code, endorsed to restrict the use of a vessel to which such a certificate is issued to the transportation of valueless material in the coastwise trade, to a vessel that—

- (1) is engaged in transporting only valueless material in the coastwise trade;
- (2) had a certificate of documentation issued under section 12105 of that title on October 1, 1987;
- (3) has been sold foreign or placed under a foreign registry before the certificate was issued; and
- (4) was built in the United States.

The CHAIRMAN. Are there amendments to title V?

AMENDMENT OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUDDS: Strike title V and amend the table of contents in section 2 accordingly.

Mr. STUDDS. Mr. Chairman, this amendment simply strikes title V. Unfortunately, although we were hoping up to the last moment that this title would qualify under the criteria that we set for ourselves for inclusions of components in this bill; namely, that it meet with unanimity or as close as we could get unanimity among the minority and majority of this body and the other body, we were unfortunately unable to obtain clearance in the other body in places where necessary and consequently in compliance with my commitment to members of the Committee on Merchant Marine and Fisheries not to bring to the floor anything that did not meet those criteria, we are now moving to strike this title.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. Mr. Chairman, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I agree with the gentleman from Massachusetts [Mr. STUDDS] on this issue, because we do have that agreement. If something was controversial we have agreed to drop it. That is being done under this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI

§ 6001. Declaration of Disaster

Notwithstanding any other provision of law, rule, or regulation, upon the date of the

enactment of this Act, the Administrator of the Small Business Administration shall declare the recent North Carolina coast red tide contamination a disaster for purposes of section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

§ 6002. Provision of Assistance

Notwithstanding any other provision of law, rule, or regulation, for purposes of providing assistance under paragraph (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)(2)) for a disaster declared under section 1 of this Act, eligibility of individual applicants for assistance shall not in any way be dependent on—

- (1) the number of disaster victims in any county or other political subdivision; or
- (2) whether or not an applicant who normally conducts operations in the area of the recent North Carolina coast red tide contamination is otherwise situated or located in such area; or
- (3) the type of business or industry in which the applicant is engaged.

§ 6003. Recent North Carolina Coast Red Tide Contamination, Defined

For purposes of this Act, the term "recent North Carolina coast red tide contamination" means contamination of waters under the jurisdiction of the State of North Carolina by unusually high concentrations of the algae known as *Ptychodiscus brevis* (commonly referred to as "red tide"), with respect to which the Director of the Division of Marine Fisheries of the North Carolina Department of Natural Resources issues a shellfishing closure proclamation on or after November 2, 1987.

The CHAIRMAN. Are there any amendments to title VI?

Mr. HUGHES. Mr. Chairman, I move to strike the last word.

(Mr. HUGHES asked and was given permission to revise and extend his remarks.)

Mr. HUGHES. Mr. Chairman, I do not have any amendment to the bill, and I strongly support the bill. H.R. 3667, the United States-Japanese Governing International Fishing Agreement is an important piece of legislation. I strongly support the driftnet provisions, the plastics pollution provisions that implement annex 5 of the international convention, and the other provisions that have been tacked on to this bill.

I must say, however, that I am very, very disappointed that we do not have next to this bill a provision that I offered in committee to another bill, offered by myself, the gentleman from New Jersey [Mr. SAXTON], the gentleman from Delaware [Mr. CARPER], and the gentleman from Maryland [Mr. DYSON], which deals with ocean dumping.

Mr. Chairman, there is nothing that has occupied more of my time in the Congress than the problem of ocean dumping of the east coast of the United States.

This past summer in New Jersey as well as other parts along the east coast we had major problems with kinds of things washing up on our beaches, plastics of all kinds, hospital wastes, trash, and garbage. We have been dumping for a number of years 12 miles off our beach sewage sludge which has created a virtual dead sea

about 12 miles off of the Jersey coast in an area that we call the New York bight, and now we have moved that sludge dumping out to the 106-mile sight.

I do not want to suggest that much of the material that washed up on the Jersey beaches jeopardizing our multi-billion dollar tourist economy comes from the sludge out there but we have some major concerns that the sludge perhaps may be one of the problems we are now experiencing with mammals.

Last summer we have a number of dolphin deaths. Many of our fisheries are concerned that perhaps the sludge dumping at the 106-mile sight is now going to impact another major industry in the New Jersey, the commercial fishing industry. We just do not know what impact it will have and what we would like to do is phase out all harmful ocean dumping. We thought we were doing that back in 1977 when I introduced a bill before the Committee on Merchant Marine and Fisheries. We had a major battle in committee and a major battle on the floor over that matter. We made some progress in moving out of our oceans a whole host of polluters. We had over 200 chemical dumpers, and we are down to two today. We have made major progress with the municipal dumpers. Philadelphia was forced out of the ocean, and they were fined over \$300,000. They have now gone to composting. They are reclaiming land outside of the city of Philadelphia. They are creating a useful product and they are not dumping in the ocean as a result of that 1977 ban that was to phase out all harmful ocean dumping by December 31, 1981.

What happened? Well, in 1981 New York City brought suit against the Environmental Protection Agency and under Mrs. Burford's command she basically made a deal with the city of New York and they undercut our legislation basically throttling it so that, in fact, we no longer had the momentum going with us and as a result New York City and a number of northern New Jersey communities now still dump in the ocean.

In fact, north Jersey communities dump as much as New York City into the ocean.

Recently the State of New Jersey made a decision that we will bite the bullet and we are going to say that 1991, which is the new target date, the new phaseout date of the 106-mile site, that 1991 will be that phaseout date. We do that to send a clear signal to those who want to dump in the ocean because it is cheap, we say that 1991 is the new date which is when we want the dumpers out of the ocean.

What I had hoped to do today was to introduce an amendment which would be relevant to this bill that would basically lock in concrete the Environmental Protection Agency's decision to phase out all dumping of municipal

sludge by December 31, 1991. My colleague, the gentleman from New Jersey [Mr. HOWARD] is here, and I know that nobody has worked harder to try to phase out harmful ocean dumping than my colleague from New Jersey, the chairman of the Committee on Public Works and Transportation.

He knows what impact it has had on our State. We are scared to death we are going to lose a multibillion dollar tourist economy. We saw what happened last summer in the last 2 weeks in August when people found out that the ocean may not be safe to swim in. We lost tourists in droves. One could get a room in a hotel in mid-August that could not be touched a year before. People are now afraid to swim in our ocean.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 2 additional minutes.)

Mr. HUGHES. Mr. Chairman, I was taught that the ocean had medicinal value, that if one had athlete's foot, for example, one could go into the ocean and that was good for it, it was healthy. Today a lot of parents are afraid to let their kids swim in the ocean along the east coast. It is sad.

I mentioned the commercial fishing industry. People are afraid to eat seafood caught off our beaches. Some of the merchants in our area are advertising that they are not selling New Jersey products, but they are selling products from Massachusetts. I know that makes my colleague, the gentleman from Massachusetts [Mr. STUBBS], happy, but they are bringing in seafood from other parts of the country and it is not products from off our coast. We have a serious problem. I am not going to introduce the amendment today because I know it is controversial and I know that it would perhaps slow down if not perhaps derail this important piece of legislation.

Also, I have an understanding with the chairman of the Committee on Merchant Marine and Fisheries, chaired by the gentleman from North Carolina [Mr. JONES], who understands my problem and agrees that we will give this matter attention after the first of the year. Also, a commitment from the gentleman from Massachusetts [Mr. STUBBS], whom I have worked with over a number of years on the Committee on Merchant Marine and Fisheries that we will hold additional hearings if needed and move some legislation to deal with the problem and also hopefully move the Pacific tuna legislation where I do have a little provision like this tacked on, hopefully after the first of the year to deal with I think one of New Jersey's most serious problems.

Mr. Chairman, I have no amendment, but I hope my colleagues are sensitive to our concerns in New Jersey.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I wish to express my strong support for this legislation. The Marine Plastic Pollution Research and Control Act of 1987 is the first step in an effort to develop a coordinated national strategy to reduce and eliminate the problem of plastic pollution in our waterways. The indiscriminate disposal of plastics is an unnecessary, unjustifiable form of pollution that endangers the environment and wildlife and is made even worse by the fact these materials survive for centuries. We have the technology to protect our environment. It is time to start that effort.

The Committee on Merchant Marine and Fisheries deserves commendation for its work on this bill. Special praise is due to the chairman, the gentleman from North Carolina [Mr. JONES] and the gentleman from Massachusetts [Mr. STUBBS]. This bill has shown how our two committees can work together to move needed legislation.

The issue of plastic pollution has been a major concern to me for several years. The six-pack rings that are manufactured by the thousands and the plastic shopping bags that have become so prevalent in our stores have only magnified the problem of our disposable society. These plastics are disposed of in the ocean and they last for 500 years. The mistakes that we make today will be haunting the planet five centuries from now.

The growing nature of the problem became evident this summer at the New Jersey shore as we attempted to cope with massive garbage slicks that consisted of large amounts of plastics. It is likely that as the number of plastic items increases and the disposal problem continues, there will be more and more plastic pollution in the ocean. This bill will take us on the road to stop the growing trend of plastic pollution.

This legislation directs the Environmental Protection Agency to begin a comprehensive study of the effect of plastics on the environment including the possibility of the substitution of degradable materials, some of which may degrade naturally in the environment within 6 months.

The bill also directs the Secretary of Commerce to review the possibility of prohibiting, taxing, or regulating sources of plastic that enter the marine environment. It also includes an important, 3-year public education program on the harmful effects of plastic pollution.

Of special importance to me is the comprehensive New York Bight Restoration plan which is included in the bill. First, it would require the EPA to report to Congress within 6 months on the problem of plastic pollution in the ocean off the New Jersey shore and to make recommendations for eliminating the problem.

Second, a 3-year, \$3 million study and cleanup plan for the New York

bight is authorized. The New York bight, which is the corner of the ocean between New Jersey and New York, has been ravaged by pollution. The fouling of our ocean water has come from sewage discharges, sludge dumping, dredged material disposal, and other sources. We have been successful in recent years in reducing and eliminating these sources of pollution but a comprehensive cleanup plan is needed. This bill authorizes the plan. Special recognition should go to my colleague from New Jersey [BILL HUGHES], who has been working on a comprehensive restoration plan for several years.

Under this plan, EPA is required to assess the sources of pollution in the New York bight, determine methods for controlling them and provide recommendations for implementing economically feasible projects for pollution control.

In addition, the bill requires a report on alternatives to the ocean dumping of sewage sludge in the ocean. There is no question that those of us from the New Jersey shore will strongly oppose the redesignation of any ocean disposal site for sewage sludge after the designation of the 106-mile site expires in 1991. BILL HUGHES has already begun the effort in the Merchant Marine Committee. The 106-mile site is the only site in all the coastal waters of the United States where sewage sludge is legally dumped. Nobody else is forced to endure having tons of sewage sludge dumped off their beaches. The people who live in the area surrounding the New York bight should not be forced to endure it either. It would make good environmental sense to stop all sludge dumping today. However, since there are still a handful of authorities that use the ocean for their legal sludge dumping, that decision will be delayed until 1991.

The legislation indicates a decision on our part to take important steps to protect the marine environment and to clean up the New York bight. It will move us toward stopping the current practices that will leave a legacy of pollution that will require hundreds of years to clean up. A vote for this bill is a vote for cleaner oceans and I urge my colleagues to vote in favor of this.

The CHAIRMAN. Are there further amendments?

The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GRAY of Illinois] having assumed the chair, Mr. MOAKLEY, Chairman of the Committee of the Whole House of the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3674) to provide

for congressional approval of the Governing International Fishery Agreement between the United States and Japan, pursuant to House Resolution 337, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute, as modified, adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUMWAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 13, not voting 38, as follows:

[Roll No. 498]

YEAS—382

Ackerman	Clinger	Flelds
Akaka	Coats	Fish
Alexander	Coble	Flake
Anderson	Coelho	Flippo
Andrews	Coleman (MO)	Florio
Annunzio	Coleman (TX)	Foglietta
Anthony	Collins	Foley
Applegate	Combest	Ford (MI)
Archer	Conte	Frank
Aspin	Conyers	Frost
AuCoin	Cooper	Galleghy
Baker	Coughlin	Gallo
Ballenger	Courter	Garcia
Barnard	Coyne	Gaydos
Bartlett	Crockett	Gejdenson
Barton	Daniel	Gekas
Bateman	Darden	Gibbons
Bates	Daub	Gilman
Beilenson	Davis (IL)	Glickman
Bennett	Davis (MI)	Gonzalez
Bentley	de la Garza	Goodling
Bereuter	DeFazio	Gordon
Berman	Dellums	Gradison
Bevill	Derrick	Grandy
Billbray	DeWine	Grant
Billrakis	Dickinson	Gray (IL)
Bliley	Dicks	Grav (PA)
Boehlert	Dingell	Green
Boggs	DioGuardi	Guarini
Bonior	Dixon	Gunderson
Bonker	Donnelly	Hall (TX)
Borski	Dorgan (ND)	Hamilton
Boucher	Dornan (CA)	Hammerschmidt
Boulter	Downey	Hansen
Boxer	Dreier	Harris
Brennan	Duncan	Hastert
Brown (CA)	Durbin	Hatcher
Brown (CO)	Dwyer	Hayes (IL)
Bruce	Dymally	Hayes (LA)
Bryant	Dyson	Hefley
Buechner	Eckart	Hefner
Bunning	Edwards (CA)	Henry
Burton	Edwards (OK)	Hergert
Bustamante	Emerson	Hertel
Callahan	English	Hiler
Cambell	Erdreich	Hochbrueckner
Cardin	Espy	Holloway
Carper	Evans	Horton
Carr	Fascell	Howard
Chandler	Fawell	Hoyer
Chapman	Fazio	Hubbard
Clarke	Feignan	Hughes

Hutto	Moakley	Shuster
Hyde	Molinari	Sikorski
Inhofe	Mollohan	Slisisky
Ireland	Montgomery	Skaggs
Jacobs	Moody	Skeen
Jeffords	Moorhead	Skelton
Jenkins	Morella	Slattery
Johnson (CT)	Morrison (CT)	Slaughter (NY)
Johnson (SD)	Morrison (WA)	Slaughter (VA)
Jones (NC)	Mrazek	Smith (FL)
Jones (TN)	Murphy	Smith (IA)
Jontz	Murtha	Smith (NE)
Kanjorski	Myers	Smith (NJ)
Kaptur	Nagle	Smith (TX)
Kasich	Natcher	Smith, Denny
Kastenmeier	Neal	(OR)
Kennedy	Nichols	Smith, Robert
Kennelly	Nowak	(NH)
Kildee	Oakar	Smith, Robert
Kleczka	Oberstar	(OR)
Kolbe	Obey	Snowe
Konnyu	Ollin	Solarz
Kostmayer	Ortiz	Solomon
Lagomarsino	Owens (NY)	Spence
Lancaster	Owens (UT)	Spratt
Lantos	Oxley	St Germain
Latta	Packard	Staggers
Leach (IA)	Panetta	Stallings
Leach (TX)	Parris	Stangeland
Lehman (CA)	Pashayan	Stark
Lehman (FL)	Patterson	Stenholm
Leland	Pease	Stokes
Levin (MI)	Pelosi	Stratton
Levine (CA)	Penny	Studds
Lewis (CA)	Perkins	Sundquist
Lewis (FL)	Petri	Sweeney
Lewis (GA)	Pickett	Swift
Lightfoot	Pickle	Swindall
Lipinski	Porter	Synar
Livingston	Price (IL)	Talton
Lloyd	Price (NC)	Tauke
Lott	Furseil	Tauzin
Lowery (CA)	Rahall	Taylor
Lowry (WA)	Ravenel	Thomas (CA)
Lujan	Ray	Thomas (GA)
Luken, Thomas	Regula	Torres
Lukens, Donald	Rhodes	Torricelli
Lungren	Richardson	Towns
Mack	Ridge	Trafficant
MacKay	Rinaldo	Traxler
Madigan	Ritter	Udall
Manton	Roberts	Upton
Markey	Robinson	Valentine
Marlenee	Rodino	Vander Jagt
Martin (IL)	Roe	Viselovsky
Martin (NY)	Rogers	Volkmmer
Matsui	Rose	Vucanovich
Mavroules	Roth	Walgren
Mazzoli	Roukema	Watkins
McCandless	Rowland (CT)	Waxman
McCloskey	Rowland (GA)	Weber
McCollum	Roybal	Weldon
McCurry	Sabo	Wheat
McDade	Saiki	Whittaker
McEwen	Savage	Whitten
McGrath	Sawyer	Williams
McHush	Saxton	Wilson
McMillan (NC)	Scheuer	Wise
McMillan (MD)	Schneider	Wolf
Meyers	Schroeder	Wolpe
Mfume	Schuetz	Wyden
Mica	Schulze	Wyllie
Michel	Schumer	Yates
Miller (CA)	Sensenbrenner	Yatron
Miller (OH)	Sharp	Young (AK)
Miller (WA)	Shays	
Mineta	Shumway	

NAYS—13

Army	DeLay	Nielson
Cheney	Frenzel	Stump
Craig	Hopkins	Walker
Crane	Hunter	
Dannemeyer	Kyl	

NOT VOTING—38

Atkins	Gephardt	Pepper
Badham	Gingrich	Quillen
Blagel	Gregg	Rangel
Boland	Hall (OH)	Roemer
Bosco	Hawkins	Rostenkowski
Brooks	Houghton	Russo
Broomfield	Huckabey	Schaefer
Byron	Kemp	Shaw
Chappell	Kolter	Vento
Clay	LaFalce	Weiss
Dowdy	Lent	Wortley
Early	Martinez	Young (FL)
Ford (TN)	Nelson	

□ 1705

Mr. WALKER changed his vote from "yea" to "nay."

Messrs. DEFAZIO, DREIER of California, and ALEXANDER changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read "A bill to provide congressional approval of the Governing International Fishery Agreement between the United States and Japan; to implement the provisions of Annex V to the International Convention for the Prevention of Pollution from Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of drift-nets; and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just passed.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING THE CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN ENROLLMENT OF H.R. 3674

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes in the enrollment of the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RAIL SAFETY IMPROVEMENT ACT OF 1987

Mr. THOMAS A. LUKEN, Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 3743) to improve the safety of rail transportation and for other purposes and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. WALKER. Mr. Speaker, reserving the right to object, as I understand it, the way in which this bill is being brought up would be with an amendment that will then reduce the funding within the bill to a level which meets the original administration request, is that correct?

AMENDMENT TO H.R. 2598

Strike all after the enacting clause and substitute:

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987'.

SEC. 2. VESSELS OF THE UNITED STATES.

Section 3(27) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(27)) is amended to read as follows:

- "(27) The term 'vessel of the United States' means -
- "(A) any vessel documented under chapter 121 of title 46, United States Code;
 - "(B) any vessel numbered in accordance with chapter 123 of title 46, United States Code and measuring less than 5 net tons;
 - "(C) any vessel numbered in accordance with chapter 123 of title 46, United States Code and used exclusively for pleasure; or
 - "(D) any vessel not equipped with propulsion machinery of any kind and used exclusively for pleasure."

SEC. 3. RECONSTRUCTION REQUIREMENTS.

Title 46, United States Code, is amended as follows:

(1) Item 12101 of the analysis of chapter 121 is amended to read as follows:

"12101. Definitions and related terms in other laws."

(2) The caption of section 12101 is amended to read as follows:

"§12101. Definitions and related terms in other laws".

(3) Section 12101 is amended by--

(A) designating the existing text as subsection (b);

(B) striking paragraph (6); and

(C) inserting a new subsection (a) before subsection

(b) (as designated by this section) as follows:

"(a) In this chapter--

"(1) 'fisheries' includes processing, storing, transporting (except in foreign commerce), planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation in the navigable waters of the United States or in the exclusive economic zone.

"(2) 'rebuilt' has the same meaning as in the Second Proviso of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883)."

(4) Section 12108(a) is amended by --

(A) at the end of paragraph (2)(B), strike "and";

(B) redesignating paragraph (3) as (4); and

(C) inserting after paragraph (2) a new paragraph (3) that reads as follows:

"(3) if rebuilt, was rebuilt in the United States; and".

(5) Section 12108(c)(2) is amended by striking "built in the United States" and substituting "built or rebuilt in the United States".

SEC. 4. SAVINGS CLAUSE.

(a) Notwithstanding the requirements of section 12108(a)(2) and (3) of title 46, United States Code, a fishery license may be issued to a vessel that before July 28, 1987 --

(1)(A) was documented under chapter 121 of that title; and

(B) was operated as a fish processing or fish tender vessel in the navigable waters of the United States or the exclusive economic zone;

(2) was a fish tender or fish processing vessel contracted to be purchased by a citizen of the United States, if the purchase is shown by contract or similarly reliable evidence acceptable to the Secretary to have been made for the purpose of using the vessel as a fish tender or fish processing vessel in the fisheries;

(3) was documented under chapter 121 of that title and --

(A) was rebuilt in a foreign country; or

(B) is subsequently rebuilt in the United States for use as a fish processing vessel; or

(4) was built in the United States and --

(A) is rebuilt in a foreign country under a contract entered into before 6 months after the date of enactment of this Act, and was purchased or contracted to be

purchased before July 28, 1987 with the intent that the vessel be used in the fisheries, if that intent is evidenced by --

(i) the contract itself; or

(ii) a ruling letter by the Coast Guard before July 29, 1987 under 46 C.F.R. §67.21-1 or §67.27-3 pursuant to a ruling request evidencing that intent; or

(B) is purchased for use as a fish processing vessel under a contract entered into after July 27, 1987, if --

(i) a contract to rebuild the vessel for use as a fish processing vessel was entered into before September 1, 1987; and

(ii) that vessel is part of a specific business plan involving the conversion in foreign shipyards of a series of 3 vessels and rebuilding work on at least one of the vessels had begun before July 28, 1987.

(b) A vessel rebuilt under subsection (a)(3)(B) or (4) of this section must be redelivered to the owner before July 28, 1990. However, the Secretary may, on proof of circumstances beyond the control of the owner of a vessel affected by this section, extend the period for rebuilding in a foreign country permitted by this section.

(c)(1) Any fishery license or registry issued to a vessel built in a foreign country under this section shall be endorsed to restrict the vessel from catching, taking, or harvesting.

(2) Before being issued a fishery license, any vessel described in subsection (a)(2) of this section must be documented

under an application for documentation acceptable to the Secretary filed before July 28, 1987.

SEC. 5. MANNING REQUIREMENTS.

(a)(1) Section 8103(a) of title 46, United States Code, is amended by inserting "radio officer," after "chief engineer,".

(2) Section 8103(b) of title 46, United States Code, is amended to read as follows:

"(b)(1) Except as otherwise provided in this section, on a documented vessel --

"(A) each unlicensed seaman must be a citizen of the United States or an alien lawfully admitted to the United States for permanent residence; and

"(B) not more than 25 percent of the total number of unlicensed seamen on the vessel may be aliens lawfully admitted to the United States for permanent residence.

"(2) Paragraph (1) of this subsection does not apply to --

"(A) a yacht;

"(B) a fishing vessel fishing exclusively for highly migratory species (as that term is defined in section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802)); and

"(C) a fishing vessel fishing outside of the exclusive economic zone.

"(3) The Secretary may waive a citizenship requirement under this subsection, other than a requirement that applies to the master of a documented vessel, with respect to --

"(A) an offshore supply vessel or other similarly engaged vessel of less than 1600 gross tons that operates from a foreign port;

"(B) a mobile offshore drilling unit or other vessel engaged in support of exploration, exploitation, or production of offshore mineral energy resources operating beyond the water above the outer Continental Shelf (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)); and

"(C) any other vessel if the Secretary determines, after an investigation, that qualified seamen who are citizens of the United States are not available."

(3) Paragraph (2) of this subsection is effective 30 days after the date of the enactment of this Act.

(b) Subsection (c) and (d)(1) of section 8103 of title 46, United States Code, are each amended by striking "from the United States".

(c) Section 8103(e) of title 46, United States Code, is amended --

(1) by inserting "and the radio officer" after "the master"; and

(2) by striking "until the vessel's first return to a United States port at which" and substituting "until the vessel's return to a port at which in the most expeditious manner".

(d)(1) Section 8103 of title 46, United States Code, is amended by adding at the end the following:

"(i)(1) Except as provided in paragraph (3) of this subsection, each unlicensed seaman on a fishing, fish processing, or fish tender vessel that is engaged in the fisheries in the navigable waters of the United States or the exclusive economic zone must be --

"(A) a citizen of the United States;

"(B) an alien lawfully admitted to the United States for permanent residence; or

"(C) any other alien allowed to be employed under the Immigration and Naturalization Act (8 U.S.C. 1101 et seq.).

"(2) Not more than 25 percent of the unlicensed seamen on a vessel subject to paragraph (1) of this subsection may be aliens referred to in clause (C) of that paragraph.

"(3) This subsection does not apply to a fishing vessel fishing exclusively for highly migratory species (as that term is defined in section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802))."

(2) This subsection is effective 360 days after the day of the enactment of this Act.

(e) Section 8702(b) of title 46, United States Code, is amended by striking "depart from a port of the United States" and substituting "operate".

(f)(1) Chapter 87 of title 46, United States Code, is amended by adding at the end the following new section:

"§8704. Alien deemed to be employed in the United States

"An alien is deemed to be employed in the United States for purposes of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) if the alien is an unlicensed individual employed on a fishing, fish processing, or fish tender vessel that --

"(1) is a vessel of the United States engaged in the fisheries in the navigable waters of the United States or the exclusive economic zone; and

"(2) is not engaged in fishing exclusively for highly migratory species (as that term is defined in section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802))."

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following new item:

"8704. Alien deemed to be employed in the United States."

(3) With respect to an alien who is deemed to be employed in the United States under section 8704 of title 46, United States Code (as amended by this subsection), the term "date of the enactment of this section" as used in section 274A(i) of the Immigration and Nationality Act means the date 180 days after the enactment of this section.

SEC. 6. CONFORMING PROVISIONS.

(a) Title 46, United States Code, is amended as follows:

(1) Section 2101 is amended by adding after paragraph 10 the following new paragraph:

"(10a) 'Exclusive Economic Zone' means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983."

(2) Section 12106(b) is amended to read as follows:

"(b) Subject to the laws of the United States regulating the coastwise trade, only a vessel for which a coastwise license or an appropriately endorsed registry is issued may be employed in the coastwise trade."

(3) Section 12106 is amended by inserting a new subsection (d) after subsection (c) as follows:

"(d) On application of the owner of a vessel that qualifies for a Great Lakes license under section 12107 or a fishery license under section 12108 of this title, the Secretary may issue an endorsement authorizing the vessel to be employed in the Great Lakes trade or fisheries, as the case may be."

(4) Section 12107(b) is amended --

(A) after the semicolon at the end of paragraph (1) by inserting "and";

(B) in paragraph (2) by striking "Canada; and" and substituting "Canada."; and

(C) by striking paragraph (3).

(5) Section 12107 is amended by inserting a new subsection (c) after subsection (b) as follows:

"(c) On application of the owner of a vessel that qualifies for a coastwise license under section 12106 or a fishery license under section 12108 of this title, the Secretary may issue an endorsement authorizing the vessel to be employed in the coastwise trade or the fisheries, as the case may be."

(6) Section 12108 is amended by adding a new subsection

(d) after subsection (c) as follows:

"(d) On application of the owner of a vessel that qualifies for a coastwise license under section 12106 or a Great Lakes license under section 12107 of this title, the Secretary may issue an endorsement authorizing the vessel to be employed in the coastwise trade or the Great Lakes trade, as the case may be."

(b) Notwithstanding the requirements of chapter 121 of title 46, United States Code, a vessel for which a coastwise, Great Lakes, or fishery license, or an appropriately endorsed registry, was issued before July 28, 1987, may continue to be employed in the specified trades for which it was qualified at the time the license or registry was issued for one year from date of enactment or until the certificate of documentation is renewed, whichever comes later. On renewal, the owner or master of a documented vessel shall make the vessel's certificate of documentation available as the law or Secretary may require for replacement with an appropriately endorsed certificate.

(c)(1) Section 27 of the Merchant Marine Act, 1920, (46 App. U.S.C. 883), is amended after "vessel" in the Second Proviso by striking "of more than five hundred gross tons".

(2) Paragraph (1) of this subsection does not apply to a vessel under contract to be purchased or rebuilt entered into before July 28, 1987, if that vessel is rebuilt before July 28, 1990.

(3) The Secretary, on proof of circumstances beyond the control of the owner of a vessel affected by this section, may extend the period for rebuilding in a foreign country permitted by this section.

(d) The terms in this Act have the same meaning as in subtitle II of title 46, United States Code (as amended by this

Act).

SEC. 7. AMERICAN CONTROL OF VESSELS.

(a) Section 12102 of title 46, United States Code, is amended as follows:

(1) by inserting "(a)" before "A vessel";

(2) by adding at the end the following:

"(b)(1) A vessel owned by a corporation is not eligible for a fishery license under section 12108 of this title unless the controlling interest (as measured by a majority of voting shares in that corporation) is owned by individuals who are citizens of the United States. However, if the corporation is owned in whole or in part by other United States corporations, the controlling interest in those corporations, in the aggregate, must be owned by individuals who are citizens of the United States.

"(2) The Secretary shall apply the restrictions on controlling interest in section 2(b) of the Shipping Act, 1916 (46 App. U.S.C. 802(b)) when applying this subsection."

(b) Section 12102(b) of title 46, United States Code (as enacted by subsection (a) of this section) applies to vessels issued a fishery license after July 28, 1987. However, that section does not apply if before that date the vessel --

(1) was documented under chapter 121 of title 46 and operating as a fishing, fish processing, or fish tender vessel in the navigable waters of the United States or the

Exclusive Economic Zone; or

(2) was contracted for purchase for use as a fishing, fish tender, or fish processing vessel in the navigable waters of the United States or the Exclusive Economic Zone, if the purchase is shown by the contract or similarly reliable evidence acceptable to the Secretary to have been made for the purpose of using the vessel in the fisheries.

SEC. 8. STUDIES

(a) Section 4311(a) of the Revised Statutes of the United States (46 App. U.S.C. 251(a)) is amended by adding at the end the following:

"The Secretary of Commerce may issue any regulations that the Secretary considers necessary to obtain information on the transportation of fish products by vessels of the United States from foreign fish processing vessels to points in the United States."

(b) Within 6 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives, setting forth --

(1) an evaluation of the potential impact, on the development of the United States fishing industry, of the transportation of fish products by vessels of the United States from foreign fish processing vessels to points in the United States; and

(2) recommendations, if any, for legislation or other action to regulate that transportation of fish products in a

manner most beneficial to the future development of the United States fishing industry.

(c) Within 6 months after the date of enactment of this Act, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives, a report discussing the trends in the development of fishery resources under the exclusive fishery management authority of the United States as specified in section 101 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1811) and analyzing the effects of those trends on the United States fishing industry and the conservation and management of those resources. The Secretary shall include in the report --

(1) an evaluation of the extent to which the development of domestic harvesting and processing capacity has been or is likely to be affected, if at all, by this Act;

(2) an evaluation of the extent to which harvesting vessels currently engaged in joint venture operations with foreign vessels have been or are likely to be affected, if at all, by this Act; and

(3) any other matters relating to fishery development, including recommendations for legislation or other action, that the Secretary considers appropriate.

SEC. 9. ISSUANCE OF CERTIFICATES OF DOCUMENTATION

Notwithstanding sections 12105, 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of the department in which the Coast Guard is operating may issue a

certificate of documentation for each of the following vessels:

- (1) the Electra (United States official number 230024).
- (2) the Barlovento (United States official number 231569).
- (3) the Tie One On (United States official number 924056).
- (4) the White Seal (United States official number 514961).
- (5) the Laura Beth (United States official number 676614).
- (6) the Rondo (Hawaiian Registration number 7678D).
- (7) the Tropical Princess (Hawaiian Registration number 6557D).
- (8) the Port Pacer II (Wisconsin Registration number 1747KC).