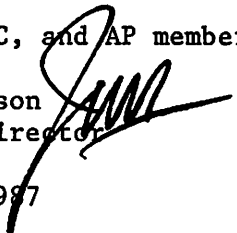


M E M O R A N D U M

TO: Council, SSC, and AP members

FROM: Jim H. Branson 
Executive Director

DATE: March 12, 1987

SUBJECT: Legislative Update

ACTION REQUIRED

Information only.

BACKGROUND

Although no major federal fisheries legislation is expected to be introduced during the next two years, the 100th Congress will be very active on ocean use issues that relate to Regional Council business. Congressional action is expected in the areas of plastics pollution, reflagging of foreign vessels, and user fees.

Plastics Pollution

H.R. 474

On January 7, Representative William Hughes (N.J.) introduced H.R. 474, the Plastic Waste Study Act of 1987 which calls for a joint study by NOAA and the EPA on the impacts of dumping plastics in the ocean. The study must be completed within 18 months of the bill's enactment.

H.R. 940

On February 3, 1987 Representatives Studts, Don Young, and others introduced H.R. 940 to regulate the at-sea disposal of certain materials and the use of driftnets in the U.S. EEZ. Title I of H.R. 940 contains provisions which parallel Annex V of the International Convention for the Prevention of Pollution from Ships (Marpol). Title I would, generally, ban the at-sea disposal of all plastics and establish restrictions on the disposal of garbage at sea. The Secretary of Transportation must ensure there are adequate facilities at U.S. ports for the reception of garbage and plastic materials.

Title II of H.R. 940 addresses marine entanglement and pollution problems associated with loss, or disposal, of high seas driftnets and other plastic materials. This section of the bill applies to gillnets made of plastic webbing and one-and-a-half miles or more in length and requires the following:

1. Upon passage of the legislation, the Secretary of State must initiate negotiations with foreign governments whose fishermen fish with driftnets in the EEZ. The purpose of these negotiations is to arrange for monitoring, and reduction, of the effects of driftnets on marine life.

2. The Secretary of Commerce must conduct research to identify the nature, cause and extent of damage caused to marine life by domestic and foreign driftnet fishing within or beyond the EEZ.
3. The Secretary of Commerce must evaluate the need, and if appropriate develop recommendations, for the establishment of a driftnet marking and registry system. The Secretary must also evaluate the feasibility of, and develop recommendations for, the use of biodegradable materials in driftnets.
4. The Secretary of Commerce must establish an Aleutian Islands seabird protection zone in which no driftnet fishing may occur. The zone extends 60 miles around the Aleutians unless modified in accordance with international treaty obligations;
5. The Secretary of Commerce must study and quantify the overall effects of plastic materials discarded into the marine environment.

Title II is similar to the Driftnet Impact Monitoring, Assessment and Control Act of 1987 (S. 62 introduced by Senator Stevens on January 6, 1987--the Council was briefed on this bill at the January meeting), in that it creates a seabird protection zone around the Aleutian Islands and requires the Secretary of Commerce to study the impacts of driftnets on marine life. H.R. 940 differs from S. 62 as follows:

1. Observer coverage on Japanese salmon vessels fishing in the U.S. EEZ under the authority of the INPFC is not mandated.
2. Foreign directed fishing permits will not be withheld if a nation fishing in the U.S. EEZ with driftnets does not cooperate with the U.S. in driftnet impact studies.
3. The Secretary of Commerce is not required to implement a bounty program for the retrieval of lost or discarded driftnets from the EEZ.

S. 559 and S. 560

On February 19, 1987 Senator Chafee introduced S. 559 and S. 560 to address the adverse impacts of plastic waste on the marine environment. S. 559, the Plastic Waste Reduction and Disposal Act of 1987 is similar to S. 2596, a bill introduced by Senator Chafee on June 25, 1986 but which saw no action in the last Congress. S. 559 provides for a ban on non-biodegradable six-pack holders and other plastic beverage-connecting devices and requires the EPA to assess the adverse impacts of discarded plastics on the environment, including the effects on fish and wildlife. Also, within 18 months of the bill's enactment, the Administrator of the EPA must make recommendations to Congress on actions that may be taken to alleviate the problem of plastics pollution. Specifically, the EPA will be required to examine the feasibility of using degradable plastics in fish nets, packing bands, and other plastic products. The EPA will also be required to evaluate the use of incentives, such as recycling, bounties, and rewards, to reduce improper plastics disposal.

S. 560 is similar to Title I of H.R. 940 (discussed above) in that it implements provisions of Annex V.

Reflagging of Foreign Vessels

S. 377

On January 22, 1987 Senators Stevens and Murkowski introduced S. 377 to impose a ten-year moratorium on the ability of foreign-built vessels to engage in fish processing as U.S. flag vessels. The moratorium applies to foreign-built vessels documented after January 1, 1987. S. 377 also requires all seamen employed on U.S. documented fish processing vessels to be U.S. citizens.

Section 3 of the bill addresses a problem unrelated to reflagged foreign vessels: i.e., the ability of U.S. vessels to deliver fish into U.S. ports from foreign processors in the EEZ. S. 377 grants authority to the Secretary of Commerce to issue regulations placing reporting requirements on U.S. vessels carrying fish from foreign processors to U.S. ports. Within six months of the bill's enactment the Secretary must submit a report on the potential impact these shipments may have on the development of the U.S. fishing industry and must provide recommendations, if necessary, on how to best regulate the practice.

H.R. 438

At the January meeting the Council was briefed on H.R. 438, a bill introduced by Representative Don Young on January 7, 1987. The bill would require American ownership and construction of commercial fishing, fish processing, and fish tender vessels applying for U.S. documentation after October 31, 1986. H.R. 438 also requires at least 75% of the entire complement of U.S. documented fishing, fish processing, and fish tender vessels be U.S. citizens. The Fisheries and Wildlife Conservation, Merchant Marine, and Coast Guard Subcommittees of the House Merchant Marine and Fisheries Committee will hold a joint hearing on H.R. 438 in Washington, D.C. on April 29, 1987 at 2:00 p.m. in Room 1334 of the Longworth Office Building.

User Fees

The Reagan Administration is, again, advocating user fees on commercial and recreational marine fisheries, as well as Coast Guard user fees. The current proposal is a schedule of fees to be levied as part of a Marine Fisheries Conservation Assurance program. The fee schedule would require a \$6 federal permit to fish in marine waters for both commercial and recreational fishermen, a \$25 stamp for buyers or sellers of certain marine fish, a landing tax of 1% exvessel value of certain fish landed for commercial purposes, and a \$25 federal game fish stamp for certain species. Revenues generated under this program would be shared with coastal states. Some of the funds retained by the federal government would be spent for fisheries research, conservation and management. The proposed fiscal year 1988 budget for the Regional Councils is \$3.7 million, but if the user fee program is implemented, the administration intends to add another \$1 million to the Council appropriation.

The Administration is also discussing Coast Guard user fees that could raise \$355 million in FY 1988 and \$476 million annually thereafter. No draft legislation on either marine fisheries or Coast Guard user fees has, as yet, been circulated.