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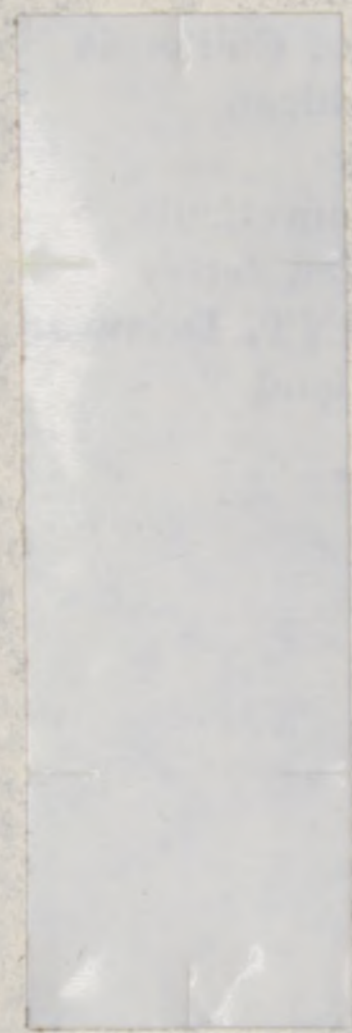
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REPORT
ON THE
ACTIVITIES OF THE MERCHANT MARINE
AND FISHERIES COMMITTEE
92D CONGRESS



Printed for the use of the Committee on Merchant Marine and Fisheries

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WASHINGTON : 1972

COMMITTEE ON MERCHANT MARINE AND FISHERIES

EDWARD A. GARMATZ, Maryland, *Chairman*

LEONOR K. (MRS. JOHN B.) SULLIVAN, Missouri	THOMAS M. PELLY, Washington
FRANK M. CLARK, Pennsylvania	WILLIAM S. MAILLIARD, California
THOMAS L. ASHLEY, Ohio	CHARLES A. MOSHER, Ohio
JOHN D. DINGELL, Michigan	JAMES R. GROVER, JR., New York
ALTON LENNON, North Carolina	HASTINGS KEITH, Massachusetts
THOMAS N. DOWNING, Virginia	PHILIP E. RUPPE, Michigan
JAMES A. BYRNE, Pennsylvania	GEORGE A. GOODLING, Pennsylvania
PAUL G. ROGERS, Florida	WILLIAM G. BRAY, Indiana
FRANK A. STUBBLEFIELD, Kentucky	PAUL N. McCLOSKEY, JR., California
JOHN M. MURPHY, New York	JACK H. McDONALD, Michigan
JOSEPH E. KARTH, ¹ Minnesota	GENE SNYDER, Kentucky
WALTER B. JONES, North Carolina	ROBERT H. STEELE, Connecticut
ROBERT L. LEGGETT, California	EDWIN B. FORSYTHE, New Jersey
SPEEDY O. LONG, ² Louisiana	PIERRE S. (PETE) DU PONT, Delaware
MARIO BIAGGI, New York	WILLIAM O. MILLS, ⁵ Maryland
CHARLES H. GRIFFIN, Mississippi	
GLENN M. ANDERSON, California	
ELIGIO DE LA GARZA, Texas	
PETER N. KYROS, Maine	
ROBERT O. TIERNAN, Rhode Island	
JAMES V. STANTON, Ohio	
RALPH H. METCALFE, Illinois ³	
JOHN B. BREAUX, ⁴ Louisiana	

ERNEST J. CORRADO, *Chief Counsel*ROBERT J. McELROY, *Chief Clerk*RICHARD N. SHAROOD, *Minority Counsel*¹ Joseph E. Karth resigned from committee on Oct. 6, 1971.² Speedy O. Long resigned from committee on Oct. 12, 1972.³ Ralph H. Metcalfe was appointed to committee on Jan. 27, 1972.⁴ John B. BreauX was appointed to committee on Oct. 12, 1972.⁵ William O. Mills was appointed to committee on June 4, 1971.

CONTENTS

	Page
Introduction, jurisdiction generally, committee assignments at commencement of 92d Congress.....	1
Boards of Visitors.....	5
Status of bills referred, table.....	28
Summary of legislative activities.....	11
Legislative activity of—	
Full committee.....	28
Subcommittees—	
Merchant Marine—	
Jurisdiction.....	3
Legislative action taken and description of bills reported.....	30
Members assigned to.....	3
Nonlegislative activities.....	40
Summary.....	11
Fisheries and wildlife conservation—	
Jurisdiction.....	3
Legislative action taken and description of bills reported.....	41
Members assigned to.....	3
Nonlegislative activities.....	64
Summary.....	15
Coast Guard and navigation—	
Jurisdiction.....	4
Legislative action taken and description of bills reported.....	71
Members assigned to.....	4
Nonlegislative activities.....	76
Summary.....	21
Oceanography—	
Jurisdiction.....	5
Legislative action taken and description of bills reported.....	79
Members assigned to.....	4
Nonlegislative activities.....	83
Summary.....	23
Joint Subcommittee on Fisheries and Wildlife Conservation and Oceanography—	
Legislative activities.....	84
Nonlegislative activities.....	86
Panama Canal—	
Jurisdiction.....	4
Legislative action taken and description of bills reported.....	90
Members assigned to.....	4
Summary.....	25
Maritime education and training—	
Jurisdiction.....	5
Legislative activities.....	93
Members assigned to.....	5
Summary.....	26
Special Investigative Subcommittee.....	86
Appendix A, status of bills referred.....	95
Appendix B, committee hearings by serial number, title, and date of meeting.....	103

CONTENTS

1	Introduction
2	Chapter I
3	Chapter II
4	Chapter III
5	Chapter IV
6	Chapter V
7	Chapter VI
8	Chapter VII
9	Chapter VIII
10	Chapter IX
11	Chapter X
12	Chapter XI
13	Chapter XII
14	Chapter XIII
15	Chapter XIV
16	Chapter XV
17	Chapter XVI
18	Chapter XVII
19	Chapter XVIII
20	Chapter XIX
21	Chapter XX
22	Chapter XXI
23	Chapter XXII
24	Chapter XXIII
25	Chapter XXIV
26	Chapter XXV
27	Chapter XXVI
28	Chapter XXVII
29	Chapter XXVIII
30	Chapter XXIX
31	Chapter XXX
32	Chapter XXXI
33	Chapter XXXII
34	Chapter XXXIII
35	Chapter XXXIV
36	Chapter XXXV
37	Chapter XXXVI
38	Chapter XXXVII
39	Chapter XXXVIII
40	Chapter XXXIX
41	Chapter XL
42	Chapter XLI
43	Chapter XLII
44	Chapter XLIII
45	Chapter XLIV
46	Chapter XLV
47	Chapter XLVI
48	Chapter XLVII
49	Chapter XLVIII
50	Chapter XLIX
51	Chapter L
52	Chapter LI
53	Chapter LII
54	Chapter LIII
55	Chapter LIV
56	Chapter LV
57	Chapter LVI
58	Chapter LVII
59	Chapter LVIII
60	Chapter LIX
61	Chapter LX
62	Chapter LXI
63	Chapter LXII
64	Chapter LXIII
65	Chapter LXIV
66	Chapter LXV
67	Chapter LXVI
68	Chapter LXVII
69	Chapter LXVIII
70	Chapter LXIX
71	Chapter LXX
72	Chapter LXXI
73	Chapter LXXII
74	Chapter LXXIII
75	Chapter LXXIV
76	Chapter LXXV
77	Chapter LXXVI
78	Chapter LXXVII
79	Chapter LXXVIII
80	Chapter LXXIX
81	Chapter LXXX
82	Chapter LXXXI
83	Chapter LXXXII
84	Chapter LXXXIII
85	Chapter LXXXIV
86	Chapter LXXXV
87	Chapter LXXXVI
88	Chapter LXXXVII
89	Chapter LXXXVIII
90	Chapter LXXXIX
91	Chapter LXXXX
92	Chapter LXXXXI
93	Chapter LXXXXII
94	Chapter LXXXXIII
95	Chapter LXXXXIV
96	Chapter LXXXXV
97	Chapter LXXXXVI
98	Chapter LXXXXVII
99	Chapter LXXXXVIII
100	Chapter LXXXXIX
101	Chapter LXXXXX

ACTIVITIES OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES, 92D CONGRESS

REPORT

The Committee on Merchant Marine and Fisheries reports herewith on its activities during the 92d Congress, First and Second Sessions, in accordance with the Legislative Reorganization Act of 1946. This act vested legislative jurisdiction over the following subjects:

1. Merchant marine generally.
2. Registering and licensing of vessels and small boats.
3. Navigation, and the laws relating thereto, including pilotage.
4. Rules and international arrangements to prevent collisions at sea.
5. Merchant marine officers and seamen.
6. Measures relating to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission) and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.
7. The Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.
8. U.S. Coast Guard and Merchant Marine Academies.
9. Coast and Geodetic Survey.
10. The Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally.
11. Fisheries and wildlife, including research, restoration, refuges, and conservation.

At the start of the 92d Congress, the committee was composed of the following members:

Edward A. Garmatz, Maryland, Chairman

Leonor K. (Mrs. John B.) Sullivan, Missouri	Thomas M. Pelly, Washington
Frank M. Clark, Pennsylvania	William S. Mailliard, California
Thomas L. Ashely, Ohio	Charles A. Mosher, Ohio
John D. Dingell, Michigan	James R. Grover, Jr., New York
Alton Lennon, North Carolina	Hastings Keith, Massachusetts
Thomas N. Downing, Virginia	Philip E. Ruppe, Michigan
James A. Byrne, Pennsylvania	George A. Goodling, Pennsylvania
Paul G. Rogers, Florida	William G. Bray, Indiana
Frank A. Stubblefield, Kentucky	Paul N. McCloskey, Jr., California
John M. Murphy, New York	Jack H. McDonald, Michigan
Joseph E. Karth, Minnesota	Gene Snyder, Kentucky
Walter B. Jones, North Carolina	Robert H. Steele, Connecticut
Robert L. Leggett, California	Edwin B. Forsythe, New Jersey
Speedy O. Long, Louisiana	Pierre S. (Pete) du Pont, Delaware
Mario Biaggi, New York	
Charles H. Griffin, Mississippi	
Glenn M. Anderson, California	
Eligio de la Garza, Texas	
Peter N. Kyros, Maine	
Robert O. Tiernan, Rhode Island	
James V. Stanton, Ohio	

In addition to the foregoing, Mr. William O. Mills, of Maryland, was elected to the committee on June 4, 1971. On October 6, 1971, Mr. Joseph E. Karth, of Minnesota, resigned the committee to accept a seat on the Ways and Means Committee. The Congressman from Illinois, Ralph H. Metcalfe, was appointed early in the second session on January 27, 1972. Just prior to adjournment of the 92d Congress, Speedy O. Long, Louisiana, resigned the committee and John B. Breaux, Louisiana, was appointed to fill this vacancy. Both of these moves became effective on October 12, 1972.

Mr. Ralph E. Casey was appointed chief counsel on March 1, 1971, after the resignation of Mr. Robert J. Ables. Mr. Casey had been serving as special counsel for the committee. Counsel vacancies on the Oceanography and Maritime Education and Training Subcommittees were filled by Capt. Francis D. Heyward and Mr. A. Ronald Santo, respectively. Mr. Leonard L. Sutter was appointed to the committee as assistant counsel, Merchant Marine Subcommittee. In addition, Mr. Frank M. Potter, Jr., was appointed assistant counsel, Fisheries and Wildlife Subcommittee. Mr. William C. Rountree was appointed as a minority counsel to assist Mr. Richard N. Sharood.

During the second session of the 92nd Congress, Ernest J. Corrado was appointed Chief Counsel to fill the vacancy created by the retirement of Ralph E. Casey. Other staff changes found the appointment of Gus Bakas as counsel, Carl Perian as professional staff member, and Gwen Lockhart as minority assistant clerk. In addition two staffers left the committee. They are Elizabeth Heater and Frank M. Potter.

The portion of the staff remaining unchanged during the 92nd Congress are as follows: Robert J. McElroy as Chief Clerk; Bernard Winfield and Frances Still, clerks; Ruth Hoffman and Ronald Watt, assistant clerks; Ned P. Everett, counsel for the Fisheries and Wildlife Subcommittee; Vera Barker, Lucye Summers, Jane C. Wojcik, Polly Dickerson, Eleanor P. Mohler, Betty A. Nevitt, serve as secretaries to the committee. Virginia L. Noah is the Clerk for the minority. Also, Albert J. Dennis is the investigator for the committee and Donald A. Watt serves as printing editor.

LEGISLATIVE SUBCOMMITTEES

The majority of legislative matters coming before the committee are referred to standing subcommittees. The membership of these subcommittees, in addition to the chairman and ranking minority

member, who are ex officio members of all subcommittees, together with the jurisdiction of each, are as follows:

SUBCOMMITTEE ON MERCHANT MARINE

Edward A. Garmatz, Maryland, *Chairman*

Thomas L. Ashley, Ohio	William S. Mailliard, California
Thomas N. Downing, Virginia	Charles A. Mosher, Ohio
Paul G. Rogers, Florida	James R. Grover, Jr., New York
Frank A. Stubblefield, Kentucky	Philip E. Ruppe, Michigan
John M. Murphy, New York	William G. Bray, Indiana
John D. Dingell, Michigan	Paul N. McCloskey, Jr., California
James A. Byrne, Pennsylvania	Robert H. Steele, Connecticut
Leonor K. (Mrs. John B.) Sullivan, Missouri	Pierre (Pete) S. duPont, Delaware
Frank M. Clark, Pennsylvania	William O. Mills, Maryland
Alton Lennon, North Carolina	
Walter B. Jones, North Carolina	
Robert L. Leggett, California	
Speedy O. Long, Louisiana	

Ernest J. Corrado, *Counsel*

Jurisdiction: (a) merchant marine generally, (b) merchant marine officers and seamen, (c) measures relating to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission).

SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION

John D. Dingell, Michigan, *Chairman*

Alton Lennon, North Carolina	Thomas M. Pelly, Washington
Thomas N. Downing, Virginia	Hastings Keith, Massachusetts
Paul G. Rogers, Florida	George A. Goodling, Pennsylvania
Robert L. Leggett, California	Paul N. McCloskey, Jr. California
Speedy O. Long, Louisiana	Jack H. McDonald, Michigan
Mario Biaggi, New York	William S. Mailliard, California
Glenn M. Anderson, California	Philip E. Ruppe, Michigan
Eligio de la Garza, Texas	Edwin B. Forsythe, New Jersey
Peter N. Kyros, Maine	
Robert O. Tiernan, Rhode Island	
Ralph H. Metcalfe, Illinois	

Ned P. Everett, *Counsel*

Jurisdiction: Fisheries and Wildlife, including research, restoration, refuges and conservation.

SUBCOMMITTEE ON COAST GUARD AND NAVIGATION

Frank M. Clark, Pennsylvania, *Chairman*

Alton Lennon, North Carolina	Hastings Keith, Massachusetts
James A. Byrne, Pennsylvania	James R. Grover, Jr., New York
Leonor K. (Mrs. John B.) Sullivan, Missouri	Philip E. Ruppe, Michigan
Paul G. Rogers, Florida	Jack H. McDonald, Michigan
Walter B. Jones, North Carolina	William G. Bray, Indiana
Frank A. Stubblefield, Kentucky	Gene Snyder, Kentucky
Mario Biaggi, New York	Robert H. Steele, Connecticut
Charles H. Griffin, Mississippi	Pierre S. (Pete) du Pont, Delaware
Eligio de la Garza, Texas	
Robert O. Tiernan, Rhode Island	
James V. Stanton, Ohio	

A. Ronald Santo, *Counsel*

Jurisdiction: (a) The Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts, (b) registering and licensing of vessels and small boats, (c) navigation and the laws relating thereto, including pilotage, (d) inspection of merchant marine vessels, lights, and signals, lifesaving equipment and fire protection on such vessels, (e) U.S. Coast Guard Academy.

SUBCOMMITTEE ON PANAMA CANAL

John M. Murphy, New York, *Chairman*

Leonor K. (Mrs. John B.) Sullivan, Missouri	James R. Grover, Jr., New York
Frank M. Clark, Pennsylvania	Charles A. Mosher, Ohio
James A. Byrne, Pennsylvania	William G. Bray, Indiana
Frank A. Stubblefield, Kentucky	Gene Snyder, Kentucky
Walter B. Jones, North Carolina	Jack H. McDonald, Michigan
Speedy O. Long, Louisiana	Edwin B. Forsythe, New Jersey
James V. Stanton, Ohio	
Ralph H. Metcalfe, Illinois	

Carl L. Perian, *Professional Staff Member*

Jurisdiction: (a) The Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone, (b) interoceanic canals generally.

SUBCOMMITTEE ON OCEANOGRAPHY

Alton Lennon, North Carolina, *Chairman*

Paul G. Rogers, Florida	Charles A. Mosher, Ohio
Thomas L. Ashley, Ohio	Hastings Keith, Massachusetts
Thomas N. Downing, Virginia	George A. Goodling, Pennsylvania
Frank M. Clark, Pennsylvania	William S. Mailliard, California
Walter B. Jones, North Carolina	Robert H. Steele, Connecticut
Robert L. Leggett, California	Edwin B. Forsythe, New Jersey
Charles H. Griffin, Mississippi	Pierre S. (Pete) du Pont, Delaware
Glenn M. Anderson, California	William O. Mills, Maryland
Mario Biaggi, New York	
Eligio de la Garza, Texas	
Robert O. Tiernan, Rhode Island	
Peter N. Kyros, Maine	

Francis D. Heyward, *Counsel*

Jurisdiction: (a) Oceanography generally, and (b) natural resources (other than fish) and environment of the oceans, including research, restoration, and conservation.

SPECIAL SUBCOMMITTEE ON MARITIME EDUCATION AND TRAINING

Speedy O. Long, Louisiana, *Chairman*

Thomas N. Downing, Virginia
John M. Murphy, New York
Glenn M. Anderson, California
Eligio de la Garza, Texas
Peter N. Kyros, Maine
James V. Stanton, Ohio

Paul N. McCloskey, Jr., California
Gene Snyder, Kentucky

A. Ronald Santo, *Counsel*

Jurisdiction: The Committee on Merchant Marine and Fisheries has jurisdiction over the U.S. Coast Guard Academy at Groton, Conn., the Federal Maritime Academy at Kings Point, N.Y., and the several State maritime academies located in Maine, Massachusetts, California, New York, Michigan, and Texas. The special subcommittee keeps a continuous watch over the activities of these institutions paying particular regard to (a) manning demands of the Merchant Marine; (b) curriculum standards commensurate with the increasing technology of the industry; and (c) the consideration of legislation to promote and maintain progressive institutions of education and training to meet the needs of the U.S. merchant marine.

BOARDS OF VISITORS

Pursuant to Public Law 301 of the 78th Congress, a Board of Visitors to the U.S. Merchant Marine Academy is to be appointed in January of each year, and pursuant to section 194 of title 14 of the United States Code, a Board of Visitors to the U.S. Coast Guard Academy is to be appointed in January of each year. Each Board shall consist of two Senators and three Members of the House of Representatives, appointed by the chairmen of the committees of the Senate and House of Representatives, respectively, having cognizance of legislation pertaining to each Academy, the chairmen of said committees being ex officio members of each Board, and of one Senator and two Members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. It is provided that each Board shall visit its respective Academy annually on a date to be fixed by the Secretary of Commerce and the Secretary of the Treasury, respectively.

The membership of the Boards of Visitors to the U.S. Merchant Marine Academy and the U.S. Coast Guard Academy are as follows:

TO THE COAST GUARD ACADEMY—
1971

John S. Monagan, of Connecticut
Robert H. Steele, of Connecticut
Warren G. Magnuson, of Washington,
ex officio
Abraham Ribicoff, of Connecticut
Ernest F. Hollings, of South Carolina
Mark O. Hatfield, of Oregon
Edward A. Garmatz, of Maryland, ex
officio
Frank M. Clark, of Pennsylvania
Alton Lennon, of North Carolina
James R. Grover, Jr., of New York

TO THE MERCHANT MARINE ACADEMY—
1971

Lester L. Wolff, of New York
John W. Wydler, of New York
Warren G. Magnuson, of Washington,
ex officio
Mike Gravel, of Alaska
Russell B. Long, of Louisiana
Ted Stevens, of Alaska
Edward A. Garmatz, of Maryland, ex
officio
Thomas N. Downing, of Virginia
John M. Murphy, of New York
Charles A. Mosher, of Ohio

TO THE COAST GUARD ACADEMY—
1972

John S. Monagan, of Connecticut
Robert H. Steele, of Connecticut
David H. Gambrell, of Georgia
Edward A. Garmatz, of Maryland, ex
officio
Frank M. Clark, of Pennsylvania
Alton Lennon, of North Carolina
James R. Grover, Jr., of New York

TO THE MERCHANT MARINE ACADEMY—
1972

Lester L. Wolff, of New York
John W. Wydler, of New York
Lawton Chiles, of Florida
Edward A. Garmatz, of Maryland, ex
officio
Thomas N. Downing, of Virginia
John M. Murphy, of New York
Charles A. Mosher, of Ohio

COAST GUARD ACADEMY—1971

A meeting of the Board of Visitors was held at the Coast Guard Academy on May 7, 1971. Present at this meeting were:

Congressional Board of Visitors—Representative Frank M. Clark, Representative Robert H. Steele, Representative John S. Monagan; also, Senator Abraham Ribicoff and Senator Ernest F. Hollings.

In addition to the above members of the Board of Visitors, others attending the meeting included: Ernest J. Corrado, Counsel for the Subcommittee on Coast Guard, Coast and Geodetic Survey and Navigation; RADM. Ellis L. Perry, Chief of Staff, United States Coast Guard; and Cdr. Glenn Young, legislative liaison, United States Coast Guard.

Members of the Congressional Board of Visitors discussed in depth a number of problems—such as admissions, academic divisions, programs, athletics and physical education, personnel, physical plant, and funding.

Perhaps the most significant development resulting from this annual visit was the request for a series of special studies. The Congressmen and Senators that comprised the Board of Visitors submitted the request to Secretary of Transportation, John A. Volpe; specifically, they requested that Secretary Volpe contract with a competent management consulting firm to conduct a study of the Coast Guard Academy's contribution and role in the structure of today's changing society. In its recommendation to Secretary Volpe, the Board of Visitors suggested that the study should examine the present curriculum to determine if it is adequate to meet present goals; recommend any changes in the curriculum necessary to meet future goals

and to keep pace with the changing needs of society; and determine how the academy will prepare for meeting the demands of the Coast Guard in the next decade.

On July 28, 1971, Secretary Volpe responded to this request, indicating that a three-part study has been implemented. The first study will investigate attrition; the second study will develop the quantitative and qualitative service requirements for Coast Guard officers over the next 10-year period; and the third study will examine the academic program and present mix of studies offered at the academy, in order to determine what changes are necessary to meet future goals.

COAST GUARD ACADEMY—1972

A meeting of the Board of Visitors was held at the Coast Guard Academy on April 28, 1972. In attendance at said meeting were: Congressional Board of Visitors—Representative Alton Lennon, Chairman; Representative John S. Monagan, Representative James R. Grover, Representative Robert H. Steele, and Senator Lowell P. Weicker.

In addition to the above members of the Board of Visitors, others attending the meeting included: Ernest J. Corrado, Counsel for the Subcommittee on Coast Guard, Coast and Geodetic Survey and Navigation; Rear Admiral Joseph R. Steele, Chief, Office of Personnel, United States Coast Guard; Captain Leslie D. High, Chief, Training and Procurement Division, United States Coast Guard; Captain John H. Bruce, Congressional Liaison Officer, United States Coast Guard; and Captain Raymond H. Wood, Congressional Liaison Officer (designated), United States Coast Guard.

The members of the Congressional Board of Visitors met in formal session with the Superintendent, Rear Admiral John F. Thompson, U.S.C.G., representatives from Coast Guard Headquarters, and Academy staff officers. Among the topics discussed at said meeting were:

- (1) Present Day Curriculum.
- (2) Continuing Report on Research.
- (3) Progress Report on Attrition Study.
- (4) Report on Proposed Summer Program.
- (5) Report from Physical Plant Division on Construction.

Some of the findings and recommendations of the Board of Visitors are as follows:

(1) The library at the Academy has not and is not receiving adequate funding. Efforts should be made to assure adequate staffing, volumes, systems, and maintenance.

(2) The program at the Coast Guard Academy and its relationship to the entire Coast Guard program should be presented to members of Congress, particularly those members who are involved with the authorization or appropriation of Coast Guard funds.

(3) Future Boards of Visitors should be more expeditiously appointed and should remain active throughout the year, having at least several meetings during their tenure.

(4) The daily cadet ration allowance of \$1.63 is somewhat low and consideration should be given to raising the meal ration so as to improve the quality of the food.

(5) Home leave time granted to cadets should be reevaluated and if necessary extended, but only to the extent that it would remain in context with the home leave authorized for the other service academies.

The complete findings and recommendations of the Board of Visitors are contained in a report which was published in the Congressional Record of July 17, 1972.

MERCHANT MARINE ACADEMY—1971

Pursuant to Public Law 301 of the 78th Congress, a Board of Visitors was appointed to visit the Merchant Marine Academy at Kings Point, N.Y. Said congressional board held their 22d meeting on April 30, 1971. The Superintendent of the Academy, Rear Adm. Arthur B. Engel, USCG (retired), welcomed the Board. Present and representing the Board were Senator Russell B. Long, Louisiana; Representative Thomas N. Downing, Virginia; Charles A. Mosher, Ohio; John M. Murphy, New York; and Lester L. Wolff, New York. The Honorable Andrew E. Gibson, Assistant Secretary of Commerce for Maritime Affairs was present on behalf of the Department of Commerce.

Among the numerous areas of interest and concern to the Board which were considered at the meeting were: the academic program, the recruiting program, the research and development program and the modernization and construction program.

The academic program at the Academy is designed to provide a successful graduate with a license as a third mate or a third assistant engineer, or both, in the U.S. merchant marine, with a commission as an ensign in the U.S. Naval Reserve. The Academy representatives, in keeping with past efforts to maintain an academic program in step with the needs of the industry, stated that they would like to expand their curriculum so as to provide the specialized training which will be needed by officers sailing on the sophisticated ships built in the future. They further stated that they were also interested in obtaining the authority to expand the mission of the Academy by introducing undergraduate, as well as graduate, courses in the marine industries and marine sciences with the added authority to confer master and doctorate degrees for their successful completion.

During the discussion of the recruiting program, Mr. Andrew Gibson, Assistant Secretary of Commerce for Maritime Affairs, related the achievements of Commander Scroggins in the area of minority recruiting, noting that his record is superior to those of the other Federal academies.

The Board was equally impressed with the growth and development of the young, but advanced research and development program at the Academy, which is entering its second year of operation. The central theme of the program is ship productivity and the program is composed of the research groups of Kings Point and the nearby Webb Institute.

The Board noted that very little in the way of remodeling or new construction had been accomplished during the 28 years of the

Academy's existence, the only exception being the construction of a new library 2 years ago.

Board members were advised, however, that the long-awaited program to rehabilitate the World War II midshipmen dormitories had begun and was expected to be completed in 1973.

A tour of the athletic facilities pointed out gross inadequacies, among them were 14 shower heads which presently accommodate a resident student body of 800 midshipmen. The Board cited the unsatisfactory physical education facilities and stated that it unanimously supported the Academy's fiscal year 1973 funding request for new athletic facilities.

MERCHANT MARINE ACADEMY—1972

The Congressional Board of Visitors met at the U.S. Merchant Marine Academy on Friday, April 28, 1972. Representing the Maritime Administration, Washington, D.C. was the Assistant Secretary of Commerce for Maritime Affairs, Mr. Andrew E. Gibson. The Superintendent, Rear Admiral Arthur B. Engel, USCG (Ret.) and a number of his senior staff members were also present.

The Assistant Secretary and the Superintendent welcomed the Board and then reviewed the status of the Board's recommendations for the previous year. There were three and each is in the process of implementation as described below.

(a) *That the Academy develop a list of funding needs to be accomplished over a four year period*

Consultants have been employed and are at work developing a facilities master plan and related costs. When completed within the next four months, the Board's recommendation can be fulfilled.

(b) *Unanimous recommendation that the Uniform and Textbook Allowance be increased from \$475 per annum to \$575*

A budget request to this effect was passed by both Houses and awaits the President's signature.

(c) *The Board supports the fiscal year 1973 funding request to improve the athletic facilities*

The funding request in the amount of \$200,000 for architectural and engineering services for the design of new athletic facilities has been passed by both Houses and awaits the President's signature.

The Board then moved to new business and listened to a series of reports from senior officials at the Academy. These reports apprised the Board of the many recent developments at the Academy and the progress that had been accomplished during the past year. All of the members' questions were satisfactorily answered and the Board members were very complimentary in their closing remarks.

The Board reiterated with emphasis, the obvious need to implement the design services of the new athletic facilities with actual construction. An appropriation request for the required monies was incorporated in the Academy's Fiscal Year 1974 request.

The Board members then met with their Midshipmen constituents prior to departure.

SUMMARY OF LEGISLATIVE ACTIVITIES

MERCHANT MARINE SUBCOMMITTEE

IMPLEMENTING THE MERCHANT MARINE ACT OF 1970

The Merchant Marine Act of 1970, enacted near the close of the last Congress, is the cornerstone for rebuilding our country's merchant marine. During the previous decade, proposals to revive our merchant marine languished in the Congress, primarily due to Democratic Administration opposition. The Act of 1970, resulting from President Nixon's proposal to the Congress, overhauled antiquated laws governing our merchant marine. The principal thrust of the 1970 Act is the development of a U.S.-flag bulk carrier fleet capable of transporting a reasonable proportion of our growing imports of petroleum and other bulk commodities essential to American industry. At the present time, the United States is dependent on foreign-owned ships for the movement of these important commodities. The availability of foreign-flag vessels in times of national emergency or international crisis cannot be assured. During this Congress, the Administration followed through on its maritime program as embodied in the Merchant Marine Act of 1970 by submitting to the Congress the largest request for ship construction funds in history. In addition to funding measures, other legislation designed to improve the responsiveness of earlier programs also was considered.

Public Law 92-21 (H.R. 5352) was a Supplemental Authorization Act for the Maritime Administration for Fiscal Year 1971. The Act authorized \$80 million supplemental appropriations for the operating subsidy program. These funds were required to settle outstanding debts of the Maritime Administration which had been allowed to go unpaid by the previous Administration for an unconscionable period of time.

Public Law 92-53 (H.R. 4724) was the Maritime Administration Authorization Act for Fiscal Year 1972. The Act authorized a total of \$507,820,000 for ship construction and operating subsidy, research, and support of maritime training activities.

Public Law 92-402 (H.R. 13324) authorizes appropriations of \$556,044,000 for maritime programs for Fiscal Year 1973. This authorization bill represents the third year of the new expanded maritime program adopted by the Merchant Marine Act of 1970 and would permit funding for 17 new vessels in addition to normal obligations. The Public Law also incorporates *H.R. 5741*, as an amendment, authorizing the Secretary of Commerce to transfer certain Liberty Ships, otherwise scheduled to be scrapped, to States for use as off-shore artificial reefs. A state, in submitting its application, would need to include specific information, i.e., the location where the State intends to sink the ship, the conservation goals which a State seeks to achieve through the use of the ship.

Public Law 92-523 (H.R. 16987) was a Supplemental Authorization Act for Fiscal Year 1973 for the Maritime Administration's construction subsidy program. The additional authorization was in the amount of \$175 million.

Public Law 92-507 (H.R. 9756), the Ship Mortgage Act, revises Title XI of the Merchant Marine Act of 1936 to facilitate Federal insurance of ship mortgages and the underwriting of ship mortgages in the commercial market. Since Federal funds appropriated for ship construction account for only slightly over 40% of the cost of a ship, almost 60% of the cost must be raised by the shipowner in commercial loan transactions. With Federal funding amounting to over \$250 million per year, the commercial investment market must raise in excess of \$300 million per year to maintain this ship construction program. In addition, the Ship Mortgage Act insures over hundreds of millions invested in non-subsidized ship construction. Defaults have been minimal and the program has operated at a profit to the Federal Government.

H.R. 15048 would allow members of the Commission on American Shipbuilding to waive their right to compensation as all seven members wish to do. Under present rulings of the Comptroller General, the compensation for a position that has been fixed by Congress cannot be waived in the absence of statutory authority to do so. The measure passed the House; however, Senate action not completed.

H.R. 15098, LNG construction legislation, authorizes the Secretary of Commerce to contract for the construction of up to 40 liquified natural gas (LNG) carrier ships and would provide for the sale or charter of the ships for operations in the domestic and foreign trade of the United States as U.S.-flag vessels. The purpose of the bill is to help meet the impending energy crisis in this country by facilitating the importation of liquified natural gas. Subcommittee consideration not completed.

H.J. Res. 1196, ship construction restrictions, would remove the restrictions on U.S. shipbuilders relative to construction of vessels for non-U.S. citizens for documentation under foreign flag. Subcommittee consideration not completed.

CARGO FOR AMERICAN-FLAG SHIPS

Lengthy hearings on the subject of cargo promotion were held by the Merchant Marine Subcommittee during both Sessions of the Congress. Three of the bills amending the Cargo Preference Act of 1954 (46 USC 1241(b)) were ordered reported out of the Committee for consideration on the Floor of the House; however, further action was not taken. The purpose of all the bills is to increase the amount of cargo carried by American merchant vessels.

H.R. 10923 would accomplish this end by increasing from 50% to 100% the carriage of government-generated cargoes on privately-owned, U.S.-flag commercial vessels. The carriage of such cargoes would be contingent upon the extent such vessels are reasonably available and where there is no substantial difference between the U.S.-flag and foreign-flag ocean freight rate.

H. Con. Res. 403 expresses the sense of the Congress that the Cargo Preference Act of 1954 was not intended to override the provisions of

section 2361 of Title 10, United States Code. The Act has been construed administratively as overriding these provisions so as to require that only 50%, rather than all, military cargoes transported by sea generally be shipped on privately-owned, U.S.-flag commercial vessels.

H.R. 12324, petroleum imports, would have the effect of requiring that at least 50% of crude and unfinished oils and finished products, imported into the United States on a quota basis, be carried on U.S.-flag tankers. The bill does not include residual fuel oil to be used as fuel and No. 2 fuel oil and inputs to small refineries. A similar provision offered as an amendment to H.R. 13324 in the Senate was defeated.

U.S.-FLAG PASSENGER SHIPS

The tremendous growth in commercial aviation on international routes following the introduction of jet aircraft has led to a steady decline in the use of passenger ships for point-to-point transportation. At the same time, the passenger ship cruise business has mushroomed. Unfortunately, most U.S.-flag passenger vessels were not built for cruising and cannot be operated economically in such trades. At the beginning of the 92nd Congress, most U.S.-flag passenger vessels were in lay-up status and only four ships, all based on the West Coast, were in service. Due to high shipbuilding and operating costs, it does not appear that any new ships will be built in the United States to take advantage of the growth in vacation cruising.

Public Law 92-323 (H.R. 9552), cruise legislation, permits our four remaining passenger ships to engage in cruise operations on a year-round basis if the Secretary of Commerce finds that service on their regularly assigned trade routes is not required. The Act also permits these ships to carry freight while on cruises. Hopefully, this liberal cruising authority will be sufficient to enable these remaining U.S.-flag passenger ships to compete effectively with foreign-flag vessels in the growing cruise business from American ports.

Public Law 92-296 (H.R. 11589), sale of passenger ships, authorized the sale foreign of five of the seven laid-up U.S.-flag passenger vessels (SS *Brazil*, SS *Argentina*, SS *Constitution*, SS *Santa Rosa*, and SS *Santa Paula*). Legislation was required because these vessels were constructed with the aid of Government subsidy which requires them to remain under the U.S. flag for 25 years; all of the vessels in question are less than 25 years old. The Act further provided for the purchase of the SS *United States* by the Secretary of Commerce for lay-up in the National Defense Reserve Fleet—leaving only one passenger vessel in lay-up. The Committee concluded that the laid-up U.S.-flag passenger vessels could not compete with foreign-flag cruise vessels, and while in lay-up represented a complete economic waste and serious financial drain on the owning companies.

In addition to the foregoing Public Laws, one private bill was considered by the Subcommittee and subsequently enacted.

Private Law 92-81 (H.R. 10834) was enacted in order to grant an exemption to our Cabotage Laws so that the State of Alaska could operate the passenger ferry, M/V *Wickersham*, in the domestic trade between Alaska and Seattle. Legislation in this case was required because the M/V *Wickersham* was precluded from domestic operation

inasmuch as it was not constructed in the United States to American passenger ship safety standards. This exemption is temporary inasmuch as a new vessel is under construction in an American shipyard.

FACILITATING AND REGULATING OCEAN TRADE

Ocean shipping has, during the past decade, experienced a technological revolution. New systems for the movement of cargo include container ships and barge carrying vessels. These ships speed the movement of cargo in international trade by permitting rapid loading and discharge, and greatly minimize damage and loss of cargo enroute. Our transportation laws must be constantly reviewed to insure that antiquated regulations do not inhibit these new methods of facilitating international trade.

Public Law 92-163 (H.R. 155), Transportation of Cargo by Barge, facilitates the transportation of cargo by barges specifically designed for carriage aboard a vessel such as the Lash and Seabee vessels. Under this Act the Secretary of the Treasury may permit, within our territorial waters, the transfer of cargo moving in our foreign trade between barges—if the country of registry of the barges extends reciprocal privileges to barge-carrying vessels of the United States. By permitting foreign-flag barge-carrying vessels greater flexibility in the use of their barges in our coastal waters and rivers, it is hoped that U.S.-flag barge-carrying vessels will be able to use this new system of cargo carriage to its maximum potential on the inland waterways of Europe for example.

Public Law 92-79 (H.R. 6239), maritime liens, is an Act to protect terminal operators, ship repairers, stevedores and other suppliers who in good faith furnish so-called "necessaries" to a vessel on credit.

Public Law 92-416 (H.R. 755), penalty provision amendments. The shipping laws enforced by the Federal Maritime Commission contain both civil and criminal penalties. It has been found extremely difficult to secure criminal convictions for unlawful business practices which in many cases are not unlawful abroad. The Act, therefore, converts all criminal penalties for violations of the shipping regulations of the Federal Maritime Commission into civil penalties and simplifies the assessment and collection of these penalties.

H.R. 760, vessel documentation, is a measure to restate in a concise and orderly manner our existing vessel documentation laws which are fragmented and out-dated—some date back to the early 1790's. Vessel documentation establishes an official basis for vessel identification and control. It serves to facilitate trade (foreign, coastwise or domestic) and commerce by classifying vessels for regulation, safety, pilotage, fee assessment, and taxation purposes. The bill has passed the House; however, Senate action was not completed.

H.R. 9128, movement by barge, would give the Federal Maritime Commission exclusive regulatory jurisdiction over domestic barge movements of cargo moving in foreign trade where the barge service is provided as a substitute service by a port agency so that the deep-sea vessel will not have to call at a port. Without legislation, there is an open question as to whether this matter might come under the jurisdiction of the Interstate Commerce Commission. The measure passed the House; however, Senate action was not completed.

H.R. 15465, FMC intermodal bill, is legislation designed to facilitate "through intermodal freight movements" involving offshore marine transportation. The proposed legislation would vest jurisdiction over such movements in one federal agency, the Federal Maritime Commission. Merchant Marine Subcommittee hearings were opened in Washington and continued in San Francisco. The measure is expected to receive further consideration during the next Congress.

PROMOTING ADVANCED TECHNOLOGY

Shipbuilding in the United States is becoming more competitive with foreign shipbuilding as wage rates abroad rise at a relatively higher rate than those in the United States. Foreign labor is, however, still much cheaper in absolute terms. American shipyards are, however, in a position to compete effectively in the construction of those ships which involve the application of advanced technology in propulsion and hull design or involve the carriage of exotic commodities such as liquefied natural gas (LNG). The construction of LNG ships in American yards requires no basic change in the Merchant Marine Act. Where, however, a technical defect in the law inhibits the development of a new, more efficient ship design, the Committee must take steps to update the law. Such an example is the following Act.

Public Law 92-374 (S. 2684 and H.R. 11300), Hydrofoil Ships. The hydrofoil concept has now been perfected to the point where large, high speed (over 40 knots) ships may be built for the carriage of freight and passengers over considerable distances. It is entirely possible that hydrofoil freighters will be engaged in transoceanic service within a decade. The hydrofoil concept, by eliminating hull resistance in the water, will permit the propulsion of ships at high speeds with very small powerplants as compared to conventional ships. Existing Federal ship mortgage laws restrict the most favorable mortgages to ships of at least 3,500 gross tons, substantially in excess of the weight of any hydrofoil ship currently on the drawing boards. The Act, therefore, permits favorable Federal ship mortgage insurance for hydrofoils and other surface-effect ships which meet minimum speed and horse power requirements without regard to tonnage.

SURPLUS SHIPS

In addition to utilizing surplus ships as off-shore artificial reefs as contained in Public Law 92-402 (page MM-1), surplus ships also serve educational purposes.

Public Law 92-553 (H.R. 15735), Ship Transfer to New York City, authorizes the Secretary of Commerce to transfer the USNS TWIN FALLS to the New York City Board of Education inasmuch as the ship has areas suitable for classroom purposes.

FISH AND WILDLIFE SUBCOMMITTEE

ENVIRONMENTAL PROTECTION AND THE NATIONAL ENVIRONMENTAL POLICY ACT

The Fisheries and Wildlife Conservation Subcommittee was responsible for enactment of the National Environmental Policy Act of 1969 which, for the first time, required the Federal Government to

consider the environmental consequences of its programs. This responsibility also applies to state and local agencies utilizing Federal funds. The Subcommittee is responsible for legislative oversight with respect to the Council on Environmental Quality and the President's Annual Environmental Report to Congress. In addition to its fundamental responsibility to insure that the National Environmental Policy Act is properly implemented, the Fisheries and Wildlife Conservation Subcommittee has considered the following environmental legislation.

Public Law 92-532 (H.R. 9727), ocean dumping ban, places the United States in the forefront with respect to efforts to stop pollution of our oceans. The measure bans dumping of material into the ocean beyond the "base line" (the line from which the three- and twelve-mile limits are computed). Dumping of materials within internal waters is adequately covered by existing and proposed legislation regulating water quality. The provisions of the ocean dumping measure cover all disposal generally, but certain activities are excepted when they are regulated by other laws. At the international level, the United States has taken a strong leadership position in the effort to secure the adoption of an Ocean Dumping Convention.

H.R. 56, environmental data bank, would create the national environmental data system under the guidance of the Council on Environmental Quality. The data system would coordinate the selection, storage, analysis, retrieval, and dissemination of information, knowledge, and data specifically relating to the environment. The measure passed both the House and the Senate; however, the President vetoed it contending that the structure of the system as outlined in the legislation would lead to a duplication of information.

H.R. 13752, nuclear power plant licensing, would provide temporary authority to the Atomic Energy Commission to permit limited operation of certain nuclear power generating facilities to meet potential "brown outs", while the AEC reviews the granting of operating licenses for these facilities pursuant to the National Environmental Policy Act. The measure has passed the House; however, Senate action was not completed.

H.R. 8331, environmental citizen suites, is designed to enhance the right of private citizens to file court suits against industry and federal and local government when they feel their environmental rights have been threatened or abridged. Subcommittee consideration not completed.

H.R. 11288, environmental impact statements, would require that environmental impact statements be included in agency reports on bills and resolutions being considered by the Congress. Subcommittee consideration not completed.

H.R. 3647 would require that every contract with the Federal Government for over \$10,000 contain a provision that performance of the contract will not violate any Federal, state, or local environmental quality laws or additional regulations prescribed for the contract by the Administrator of the Environmental Protection Agency to protect the environment. Subcommittee consideration not completed.

H.R. 14103 would temporarily suspend, until December 31, 1975, the requirement for the filing of environmental impact statements pursuant to the National Environmental Policy Act with respect to

discharge permits issued by the Corps of Engineers and with respect to permits issued pursuant to Section 402 of the Federal Water Pollution Control Act, as amended. Subcommittee consideration not completed.

PROTECTION OF WILDLIFE RESOURCES

One of the most important responsibilities of the Fisheries and Wildlife Conservation Subcommittee is to insure that the wildlife of the United States, a fundamental element of our heritage, is preserved for the enjoyment of future generations. The rapid urbanization of the United States is making this task increasingly difficult. The acquisition of refuge lands and their proper management and the protection of specific species of wildlife which are particularly threatened by man are the chief areas of concern at this time.

Public Law 92-159 (H.R. 5060), Prohibition Against Hunting from Aircraft, makes it unlawful for anyone while airborne to knowingly participate in the harassment or shooting or attempted shooting of any bird, fish, or other animal. Exceptions are made for Federal and state employees, agents, or permittees authorized to administer wildlife conservation laws.

Public Law 92-502 (H.R. 14731), enforcement provisions for Public Law 92-159, provides for the effective enforcement of the foregoing law against shooting wildlife from aircraft by giving the Secretary of Interior the needed authority to arrest such persons and dispose of illegally taken wildlife and guns, aircraft or other equipment used in such taking.

Public Law 92-219 (H.R. 3304), Atlantic salmon, requires the Secretary of Commerce to send certification to the President whenever he determines that nationals of a foreign country are conducting fishing operations in such a manner as to diminish the effectiveness of the international fishery conservation programs. The President, in turn, is authorized to direct the Secretary of the Treasury to prohibit the importation of fish products into the United States from the offending country for such duration as he may deem appropriate. This legislation was prompted by our concern over the failure of certain nations to act responsibly to protect Atlantic salmon, an important game fish, but has general application.

Public Law 92-522 (H.R. 10420), Marine Mammal Protection Act, prohibits the taking of marine mammals by U.S. citizens or by non-citizens within the jurisdiction of the United States, unless taken under the authority of a permit issued by either the Secretary of the Interior or the Secretary of Commerce (depending upon the species of mammals over which each has jurisdiction); would create an independent Marine Mammal Commission and a Committee of Scientific Advisors with authority to make recommendations to the responsible officials on ways in which the Act should be implemented; would restrict or prohibit the importation of marine mammals; would allow Alaskan natives to take marine mammals for purposes of food and clothing; and would regulate methods of taking by commercial fishermen to reduce levels of incidental mammal taking.

Public Law 92-535 (H.R. 12186) Bald Eagle Protection, amends the Bald Eagle Protection Act to provide that anyone, who knowingly (rather than willfully) or negligently violates the Bald Eagle Protec-

tion Act would be subject to a penalty and/or imprisonment. The bill would also expand those actions prohibited by the Act to include those who "poison" protected species and, at the same time, authorize the taking of golden eagles for purposes of falconry. Enactment of this legislation will facilitate prosecution of persons killing bald eagles.

H.R. 10482, and a similar bill, *H.R. 5821*, would also amend the Bald Eagle Protection Act by extending the protection provided eagles to other raptors (hawks, owls, or other members of the order *Falconiformes* or the order *Strigiformes*). Subcommittee consideration not completed.

H.R. 13152, *predatory animal control*, terminates the use of chemical toxicants for the purpose of destroying predatory animals on public lands and provides for an expanded program of research and financial assistance to states in order to control predatory animals by more selective methods. This legislation was prompted by the growing weight of evidence that the use of toxic chemicals in predator control programs has resulted in the destruction of many valuable species of wildlife such as the bald eagle which feed upon carcasses of poisoned animals. The measure has passed the House; however, Senate action was not completed.

H.R. 13081, *endangered species act amendments*, would broaden the protection of the existing Endangered Species Act of 1969 by requiring the identification and listing of those species and subspecies which, though not yet threatened with extinction within the restricted meaning of existing law, are "likely within the foreseeable future to become so threatened". Existing formal and narrow distinctions between "native" and "foreign" species would be abandoned. Subcommittee consideration not completed.

H.R. 15961 would reorganize the structure of the Department of the Interior dealing with fisheries and wildlife and would create a United States Fish and Wildlife Service. Subcommittee consideration not completed.

WILDLIFE REFUGE MANAGEMENT AND ACQUISITION

The preservation of wildlife is entirely dependent upon the existence of suitable habitat. Particularly acute is the problem of maintaining sufficient habitat for migratory waterfowl which follow certain well-established "flyways" during their annual migrations between summer breeding grounds in the north and winter feeding grounds in the south. Some of the major "flyways" extend over heavily urbanized areas along the east and west coasts. New refuges are being designated and management of the refuges is being developed to provide for wildlife-oriented recreation and nature study, as well as preservation.

Public Law 92-214 (H.R. 701), *Duck Stamp Act Amendments*, authorizes an increase in the Federal migratory bird hunting fee in order to provide additional funds for the acquisition of migratory bird habitat.

Public Law 92-330 (H.R. 12143), *San Francisco Bay National Wildlife Refuge*, authorizes the establishment of a national wildlife refuge in the San Francisco Bay Area for the protection of migratory waterfowl and other wildlife, and will provide an opportunity for wildlife-oriented recreation and nature study within the open space reserved.

Public Law 92-326 (H.R. 7088), Tinicum National Environmental Center, authorizes the acquisition of land in Delaware and Philadelphia Counties in Pennsylvania for the preservation, restoration, and development of the unique natural area known as Tinicum Marsh.

Public Law 92-408 (H.R. 10310), Seal Beach National Wildlife Refuge, authorizes establishment of Seal Beach National Wildlife Refuge on approximately 700 acres of salt marsh, water and uplands located within the boundaries of the Seal Beach Naval Weapons Station just south of Los Angeles.

Public Law 92-534 (H.R. 10384), recreation areas adjacent to wildlife refuges, liberalizes authority for acquisition of lands for fish and wildlife-oriented recreational development adjacent to areas of the national wildlife refuge system, national fish hatcheries, and other conservation areas under the administration of the Secretary of the Interior. The bill would authorize acquisition of lands without any limitation on the size and number of areas and would eliminate the requirement that acquisitions could be made only adjacent to conservation areas in existence in 1962.

Public Law 92-432 (H.R. 13025), transfer of surplus Federal property for State wildlife conservation, liberalizes authority of the General Services Administration to transfer surplus federal property to state agencies for wildlife conservation.

Public Law 92-558 (H.R. 11091) adds additional proceeds to the special fund in the Treasury known as the Federal Aid to Wildlife Restoration Fund by imposing a 11% tax on the sale of bows and arrows. One-half of these funds can be used by the states for hunter safety programs and the construction of target ranges and the other half is used in wildlife restoration programs.

H.R. 13822, wildlife conservation on military lands, would extend the present law providing for a wildlife, fish and game conservation and rehabilitation program on military reservations. The bill, incorporating the provisions of *H.R. 9754*, also would require the Secretary of the Interior and the Secretary of Agriculture to carry out similar programs on public lands administered by them and on public lands administered by the AEC and NASA. Full Committee action not completed.

FISHERY DEVELOPMENT AND ASSISTANCE TO U.S. FISHERMEN

Commercial fishing, both the traditional ocean fishing and the more recent "fish farming", is an important element of our economy, indeed a critical element in many coastal areas. The fishing industry is confronted with a variety of problems which require Federal action. Additionally, the Subcommittee is actively monitoring the efforts of the Federal Government at the international level to secure adoption of a new International Fisheries Convention which will relieve the extreme pressure on our coastal fishery resources by foreign fishing fleets and protect our fishermen from unlawful seizure by foreign countries.

Public Law 92-569 (H.R. 7117), Fishermen's Protective Act Amendments, expedites reimbursements to owners of U.S. vessels for charges paid by them to obtain the release of their vessels and crews illegally seized by foreign countries. Upon Secretary of State confirmation of the amount paid by the vessel owner, the Secretary of the Treasury

would authorize reimbursement. If the offending country does not reimburse the United States within 120 days, the Secretary of State is required to deduct the amount of the claim from any funds programmed to that country under the Foreign Assistance Act.

Public Law 92-594 (S. 3545—similar to H.R. 14385), Fishermen's Protective Act Amendments, extends the voluntary insurance program of the Fishermen's Protective Act to July 1, 1977. The purpose of the program is to provide insurance for U.S.-vessel owners for economic losses sustained as a result of an illegal seizure.

Public Law 92-444 (H.R. 12207), tuna development, authorizes a three-year program for the development of the tuna and other latent fisheries resources of the Central and Western Pacific Ocean in order to assist the economic development of Guam, American Samoa and the trust territories.

Public Law 92-471 (H.R. 9501), North Pacific Fisheries Act Amendments, strengthens the provisions of this important Act which implement the International North Pacific Fisheries Convention between the United States, Canada, and Japan.

Public Law 92-590 (S. 3524—similar to H.R. 14384) extends the Commercial Fisheries Research and Development Act of 1964 authorizing Federal-state fisheries cooperation for an additional five years.

Public Law 92-604 (H.R. 16074) extends the program to assist the states in controlling and eliminating jellyfish (sea nettles) and other such pests, and in conducting research for controlling floating seaweed in state waters for an additional four years.

Public Law 92-504 (H.R. 16870), Sockeye Salmon Fisheries Act Amendments, authorized additional appropriations for the United States share in the development, construction, maintenance, and operation of the International Pacific Salmon Fisheries Commission program to restore and extend the Sockeye and Pink Salmon stocks of the Fraser River system.

Public Law 92-601 (S. 3358—similar to H.R. 16793), Canadian fishing vessels, is legislation designed to prevent an influx of surplus foreign fishing vessels of less than 5 net tons into the fisheries of the United States. The Canadian Government periodically auctions such boats with the stipulation that they cannot be used in Canadian fisheries. As a result, many of the boats are being used principally in America's Western fisheries.

H.R. 153, fishing vessel insurance, would authorize the Secretary of Commerce to assist associations of fishing vessel owners and operators in securing vessel and injury insurance at reasonable rates. Subcommittee consideration not completed.

H.R. 9401, fish farming, and a similar bill, H.R. 9161, would authorize an expanded fish program on farms and ranches throughout the Nation. In carrying out the program, the Secretary of Agriculture would be authorized to conduct surveys, investigations, research, to publish and disseminate the information, and to make loans to farmers for fish farming. Subcommittee consideration not completed.

H.R. 14730, fish disease, incorporates the language of two earlier bills on which hearings were held, *H.R. 695, fish disease*, and *H.R. 6861, fish cancer study*. This legislation is aimed at eradicating communicable diseases which have plagued fish hatcheries in many

parts of the country in recent years. Subcommittee consideration not completed.

H.R. 12718, fish protein concentrate program, would extend the program to develop a practical and economic means for the production of fish protein concentrate as a human diet supplement for one additional year. In addition, the bill would designate the Secretary of Commerce to administer the program rather than the Secretary of the Interior. Subcommittee consideration not completed.

COAST GUARD AND NAVIGATION

The Coast Guard and Navigation Subcommittee exercises oversight responsibility with respect to the United States Coast Guard, a branch of the armed forces of the United States, which during peacetime functions within the Department of Transportation. The Committee is responsible for insuring that the Coast Guard is capable of carrying out its traditional roles of patrolling our inland and coastal waterways, aiding ships and recreational boaters in distress, and maintaining aids to navigation. In recent years, the Coast Guard has been assigned an ever-increasing role in the national effort to prevent pollution of our waters. Recognition of the massive pollution threat posed by giant tankers has now prompted the enactment of sweeping authority vested in the Coast Guard to control the movement of ship traffic in our waters. The activities of the Subcommittee during the 92nd Congress fall into the following general categories.

ENVIRONMENTAL PROTECTION AND POLLUTION CONTROL

The Coast Guard devotes a great deal of effort in detecting pollution incidents and tracking down offending vessels transiting our coastal waters. Our most serious pollution problems arise, however, when ocean-going ships enter our bays, rivers, and harbors. In such protected areas, a pollution incident may have catastrophic results, since an oil spill, for example, may not be quickly disbursed. As a result of the Subcommittee's efforts, a series of public laws were enacted to minimize the risk of collisions and other incidents with a high pollution risk in our waters.

Public Law 92-63 (S. 699—comparable House bill, H.R. 756), bridge-to-bridge radiotelephone communication, requires the installation of radiotelephones on the bridge of every merchant vessel entering United States waters, regardless of flag. The person navigating the ship must monitor a special navigational frequency so as to hear any other ship attempting to make contact. This Act will insure that approaching vessels are able to communicate with each other by voice and will understand each others intended course. The traditional method of communicating such information between ships was by whistle which is totally inadequate in this age.

Public Law 92-339 (H.R. 6479), towing vessel operator licensing. While the ships officers on ocean-going vessels have traditionally been required to pass rigorous examinations to qualify for the position, the operators of towing vessels on our inland waterways have been exempt from such examination. A number of our disastrous collisions between towboats and other ships in congested waterways have demonstrated the need for minimum qualifications on the part of towboat operators.

Public Law 92-340 (H.R. 8140), the Ports and Waterways Safety Act of 1971. This Act, the most important legislative work of the Subcommittee in the 92nd Congress, authorizes the Coast Guard to establish vessel traffic systems and to exercise positive vessel traffic control in those ports and waterways of the United States where, due to the volume of traffic, the prevailing weather, or the physical configuration of the area, there is a substantial risk of ship collisions or other navigational hazards. In addition, the Act greatly expands the Coast Guard's authority to regulate the design and construction of tankers to minimize pollution in the event of a marine accident.

SAN FRANCISCO BAY TANKER COLLISION HEARING

Early in the 92nd Congress, extensive hearings were held in San Francisco concerning the collision of two American-flag tankers under the Golden Gate Bridge. The Committee did not attempt to assess responsibility for this collision between the two vessels involved in light of the concurrent investigation of the National Transportation Safety Board and the Coast Guard, but rather concentrated upon the need for new legislative tools to prevent the reoccurrence of such a disaster. The Committee was also concerned with the adequacy of the response of Federal and local agencies to a pollution incident of this magnitude. The hearings resulted in enactment of the Bridge-to-Bridge Radiotelephone Act and the Ports and Waterways Safety Act. Also, as a result of this investigation, the National Oil Pollution Contingency Plan was substantially revised.

H.R. 15627, Oil Pollution Act Amendments. The United States has been a party to a number of important international conventions dealing with pollution of the oceans. These conventions were substantially amended in 1969 and again in 1971 reflecting experience gained from the *Torrey Canyon* disaster off the coast of England. This bill updates existing law applicable to American-flag ships. The measure passed the House; however, Senate action was not completed.

RECREATIONAL BOATING

Recreational boating in the United States has expanded dramatically during the past decade. The number and variety of recreational boats has proliferated. The average boat purchaser knows less about the product he is buying than he does about his automobile. Deaths and injuries as a result of recreational boating accidents are intolerably high.

Public Law 92-75 (H.R. 19) requires that recreational boats manufactured in the United States or imported be designed and constructed in accordance with Coast Guard performance standards. Further, the Act establishes a system of aid to the states to assist them in administering state boating safety programs and strengthens the authority of the Coast Guard to deal with boats which leave the pier in an unsafe condition or which are operated in an unsafe manner.

COAST GUARD SHIPS, AIRCRAFT, AND SHORE FACILITIES

Each year, the Committee reviews the Coast Guard's shipbuilding, aircraft acquisition, shore facilities maintenance, and aids to navi-

gation programs. Following this review, legislation is reported to authorize the funds needed for these programs for the ensuing fiscal year. The Committee also authorizes in this legislation the uniformed personnel strength of the Coast Guard.

Public Law 92-118 (H.R. 5208) and Public Law 92-343 (H.R. 13188) were enacted to authorize funds and personnel for the Coast Guard for fiscal years 1972 and 1973 respectively.

COAST GUARD ADMINISTRATION

Periodically legislation must be enacted of a housekeeping nature for the efficient administration of the Coast Guard. Three such measures were considered by the Subcommittee during this Congress and subsequently enacted.

Public Law 92-455 (H.R. 10486), aligns the basic pay of Master Chief Petty Officers of the Coast Guard with that of their counterparts in other armed forces;

Public Law 92-451 (H.R. 13697), changes the flag officer structure of the Coast Guard; and

Public Law 92-479 (H.R. 14891), permits recalling the Coast Guard Reserve to active duty at a time of serious civil disaster, accident or catastrophe.

At the end of each Session, the Subcommittee holds oversight hearings which deal with the operation of the Coast Guard, particularly as it relates to recently enacted legislation.

OCEANOGRAPHY SUBCOMMITTEE

The Oceanography Subcommittee was created in recognition of the need to develop a coherent national policy for the expansion of our knowledge of the oceans, including coastal and estuarine areas and to utilize the living and mineral resources of the oceans to the maximum benefit of man with the least possible adverse impact upon marine ecosystems. The work of the Subcommittee has been built upon the Marine Resources and Development Act of 1966 and the Sea Grant College Act. The Marine Resources Act created a Commission under the Chairmanship of Dr. Julius Stratton, President of the Ford Foundation, which in 1969 submitted to the Congress its recommendations for a national oceans policy. Its report, "Our Nation and the Sea", is a detailed blueprint for expanding our knowledge and wise utilization of the oceans. The Sea Grant College Program, over which the Subcommittee exercises oversight responsibility, provides funds for multi-disciplinary oceanographic and ocean-related research at a variety of universities, a number of which have been designated "Sea Grant Colleges". The work of the Subcommittee of the 92d Congress has been concerned with implementation of the principal recommendations of the Marine Science Commission, ocean pollution and international efforts to revise the Law of the Sea.

IMPLEMENTING THE RECOMMENDATIONS OF THE MARINE SCIENCE COMMISSION

During the 91st Congress, the National Oceanic and Atmospheric Administration was established within the Department of Commerce

upon recommendation of President Nixon. "NOAA", as it is commonly referred to, incorporates the former Environmental Science Services Administration and a variety of other agencies involved in fisheries, marine mammal protection and ocean resource development. The functions of the Weather Bureau, having been absorbed into the Environmental Science Services Administration through an earlier reorganization plan, comprise the largest single element within the NOAA organization. The combination of atmospheric and oceanic sciences within one agency gave recognition to the fact that weather is largely a product of oceanic forces. During the 92d Congress, the Subcommittee held oversight hearings to study the progress of this newly created agency during its first year of existence.

Public Law 92-125 (H.R. 2587). In addition to its principal recommendation that NOAA be established, the Marine Science Commission strongly recommended that a National Advisory Committee on Oceans and Atmosphere be created to assist NOAA in policy matters and to monitor the total national effort in marine science and technology. The Advisory Committee reports annually to the President and the Congress.

Public Law 92-567 (H.R. 15280), National Advisory Committee on Oceans and Atmosphere (NACOA) authorization, increases the appropriation authorization from \$200,000 per year to \$400,000, reflecting the realistic needs of NACOA in carrying out its duties and responsibilities.

Public Law 92-583 (S. 3507—similar to H.R. 14146), Coastal Zone Management Act of 1972. The Marine Science Commission noted the lack of effective national and state policies with respect to further utilization of our coastal and estuarine areas. Our seacoasts are now being subjected to intensive development for recreational purposes with virtually no comprehensive planning. Valuable marshlands are being filled without regard for the need to maintain essential wildlife habitat. This vital legislation, therefore, attempts to bring some order out of the chaos now prevailing in so many parts of our country with respect to development of our unique coastline. This federal legislation complements efforts recently undertaken by many states to protect their shores. The Act authorizes the Secretary of Commerce to make certain annual grants to assist the states in development of management programs in their respective coastal and estuarine zones and would include procedures for the approval and continuing review by the Secretary of the state programs. The bill also provides for coordination of federal projects with approved state programs, creation of a Coastal Zone Advisory Committee, establishment of "marine sanctuaries" and periodic reports to Congress.

POLLUTION CONTROL—THE ENVIRONMENT

The continuing efforts of the Oceanography Subcommittee in the field of pollution control and protection of our environment have been reflected in several other major pieces of legislation during this Congress. One of the most critical problems is the dumping of waste, generated by man, into the oceans. The following measure should place the United States in the forefront with respect to efforts to stop such pollution.

Public Law 92-532 (H.R. 9727), ocean dumping ban, bans the dumping of material into the ocean beyond the "base line" (the line from which the three- and twelve-mile limits are computed). Dumping of materials within internal waters is adequately covered by existing and proposed legislation regulating water quality. The provisions of the ocean dumping measure cover all disposal generally, but certain activities are excepted when they are regulated by other laws. At the international level, the United States has taken a strong leadership position in the effort to secure the adoption of an Ocean Dumping Convention.

LAW OF THE SEA—OVERSIGHT

The existing Law of the Sea as embodied in four international conventions agreed upon in 1958 and 1960 is now out-of-date with respect to development of the mineral resources of the oceans. At the time, those conventions were adopted, man's ability to penetrate the oceans to extract mineral resources was severely limited. During the ensuing decade, a number of technological breakthroughs were achieved in the extraction of both petroleum and hard minerals in great water depths. At the same time, a growing controversy over ownership of the resources of the sea-bed has arisen within the United Nations. The President has submitted to the United Nations Preparatory Committee for the Law of the Sea Conference a draft sea-bed resource treaty which recognizes the international character of these resources and implements the concept that these resources should, to a substantial extent, aid all mankind. The United Nations will convene the Law of the Sea Conference in late 1973 or early 1974 to redraft the existing Law of the Sea Conventions in light of current technology and needs of the international community. The Oceanography Subcommittee is monitoring these developments very closely and in the meantime is considering the following legislation.

H.R. 13904, Deep Sea-bed Hard Minerals Resources Act. Until an international convention is adopted establishing a legal regime for the sea-bed resources of the world's oceans, it is, in effect, a legal vacuum. A number of American enterprises have developed methods to extract profitably, mineral resources from the deep sea-bed. Since international laws do not cover such activities, they would have no guarantee that their investment would be protected should they locate a profitable mineral deposit in the sea-bed and invest the sums necessary to extract those minerals. This legislation would, therefore, on an interim basis, encourage individual nations to recognize the claims of other nations to mineral deposits on the sea-bed which their nationals have located and extracted. This system of reciprocity would be phased out upon adoption of an international sea-bed authority as suggested by President Nixon. Subcommittee consideration not completed.

PANAMA CANAL SUBCOMMITTEE

Notwithstanding the fact that a growing number of ships engaged in international trade, particularly large tankers, are unable to transit the Panama Canal, the Canal remains the most important international waterway in the world. It continues also to play a vital role in the maritime defense posture of the United States. The Panama Canal Subcommittee is responsible for Congressional oversight with respect

to all aspects of the Canal operations and the administration of the Panama Canal Zone by the Panama Canal Company. In recent years, considerable attention has been focused upon enlargement of the existing Canal or construction of a new isthmus canal. In 1970, the report of the Atlantic-Pacific Interoceanic Canal Study Commission was received by the Congress pursuant to Public Law 88-609. The Commission recommended that further consideration of a new canal be held in abeyance pending resolution of the rights and obligations of the United States under a new treaty with the Republic of Panama. Should a new canal be decided upon, the Commission recommended a sea-level route within the Republic of Panama. As envisaged by the Commission, the existing Canal and the new sea-level canal would be operated jointly under the effective control of the United States with participation by Panama. The Panama Canal Subcommittee has spent considerable time evaluating the detailed study conducted by the Commission. However, in the final analysis, serious consideration of a sea-level canal or enlargement of the existing lock system will depend upon the outcome of negotiations with the Republic of Panama over a new treaty. These negotiations have been going on spasmodically with little progress for a number of years. The military government of Panama does not appear to be in a position to sit down with the United States and resolve the real issues which exist without resorting to anti-American polemics. These negotiations are, of course, being conducted by representatives of the executive branch; however, the Subcommittee continues to monitor these efforts.

During the 92nd Congress, the Subcommittee has held hearings to determine certain relevant aspects of the treaty negotiations; for example, the extent to which the United States by treaty could dispose of Federally-owned property within the Canal Zone without authority granted by legislation to do so.

More recently, the Subcommittee has become concerned over drug traffic in Panama and its impact upon American citizens in the Canal Zone and in the United States.

The Subcommittee is also responsible for general welfare of the employees of the Panama Canal Company, numbering about 4,000, plus dependents.

SPECIAL SUBCOMMITTEE ON MARITIME EDUCATION AND TRAINING

The Maritime Training Subcommittee exercises legislative oversight with respect to the United States Merchant Marine Academy at Kings Point, New York, and six state maritime academies which receive financial support from the Federal Government. Each year, as part of the legislative process for the authorization of funds for the Department of Commerce-Maritime Administration, the financial support for the state maritime academies and the budget for the Merchant Marine Academy is reviewed.

The future of the Merchant Marine Academy and the state academies as academic institutions has received close attention during the 92d Congress. At the urging of the Federal Government during the Viet-Nam War build-up in the period 1964-1966, the academies substantially expanded in order to provide trained officers for the merchant marine to man the many ships pressed into service for the Viet-Nam sealift. With the steady decline in this sealift

movement of the past several years, and with relatively stable employment on ships in commercial service, the academies have found that there is a severely contracted employment market for their graduates in the merchant marine. Consequently, attention has now been focused upon revising the curricula of the Merchant Marine Academy at Kings Point to prepare its graduates for a broader role in ocean-related fields of endeavor, including the expanding and important fields of oceanography and ocean engineering. A bill to accomplish this purpose, *H.R. 14998*, was the subject of hearings beginning September 12. While the legislation dealing with the role of Kings Point or the state academies was not enacted during this Congress, these hearings should lay the foundation for action at an early date in the 93rd Congress.

The training and upgrading of merchant seamen is also of concern to the Subcommittee and, in this regard, close liaison is maintained with the various maritime unions which have established programs to train seamen and to assist them in moving up to positions of greater responsibility on board ship.

Education and Training	Panama Canal	Oceanographic	Coast Guard	Fisheries and Wildlife	Merchant Marine	Full-time	Total
Executive meetings (days)	11	2	2	2	3	28	50
Executive meetings (days)	11	2	2	2	3	28	50
Public hearings (days)	9	2	2	2	3	28	47
Reported to House	9	2	2	2	3	28	47
Private law	1	1	1	1	1	4	11
Public law	1	1	1	1	1	4	11
Bills reported	1	1	1	1	1	4	11
Total reported	11	2	2	2	3	28	47
Executive meetings (days)	11	2	2	2	3	28	50
Executive meetings (days)	11	2	2	2	3	28	50
Public hearings (days)	9	2	2	2	3	28	47
Reported to House	9	2	2	2	3	28	47
Private law	1	1	1	1	1	4	11
Public law	1	1	1	1	1	4	11
Bills reported	1	1	1	1	1	4	11
Total reported	11	2	2	2	3	28	47

This table includes bills jointly reported to Fisheries and Wildlife and Commerce Subcommittees. The 301 reported from the Fisheries and Wildlife Subcommittee received a Presidential veto on Oct. 21, 1974. It includes 2 days of joint subcommittee hearings.

COMMITTEE ACTIVITIES BY SUBCOMMITTEE AND SUBJECT MATTER

TABLE I (CONTINUED)

The House Committee on Merchant Marine and Fisheries held hearings on December 22 and 23, 1970, on the proposed program of the Public Health Service facilities. The Secretary of Health, Education and Welfare indicated at these hearings that the administration had not reached any firm decision with respect to this matter. However, the President's budget did not carry funds for the continuation of these hospitals at the present level.

LEGISLATIVE ACTIVITY OF THE COMMITTEE

The accompanying table summarizes statistically the work of the committee and its subcommittees during the 92d Congress. Five hundred and thirty-four bills have been referred to the committee of which three hundred and ninety-one have had some action taken. Fifty-nine have been reported to the House with recommendation that they be passed. Of these, 45 have become public law with one becoming a private law. The committee has held 171 days of open hearings and sat in 70 days of executive meetings.

STATUS OF BILLS REFERRED, 92d CONGRESS

	Total	Subcommittees					
		Full Committee	Merchant Marine	Fisheries and Wildlife	Coast Guard	Oceanography	Panama Canal
Bills referred:							
House bills.....	498	5	75	324	43	76	3
House joint resolutions.....	18		1	13	3	1	
House concurrent resolutions.....	11		5	5	1		
House resolution.....	1			1			
Senate bills.....	7	1	2	3		1	
Total referred.....	534	6	83	346	47	78	3
Bills reported:							
Public laws.....	45		12	20	9	4	
Private law.....	1		1				
Reported to House.....	² 55		18	² 23	10	4	
Open hearings (days).....	171	5	53	³ 58	25	³ 20	9
Bills considered.....	391	60	43	¹ 211	12	¹ 64	
Executive meetings (days).....	70	26	3	23	2	11	5

¹ This total includes 46 bills jointly referred to Fisheries and Wildlife and Oceanography Subcommittees.

² H.R. 56, reported from Fish and Wildlife Subcommittee, received a Presidential veto on Oct. 21, 1972.

³ Includes 3 days of joint subcommittee hearings.

COMMITTEE ACTIVITIES BY SUBCOMMITTEE AND SUBJECT MATTER

FULL COMMITTEE

Total bills referred (not re-referred to subcommittees).....	6
Hearings held (days).....	5
Executive meetings (days).....	26

Public Health Service hospitals

The House Committee on Merchant Marine and Fisheries held hearings on December 22 and 30, 1970, on the critical problem of the phasing out of the Public Health Service facilities. The Secretary of Health, Education, and Welfare indicated at these hearings that the administration had not reached any firm decision with respect to this matter. However, the President's budget did not carry funds for the continuation of these hospitals at the present level.

In view of the budget cut and the disposition of the administration to close these facilities Chairman Garmatz solicited all the Members of Congress to join with him in sponsoring a concurrent resolution expressing it to be the intent of Congress that these hospitals and clinics not only remain open and funds be made available for their continued operation, but that additional funds be made available for the modernizing, upgrading and expansion of these existing facilities so that the Public Health Service may provide optimum medical care and treatment for the eligible beneficiaries.

Chairman Garmatz secured 194 cosponsors for this resolution. Because of the House rules which permit only 24 cosponsors on a resolution, eight other identical resolutions were introduced simultaneously with Chairman Garmatz' resolution on February 10, 1971. Senate Concurrent Resolution 6, an identical resolution, passed the Senate June 29, 1971, and passed the House, amended, August 2, 1971. The Senate agreed to the conference report on December 7, 1971 and the House agreed to the conference report on December 9, 1971.

On the same day, Chairman Garmatz introduced his concurrent resolution (February 10, 1971), he sent a letter to President Nixon expressing his views on this matter and pointed out to him that some nine concurrent resolutions had been introduced in the House with 194 congressional sponsors. Chairman Garmatz asked the President to take cognizance of these resolutions and to continue the PHS clinics and hospitals in operation in accordance with the expressed will of the Congress.

A legal opinion dated June 21, 1971, by the General Counsel of Health, Education, and Welfare held, in effect, that the Department had legal authority to close the Nation's Public Health Service hospitals and clinics. Chairman Garmatz referred this legal opinion to the Comptroller General, Elmer Staats, asking whether he agreed with the views contained therein and pointed out that his predecessor in office, Joseph Campbell, held in a decision dated June 7, 1965, that no such discretionary authority existed with the Secretary of Health, Education, and Welfare.

On February 23, 1971, Chairman Garmatz received an eight-page legal opinion from the Comptroller General which indicated, among other things, that the Department of Health, Education, and Welfare does not have the authority to close all the Nation's Public Health Service hospitals.

On March 5, 9, 10, and 11, 1971, the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce held hearings on the question of the Public Health Service hospitals. Chairman Garmatz appeared as a witness before this subcommittee on March 9. At these hearings Mr. Cardwell of HEW admitted that the hearings the Garmatz committee held on December 22 and 30, 1970, turned them around, at least for the time, with respect to their plans to close these invaluable facilities.

The Department of Health, Education, and Welfare pressed ahead with its plans to phase the PHS facilities into community management and use. Pursuant to an invitation from Health, Education, and Welfare, Chairman Garmatz sent a representative to meetings in San Francisco on January 17 and 18, 1972. These meetings were to discuss with four different groups tentative guidelines for the conversion of the Public Health Service facility in San Francisco to community use.

It was apparent from these meetings that planning had not developed sufficiently so that cost data was not available for such a conversion scheme. In addition, it was unclear how the present PHS beneficiaries would function and benefit under this community service conversion plan. The deadline for finalization of tender from the interested parties in San Francisco is April 15, 1972, so final cost and beneficiary data should be available to the Congress after that date.

Military Sealift Command

In March, the full committee held 3 days of hearings on the Department of Defense directive dated February 24, 1971, that proposed to transfer functions of the Navy Military Sealift Command to the Army Military Traffic Management and Terminal Service. The matter was of deep concern to the committee in view of its possible adverse impact on the U.S.-flag merchant marine.

No further action was taken by the Merchant Marine and Fisheries Committee as the Honorable Alton Lennon of this committee was appointed chairman of the Special Subcommittee on Transportation of the House Committee on Armed Services in order to conduct full hearings into this proposed transfer. Hearings were held by that committee and the conclusions contained in its report (H.A.S.C. No. 92-29).

Federal Maritime Commission oversight

On March 16, 1971, the full committee held oversight hearings on the Federal Maritime Commission. Chairman Helen D. Bentley testified on the activities of that agency.

SUBCOMMITTEE ON MERCHANT MARINE

Total bills referred to subcommittee.....	83
Bills reported, passed, and now public laws.....	12
Bills reported.....	18
Bills considered.....	43
Hearings held (days).....	53
Executive meetings (days).....	3

LEGISLATIVE ACTIVITIES

H.R. 155—Lash/Seabee barge bill

The purpose of the bill is to obtain for U.S.-flag companies the operating flexibility in foreign waters necessary for the efficient and economical operation of barge carrying ships, such as the Lash and Seabee vessels. The bill amends section 27 of the Merchant Marine Act 1920, the so-called Jones Act, to authorize the Secretary of the Treasury to permit within our territorial waters the transfer of cargo moving in our foreign trade from such a barge to another such barge owned or leased by the same owner or operator when the barge is under foreign registry or not qualified to engage in the coastwise trade. When the transporting vessel is a foreign registry, the Secretary of the Treasury is required to make a finding based on information furnished by the Secretary of State, that the Government of the nation of registry extends reciprocal privileges to vessels of the United States.

H.R. 155 ultimately became Public Law 92-163, on November 23, 1971.

H.R. 755—Federal Maritime Commission

The Federal Maritime Commission has encountered difficulty in carrying out its regulatory duties because of certain criminal penalties provided by the Shipping Act, 1916, and its inability to assess penalties provided by the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933. The purpose of the bill is to assist the Federal Maritime Commission in carrying out its regulatory functions by (a) changing the penalty provisions of the Shipping Act, 1916, from criminal to civil in those three areas that give the Commission most of its enforcement problems in day-to-day operations; (b) providing a civil penalty for violations of any order, rule, or regulation of the Commission; and (c) authorizing the Commission to assess all civil penalties provided for violations of those sections of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, which are subject to its jurisdiction. This would bring the Federal Maritime Commission's practices into line with those of other Federal agencies.

H.R. 755 passed the House on September 20, 1971. The Senate generally amended H.R. 755 so that the Federal Maritime Commission was authorized to compromise the amount of civil penalties rather than assess them, and required a hearing with respect to orders relating to violations of Commission rules and regulations.

The House concurred in the Senate amendments on August 18, 1972, and H.R. 755 was enacted as Public Law 92-416 on August 29, 1972.

H.R. 760—Vessel Documentation Act

Vessel documentation establishes an official basis for vessel identification and control. It serves to facilitate trade and commerce by classifying vessels for regulation, safety, pilotage, fee assessment, and taxation purposes. The marine document of an American vessel is both a certificate of nationality and an authorization for the vessel's use in foreign, coastwise or domestic trade.

Our existing vessel documentation laws are fragmented and some date back to the early 1790's. The purpose of the bill is to extract from these existing laws and restate in a concise and orderly manner the purposes and objectives of vessel documentation. This would permit the Coast Guard to introduce modern procedures and business techniques, with resulting benefits for the U.S. Coast Guard and U.S.-flag merchant marine. H.R. 760 passed the House on August 2, 1971.

H.R. 4724, H.R. 5352—Maritime authorization

In accordance with the authority conferred on this committee by Public Law 90-81 (sec. 209 of the Merchant Marine Act, 1936, as amended) hearings were held in March of 1971, on H.R. 4724 and H.R. 5352 to authorize certain appropriations for the Maritime Administration.

H.R. 5352 authorized \$80 million supplementary appropriations for the operating subsidy program of the Maritime Administration for fiscal year 1971. The bill was enacted as Public Law 92-21 on June 1, 1971.

H.R. 4724 authorized certain appropriations for the Maritime Administration for fiscal year 1972. As finally agreed to in conference, after amendments, and as enacted as Public Law 91-53 on July 9,

1971, there is authorized to be appropriated a total of \$507,820,000 for the following categories of activities and in the amounts indicated:

(a) Acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, \$229,687,000.

(b) Payment of obligations incurred for operating-differential subsidy, \$239,145,000.

(c) Expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), \$25 million.

(d) Reserve fleet expenses, \$4,318,000.

(e) Maritime training at the Merchant Marine Academy at Kings Point, N. Y., \$7,300,000.

(f) Financial assistance to State marine schools, \$2,370,000.

H.R. 5741—Liberty ship bill

The purpose of the bill is to authorize the Secretary of Commerce to transfer surplus liberty ships from the National Defense Reserve Fleet to the various States for use as an offshore artificial reef for the conservation of marine life. Hearings were held in June of 1971.

H.R. 5741 passed the House on July 31, 1972. The Senate amended H.R. 13324, the Maritime Administration authorization bill for fiscal year 1973, to include the Liberty ship bill. The House agreed to the Senate amendments on August 14, 1972. The Liberty ship bill was enacted as sections 3, 4, 5 and 6 of Public Law 92-402 on August 22, 1972.

H.R. 6239—Maritime lien bill

The purpose of the legislation is to protect terminal operators, ship repairers, stevedores and other suppliers who in good faith furnish so-called necessaries to a vessel. For years a "prohibition of lien" clause in a charter party and the Ship Mortgage Act have precluded such parties from acquiring a lien on a vessel for necessaries furnished to that vessel. The bill amended the Ship Mortgage Act to permit a supplier to acquire such a lien despite a "prohibition of lien" clause in the charter party.

The problem concerned the American supplier of necessaries where the vessel owner, by chartering or surrendering possession of the vessel, clothes the master thereof with at least apparent authority to bind the vessel for necessaries furnished to that vessel. The question presented was where a loss occurs in this situation, whether it should be suffered by the owner of the vessel or the American materialman who furnished such necessaries in good faith. The committee concluded that, as a matter of equity, the owner should bear the loss in such a situation.

H.R. 6239 was enacted as Public Law 92-79 on August 10, 1971.

H.R. 9128—Federal Maritime Commission/Interstate Commerce Commission jurisdiction

The purpose of the bill is to confer exclusive regulatory jurisdiction on the Federal Maritime Commission over domestic barge movements of cargo moving in foreign trade where the barge service is provided so that the deep sea vessel will not have to call at a port. Without

legislation there is an open question as to whether such barge movement might come under the jurisdiction of the Interstate Commerce Commission.

Hearings were held on the bill on November 29, 1971, and H.R. 9128 passed the House on September 26, 1972.

H.R. 9552—Liberal cruising authority for United States-flag passenger vessels

The purpose of the legislation is to amend section 613 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1183), to permit passenger vessels to cruise for the entire year if the Secretary of Commerce finds that the operation of the vessel on its trade route is not required. The legislation would also permit such vessels to carry mail and cargo between ports not on their regular service if such carriage is not in direct competition with carriers offering United States-flag berth service between those ports, or with the consent of the next scheduled United States-flag carrier.

The Committee held a hearing on the bill in March of 1972, and concluded that more liberal cruising authority will assist the four remaining United States-flag passenger vessels to compete effectively with foreign-flag vessels in the growing cruise business from American ports.

H.R. 9552 was enacted as Public Law 92-323, on June 30, 1972.

H.R. 9756—Ship mortgage insurance

Title XI of the Merchant Marine Act of 1936 authorizes the Secretary of Commerce to insure mortgages and loans made to finance the construction, reconstruction or reconditioning of certain U.S.-flag merchant vessels. The purpose of the bill is to amend title XI to improve its responsiveness to the current needs of the shipping industry for investment capital and to simplify the mechanisms of issuing and marketing obligations under title XI. H.R. 9756 is a complex piece of legislation in that it completely revises title XI of the Merchant Marine Act, but it is in harmony with the existing rationale and does not increase the exposure of the Government as guarantor of this successful aid program for the merchant marine.

H.R. 9756 passed the House on February 7, 1972. The Senate amended the bill in some minor respects, and the House concurred in the Senate amendments on October 4, 1972. H.R. 9756 was enacted as Public Law 92-507, on October 19, 1972.

H.R. 10694, H. Con. Res. 403, H.R. 10923 and H.R. 12324—Cargo preference

During the latter part of the first session of the 92d Congress, the Committee held hearings to analyze our international trade with a view to generating more cargo for United States-flag merchant vessels. In this regard, during the first session, the Committee held 13 days of hearings and heard 22 witnesses on the following bills:

(a) *H.R. 10694*—The purpose of the bill is to increase the amount of cargo carried by American merchant vessels by amending Public Resolution 17. Public Resolution 17 (15 U.S.C. 616a) generally provides that it is the sense of Congress that in any loan made by the Government to foster the exporting of agricultural or other products provision shall be made that they will be carried in American merchant vessels. The bill amends Public Resolution 17 so that it will apply not only to loans, but also to other credit arrangements or guarantees.

(b) *H. Con. Res. 403*—The purpose of the bill is to express the sense of Congress that the so-called Cargo Preference Act of 1954 (46 U.S.C. 1241(b)), generally requiring that at least 50 percent of Government-generated cargoes be shipped on American merchant vessels, was not intended to override the so-called 1904 act (10 U.S.C. 2631), generally requiring that all military cargo be shipped on American vessels. The 1904 Act has been construed administratively as overriding these provisions so as to require that only 50%, rather than all, military cargoes transported by sea generally be shipped on privately-owned U.S.-flag commercial vessels.

(c) *H.R. 10923*—The purpose of the bill is to increase the amount of cargo carried by American merchant vessels by amending the so-called Cargo Preference Act of 1954 (46 U.S.C. 1241(b)) to increase from 50 to 100 percent the percentage of Government-generated cargo that must be carried in American merchant vessels where there is no substantial difference between the American-flag and foreign-flag freight rate.

H. Con. Res. 403 was ordered reported, without amendment, on May 18, 1972. *H.R. 10923* was reported on June 15, 1972 (House Report No. 92-1138). As reported, *H.R. 10923* would provide an exception to the 100% carriage in United States-flag vessels wherever the United States carriers or Government have entered into cargo division agreements with other carriers or country, in a trade or trades.

During the course of the hearings on *H.R. 10694*, *H. Con. Res. 403*, and *H.R. 10923*, it became increasingly clear that the United States was faced with an impending energy crisis of ominous proportions, and lacked United States-flag vessels to carry even a small part of these desperately needed energy imports. Therefore, on December 15, 1971, Chairman Edward A. Garmatz, for himself, Mr. Clark, Mr. Dingell, Mr. Downing, Mr. Leggett, Mr. Pelly, Mr. Grover, Mr. Keith and Mr. Bray, introduced *H.R. 12324*. The purpose of the bill was to amend the so-called Cargo Preference Act of 1954 (46 U.S.C. 1241(b)), so that not less than 50 per centum of the gross tonnage of oil imported by sea under a quota would be required to be carried in United States-flag vessels.

During the early part of the second session, the Committee held seven days of hearings and heard ten witnesses on *H.R. 12324*. In addition, a number of statements were submitted for the record, and written information furnished by various interested parties at the request of the Committee.

H.R. 12324 was strongly supported by the American Independent Tanker Owners and the Maritime Unions. The bill was strongly opposed by the Administration and the American Petroleum Industry. The Maritime Administration never formally took a position on the bill.

The proponents of the bill generally cited the national security implications of the impending energy crisis faced by the United States. In brief, their position was that the United States cannot afford to rely on both foreign oil and foreign-flag transport of such oil to meet our energy requirements. It was their position that this situation is further aggravated because the United States-flag tanker fleet is in desperate straits and inadequate to import vital oil supplies should there be an interruption in foreign-flag transport.

The opponents of the bill generally took the position that the national security need of the proposed legislation had not been established and felt that the United States can safely rely on the so-called "Effective Control" fleet of foreign-flag tankers for our oil imports. They also opposed the bill contending that it would result in increased costs to the American consumer. As a recommended alternative to H.R. 12324, the opponents to the bill suggested action under the new Maritime Program provided by the Merchant Marine Act of 1970.

The committee concluded from these hearings on H.R. 12324, that (a) the United States is faced with an impending energy crisis, (b) the national security of the United States requires that a certain percentage of our oil imports be carried in United States-flag vessels, (c) the new Maritime Program provided by the Merchant Marine Act of 1970 does not represent a viable alternative to the proposed legislation and effectively provide United States-flag vessels for importing oil to meet the requirements of our pending energy crisis, and (d) the proposed legislation has beneficial aspects in addition to providing for our national security requirements. However, the Committee concluded that H.R. 12324, as introduced, could result in increased costs that could be passed on to the American petroleum consumer, and amended the bill in several respects.

As introduced, H.R. 12324 would generally have resulted in half of our oil imports being carried in United States-flag vessels and half in foreign-flag vessels. On June 8, 1972, the Committee ordered H.R. 12324 reported with three amendments:

1. Residual fuel oil was removed from the provisions of the bill.
2. No. 2 fuel oil was removed from the provisions of the bill.
3. Petroleum refiners with inputs of 30,000 BPD or less were excluded from the provisions of the bill.

As ordered reported by the Committee, H.R. 12324 would require that less than 20 per centum of our waterborne oil imports be carried in United States-flag vessels. H.R. 12324 was ordered reported by the Committee and no Committee Report on this bill was ever filed in the House since the similar measure in the form of an amendment to the Maritime Authorization bill (H.R. 13324) was defeated in the Senate by a vote of 41 to 33.

H.R. 10834—M/V "WICKERSHAM"

The purpose of the bill is to grant an exemption to our Cabotage Laws so that the State of Alaska can operate the passenger ferry M/V *Wickersham* in the domestic trade between Alaska and Seattle, Washington for a limited period of time. Legislation is required because the M/V *Wickersham* is precluded from domestic operation by our Cabotage Laws inasmuch as it was not constructed in the United States.

Hearings were held on the bill on December 8, 1971. H.R. 10834 passed the House on March 6, 1972, and was enacted as Private Law 92-81 on March 21, 1972.

CABOTAGE LAWS

The action with respect to the M/V *Wickersham*, above, should not be viewed as any change in the Committee's policy with respect to our

cabotage laws. The Committee continues to view with grave concern any erosion of our cabotage laws, and has consistently reviewed these laws with a view to strengthening them. In this regard, during the 92d Congress, the Committee introduced a number of bills, two of which are:

(a) H.R. 12886, a bill that would amend the Merchant Marine Act of 1920, as amended (46 U.S.C. 877), so that our coastwise laws would extend to the now exempt Virgin Islands.

(b) H. Con. Res. 645, a bill that would amend the Act of December 27, 1950 (64 Stat. 1120), to terminate the authority of the head of any department or agency of the Federal Government to waive the cabotage restrictions of section 27 of the Merchant Marine Act of 1920, as amended (46 U.S.C. 883).

Although the pressure of other business did not permit hearings during the 92d Congress, it is anticipated that similar legislation will be introduced in the first session of the 93rd Congress for appropriate action.

H.R. 11300 (S. 2684)—Title XI for hydrofoil vessels. The purpose of the legislation is to amend section 509 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1159), to increase from 75 to 87½ per centum the amount of the Title XI ship mortgage guarantee for vessels of more than two thousand five hundred horsepower that are designed to be capable of a sustained speed of not less than forty knots; i.e. hydrofoil vessels and other high speed craft such as surface effect ships.

Two days of hearings before the Committee indicated that the hydrofoil concept has now been perfected to the point where large, high speed vessels may be constructed for the carriage of freight and passengers over considerable distances. Private financing will be facilitated by increasing the amount of the Title XI ship mortgage guarantee from 75 to 87½ per centum of the actual cost of the vessel, and thereby encourage the construction of hydrofoil, and other high-speed vessels employing the latest technological developments in ship propulsion and naval architecture.

S. 2684 was enacted as Public Law 92-374, on August 10, 1972.

H.R. 11589—Foreign sale of certain passenger vessels. There is no U.S.-flag passenger vessel service from the east or gulf coasts of the United States, and the American passenger vessels *SS United States*, *SS Brasil*, *SS Argentina*, *SS Santa Paula*, *SS Santa Rosa*, *SS Independence*, and *SS Constitution* are in layup.

Hearings were opened in April of 1971, in an effort to get these vessels back in operation under the U.S. flag. After 2 months of hearings, the committee was forced to conclude that these vessels (a) were unable to compete with jet aircraft in point-to-point transportation, (b) were not properly configured to compete with foreign-flag cruise vessels out of our ports, and (c) in order to operate under the American flag would require a massive infusion of operating-differential subsidy that could not be justified when consideration was given to other requirements of our merchant marine. However, the Committee continued to engage in informal discussion with the owners and maritime unions in an effort to get at least some of these vessels back in operation.

In early September of 1971, a bill was introduced to permit the foreign sale of all seven vessels. Legislation is required because these vessels were constructed with the aid of Government subsidy which requires them to remain under the U.S. flag for 25 years. All are less than 25 years of age. Hearings on this bill were held in September. These hearings brought to light no new facts to encourage the operation of these laid-up passenger vessels under the U. S. flag. There was one new witness who testified that he had an option to purchase the SS *Independence* for operation under the American flag. Informal discussions continued after these hearings resulting in the introduction of H.R. 11589.

The purpose of H.R. 11589 is to permit the foreign sale of the laid-up U.S.-flag passenger vessels SS *Brasil*, SS *Argentina*, SS *Constitution*, SS *Santa Paula*, and SS *Santa Rosa*. The bill also requires the Government to purchase the SS *United States* for layup in the National Defense Reserve Fleet as this vessel contains numerous defense features that could otherwise be lost. In view of the outstanding option to purchase the SS *Independence* for operation under the American flag, this vessel was removed from the provisions of the bill.

H.R. 11589 passed the House on December 1, 1971, and was enacted as Public Law 92-296 on May 16, 1972.

H.R. 13324—Maritime authorization for fiscal year 1973. In accordance with the authority conferred on the Committee by Public Law 90-81 (section 209 of the Merchant Marine Act, 1936, as amended), hearings were held on H.R. 13324 to authorize certain appropriations for the Maritime Administration.

H.R. 13324 authorized certain appropriations for the Maritime Administration of the Department of Commerce for fiscal year 1973. Two days of hearings were held on the bill in March.

With respect to the Maritime Authorization, as finally agreed to after amendments, and as enacted, there was authorized to be appropriated a total of \$556,044,000, for the following categories of activities and in the amounts indicated:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, \$280,000,000, of which \$30,000,000 is for the purchase of modern or reconstructed United States-flag vessels for layup in the National Defense Reserve Fleet;

(b) payment of obligations incurred for ship operation subsidies, \$232,000,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operation) \$30,000,000;

(d) reserve fleet expenses, \$3,900,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, \$7,854,000; and

(f) financial assistance to State marine schools, \$2,290,000.

H.R. 13324 was enacted as section 1 of Public Law 92-402 on August 22, 1972.

H.R. 15048—Commission on American Shipbuilding

The purpose of the legislation is to amend the Merchant Marine Act of 1970, to permit members of the Commission on American Shipbuilding to waive their right to compensation.

The Merchant Marine Act of 1970 provides for the Commission to be composed of 7 members appointed by the President. Section 41(2) of that Act provides that such members who are not full-time employees of the United States are entitled to receive the per diem equivalent of the rate authorized for GS-18 when engaged in the actual performance of duties. The seven members of the Commission appointed by the President come within this provision, and all have waived their right to this compensation. However, the Comptroller General has ruled that compensation for a position that has been fixed by Congress cannot be effectively waived in the absence of statutory authority to do so.

H.R. 15048 was taken up in Executive Session on June 1, 1972, and passed the House on June 19, 1972.

H.R. 15098—LNG construction legislation

The purpose of the bill is to authorize the Secretary of Commerce to construct up to 40 liquified natural gas (LNG) carrier ships for sale or charter as United States-flag vessels in our foreign or domestic trades.

The Committee held three days of hearings on H.R. 15098, and similar bills, during June 14, 15 and 19 of 1972. Testimony at the hearings demonstrated that the United States is faced with an impending energy crisis, and vast amounts of LNG will have to be imported to meet our escalating requirements. The basic issue was whether United States-flag LNG ships should be constructed under the Maritime Program provided by the Merchant Marine Act of 1970, or separate legislation such as the proposed bill. The Honorable William R. Anderson, author of H.R. 15098, the American Gas Association, General Dynamics Corporation, the Maritime Unions and the Shipbuilders Council of America generally gave strong support to the proposed legislation. The Administration and the American Institute of Merchant Shipping generally preferred LNG vessel construction under the new Maritime Program.

H.R. 15465—Intermodal bill. The purpose of the legislation is to amend the Shipping Act of 1916, to facilitate through intermodal freight movements involving offshore marine transportation by providing for (a) the establishment of through intermodal rates, (b) the licensing of Non-Vessel Operating Common Carriers, (c) the issuance of through bills of lading, and (d) related provisions. The legislation would vest jurisdiction over such intermodal movements in the Federal Maritime Commission.

The Committee opened hearings on this comprehensive and complex piece of legislation in September of 1972. One hearing was held in Washington, D.C., and two in San Francisco. Representatives of steamship conferences, common carriers, freight forwarders, and other concerned industry and labor spokesmen testified at these hearings. The Committee has concluded that additional hearings will be required in the first session of the 93d Congress.

H.R. 15735—New York City Schoolship. The purpose of the legislation is to authorize the Secretary of Commerce to transfer the vessel

Twin Falls, to the Board of Education of the City of New York for use as an educational facility.

The Committee held a one day hearing in August of 1972, and concluded that (a) the City of New York has a real need for the *Twin Falls* as a replacement vessel, (b) the vessel is surplus to the needs of the Government, and (c) the transfer would take place without cost to the Government.

H.R. 15735 was enacted as Public Law 92-553, on October 25, 1972.

H.R. 16987—Supplemental maritime authorization for fiscal year 1973. In accordance with authority conferred on the Committee by Public Law 90-81 (section 209 of the Merchant Marine Act, 1936, as amended), hearings were held on H.R. 16987, to authorize certain supplemental appropriations for the Maritime Administration.

Public Law 92-402 authorized appropriations for fiscal year 1973. With respect to the "acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships", that Act authorized \$280,000,000, of which \$30,000,000 is for the purchase of modern or reconstructed United States-flag vessels for lay-up in the National Defense Reserve Fleet." The purpose of H.R. 16987 is to authorize supplemental appropriations in the amount of \$175,000,000 for this activity in fiscal year 1973.

The hearings on H.R. 16987 demonstrated that due to the success of the Maritime Program provided by the Merchant Marine Act of 1970, the ship construction appropriation available to the Maritime Administration for the balance of fiscal year 1973 had been reduced to about \$26,000,000. The Committee concluded that this amount was totally inadequate if the Maritime Program is to be carried out pursuant to the intent of the Congress. Without additional funds provided by the bill, confidence in the Government could falter to the detriment of the entire Maritime Program.

H.R. 16987 was enacted as Public Law 92-523, on October 21, 1972.

H.J. Res. 1196—Ship construction restrictions. The purpose of the bill is to terminate the effectiveness of section 37(d) and (f) of the Shipping Act, 1916, as amended, so that the approval of the Secretary of Commerce is not required to be obtained before a United States shipyard contracts with a foreign citizen to construct a vessel in this country and a similar requirement that such approval be obtained before an undocumented vessel, which has never cleared for a foreign port, departs the United States for delivery to a foreign citizen.

The Committee held a hearing on the proposed legislation in June of 1972, and concluded that a revision of the Maritime Administration's regulations could more readily achieve the same result. The Maritime Administration was most cooperative and agreed to make the necessary revisions. If these efforts are not successful, remedial legislation will be introduced in the first session of the 93d Congress.

Foreign cruise ships.—The Committee held two days of hearings on the operation of foreign-flag cruise vessels from United States ports. These hearings were held because (a) the cruise business from our ports has been expanding rapidly in the past decade, (b) this lucrative business has been dominated by foreign-flag passenger vessels, whereas United States-flag passenger vessels have been reduced from eleven to four in the past few years, and (c) there was evidence to indicate that

the Bureau of Customs was not properly enforcing our cabotage laws with respect to foreign-flag passenger vessels cruising from our ports.

Testimony at the hearings demonstrated that foreign-flag passenger vessels cruising from United States ports circumvent our cabotage laws by various devices, including a perfunctory call at a nearby foreign port. The Committee concluded that the spirit, if not the letter, of the Act of June 19, 1886, as amended (46 U.S.C. 289), was being violated by some of these foreign-flag cruises. That act generally prohibits foreign-flag vessels from transporting passengers between United States ports.

As a first step in correcting this situation, the Committee directed the Maritime Administration to work with the Bureau of Customs in strengthening the latter's regulations with respect to foreign-flag passenger vessels cruising from our ports. Further, the Chairman introduced legislation, H.R. 17176, that would regulate the operation of foreign-flag cruise vessels from our ports. If required, this legislation will be reintroduced in the first session of the 93rd Congress.

NONLEGISLATIVE ACTIVITIES

Maritime Administration oversight.—On July 8, 1971, the Committee held oversight hearings on the Maritime Administration of the Department of Commerce for the first session of the 92d Congress. The Assistant Secretary of Commerce for Maritime Affairs testified on the activities of that agency.

Primarily, emphasis was on the implementation of the Merchant Marine Act of 1970 (Public Law 91-469), authored by the committee during the last Congress. That act provides for the construction of about 300 new U.S.-flag merchant vessels over the next 10 years and for various improvements in Government aid to our merchant marine. The Assistant Secretary of Commerce for Maritime Affairs testified that the program was getting off to a slow start due to a number of factors but that he had every expectation of its ultimate success. The committee closely questioned the Assistant Secretary on the activities of the Maritime Administration and is generally well satisfied with the administration of Assistant Secretary Gibson.

On October 10, 1972, the Committee held oversight hearings on the Maritime Administration of the Department of Commerce for the second session of the 92d Congress. The Assistant Secretary of Commerce for Maritime Affairs testified on the activities of that agency.

The Assistant Secretary testified that the program provided by the Merchant Marine Act of 1970, has begun to take hold, and there is every indication that it will be very successful. At the close of fiscal year 1972, subsidized ship construction under the program totaled over \$1.1 billion. Since then, contracts have been awarded for an additional \$566.4 million of subsidized ship construction. These contracts cover the construction of 36 new ships, and the conversion of 13 vessels into highly efficient containerships. Among the new vessels ordered are 18 tankers and ore-bulk-oil carriers and 6 LNG carriers. With respect to other activities, the Assistant Secretary informed the Committee that the last two years' financings under the Title XI ship mortgage insurance program have achieved record levels. Fiscal year

1971's \$280.7 million in new commitments, the highest in the program's history, was exceeded by 1972's \$647.3 million. At the end of the fiscal year, the aggregate Title XI mortgage and loan insurance commitments were approaching \$2 billion. The Committee closely questioned the witness on these and other activities of the Maritime Administration and is generally well satisfied with the job being done by Assistant Secretary Blackwell.

FEDERAL MARITIME COMMISSION ACTIVITIES

Hearings were held on H.R. 755, H.R. 9128 and H.R. 15465, mentioned above in the past. Day to day contact with FMC was deemed sufficient in view of the comprehensive activities report submitted by the Federal Maritime Commission. This report has been printed in its entirety as part of the general oversight hearings of the Committee.

Containerization and intermodalism continue to be the major transportation revolution in over a hundred years. The Federal Maritime Commission is the agency charged by the Congress with generally regulating common carriers by water in the foreign and domestic offshore commerce of the United States, and a number of related responsibilities. The Commission is attempting, through regulations, litigation and proposed legislation, to resolve the myriad problems occasioned by this transportation revolution with the view that effective regulation must be sufficiently flexible to accommodate the changing times. Perhaps the most significant activity in this regard was the legislation introduced by the Committee as H.R. 15465. This legislation would amend the Shipping Act of 1916, to facilitate through intermodal movements involving offshore marine transportation by providing for (a) the establishment of through intermodal rates, (b) the licensing of Non-Vessel Operating Common Carriers, (c) the issuance of through bills of lading, and (d) related provisions. H.R. 15465 would vest jurisdiction over such intermodal movements in the Federal Maritime Commission. Hearings held during the closing days of the 92d Congress both here in Washington and in San Francisco would indicate that redrafting of certain sections and further hearings will be required in the 93d Congress. The Federal Maritime Commission is currently studying these hearings with a view to making certain changes in the proposed legislation.

The Committee closely reviewed the comprehensive oversight report submitted by the Federal Maritime Commission, and is generally well satisfied with the work of the Commission under Chairman Helen Delich Bentley.

FISHERIES AND WILDLIFE CONSERVATION

Total bills referred to subcommittee	346
Bills reported, passed, and now law	20
Bills reported, passed House	23
Bills considered	211
Hearings held (days)	58
Executive meetings (days)	23

LEGISLATIVE ACTIVITIES

H.R. 49 and similar bills—To provide for environmental class action suits

This legislation is designed to authorize private citizens to file court suits against private industry and Federal and local governments when they feel their environmental rights have been threatened or abridged.

Briefly explained, H.R. 49 would provide that any person who is engaged in any activity which affects interstate commerce and who is responsible for any pollution of air or water or for the creation of any unreasonable noise would be subject to liability in monetary damages, injunction, declaratory judgment, or other appropriate relief. The action against the violator could be brought by any person representing the interest of a group or class of persons whose lives, safety, health, property or welfare has been endangered or adversely affected in any way by such pollution or noise.

The U.S. district courts would have jurisdiction over the class actions brought under this legislation without regard to the amount in controversy.

Hearings were held on this legislation in Ann Arbor, Mich., on May 7, 1971, and in Washington, D.C., on June 9 and 10, 1971. Additional hearings were held at the request of the minority with minority witnesses. No other action was taken by the subcommittee on this legislation.

H.R. 56—Environmental data system and State and regional research centers

H.R. 56 would amend the National Environmental Policy Act of 1969 to add a new Title III to the Act of be called the National Environmental Data System.

The purpose of the bill, as reported, is to create a data system which would provide for the efficient development and utilization of information needed to support the wise and equitable management of our environment.

The National Environmental Data System—which would be established by this legislation—would serve as the central national facility for the selection, storage, analysis, retrieval, and dissemination of information, knowledge, and data specifically relating to the environment made available to it by the Federal agencies, State and local governments, individuals, and private institutions. The system would be designed to use existing information systems and facilities, as much as possible, and would function primarily as a referral and coordinating facility. The system—to be operated by a Director under the guidance of the Council on Environmental Quality—would also undertake analyses for such purposes as the development of predictive ecological models by which the consequences of environmental actions can be determined before new projects and programs are implemented. Further, it would develop and publish from time to time environmental quality indicators for all regions of the United States so that the state of the environment will be continuously examined and evaluated. The indicators would provide the lone information necessary for appropriate action to be taken in an orderly and timely fashion.

The knowledge, information, and data and the analysis thereof would be made available without charge to the Congress and all the agencies of the legislative and executive branches of the Federal Government. Such information would be made available without charge to all States and political subdivisions thereof except in those cases where the service requested is substantial, in which case a reasonable retrievable fee would be required to be paid. Private persons and entities desiring such information would be required to pay a reasonable retrieval fee for such service.

There would be authorized to be appropriated to carry out the 3-year life of the program \$1 million for the first fiscal year, \$2 million for the second fiscal year, and \$3 million for the third fiscal year.

H.R. 56 passed the House on May 17, 1971. The bill was referred to the Senate Interior and Insular Affairs Committee for consideration. As reported by the Senate, the bill contained three additional Titles, II, III, and IV.

Title II of the bill would provide for the establishment of State and regional environmental centers at educational institutions throughout the United States. Under the administration of the Environmental Protection Agency, the Administrator of EPA would be authorized to provide financial assistance to the States in establishing either State centers or regional centers. The Governor of each State or States concerned would designate the centers where the program would take place. The program would be limited to a period of 3 years. There would be authorized to be appropriated to provide grant money to the States for the purpose of establishing and operating the centers a total of \$7 million for fiscal year 1974, \$9.8 million for fiscal year 1975, and \$10 million for fiscal year 1976. These funds would be divided equally among the States.

In addition, there would be authorized to be appropriated on a matching fund basis the sum of \$10 million per year for fiscal years 1974, 1975, and 1976, to be apportioned among the States as follows: one-fourth based on population; one-fourth based on land area; and one-half based on the severity of the need and the ability and willingness of each center to address itself to certain problems. These funds would be provided to the States on a matching fund basis, \$1 State money for each \$2 of Federal money.

Also, there would be authorized to be appropriated such sums as may be necessary to provide each regional center an amount of money equal to 10 percent of the funds which would be disbursed and allocated to such center in order to encourage regional centers in lieu of State centers.

There would also be authorized to be appropriated the sum of \$1 million per year for each of the three fiscal years to cover the administration of this program.

In order to assist the administrator and the centers in the administration of this program Title II of the bill would authorize to be established an Environmental Centers Research Coordination Board and Environmental Center Advisory Boards.

Title III which would direct the Secretary of Agriculture to contract for the purchase of certain Klamath Indian forest lands which were retained by the tribe and offered for sale pursuant to section 28(e) of the Klamath Indian Termination Act at a cost of \$51,954,709.

Title IV would amend the Klamath Indian Termination Act in order to extend, for an additional 12 months, the existing 12-month period provided for the first offer of sale of such forest lands to the Secretary of Agriculture.

In conference, the House and Senate conferees agreed in essence to the Senate changes to the bill.

H.R. 56 was vetoed by the President on October 21, 1972. In his memorandum of disapproval, the President stated that his objections to the bill centered upon two of its Titles—Title I, which would establish a National Environmental Data System, and Title II, which would provide for the creation of environmental centers in each State. He stated that “while both of these titles sound desirable in theory, they would in reality lead to the duplication of information or would produce results unrelated to real needs and wasteful of talent, resources, and the taxpayers’ money.”

With respect to Titles III and IV, which relate to the Klamath Indian Forest lands, the President stated that he believed Federal purchase of these lands would be sound public policy. If the next Congress provides the necessary funds, he would be happy to approve of the acquisition of these lands.

H.R. 153—To make loans to associations of fishing vessel cooperatives insurance purposes

H.R. 153 would amend the Fish and Wildlife Act, 1956, to authorize the Secretary of Commerce to make loans to associations of fishing vessel owners and operators for the purpose of providing marine insurance at lower rates. The insurance would be designed to cover loss of or damage to commercial fishing vessels (including machinery, equipment, and gear) and injury or death of crew members.

In carrying out the purposes of the legislation there would be authorized to be appropriated \$10 million to a revolving fund, known as the “Fishermen’s Association Insurance Loan Fund.” The Secretary of Commerce would be authorized to make loans from the fund to such associations up to 50 percent of the amount of their capital and surplus, at periods not to exceed 10 years, and at an interest rate of not less than the average market rate on outstanding treasury obligations or comparable maturity plus a reasonable charge administration costs.

To be eligible for a loan the vessel must be owned by a U.S. citizen, and the vessel owner must be a member of the association.

Hearings were held on this legislation on May 6, 1971. In addition, extensive and numerous conferences were held by the Subcommittee with representatives of the fishing and insurance industries concerning the problems dealt with by the legislation. No other action was taken on this legislation other than to take it up in executive sessions of the subcommittee and pass over it without prejudice.

H.R. 673 and H.R. 15961—Commissioner of Fish and Wildlife

During the period between enactment of the Fish and Wildlife Act of 1956 and implementation of Reorganization Plan No. 4 of 1970, fish and wildlife functions of the Department were administered by an Assistant Secretary for Fish and Wildlife, a Commissioner of Fish and Wildlife, whose United States Fish and Wildlife Service was comprised of the Bureau of Sport Fisheries and Wildlife and the

Bureau of Commercial Fisheries, and the Directors of both bureaus. Upon implementation of the Reorganization Plan, there were transferred to the Secretary of Commerce "all functions vested by law in the Bureau of Commercial Fisheries . . . together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau . . ." and the marine sport fish program of the Bureau of Sport Fisheries and Wildlife. Because the Reorganization Plan also abolished the Bureau of Commercial Fisheries and the Office of its Director, the United States Fish and Wildlife Service now consists only of the Bureau of Sport Fisheries and Wildlife. The Office of the Commissioner has remained vacant since the resignation of the incumbent, shortly after implementation of the Reorganization Plan.

H.R. 15961 would conform section 3 of the Fish and Wildlife Act of 1956 with the realignment of responsibilities effected by the Reorganization Plan, and place increased emphasis on the protection, preservation and enhancement of the Nation's sport fish and wildlife resources. The bill would (1) abolish the Bureau of Sport Fisheries and Wildlife and the Office of its Director; (2) provide for the exercise of sport fish and wildlife functions by a newly-constituted United States Fish and Wildlife Service and (3) provide for assumption by the Commissioner of responsibilities now vested in the Director, Bureau of Sport Fisheries and Wildlife.

H.R. 673 would amend the Fish and Wildlife Act of 1956 to abolish the position of Commissioner of Fish and Wildlife.

Hearings were held on this legislation on August 11, 15 and 16, 1972. No further action was taken by the Subcommittee on this legislation.

H.R. 695 and H.R. 6861—Diseases of fish and shellfish

This legislation is designed to provide protection for the fish resources of the United States against the introduction and dissemination of diseases of fish and shellfish. One example of the kind of disease this legislation is designed to reach is that known as the whirling disease. This disease has caused a severe damage to our trout fishery commencing first in Pennsylvania in 1958 and spreading afterward to the States of California, Connecticut, Michigan, New Jersey, Nevada, Ohio, Virginia, and West Virginia.

H.R. 695 would vest in the Secretary of the Interior broad authority to regulate the introduction into or dissemination within the United States of any communicable disease which may endanger any species of freshwater and marine fish, mollusks, and crustaceans.

Specifically, the Secretary would be authorized, upon his determination that a threat exists, to seize, quarantine, or dispose of any fish being handled in interstate or foreign commerce in violation of regulations promulgated pursuant to authority contained in this bill.

Further, he may require the owner of infected fish to quarantine or dispose of same, making payment to such owner in an amount not to exceed the fair market value of fish so seized, quarantined or destroyed.

H.R. 6861 would direct the Administrator of NOAA to conduct a study of the sea and its products with a view toward advancing scientific knowledge of fish diseases.

The administrator would be directed to solicit the assistance of an advisory committee and to report his findings to the Congress within 1 year after the date of enactment of the legislation.

Hearings were held on this legislation on February 18, 1972. The legislation was considered in executive session by the Subcommittee on May 4, 1972. No further action was taken on the legislation.

H.R. 701—Duck stamp

The purpose of this legislation is to provide a means for producing additional funds for the acquisition of greatly needed lands for migratory birds, especially migratory waterfowl.

To achieve this purpose, the bill would authorize the Secretary of the Interior to increase the cost of (the so-called) duck stamp from \$3 to a maximum of \$5 whenever in his discretion he deems such increase justifiable after taking into consideration, among other matters, the increased cost of lands for the conservation of migratory birds.

Revenues from duck stamp sales for fiscal year 1971 reached a level of \$7.2 million. It is estimated that revenues from such an increase would raise an additional \$2.2 million per year over the next 5-year period.

(H.R. 701 became Public Law 91-214 on December 22, 1971.)

H.R. 3304—To enhance the effectiveness of international conservation programs

The purpose of the legislation is to authorize a means to prohibit the importation of fishery products into the U.S. from nations that conduct fishing operations in a manner that diminishes the effectiveness of international fishery conservation programs. It is noted that the Committee was concerned over the plight of the Atlantic Salmon, and this bill was to protect the Atlantic Salmon.

In achieving this purpose, the bill would require the Secretary of Commerce, whenever he determines that nationals of a foreign country are conducting fishing operations in such a manner as to diminish the effectiveness of such a conservation program, to certify such fact to the President. The President, in turn, would be authorized, if in his discretion he so decided, to direct the Secretary of Treasury to prohibit the bringing or importation into the United States of fish products of the offending country for such duration as he may deem appropriate and to the extent such prohibition is sanctioned by the General Agreement on Tariffs and Trade (GATT).

Violators of the legislation would be subject to a maximum fine of \$10,000 for the first violation and not more than \$25,000 for each subsequent violation.

(H.R. 3304 became Public Law 92-219 on December 23, 1971.)

H.R. 3616—Rare species of fish and wildlife

In 1966, this Committee reported legislation that resulted in the enactment of Public Law 89-669, known as the Endangered Species Conservation Act. This law directs the Secretaries of the Interior, Agriculture, and Defense, to the extent practicable and consistent with the purposes of such agencies, to carry out programs for the conservation, protection, restoration and propagation of selected species of native fish and wildlife, including migratory birds, that are threatened with extinction.

A species of native fish and wildlife is regarded as threatened with extinction whenever the Secretary of the Interior finds, after consultation with the affected States, that its existence is endangered because

its habitat is threatened with destruction, drastic modification, or severe curtailment, or because of overexploitation, disease, predation, or because of other factors, and that its survival requires assistance.

H.R. 3616 would amend the 1966 act to make the act applicable to rare species as well as endangered species of fish and wildlife and would require all Federal agencies to utilize, where practicable, their authorities in furtherance of programs to protect, preserve, conserve, and propagate endangered and rare species of fish and wildlife. (Present law only requires the Secretary of the Interior to encourage other Federal agencies to assist in this program.)

Also, the bill would define the term "rare species" to mean a species of fish and wildlife, although not presently threatened with extinction, but in the opinion of the Secretary of the Interior is in such small numbers throughout its range that it may become endangered if its environment worsens.

Hearings were held on this legislation on September 20, 24, 1971 and March 20, 21, April 10, and 11, 1972. No other action was taken by the Subcommittee on this legislation.

H.R. 3647 and H.R. 9589—Federal contractors

This legislation would require every contract made and entered into by an agency of the United States for construction, for the manufacture or furnishing of materials, supplies, articles or equipment or for the provision of services, in an amount exceeding \$10,000, to contain an undertaking on the part of the contractor that he will, in the performance of the contract, comply with regulations issued by the Administrator of EPA to insure that the performance of such contract will not violate any applicable Federal, State, or local law regarding the environment and the protection of our natural resources. In the event the contractor fails to comply with such laws and the performance of such contract would result in increased pollution of the environment and damage to the natural resources, the contractor would be required to take such action to remedy such pollution or damage to the extent it is contributable to the performance of the contract.

Hearings were held on this legislation on February 25, 1972. No further action was taken by the Subcommittee on this legislation.

H.R. 4965, H.R. 12718, and S. 1273—Fish protein concentrate

Public Law 89-701 authorized development, through the use of experiment and demonstration plants, of practicable and economic means for the production of fish protein concentrate. The Act authorized the construction of one plant and the leasing of one additional plant. There was authorized to be appropriated \$1.0 million for construction of a plant. A further appropriation authorization of \$1.555 million annually for fiscal years 1968, 1969, 1970, 1971, and 1972, was contained in the Act. This latter authorization was for: leasing of the one additional plant; operation and maintenance of the two plants leased or constructed; and conducting the program authorized by the Act.

Public Law 90-549 amended the original Act to authorize appropriations for only one plant which could be either leased or constructed. The purposes for which the \$1.555 million annual appropriation could be used were expanded to permit their use for construction of the one

plant, after it had been found that the \$1.0 million originally authorized for construction was insufficient.

At the time the original Act was enacted it was thought that two years could be allotted to construction leaving three years for plant operation under the overall five-year limit for the program which the Congress had determined to be reasonable. However, construction was not completed within the two years. A delay of some 18 months resulted from the need to obtain the amendment contained in P.L. 90-549, permitting authorized funds, other than the original \$1.0 million, to be used for construction. The plant began operation about March 1, 1971.

H.R. 4965 would authorize the Secretary of Commerce to carry out this program for an additional year, until June 30, 1973, and at the same level of funding, \$1.555 million annually.

H.R. 5060—To prohibit the hunting of animals from aircraft

This legislation would make it unlawful for anyone while airborne to shoot or attempt to shoot for the purpose of capturing or killing any bird, fish or other animal or to harass any bird, fish, or other animal, or to knowingly participate in using an aircraft for any of the aforementioned purposes. Exceptions would be made for Federal and State employees, agents, or permittees authorized to administer or protect or aid in the administration or protecting of land, water, wildlife, livestock, domesticated animals, human life, or crops.

Violators would be subject to a \$5,000 penalty or 1-year imprisonment, or both. In addition, violators holding an airman certificate would be subject to having their certificate amended, modified, suspended or revoked.

The Senate made only one substantive change in the bill; it added language that would require each person, in addition to other requirements, to include in its report to the State the number and type of animals actually taken under the permit issued by such State.

(The House adopted the bill, as amended by the Senate and H.R. 5060 became Public Law 92-159 on November 18, 1971).

(For additional information on this subject, see H.R. 14731 appearing on page 62, which amends Public Law 92-159.)

H.R. 7088—Tinicum Environmental Center

This legislation would authorize and direct the Secretary of the Interior to acquire (either by donation, purchase, exchange, or otherwise) such lands as may be necessary (not to exceed 1,200 acres) in the counties of Delaware and Philadelphia, Pa., for the purpose of preserving, restoring, and developing the natural area known as Tinicum Marsh.

The area to be included in the Center would be bounded in general as follows: on the west by Wanamaker Avenue; on the south by I-95; on the east by eastern edge of Tinicum Wildlife Preserve and the lands of the Departments of the Interior and Army; and on the north by certain developed areas and parklands of Darby Townships.

There would be authorized to be appropriated \$2,250,000 to carry out the purposes of this act.

Hearings were held on this legislation on October 29, 1971. The committee ordered reported H.R. 7088, with amendments, on December 8, 1971.

(H.R. 7088 became Public Law 92-326 on June 30, 1972.)

H.R. 7117—Illegal seizures

The purpose of the legislation is to expedite the reimbursement of U.S. vessel owners for charges paid by them to obtain release of the vessels and crews illegally seized by foreign countries.

In achieving this purpose, the bill would amend the Fishermen's Protective Act of 1967 to require the Secretary of State to immediately ascertain the amount paid by a vessel owner to a foreign country in order to obtain release of his vessel and crew and to certify such amount to the Secretary of the Treasury for immediate reimbursement. Upon reimbursement out of the revolving fund authorized to be established under the bill, the Secretary of State would be required to immediately notify the foreign country of such reimbursement and take such action as he may deem appropriate to collect the amount of the claim from the offending country. If reimbursement is not made within 120 days after notification to the offending country, then the Secretary of State is required to deduct the amount of the claim from any funds programmed to that country under the Foreign Assistance Act and to transfer such funds to the revolving fund.

The bill would authorize to be appropriated \$3 million to provide initial capital for the fund and such sums as may be necessary to meet future requirements of the fund.

Hearings were held on this legislation on June 3 and July 8, 1971. H.R. 7117 passed the House on August 2, 1971.

The Senate added a number of amendments to the bill only four of which are substantive, numbered 3, 7, 8, and 9.

Amendment numbered 3, known as the Javits amendment, would prohibit the transfer of funds from taking place, that is a transfer of funds from the Foreign Assistance Act to the Fishermen's Protective Fund, if the President certifies to the Congress that it would not be in the national interest to do so.

The Javits amendment is the only substantive amendment agreed to in conference and included in the conference bill. The Senate receded from the other three of the substantive amendments, numbered 7, 8, and 9, upon an assurance on the part of the House managers that hearings would be held on the subject matter of these amendments early in the 93rd Congress.

Briefly explained, amendment numbered 7, known as the Tower amendment, would authorize the Secretary of Commerce to carry out an insurance program to cover losses resulting from storm damage to commercial fishing vessels. Amendment numbered 8, known as the Stevens amendment, would authorize the Secretary to make grants to commercial fishing operators to cover losses resulting from the imposition of a prohibitive Federal or State restriction designed to prevent the deterioration of the quality of the aquatic environment. And amendment numbered 9, known as the Kennedy amendment, would authorize the Secretary to establish a program to provide reimbursement to fishing vessel owners for damages to their vessels and gear caused by vessels operated by a foreign government.

(H.R. 7117 became Public Law 92-569 on October 26, 1972.)

(For additional amendments to the Fishermen's Protective Act see action on H.R. 14385, on page 62.)

H.R. 9161, H.R. 9401, and H.R. 9402—Farm raised fish

The legislation would authorize and direct the Secretary of Agriculture to develop and carry out an expanded fish program on farms

and ranches throughout the Nation. In carrying out the program, the Secretary would be authorized to conduct surveys, investigations, and research into all aspects of fish farming and management, to publish and disseminate the information obtained from such surveys and research, to furnish technical and advisory assistance, and to make loans to the farmers for the purposes of carrying out all aspects of fish farming.

On November 5, 1971, a 1-day hearing was held on this legislation. No other action was taken by the subcommittee on this legislation.

H.R. 9501—Amending the North Pacific Fisheries Act

The purposes of H.R. 9501 are as follows: (1) to make the North Pacific Fisheries Act of 1954 complete in itself, by setting out at length certain provisions of the Northwest Atlantic Fisheries Act of 1950 now incorporated by reference; (2) to substitute references to the Secretary of Commerce for reference to the Secretary of the Interior and to substitute references to heads of departments for references to agencies within their departments; (3) to provide for appointment of alternate commissioners to the International North Pacific Fisheries Commission and to designate the Commissioners, their alternates and members of the advisory committee as special government employees; and (4) to provide for appointment of alternate commissioners to other international fishery commissions and to designate such alternate commissioners, if not regular government employees, as special government employees.

(H.R. 9501 became Public Law 92-471 on October 9, 1972.)

H.R. 9727—Ocean Dumping Regulations

House action on this bill was completed in the first session. However, despite two meetings of the conferees, no resolution of differences was reached during the first session. During the second session, three additional meetings of the conferees were held, an agreement was reached, and the report of the Committee of Conference, including a joint statement of managers, was filed in the House on October 9, 1972. (H. Rept. 92-1546). For an explanation of what the legislation does, see p. 84 legislative activities of the Joint Subcommittee on Fisheries and Wildlife Conservation and Oceanography. The conferees appointed were Messrs. Garmatz, Dingell, Lennon, Pelly and Mosher for the House, and Messrs. Magnuson, Hollings, Hart, Baker and Stevens for the Senate. Both Houses accepted the Conference Report on October 13, 1972. H.R. 9727 became Public Law 92-532 on October 23, 1972.

H.R. 9754—Game management on Federal lands

This legislation would direct the Secretary of the Interior and the Secretary of Agriculture, in cooperation with State fish and game departments, to carry out a comprehensive wildlife, fish, and game conservation and rehabilitation program on public lands administered by the respective Secretaries.

In addition, the Secretary of the Interior would be directed to carry out such a plan on public lands administered by the Atomic Energy Commission (AEC) and the National Aeronautics and Space Administration (NASA). Each comprehensive plan would be required to specify necessary regulations with respect to public use of the public lands, except where hunting, trapping, or fishing would be permitted,

then such activities would be carried out in accordance with State laws and regulations.

No program could be implemented unless included in a cooperative agreement entered into between the Secretary of the Interior or the Secretary of Agriculture, as the case may be, and the appropriate State agency. Among other things, such agreements would be required to provide for habitat improvement, including controlled burning, and for control of all-terrain vehicular traffic including snowmobiles. The agreements may require anyone desiring to hunt, trap, or fish on such lands to possess an unexpired public land management area stamp.

Anyone failing to possess a stamp or comply with regulations issued under the act would be subject to a fine of \$1,000 or 6 months imprisonment, or both.

Hearings were held on this legislation on September 10 and 24, 1971. The subcommittee ordered reported to the full committee H.R. 9754, with amendments, on October 19, 1971.

Considered in executive session of the full committee on February 28, 1972 and deferred action. (For further action on this subject, see H.R. 13822.)

H.R. 10310—Seal Beach National Wildlife Refuge

The purpose of the legislation is to protect and preserve a salt water marsh and estuarine habitat valuable for migratory waterfowl and other wildlife in the State of California.

In achieving this purpose, the Secretary of the Interior—with the advice and consent of the Secretary of the Navy—would be authorized to designate certain lands within the United States Naval Weapons Station, Seal Beach, California, as a national wildlife refuge. The designated lands would be required to be transferred, without consideration, to the Secretary of the Interior and such lands would be administered by the Secretary as a part of the National Wildlife Refuge System. The bill would authorize to be appropriated not to exceed \$525,000 to carry out the five-year life of the Act.

(H.R. 10310 became Public Law 92-408 on August 29, 1972.)

H.R. 10384—Recreation areas adjacent to refuges

Section 2 of the act of September 28, 1962, authorizes the Secretary of the Interior to acquire land for recreational development adjacent to areas of the national wildlife refuge system, national fish hatcheries, and other conservation areas under his administration. Furthermore, the act specifically provides that each such acquisition must be (1) adjacent to conservation areas in existence in 1962; (2) needed to avoid adverse effects upon fish and wildlife populations and management operations on such units; and (3) limited in size. In connection with the last stipulation, the legislative history of this act indicates an intent that the use of the acquisition authority should be very limited, involving not to exceed 20 refuges and 20 fish hatcheries. Also, no more than 100 acres were to be acquired adjacent to any refuge nor more than 3 acres adjacent to any fish hatchery.

H.R. 10384 would rewrite section 2 of the act to authorize acquisition of lands for fish and wildlife oriented recreational development adjacent to said conservation areas without any limitation on the size and number of areas authorized to be acquired.

Also, the bill would eliminate the requirement that acquisitions could be made only adjacent to conservation areas in existence in 1962.

H.R. 10384 would also authorize the Secretary to acquire interests in lands adjacent to a conservation area for the purpose of protecting the natural resources of such area and the buffer area around such conservation area.

Hearings were held on this legislation on September 10, and 24 1971. (H.R. 10384 became Public Law 92-534 on October 23, 1972.)

H.R. 10420—Marine Mammal Protection Act

The purpose of this legislation is to prohibit the harrassing, catching, and killing of marine mammals by U.S. citizens or within the jurisdiction of the United States, unless taken under the authority of a permit issued by an agency of the Federal government.

In accomplishing this purpose, basically the bill would provide as follows:

1. Before any marine mammal may be taken, the Secretary of the Interior or the Secretary of Commerce (depending upon the species of mammals over which each has jurisdiction) would be required first to establish general limitations on the taking, and issue a permit which would allow that taking. In every case, the burden is placed upon those seeking permits to show that the taking should be allowed and will not work to the disadvantage of the species or stock of animals involved.

2. The public is invited and encouraged to participate fully in the agency decisionmaking process. The agencies are further required to provide full information to interested members of the public on what the implications of the program and of any proposed agency actions may be.

3. The bill would permit and require the development of an extensive management program in the agencies concerned, with full opportunity for cooperative Federal-State management programs designed to carry out the purposes and policies of the act.

4. The bill would create an independent Marine Mammal Commission, to be aided by a scientific advisory body, charged with responsibility for reviewing existing national and international programs affecting marine mammals, and given the authority to make recommendations to the responsible officials on ways in which those programs may be made more consistent with the purposes and policies of the act.

5. The bill would put a strong injunction on the Department of State, which has not yet visibly taken an interest in more adequate protection for marine mammals, to begin to develop new arrangements for protection of these animals and of ocean ecosystems that are significant to their welfare.

6. The bill would provide wide authority and direction to the appropriate Secretaries to restrict or to prohibit the importation of marine mammals or animals taken by methods, or in circumstances, which would not be permitted to persons subject to U.S. jurisdiction.

7. The bill would establish reasonable protection for Alaskan natives taking marine mammals for purposes of food or clothing, where the primary purpose is not commercial sale. It couples this protection with adequate tools to allow the Secretaries to prevent

abuse of these privileges or to limit the taking in order to protect endangered or depleted species or stocks.

Violators of the act would be subject to a civil penalty of \$10,000 (to be imposed by the appropriate Secretary) or a criminal penalty of \$20,000 or 1-year imprisonment, or both.

Hearings were held on this legislation and similar bills on September 9, 13, 17, and 23, 1971. The committee ordered reported H.R. 10420 on November 30, 1971. The bill failed of passage under suspension of the rules on December 6, 1971. The bill passed the House on March 9, 1972. Passed Senate amended July 26, 1972. Conference was held August 1, 1972 and House agreed to the Conference Report October 10, 1972 and the Senate agreed to the Conference Report on October 11, 1972.

The Senate amended the bill considerably but the bill, as reported by the conferees, is very similar to the House-passed bill.

Following is a brief discussion of the differences between the House version and the conference version of the bill.

Principal among these is the establishment of a permanent moratorium on the taking of marine mammals, where the House bill contained a five-year moratorium. The moratorium period in the conference bill has a number of specific exemptions. During the moratorium period, the Secretary is authorized to issue scientific or display permits to allow the taking of marine mammals. Both permits will require review by the Marine Mammal Commission and its Committee of Scientific Advisors before issuance and public hearings.

Another exemption from the moratorium would apply in the case of commercial fishermen who take marine mammals as an incident to their fishing operations. Here the moratorium would not apply until two years from the date of enactment, although the Secretary is authorized and directed immediately to establish regulations to see that these activities present a minimum hazard to marine mammals.

The Secretaries are further authorized to waive the moratorium in appropriate cases, subject, however, to the basic constraint contained elsewhere in the Act: that any taking must be demonstrated to be not to the disadvantage of the species or stocks of the animals involved.

The conference bill contains an exemption to allow Indians, Aleuts and Eskimos to take marine mammal for subsistence purposes, as did the House-passed bill. It expands this exemption, however, to allow taking for the purposes of creating articles of native handicrafts and clothing. As to whether the bill would permit natives to take polar bears and to sell the skins of these bears to nonnatives for trophies, it is clear that this taking would be prohibited without a permit, issued to the ultimate recipient of the skin.

Another exemption to the moratorium will allow the Secretary to exempt from the operation of the Act for up to one year from the date of enactment, persons who might otherwise suffer undue economic hardship. Similar language is found in the Endangered Species Act, and can be justified as a means of protecting persons such as importers who have made financial commitments before this time, and who, without this authority, might be seriously and adversely affected.

In lieu of allowing a vessel or other conveyance to be subject to forfeiture, as provided by the House bill, the conference bill would allow forfeiture of the cargo of the vessel and assessment of a monetary penalty against the vessel or conveyance of not to exceed \$25,000.

The House-passed bill covered fur seals as well as other marine mammals; the Senate bill did not. The conferees accepted the Senate exemption, but instructed the Secretary to carry out a full study of the animal populations and of the relationship of this legislation to the existing international treaty. The results of this study are to be reported within a year, at which time the Congress would be in a better position to handle the question of how best to regulate the taking of fur seals in the Pribilof Islands.

Another major change in the bill related to Federal-State relationships. The House-passed bill preempted regulation of all marine mammals, but allowed the development of cooperative Federal and State programs. The compromise reached in conference was to continue the Federal preemption, but to allow the states to take over marine mammal programs, under Federal review, as and when the states elect to do so by adopting appropriate laws and regulations.

The estimated cost to the Federal Government of carrying out the legislation would be approximately \$7 million per year for the 5-year life of the program.

(H.R. 10420 became Public Law 92-522 on October 21, 1972.)

H.R. 10482 (and a similar bill H.R. 5821)—To extend additional protection to hawks and owls

The Bald Eagle Protection Act makes it unlawful—unless permitted to do so by the Secretary of the Interior—for anyone to willfully take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at anytime or in any manner any bald eagle (American eagle), or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles. Violators are subject to a \$500 fine or 6 months imprisonment, or both.

Whenever the Secretary of the Interior determines that it is compatible with the preservation of the bald or golden eagle he may permit the taking, possession, and transportation of specimens thereof—under such regulations as he may prescribe—for scientific or exhibition purposes of public museums, scientific societies, and zoological parks, or for the religious purposes of Indian tribes or when necessary to protect wildlife or agricultural or other interests in any particular locality, provided that on request of the Governor of any State the Secretary shall authorize the taking of golden eagles for the purpose of seasonally protecting domesticated flocks and herds in such State under regulations to be established by the Secretary; provided further, that bald eagles may not be taken for any purpose unless prior to such taking a permit to do so is procured from the Secretary.

H.R. 10482 would amend the Bald Eagle Protection Act to make the prohibited acts applicable to other protected raptors (hawks, owls, or other members of the order falconiformes or the order strigiformes); to make it clear that it is not only unlawful to possess or transport any bald eagle, alive or dead, or any part, nest, or egg thereof, but also any descendent thereof; and to authorize the Secretary of the Interior to permit the taking, possession, and transportation of other protected raptors (including eagles) for additional purposes to those already enumerated to include those for falconry or for captive propagation.

Hearings were held on this legislation on September 20 and 24, 1971. No other action was taken by the subcommittee on this legislation.

H.R. 11091—Bows and arrows

Under present law (Pittman-Robertson Act), funds derived from the 11-percent tax on firearms, shells, and cartridges are now deposited in a special fund in the Treasury known as the Federal Aid to Wildlife Restoration Fund.

In 1970, the Pittman-Robertson Act was amended to provide for the transfer of the 10-percent tax on pistols and revolvers from the general fund of the Treasury to the Fund, with the proviso that up to one-half of these funds could be used by the States to carry out hunter safety programs and the construction and operation of public outdoor target ranges. The other one-half of the pistol and revolver tax would be used (as the 11-percent tax on firearms, shells, and cartridges is now used) to carry out wildlife restoration programs.

H.R. 11091 would add additional proceeds to the Fund which would result from a new 11-percent tax on the sale of bows and arrows. These revenues would be used in the same fashion that the revenues from the 10-percent tax on pistols and revolvers are used under present law.

In addition, H.R. 11091 would amend present law to authorize one-half the revenues from pistols and revolvers and bows and arrows to be used not only for outdoor target ranges but for indoor target ranges as well.

Hearings were held on a similar bill to this legislation (H.R. 701) on July 9, 1971. The committee ordered reported H.R. 11091, a clean bill which incorporates most of the language of its predecessor bills, on November 16, 1971.

(H.R. 11091 became Public Law 92-558 on October 25, 1972.)

H.R. 11288, H.R. 12020, and H.R. 12021—environmental impact statements to be included in agency reports

This legislation would amend the National Environmental Policy Act of 1969 to require, in any case in which a committee of the Congress requests the comments of one or more Federal agencies with respect to any bill or resolution referred to that committee, an environmental impact statement to be included in the statement on the effects of such legislation on the environment.

Hearings were held on this legislation on February 25, 1972. No further action was taken by the Subcommittee on this legislation.

H.R. 12143—San Francisco National Wildlife Refuge

This legislation would authorize and direct the Secretary of the Interior to establish a national wildlife refuge in the San Francisco Bay area for the protection of migratory waterfowl and other wildlife, and to provide an opportunity for wildlife-oriented recreation and nature study within the open space so reserved.

To be included in the refuge boundaries would be those lands, marshes, tidal flats, salt ponds, submerged lands, and open waters in the bay area generally depicted on a map on file in the Department's office and which comprise approximately 21,662 acres within four distinct units to be known as Fremont (5520 acres), Mowry Slough (7175 acres), Alviso (3080 acres), and Greco Island (5887 acres).

There are authorized to be appropriated for the period beginning July 1, 1972, and ending June 30, 1977, not to exceed \$9 million for acquisitions and \$11.3 million for carrying out the other provisions of the act.

Hearings were held on similar bills to this legislation (H.R. 111 and H.R. 11297) on October 29, 1971. The committee ordered reported H.R. 12143, a clean bill which incorporates the language of its predecessor bills, on December 8, 1971.

(H.R. 12143 became Public Law 92-330 on June 30, 1972.)

H.R. 12186—Bald Eagle Protection Act

Under the Bald Eagle Protection Act, it is unlawful—unless permitted to do so by the Secretary of the Interior—for anyone to willfully take, possess, sell, barter, offer to sell, purchase or barter, transport, export, or import, at anytime or in any manner any bald or golden eagle, alive or dead, or any part, nest, or egg thereof. Violators are subject to a \$500 fine or 6 months' imprisonment, or both.

H.R. 12186 would amend the Bald Eagle Protection Act to provide that anyone who knowingly (rather than willfully) or with negligent disregard for the consequences of his act violates the act would be subject to a penalty or imprisonment, or both. The bill would also expand those actions prohibited by the act to include those who "poison" protected species.

In addition, the bill would amend the act to increase the penalties for violators, as follows: First offenders would be subject to a \$5,000 fine and 1-year imprisonment, or both; and second-time offenders would be subject to a \$10,000 fine and 2 years' imprisonment, or both.

H.R. 12186 would also amend the Act to authorize the taking of golden eagles for the purposes of falconry. The bill would require the forfeiture provisions of present law to provide for forfeiture—in addition to birds, parts, nests, or eggs thereof—of vehicles, aircraft, traps, and other instrumentalities used in committing violations of the Act.

The bill also contains a provision that would provide for the cancellation of permits authorizing the grazing of domestic livestock on Federal lands to any person who is convicted of a violation of this Act.

The Senate amended the bill to provide, among other things, that only those persons who knowingly or with wanton disregard for the consequences of their acts violate the Act would be subject to a penalty.

(H.R. 12186 became Public Law 92-535 on October 23, 1972.)

H.R. 12207—Tuna fisheries research and development programs

This legislation would authorize the Secretary of Commerce to carry out directly or by contract a 3-year program for the development of the tuna and other latent fisheries resources of the Central and Western Pacific Ocean. The program would include, among other things, exploration for, and stock assessment of, tuna and other fish; improvement of harvesting techniques; gear development; biological resource monitoring; and an economic evaluation of the potential for tuna and other fisheries in such area.

The Secretary would be required to submit to the President and the Congress not later than June 30, 1975, a report of his activities and any recommendations he may deem appropriate.

There would be authorized to be appropriated \$3 million to carry out the purposes of the Act over the 3-year life of the program.

Hearings were held on similar bills to this legislation (H.R. 4380 by Mrs. Mink and H.R. 8966 by Mr. Matsunaga) on June 16, 1971. The committee ordered reported H.R. 12207, a clean bill which incorporates language of both of its predecessor bills.

The Senate amended the bill to make the beginning date of the 3-year program July 1, 1973, in lieu of July 1, 1972, and to make the reporting date June 30, 1976, in lieu of June 30, 1975. Also, the Senate amended the bill to extend the east longitude boundary of the area to be covered by 10 degrees.

(H.R. 12207 became Public Law 92-444 on September 29, 1972.)

H.R. 13025—Use of real property for wildlife conservation

The purpose of this legislation is to make more accessible to the States surplus Federal lands that are valuable for wildlife conservation purposes. In achieving this purpose, the bill would eliminate from present law the word "chiefly", thereby removing the requirement that Federal lands available for transfer to a State under the law would have to be "chiefly valuable" for such purposes.

The result of this legislation is to place wildlife conservation on an equal footing with alternative public uses for transfer of excess Federal real property.

(H.R. 13025 became Public Law 92-432 on September 26, 1972.)

H.R. 13081—Endangered species of fish and wildlife

The Endangered Species Conservation Act of 1969 and related Acts, gave the Secretary of the Interior authority to promulgate separate lists of native species threatened with extinction and of foreign species threatened with worldwide extinction; to regulate the interstate transportation of native species taken contrary to State laws; and to restrict the importation of foreign species which he determines to be threatened with worldwide extinction. In addition, the Secretary was given authority to acquire endangered species' habitats within funding limits established by Congress.

The bill would repeal the existing Endangered Species Act. It would follow closely the precedent established by Congress in 1966 and 1969, when it enacted the first legislation to provide protection for those species of fish and wildlife determined to be threatened with extinction in the United States and abroad. The bill would reenact the provisions of the Acts which laid the foundation for conservation of endangered species, add to them provisions which would include selected species and subspecies "likely within the foreseeable future to become threatened with extinction," and extend the scope of prohibited acts. Criteria would be provided for the exercise of the discretion of the Secretary of the Interior in determining which species or subspecies should be regarded as endangered and the Secretary would be directed after making such determination, to publish in the Federal Register a list of such endangered species.

The bill would provide that notwithstanding any other Act of Congress or regulation issued pursuant thereto, and except as thereafter provided, any person who (1) imports into or exports from the United States, receives, or causes to be so imported, received, or exported; or (2) takes or causes to be taken within the United States,

the territorial sea of the United States, or upon the high seas; or (3) ships, carries, or receives by any means in interstate commerce, any species or subspecies of fish or wildlife which the Secretary has listed as an endangered species pursuant to section 2 of the bill would be punished in accordance with the provisions of section 7 of the bill. It would authorize the Secretary to issue necessary regulations to provide for conservation, protection, restoration, and propagation of species or subspecies listed as endangered. The Secretary would be given discretion to permit those acts otherwise prohibited and would be authorized to delegate to states authority to regulate the taking of endangered species where "adequate measures have been adopted by such State for the management and protection of endangered species."

The bill would provide civil and criminal penalties for violations of the Act or any regulation or permit issued thereunder. Violators would be subject to a civil penalty of not more than \$5,000 for each violation to be assessed by the Secretary after notice and opportunity for a hearing. The Secretary would be given the power to compromise the penalty. A knowing violation would be punishable by a fine of not more than \$10,000 or imprisonment for not more than one year, or both.

Enforcement of the legislation would be carried out by the Secretary of the Interior, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is operating.

The significant changes the bill would make in existing law would (1) remove the distinction now existing between native and worldwide endangered species; (2) extend present controls to reach species or subspecies which, though not yet threatened; (3) provide greater flexibility to reflect a change in the status of a given species or subspecies as that change becomes evident; (4) extend the existing prohibitions to include export as well as import and the taking and interstate transportation of listed endangered species by any person subject to the jurisdiction of the United States.

Hearings were held on this legislation on March 20, 21, April 10 and 11, 1972. No further action was taken by the Subcommittee on this legislation.

H.R. 13152—Federal Animal Damage Control Act of 1972

Under the 1931 Predator Control Program, the Secretary of the Interior is directed to conduct investigations, experiments, and tests in order to demonstrate and carry out the best method of eradication or control of predatory mammals (coyotes, prairie dogs, mountain lions, etc.), found on private, State, or public domain lands, that are doing damage to such things as agricultural crops, wild game animals, birds, livestock and other domestic animals.

In carrying out this program over the years, the Secretary has utilized such methods as trapping, denning, poisons (primarily fluoroacetate (1080), cyanide, and strychnine) and the use of airplanes and helicopters.

Briefly explained, H.R. 13152 would provide as follows:

1. Repeal the 1931 Act.
2. Reauthorize control programs to be carried out, but not eradication programs.

3. Authorize an expanded program of research concerning the control and conservation of predatory animals (up to \$1.5 million per year).

4. Prohibit the use of toxic chemicals in the control of predators on Federal lands, except in emergency situations. (This provision parallels the President's executive order of February 8, 1972.)

5. Authorize the Secretary to provide financial assistance to the States in controlling predators on State and private lands. To carry out this provision, there would be authorized to be appropriated not to exceed \$3 million per year for fiscal years 1973 and 1974, and \$2 million per year for each succeeding fiscal year thereafter. Of this amount, not more than \$300,000 could be paid to any State during the first two years of the program and \$200,000 in any succeeding fiscal year thereafter, provided, however, that any payment to a State could not exceed 75 percent of the total cost of carrying out a State approved program in each of the first two years of the program and 50 percent in each of the succeeding fiscal years thereafter.

6. In order for a State to qualify for financial assistance, the State program would have to be approved by the State Wildlife Agency and found by the Secretary to meet such standards as he may establish, provided that the Secretary could not approve a program which called for the use of chemical toxicants, except in emergency situations.

Emergency situations under this provision, as well as under the provision having to do with programs carried out on Federal lands, would include the following:

- (a) protection of human health or safety.
- (b) preservation of endangered species of wildlife.
- (c) prevention of substantial irretrievable damage to nationally significant natural resources.
- (d) prevention of major damage to domestic livestock.

7. In addition, the Secretary would be authorized to assist the States in their implementation of predatory control programs by carrying out directly such operational programs as he may deem appropriate. (This would be optional on the part of the Secretary rather than mandatory, as provided by present law). He would be authorized to expend up to \$5 million per year to carry out this provision of the legislation.

H.R. 13152 passed the House on July 17, 1972, but failed to receive any action in the Senate, other than Senate Commerce Committee hearings on the legislation.

H.R. 13752—Interim licensing of certain thermal electric generating plants

The purpose of this legislation is to provide interim authority to the Atomic Energy Commission (AEC) to permit the operation of certain nuclear power generating facilities for testing and emergency purposes, where those facilities have been constructed under a valid AEC construction license and lack only an operating license in order to begin to provide power.

In accomplishing this purpose, H.R. 13752 would permit the issuance of an interim operating license for a facility under construction

before the passage of NEPA, for which a license application had been filed as of the date the AEC had adopted its new regulations. The AEC may issue such a license only after consultation with the CEQ and EPA, and must take environmental considerations into mind when issuing a permit.

Permits may be issued only to allow testing and emergency operation of these facilities in order to avoid or minimize a possible power blackout or brownout. Any permits issued under the authority of H. R. 13752 would terminate at the sooner of the end of the agency's NEPA review process or October, 1973 (a conservative estimate of the end of next summer's peak season).

In addition, the AEC has specifically reserved the power to require backfitting of cooling and other facilities at a later date, following full and unabbreviated NEPA review.

Hearings were held on this legislation on March 22 and 24, 1972. The bill passed the House on April 17, 1972, and was referred to the Senate Interior and Insular Affairs Committee for consideration. The bill failed to receive any action in the Senate.

H.R. 13822, H.R. 13823, and H.R. 13824—Game Management on Federal lands

H.R. 13822 would extend for an additional 5 years the highly successful Sikes Act, which provides for wildlife, fish and game conservation and rehabilitation programs to be carried out on lands within U.S. military reservations by the Secretary of Defense in cooperation with the Secretary of the Interior and the appropriate State agency.

H.R. 13824 would amend present law to make the Secretary of the Interior the lead agency—in lieu of the Secretary of the Defense—in carrying out the program authorized by the Act.

H.R. 13823 would direct the Secretary of the Interior and the Secretary of Agriculture, in cooperation with State fish and game departments, to carry out a comprehensive wildlife, fish, and game conservation and rehabilitation program on public lands administered by the respective Secretaries.

In addition, the Secretary of the Interior would be directed to carry out such a plan on public lands administered by the Atomic Energy Commission (AEC) and the National Aeronautics and Space Administration (NASA). Each comprehensive plan would be required to specify necessary regulations with respect to public use of the public lands, except where hunting, trapping, or fishing would be permitted, then such activities would be carried out in accordance with State laws and regulations.

No program could be implemented unless included in a cooperative agreement entered into between the Secretary of the Interior or the Secretary of Agriculture, as the case may be, and the appropriate State agency. Among other things, such agreements would be required to provide for habitat improvement, including controlled burning, and for control of all-terrain vehicular traffic including snowmobiles. The agreements may require anyone desiring to hunt, trap, or fish on such lands to possess an unexpired public land management area stamp.

Anyone failing to possess a stamp or comply with regulations issued under the act would be subject to a fine of \$1,000 or 6 months imprisonment, or both.

Hearings were held on this legislation on April 11, 1972. The Subcommittee ordered reported to the full committee H.R. 13822, with amendments on April 27, 1972. No action was taken on the bill by the full committee.

H.R. 14103—Temporary exemption from section 102 statements

H.R. 14103 would amend the National Environmental Policy Act of 1969 by adding a new section 106 which would provide that permits issued prior to December 31, 1975, under the Refuse Act or under section 402 of the Federal Water Pollution Control Act as amended in 1972 would not require an environmental impact statement. However, such permits would terminate on December 31, 1977, unless the Administrator of the Environmental Protection Agency issues an impact statement or determines that one is not required by section 102 of NEPA. The foregoing exemption does not apply to permits for a discharge from a facility from which construction commenced after April 1, 1972.

This bill is an attempt to resolve a problem which has developed in the administration of the Refuse Act Permit Program. Since President Nixon initiated that program in 1970 as a major element in the national effort to control water pollution, the Corps of Engineers and the Environmental Protection Agency have received nearly 20,000 permit applications. The importance of a federally supervised permit program to a strong and efficient water pollution control program has been recognized by both Houses of Congress in the Federal Water Pollution Control Act Amendments of 1972 which is now in conference. Section 402 of that bill establishes a permit program similar to that now operating under the Refuse Act.

The recent court decision in *Kalur vs. Resor* handed down December 21, 1971, by the U.S. District Court of the District of Columbia has impeded the administration of the Refuse Act Permit Program by requiring that such permits were subjects to the impact statement requirements of section 102 of NEPA. This holding was contrary to a Council on Environmental Quality guideline which construed NEPA as not requiring an impact statement for environmental protective regulatory actions incurred in or taken by the Environmental Protection Agency.

Present procedures under the Refuse Act and those required under section 402 of the Federal Water Pollution Control Act are designed to insure that environmental concerns as to water quality are fully considered prior to issuance of the permit. To require, in addition, a NEPA environmental impact statement for facilities already in existence create an administrative burden which might, in the short term, render the permit program unworkable, without significantly increasing the environmental safeguards.

Hearings were held on this legislation on May 2, 3, and June 30, 1972. No further action was taken on the legislation.

H.R. 14384 (S. 3524)—Extending the provisions of the Commercial Fisheries Research and Development Act

The Commercial Fisheries Research and Development Act of 1964, better known as Public Law 88-309, will expire June 30, 1973. The Act authorizes the Secretary of Commerce to assist the 50 States, the Commonwealth of Puerto Rico, and the governments of the

Virgin Islands, Guam, and American Samoa in carrying out commercial fisheries research and development projects. The legislation would extend the program for an additional 5 years.

Section 4(a) of the Act authorizes to be appropriated \$5 million per year to carry out the purposes of the Act. These funds are apportioned among the States under a formula based on the most recent commercial fishery activity of each State. The Federal share of the apportioned funds shall not exceed 75 percent of the total estimated cost of each project.

Section 4(b) of the Act authorizes to be appropriated \$650,000 per year to assist the States (in the form of grants) in which there has been a commercial fishery failure due to a resource disaster caused by natural or undetermined factors. The legislation would increase the amount of funds authorized to be appropriated under this subsection to \$1.5 million per year.

Section 4(c) of the Act authorizes to be appropriated \$100,000 per year (in the form of grants) to be used by the Secretary to assist the States in developing new commercial fisheries.

(S. 3524 became Public Law 92-590 on October 27, 1972.)

H.R. 14385 (S. 3545)—Amending the Fishermen's Protective Act

The guarantee program established by section 7 of the Fishermen's Protective Act authorizes an owner of a U.S. fishing vessel to enter into an agreement with the Secretary of Commerce for the purpose of guaranteeing to such owner payments covering losses—other than fines, fees, and other direct charges, which are covered under section 3 of the act—incurred as a result of an illegal seizure of such vessel by a foreign country. Losses authorized to be covered by the agreement would include such things as damage, destruction, loss or confiscation of the vessel, fishing gear or other equipment; dockage and utility fees; fish confiscated or spoiled; and up to 50 percent of the loss of income occasioned by the detention. Vessel owners participating in the program are required to pay fees to the Secretary of Commerce which have averaged in the past about 60 percent of the cost of carrying out this program.

This legislation would extend this program for approximately an additional 5 years—from February 8, 1973, to June 30, 1977—at a cost to the Federal Government estimated to be about \$60,000 per year.

(S. 3545 became Public Law 92-594 on October 27, 1972.)

(For additional amendments to the Fishermen's Protection Act see action on H.R. 7117 on p. 49.)

H.R. 14731—Providing authority for enforcement of the act to prohibit hunting from aircraft

The need for this legislation arises from the fact that Public Law 92-159, which prohibits hunting from aircraft, amended the Fish and Wildlife Act of 1956. This Act is simply a declaration of national fish and wildlife policy and contains no provision which would authorize enforcement responsibility. Where no agency is given specific enforcement authority in an Act, then enforcement of that Act falls upon the F.B.I. to carry out.

The bill would specifically delegate the enforcement of this Act to the Department of the Interior, since it is already responsible for the enforcement of other Federal laws protecting fish and wildlife. Also,

they already have a trained professional staff of United States Game Management agents to carry out those responsibilities.

In addition, the bill would authorize the Secretary of the Interior to promulgate such regulations as may be necessary to enforce the Act. Any employee of the Department of the Interior designated by the Secretary could, without a warrant, arrest any person committing in his presence or view a violation of the Act and, with or without a warrant, as authorized by law, search any place.

All birds, fish, or other animals captured and all articles used contrary to the provisions of this Act would be subject to forfeiture.

All provisions of laws relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws would, in general, be applicable to seizures and forfeitures incurred under this Act.

(H.R. 14731 became Public Law 92-502 on October 20, 1972.)

(This amends P.L. 92-159. For additional information see H.R. 5060 on p. 48.)

H.R. 16074—Jellyfish program

That for the purpose of conserving and protecting the fish and shellfish resources in the coastal waters of the United States and for promoting and safeguarding water-based recreation, in 1966, the Congress enacted Public Law 89-720, which authorizes the Secretary of the Interior to cooperate with and provide assistance to the States in controlling and eliminating jellyfish (sea nettles) and other such pests and in conducting research for the purposes of controlling floating seaweed in such waters.

In carrying out the purposes of the act, the Secretary, in cooperation with the States, is authorized to (1) conduct directly or by contract research, studies and investigations to determine distribution of jellyfish and other such pests, (2) to conduct studies of control measures, and (3) to carry out a program of controlling or eliminating such pests and seaweed; provided that the costs of such actions are borne equally by the Federal Government and the States acting jointly or severally.

The act authorized to be appropriated not to exceed \$500,000 for fiscal year 1968, \$750,000 for fiscal year 1969, and \$1 million for fiscal year 1970. Actual appropriations amounted to \$100,000 in fiscal year 1968, \$225,000 in 1969, and \$267,000 in 1970.

In 1970, the program was extended for an additional 3 years—until June 30, 1973 (Public Law 91-45). In addition, the law would authorize the balance of the unappropriated authorization for fiscal year 1970 to be available to be appropriated over the next 3 years of the program. Actual appropriations amounted to \$174,800 for each of fiscal years 1971, 1972, and 1973, leaving a balance of less than \$100.00 on hand.

H.R. 16074 would amend section 3 of the Act to extend the program for an additional 4 years, from July 1, 1973 to June 30, 1977. There would be authorized to be appropriated to carry out the program over the extended 4-year life of the program \$400,000 per year.

(H.R. 16074 became Public Law 92-604 on October 31, 1972).

H.R. 16793 (S. 3358)—Prohibiting the use of certain Canadian fishing vessels in the U.S. fisheries

The purpose of this legislation is to prevent the influx of surplus foreign fishing vessels of less than 5 net tons into certain fisheries of the United States.

In accomplishing this purpose, the legislation would make it unlawful for a period of 5-years for any person aboard a vessel of less than 5 net tons which was (1) constructed in a foreign country, (2) used in a fishery of such foreign country, and (3) subsequently prohibited by such foreign country from being used in such fishery, to transfer at sea or land at a port of the United States any fish, the type of which such vessel was authorized to engage in the catching of by the foreign country concerned.

In addition, the legislation would subject any person who knowingly transfers at sea or lands at a United States port any prohibited fish, or any person who knowingly takes, sells, transfers, purchases, or receives any prohibited fish transferred at sea or landed in violation of the Act, or who knowingly violates any regulation issued pursuant to the Act to a civil penalty of \$1,000, in addition to any other penalty that may be provided by law.

(S. 3358 became Public Law 92-601 on October 27, 1972.)

H.R. 16870—Amending the Sockeye Salmon or Pink Salmon Fishery Act of 1947

In 1930, the United States and Canada entered into a convention to provide for the protection and preservation of the sockeye salmon of the Fraser River system in the United States. In 1957, the Convention was amended to include in the program pink salmon of the Fraser River system.

The International Pacific Salmon Fisheries Commission, composed of six members (three from the United States and three from Canada), was established under the Convention for the purpose of rehabilitating and maintaining the sockeye salmon run of the Fraser River. Each country polices its own nationals and carries out the programs recommended by the Commission on a 50-50 matching fund basis.

In 1947, the United States enacted what is known as the Sockeye Salmon or Pink Salmon Fishery Act. The purpose of the Act is to provide assistance to the Commission in carrying out its duties of scientific investigation and improvement of the fisheries as specified in the Convention.

There is authorized to be appropriated such sums as may be necessary to enable the Commission and agencies of the Federal Government to carry out the provisions of the Convention and of the Act, including purchase, operation, maintenance, and repair of aircraft, motor vehicles (including passenger-carrying vehicles), boats, research vessels, and necessary facilities; and printing.

H.R. 16870 would amend the appropriation-authorization section of the Act (section 8) to authorize to be appropriated—in addition to the sums authorized to be appropriated under present law—the sum of \$7 million for the share of the United States for the purpose of developing, constructing, maintaining and operating the program for the restoration and extension of the sockeye and pink salmon stocks of the Fraser River system, as approved by the Commission.

(H.R. 16870 became Public Law 92-504 on October 18, 1972.)

NONLEGISLATIVE ACTIVITIES

National Environmental Policy Act oversight

The committee is charged with the responsibility for carrying on oversight of the activities of agencies of government under the National

Environmental Policy Act of 1969 (Public Law 91-190), since this act was a product of the committee's work.

In carrying out its responsibilities, the committee through its Subcommittee on Fisheries and Wildlife Conservation, has maintained a continuing review of these agency activities through oversight hearings and by close contact with the agencies involved. Extensive hearings were held in the closing days of the second session of the 91st Congress, and the committee submitted a lengthy and detailed report on the outcome of those hearings on June 29, 1971. In the course of this report, the committee made a number of recommendations for specific action by those agencies; it is our understanding that these recommendations are in the process of being carried out.

The committee has asked the General Accounting Office to carry out a review of the precise ways in which the act is being implemented by several agencies of government. That review is currently being carried out, and it is the expectation of the committee that further hearings will be held in the spring of 1972 to explore the forthcoming GAO report and to discuss its findings with the agencies concerned.

Working in conjunction with the committee staff, the Congressional Research Service has contacted the agencies of the executive branch to prepare a compendium of agency procedures designed to permit the evaluation of the environmental effects of their activities. When completed, it is expected that this compendium will be made available to the agencies and the public as a means of communicating ways in which the Act should be implemented.

In furtherance of its oversight responsibilities, the Committee on February 25, 1972, held hearings on the role of independent agencies of the Federal Government and their responsibilities under NEPA. Independent agencies heard from were the Security and Exchange Commission and the Federal Power Commission.

The committee was aware of the strong positive effects that NEPA had already had upon Government decisionmaking and of the several court decisions which had pointed out deficiencies in agency implementation of NEPA. The court cases, however, tended to obscure the ways in which NEPA was beginning to affect the basic decisions of Government. The testimony elicited by the Subcommittee from the independent agencies on this subject has proven to be most valuable and informative.

Council on Environmental Quality—Second annual report

The National Environmental Policy Act of 1969, which created the Council on Environmental Quality, also imposed an obligation upon that organization to produce an annual report on the state of the Nation's environment. The second of these reports was filed with the Congress on August 6, 1971, and the committee held hearings on that day to review the report and to discuss it with the Chairman and members of the Council. Subsequently on September 8, 1971, the committee reopened these hearings and invited other organizations to comment upon the report and upon their reactions to it.

On August 16, 1972, the committee received testimony from Chairman Train and the other members of the Council on the third annual report on the state of the Nation's environment.

Tuna boat seizures

On February 10, 1971, the subcommittee held hearings in San Pedro, Calif., on the illegal seizure of tuna boats, as a prelude to further hearings to be held in Washington, D.C., at a later date on the subject of illegal seizures of American tuna vessels by Latin American nations. These hearings later resulted in the introduction of H.R. 7117, on which hearings were held on June 3 and July 8, 1971.

The purpose of the San Pedro hearings could best be explained by a statement issued by Chairman Garmatz, when he announced the hearings, which reads in part as follows:

The purpose of the hearings on the seizure problem is to gather basic facts which will be used by the committee in later full-scale Washington hearings on pending and proposed legislation devoted specifically to this problem.

I think it is time that the American tuna fishermen be given an opportunity to personally relate the harassments and indignities they have been subjected to which is supposed to be in international waters. It is important to get as many eyewitness accounts on the Committee record as we can and let the public know what is really happening. The nation's press has tended to emphasize the international aspects of our fishery problems with Latin America, but the economic hardships and dangers constantly faced by our tuna fishermen have been generally ignored and glossed over.

The committee chairman reiterated that followup hearings in Washington will explore the legislative alternatives which might be used by the United States to help curb these illegal seizures. The hearings will consider such legislation as economic sanctions and embargoes against imports from nations which illegally seize American fishing vessels; recall of U.S. vessels now on loan to any nation which illegally seizes an American fishing vessel, and other retaliatory proposals which have not yet been formally introduced.

On March 11, 1971, July 8, 1971, and again on March 13, 1972, the subcommittee held followup hearings in Washington. The main purpose of these hearings was to have representatives of the Department of State and the Department of Commerce tell the subcommittee exactly what steps were being taken toward solving the problem of illegal seizures.

Prior to the San Pedro hearing on the 10th of February, 14 American tuna vessels had been seized by foreign nations during the year of 1971 and by March 11, 1971, this figure had increased to 25. More than \$1 million had been paid in fines and fees by these American vessel owners in order to obtain prompt release of their vessels and crews.

The root of the problem is the claim by some Latin American nations—primarily Ecuador, Chile, and Peru—that they have sovereign rights and jurisdiction over an exclusive 200-mile territorial sea. Most coastal nations of the world, including the United States, only claim and recognize a 3-mile territorial sea and a 12-mile exclusive fishery zone.

Although the committee has been encouraged from time to time by the prospect of additional talks, it is also aware of the continuing gravity of the problem, and of the possibility of more seizures. It has every intention of watching this situation closely, and of taking whatever legislative action is necessary to protect American fishermen and to assert our Nation's sovereign rights in international waters.

Migratory waterfowl regulations

One of the responsibilities of the Subcommittee on Fisheries and Wildlife Conservation concerns its legislative oversight of the Secretary of the Interior's administration of the Migratory Bird Treaty Act

and the Federal refuge system, as well as the general welfare of migratory waterfowl.

On July 30, 1971, the Subcommittee held its annual hearing on the subject of migratory waterfowl regulations. As usual, this hearing was held just before that time of year when season and bag limits for these birds are finalized.

The purpose of the hearing is to give an opportunity for all interested parties—including conservationists and hunters—to make their views known before a final bag limit is determined by the Secretary of the Interior. The hearing provides a valuable record to the Secretary and his staff, and also is beneficial to conservation efforts in this area.

Because of the rush to finish up pending matters prior to the August recess of the Congress, no hearings were held in 1972.

This annual hearing helps assure equitable and fair decisions which will protect the interests of the sportsmen and at the same time assure the best possible conservation of natural resources. The committee intends to continue providing this service each year.

Foreign fishing violations

On March 25, 1971, during a routine Coast Guard surveillance, a fleet of 48 Soviet and Polish vessels was sighted fishing in the mid-Atlantic in violation of the recently entered into U.S. fisheries agreements with Poland and Russia.

Earlier, violations of the agreements were also reported by the Coast Guard on February 2, 1971, when 33 Soviet and three Polish vessels were observed fishing inside one of the prohibited areas.

These violations prompted the subcommittee chairman to write the Departments of State and Commerce and the Coast Guard expressing great concern that our fisheries agreements with these foreign nations were not being adequately enforced.

The chairman also expressed concern that adequate protection was not being given our American fishermen, as evidenced by the incident last week between the *Wily Fox* fishing vessel and Russian fishing trawlers off the coast of Massachusetts.

It was the *Wily Fox* incident that prompted the briefing held by the subcommittee on May 20, 1971. In this regard, representatives of the Department of State, the Department of Commerce, and the Coast Guard appeared before the subcommittee and presented a firsthand report on the details relative to this incident.

Representatives of the Prelude Corp., owners of the *Wily Fox*, and other owners of fishing vessels that have experienced similar harassments and losses as a result of foreign fishing vessel activities in these waters also testified at the briefing.

The subcommittee intends to follow closely the developments in this and similar cases and to take the necessary steps to see that our offshore fisheries agreements with foreign nations are strictly enforced and that American vessels and equipment are given the protection to which they are entitled.

Alaska pipeline

On November 17, 1971, the subcommittee heard from representatives of the Cordova District Fisheries Union, Alaska, a group with a direct and immediate interest in the proposed trans-Alaska pipeline.

This is a subject in which the committee is very much interested, both from the point of view of its impact on merchant shipping and its impact on the Alaskan environment. Last year, the Department of the Interior issued its second draft environmental impact statement on this project proposal, pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA). It is noted that the Department has issued its final environmental impact statement.

The proposed pipeline would transport oil from Prudhoe Bay, Alaska, some 800 miles southward to Valdez, Alaska, at the edge of the Prince Williams Sound. During the hearings, representatives of the fishermen's union expressed their fears regarding the serious effects the project could have upon their fishing industry and the marine environment in Prince Williams Sound. They also expressed their fears that NEPA is being violated in that the potential damages that could result to the resources of that area are not being adequately evaluated before issuance of the permit.

This hearing is the forerunner of lengthy hearings planned to be held early in 1972 immediately after the Department of the Interior issues the final impact statement. The committee intends to follow closely the developments concerning this project proposal and to see that the impact statement conforms to the requirements of NEPA.

West coast fisheries hearings

The American fisheries industry is a farflung and varied operation, and certain geographical areas create problems that are peculiar to fishermen in those regions.

In recognition of this fact, a delegation of the Subcommittee on Fisheries and Wildlife Conservation made a special trip to Seattle, Wash., to review the problems of west coast fishermen. The delegation was headed by Congressman Robert L. Leggett, of California. He was accompanied by Congressman Thomas M. Pelly, of Washington, and Ned P. Everett, committee counsel.

The subcommittee held 1 day of hearings on April 24, 1971. Testimony was received from a variety of witnesses, including Washington, Oregon, and California fishermen, businessmen, legislators, and other interested parties.

A valuable hearing record was compiled, especially in relation to foreign fishing pressures and problems of the small, independent fishermen. This information is expected to be useful in formulating future fisheries policies.

ANTARCTIC SEAL CONVENTION

On January 31, 1972, Mr. Donald L. McKernan, Special Assistant to the Secretary for Fisheries and Wildlife, Department of State briefed the Subcommittee on the proposed treaty covering the taking of Antarctic seals on the high seas and sea ice.

The Subcommittee was concerned that it had not been kept adequately informed of the treaty as well as the contents thereof. It had not been consulted for comments nor had certain Federal agencies within the executive branch of the government having expertise on the subject matter been consulted.

Mr. McKernan advised the Subcommittee that the State Department was in no way satisfied with the present draft convention and

that significant improvements would be sought at the London meeting—scheduled to begin in early February, 1972.

Among the improvements to be sought would be a ban on pelagic sealing, restriction of sealing methods to those which are humane, an effective means for the exchange of scientific and sealing data, the creation of a committee of governmental scientific representatives and other scientists to oversee the workings of the convention, to request the depository government to convene a mandatory meeting of states if and when sealing appears to be having a significantly harmful effect upon the Antarctic ecosystem, and provisions for further moratoria on the taking of threatened species and an international observer system.

Mr. McKernan further advised the Subcommittee that he would do all within his power to see that the goals of the United States in the conservation of Antarctic seals were accomplished at the London Convention.

General oversight

In furtherance of its oversight responsibilities, the Subcommittee invited Mr. Donald L. McKernan, Special Assistant to the Secretary for Fisheries and Wildlife, Department of State, to appear before the Subcommittee and discuss a number of matters of interest to the Subcommittee.

Among those matters discussed by Mr. McKernan at a meeting of the Subcommittee on March 13, 1972, were the latest developments relating to the seizure of American fishing vessels by certain Latin American countries, the Atlantic Salmon Convention, and the treaty recently agreed to between the United States and Japan with respect to migratory birds.

U.S. game management enforcement problems

Over the years the Subcommittee on Fisheries and Wildlife Conservation has become increasingly concerned that Federal Fish and Wildlife laws and International Migratory Bird Treaties, to which the United States is signatory, have not been adequately enforced.

It is because of this concern that prompted the Subcommittee to schedule hearings on March 27, 1972, at which time four United States Game Management enforcement agents were requested to appear and present testimony. These four gentlemen were subpoenaed by the Chairman of our full Committee, Congressman Garmatz, to appear before this Subcommittee in open hearings for the purpose of considering U.S. Game Management Enforcement problems. To assist the Subcommittee in obtaining first hand information the witnesses were instructed to come prepared to present a written statement reflecting their independent assessment of program needs for the Division of Management and Enforcement of the Bureau of Sport Fisheries and Wildlife.

The four United States Game Management Agents commanded to appear and present testimony were as follows:

- David Hall, New Orleans, La.
- Willie J. Parker, Annapolis, Maryland
- Warren Lupton, Washington, D.C.
- Fred Williams, Atlanta, Georgia

The witnesses spoke completely free and independent both in regard to their testimony as well as to response to questions.

The Subcommittee received information which proved to be of great value in analyzing game management enforcement problems facing the Nation and the resultant corrective action needed to be taken.

GENERAL ACCOUNTING OFFICE (GSA) REPORT ON THE
ADMINISTRATION OF NEPA

On May 18, 1972, the Chairman of the Subcommittee wrote the Honorable Elmer B. Staats, Comptroller General of the United States, requesting that he evaluate the implementation of section 102 of the National Environmental Policy Act (NEPA), which requires Federal agencies to prepare environmental impact statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

Also, the Chairman asked the Comptroller General to compare the procedures and practices of several Federal agencies to ascertain whether section 102 was being implemented uniformly and systematically. In addition, the Comptroller General was asked to evaluate the roles of the Council on Environmental Quality (CEQ) and the Office of Management and Budget (OMB) and to furnish his views on the adequacy of certain selected environmental impact statements.

The results of the Comptroller General's review—issued on May 18, 1972—were presented to the Subcommittee by the Comptroller General on May 24, 1972.

Briefly summarized the report found that Federal agencies were beginning to include in their daily process careful consideration of the environmental impact of their actions. However, the requirements of section 102 were not being carried out uniformly and systematically.

Improvements were needed in the following areas:

1. Environmental impact statements need to be made an integral part of the decision making process.
2. Actions requiring environmental impact statements and range of impacts should be defined.
3. Public participation should be given greater emphasis.
4. Further guidance is needed for obtaining the views of Federal, State, and local agencies.
5. CEQ should do more toward improving agency procedures.
6. EPA is slow in meeting its responsibilities.
7. OMB should require environmental impact statements for legislative clearance.
8. Federal agencies should consider the matters discussed in this report and revise their procedures for preparing and processing environmental impact statements so that the intent of NEPA is fully carried out.

STOCKHOLM CONFERENCE ON THE HUMAN ENVIRONMENT

From June 5 to June 16, 1972, Congressmen John Dingell and Frank Clark, of the Committee on Merchant Marine and Fisheries, and Congressmen Robert McClory and Seymour Halpern were members of the United States delegation to the Stockholm Conference on the Human Environment. They had the honor of representing the House of Representatives at the Conference in the capacity

of Congressional advisers. Ned P. Everett, of the Committee staff, accompanied the Committee delegation on the trip.

The United States delegation was headed by Russell E. Train, Chairman of the Council on Environmental Quality, and its vice chairman was Christian A. Hester Jr., Special Environmental Assistant to the Secretary of State. The other principal members of the delegation were William D. Ruckelshaus, Administrator of the Environmental Protection Agency; Secretary of the Interior Rogers C. B. Morton, Senator Howard Baker, Jr., who headed the State Department Advisory Committee for the conference; and Laurance S. Rockefeller, Chairman of the Citizens' Advisory Committee on Environmental Quality. Other representatives of the 35-member delegation consisted of 18 alternate delegates and 11 Congressional advisers and alternates.

Although the Conference was feared by many that it would not be successful, it must be counted a success and most significant. Despite all their differences, the participants, representing about 90 percent of the world's population, reached a consensus on more than a hundred recommendations.

Some of the recommendations of primary importance to the Committee that were adopted are as follows:

1. Recommended that the Secretary-General insure that effects of pollutants on wildlife be considered within environmental monitoring systems.

2. Recommended an international program to assess the total economic value of wildlife resources.

3. Recommended that U.N. agencies cooperate with governments of developing countries to develop wildlife management training courses.

4. Recommended that governments consider enacting international conventions and treaties to protect species inhabiting international waters or those which migrate from one country to another, and that a working group be established without delay to develop a broadly based convention on game regulations, etc., to avoid overexploitation of wildlife resources.

5. Recommended that governments agree to strengthen the International Whaling Commission (IWC), increase international whale research efforts, and as a matter of urgency, call for an international agreement for a ten-year moratorium on commercial whaling.

6. Recommended that a plenipotentiary conference be convened as soon as possible to prepare and adopt a convention on export, import and transit of certain species of wild animals and plants in order to protect them from over-exploitation or extinction.

SUBCOMMITTEE ON COAST GUARD AND NAVIGATION

Total bills referred to subcommittee	47
Bills reported, passed, and now public law	9
Bills reported	10
Bills considered	12
Hearings held (days)	25
Executive meetings (days)	2

H.R. 5208—Coast Guard authorization, fiscal year 1972

In accordance with the committee's authority to authorize appropriations for the Coast Guard for ships, planes, shore facilities and installations, the subcommittee processed H.R. 5208, the annual authorization of appropriations for the Coast Guard for fiscal year 1972. In addition to the traditional funding for vessels, aircraft and facilities, the bill also had considerable funding for aids to navigation and pollution control. In addition, this year the committee assumed the authorization responsibility for the annual active duty personnel strength of the Coast Guard for each fiscal year. The original budget request for all these items was in the amount of \$99,500,000. The House Merchant Marine and Fisheries Committee increased this amount by \$120,250,000 to cover items it believed vital to the continued effectiveness of the Coast Guard. The total authorization figure as passed by the House was \$219,750,000. The committee added \$60 million for the funding of the second of four polar icebreakers; it added \$75 million for the construction of three high endurance cutters; and it added \$3,250,000 for an additional jet administrative aircraft for the use of the Coast Guard. It also authorized 38,284 as the average active duty personnel strength of the Coast Guard for fiscal year 1972.

The Senate-passed bill had a total authorization figure of \$235,960,000, an increase of \$16,210,000 over the House-passed bill, and an increase of \$36,460,000 over the original budget request. The Senate added \$8,960,000 for two additional long-range search aircraft; and deleted \$3,250,000 from the amount authorized by the House for the procurement of an additional jet administrative aircraft. The Senate added an additional \$3 million for increased procurement for oil pollution equipment and added another \$5 million for research, development and construction of a prototype harbor radar advisory and marine traffic system. The Senate also included an additional \$2,500,000 for constructing and equipping a new Coast Guard multipurpose air station at North Bend, Oregon.

The total in the conference report was \$239,210,000, which reflected the agreement to reinsert \$3,250,000 for the administrative aircraft. This final report figure was \$19,460,000 over the House-passed bill and an increase of \$139,710,000 over the budget request. The final appropriations figure was \$97,682,000.

April 29, 1971—Considered and passed the House.

July 22, 1971—Considered and passed Senate, amended.

August 5, 1971—Senate agreed to conference report.

August 5, 1971—House agreed to conference report.

Approved August 13, 1971—Public Law 92-118.

H.R. 19—Federal Boat Safety Act of 1971

The purpose of this legislation is to improve recreational boating safety and to foster greater development, use, and enjoyment of all the waters of the United States by encouraging and assisting participation by the several States, the boating industry, and the boating public, in the development of more comprehensive boating safety programs. Under the law, the Secretary of the Department in which the Coast Guard is operating has the authority to establish and require manufacturers to comply with national construction and performance standards for boats and associated equipment.

For the purpose of providing financial assistance for State boating safety programs, there is authorized to be appropriated \$7,500,000

for the fiscal year ending June 30, 1972, and \$7,500,000 for each of the four succeeding fiscal years.

July 8, 1971—Considered and passed House.

July 12, 1971—Considered and passed Senate, amended, in lieu of S. 696.

July 29, 1971—House concurred in Senate amendment.

Approved August 10, 1971—Public Law 92-75.

S. 699—Vessel Bridge-to-Bridge Radiotelephone Act

The purpose of this legislation is to provide a positive means whereby the operators of approaching vessels can communicate their intentions to one another through voice radio, located convenient to the operator's navigation station. The radiotelephone required by the Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel. A portable radiotelephone will satisfy the requirements of this Act and the Secretary may if he considers that marine navigational safety will not be adversely affected or where a local communication system fully complies with the intent of this concept, but does not conform in detail, issue exemptions from any provisions of this Act, on such terms and conditions as he deems appropriate.

April 30, May 4, 1971—Considered and passed Senate.

July 21, 1971—Considered and passed House.

Approved August 4, 1971—Public Law 92-63.

H.R. 6479—Towboat operator licensing

The purpose of this legislation is to promote safe navigation by requiring certain towing vessels (all commercial towing vessels 26 feet or over in length) while underway to be under the actual direction and control of a person licensed by the Secretary of the Department in which the Coast Guard is operating. The Secretary is authorized to prescribe rules and regulations stating the requirements for a license and the geographical limitations particular to the license.

The Act also restricts the working hours of a person licensed to 12 in any consecutive 24-hour period except in the case of an emergency. In addition, the Secretary is required to conduct a study on the need for engineers on these vessels and to furnish a report thereon with any legislative recommendation within 10 months after enactment of the legislation. The Public Law is identical to the House bill as reported out of Committee with one exception, that being an amendment added by the Senate which excludes the legislation's applicability to vessels of less than 200 gross tons engaged in a service to the offshore oil and mineral exploitation industry.

April 29, 1972—Considered and passed House.

June 29, 1972—Considered and passed Senate, amended; House concurred in Senate amendment.

Approved July 7, 1972—Public Law 92-339.

H.R. 8140—Ports and Waterways Safety Act of 1972

The purpose of this legislation is to bolster the Coast Guard's authority and capability to handle the problems of marine safety and water pollution that confront us today. The law accomplishes this purpose in several ways. First, it authorizes the Secretary of the Department in which the Coast Guard is operating to establish, operate and maintain vessel traffic services and systems for ports, harbors and other waters subject to congested vessel traffic or other hazardous

conditions. Second, it authorizes the Coast Guard to assert jurisdiction under certain circumstances over structures and facilities adjacent to these waterways. Third, it authorizes the Secretary to establish rules and regulations setting forth minimum standards of design, construction, alteration and repair to vessels engaged in the carriage of certain liquid bulk cargoes, the spillage of which creates substantial hazards to life, property, and the navigable waters of the United States.

October 18, 1971—Considered and passed House.

March 30, 1972—Considered and passed Senate, amended.

June 26, 1972—Senate agreed to conference report.

June 28, 1972—House agreed to conference report.

Approved July 10, 1972—Public Law 92-340.

H.R. 13188—Coast Guard authorization for fiscal year 1973

In accordance with the committee's authority to authorize appropriations for the Coast Guard for vessels, aircraft, installations and facilities, the subcommittee processed H.R. 13188, authorizing appropriations for the Coast Guard for fiscal year 1973. The total amount authorized to be appropriated was \$158,380,000. This figure represents \$81,740,000 for procurement and increasing capability of vessels, \$18,100,000 for procurement and extension of service life of aircraft, \$46,040,000 for the establishment or development of installations and facilities and \$12,500,000 for payment to bridge owners for the cost of alteration of railroad and public highway bridges to permit the free navigation of the navigable waters of the United States. In addition to the above, there was also authorized an average active duty personnel strength of 39,449 and an end of the year strength of 39,541.

April 11, 1972—Considered and passed House.

June 1, 1972—Considered and passed Senate, amended.

June 26, 1972—Senate agreed to conference report.

June 28, 1972—House agreed to conference report.

Approved July 10, 1972—Public Law 92-343.

H.R. 10486—Master chief petty officer and Lighthouse Service employees

The purpose of this legislation is twofold. Firstly, it makes the basic pay of the Master Chief Petty Officer of the Coast Guard comparable to the basic pay of the senior enlisted advisors of the other Armed Forces. Secondly, it corrects another pay inequity which has existed since October 1969. Said inequity developed with the enactment of Public Law 91-93, which permitted Civil Service employees to compute their retired pay on the basis of their highest average salary over a three-year period vice a five-year period. This Act provides that employees of the Lighthouse Service may now compute their retirement pay using the same standard of computation as the Civil Service.

In addition to the above changes in the law which the legislation effects, it also contains a provision which was included at the behest of Congressman Matsunaga which averts another possible, albeit remote, inequity from occurring. At the present time there are only 15 employees in the Lighthouse Service presently participating in the retirement system. Of these, all but two presently meet the requirements for voluntary retirement (a minimum of 30 years' service at age 55). The two who do not qualify lack only the age requirement of 55. If these men were involuntarily retired due to employee reductions, they would have lost their retirement benefits. The above legislation now permits retirement after 25 years' service at age 50 if the employee is separated involuntarily. The retirement benefits are, however,

reduced by $\frac{1}{6}$ of 1 percent for each full month the retiree is under age 55. The formula used to compute the retirement benefits in this instance is the same as that used by the Civil Service Retirement System for separation during a major reduction in force.

August 14, 1972—Considered and passed House.

September 21, 1972—Considered and passed Senate.

Approved October 2, 1972—Public Law 92-455.

H.R. 13697—Coast Guard Flag Office structure

The purpose of this legislation is to establish periodic Continuation Boards which would review the proficiency of Rear Admirals and make recommendations with respect to their continuation in the service of the U.S. Coast Guard. The legislation also establishes the statutory positions of Commander, Atlantic Area, and Commander, Pacific Area and authorizes the grade of vice admiral for these two positions. The authority to conduct periodic continuation boards will permit controlled forced attrition of flag officers, thereby making the selection opportunities of officers eligible for the grade of flag officer relatively uniform. The presence of a continuation board will also offer an incentive for superior performance on the part of Rear Admirals.

August 14, 1972—Considered and passed House.

September 21, 1972—Considered and passed Senate.

Approved October 2, 1972—Public Law 92-451.

H.R. 14891—Emergency augmentation of Regular Coast Guard by Coast Guard Reserves

The purpose of this legislation is to authorize the Secretary of the Department in which the Coast Guard is operating, subject to the approval of the President, to order to active duty members of the Coast Guard Reserve during times of natural or man-made disasters. The legislation in its original form permitted the Secretary to keep a reservist on emergency active duty for a continuous period of not more than 30 days a year. It was also discretionary with the Secretary as to whether this emergency active duty would be accepted to satisfy all or part of the annual active duty for training required of reservists. These original provisions were consistent with the executive communication which preceded the legislation, as well as the stated position of the Coast Guard at the time of the hearings before this Committee.

The Senate amendment restricted this emergency active duty period to 14 days in any 4-month period, and 30 days in any year; it also provided for a day-for-day credit of emergency active duty against the annual requirement. Your Committee being satisfied that the amendment was consistent with the intent of the legislation agreed to the amendment.

A reservist serving on emergency active duty is also entitled to all those benefits normally accruing to reservists on other types of active duty. The use of this involuntary call-up authority is contemplated only for those infrequent but truly urgent situations such as Tropical Storm Agnes, where time is of the essence and the capabilities of the Regular Coast Guard forces are being taxed because of the demands arising out of the domestic emergency.

August 14, 1972—Passed House.

September 21, 1972—Passed Senate, amended.

September 28, 1972—House agreed to Senate amendments.

Approved October 9, 1972—Public Law 92-479.

H.R. 15627—Oil Pollution Act Amendments of 1972

The purpose of this legislation is to amend the domestic law implementing the International Oil Pollution Convention of 1954. The amendments to that Convention which are being reflected in this legislation were adopted by the IMCO Assembly on October 21, 1969. On September 20, 1971, the Senate gave its advice and consent to the ratification of the amendments. While the advice and consent of the U. S. Senate has been obtained, the formal ratification has not been completed pending the enactment of this necessary implementing legislation.

The legislation as originally introduced also proposed to enact into domestic law the amendments which were adopted by the IMCO Assembly on October 12, 1971, and in May of 1972 submitted by the President to the Senate for advice and consent. The Senate, however, did not take action in this regard and consequently it was concluded by your Committee that passage of legislation implementing the 1971 amendments would be premature. For this reason they were deleted from the bill which eventually was passed by the House on October 11, 1972. The Senate did not act upon this legislation and as a result similar legislation will be required in the next Congress.

NONLEGISLATIVE ACTIVITIES

On December 15, 1971, and October 17, 1972, the Coast Guard Subcommittee conducted hearings on Coast Guard Oversight. These hearings were conducted pursuant to Clause 28, of Rule 11, of the Rules of the House, as amended by the Legislative Reorganization Act of 1970. The Commandant of the Coast Guard, Admiral Chester R. Bender, was the primary witness at both of these hearings. A comprehensive review of all legislation over which the committee has legislative jurisdiction was conducted at said hearing. Particular emphasis was placed on the progress the Coast Guard is making with respect to the implementation of the numerous laws which were enacted during this Congress.

CONGRESSIONAL INVESTIGATION OF COAST GUARD OPERATIONS IN SOUTHEAST ASIA

In April 1972, Representative Edward A. Garmatz, Chairman of the House Committee on Merchant Marine and Fisheries, delegated a three man team to inspect and evaluate Coast Guard facilities and activities in Southeast Asia. The Delegation was headed by the Honorable Frank M. Clark, Chairman of the Subcommittee on Coast Guard, Coast and Geodetic Survey and Navigation. Accompanying Representative Clark were A. Ronald Santo, Counsel of the Coast Guard Subcommittee and Captain Julian E. Johansen, Congressional Liaison of the United States Coast Guard.

Of particular interest to this Delegation was the Coast Guard Loran-C communication network operating in that area.

The Loran-C network provides a highly accurate and reliable radio position fixing and navigation aid system over Vietnam, Laos, Cambodia and Thailand.

Among the Coast Guard Loran-C installations which were visited and inspected were the stations located at Udorn, Sattahip and Lampang, Thailand. All three of these stations were commissioned in 1966 and have been in constant active use ever since. As noted above, the emphasis of this system is on accuracy and reliability and the Loran-C system's reliability (percent of usable time) must always remain greater than 99%. During calendar year 1971 to date of the Congressional inspection, the Southeast Asia chain had an overall average of 99.774% usable time. To the user, this means that in a 30-day month containing 43,200 minutes, the system would have been unusable for a maximum of 98 minutes. Most individual periods of unusable time were shorter than five minutes.

The complicity of the electronic equipment and the degree of sensitivity involved are such that one must commend the Coast Guard for their remarkable proficiency. Their contribution to the war effort is little known and unheralded, but they are responsible in great part for the pinpoint bombing which was required and achieved.

The Delegation found quarters, and recreation facilities adequate and moral among the men satisfactory.

COAST GUARD MERCHANT MARINE DETAIL—SINGAPORE

Singapore is developing as a regional base for petroleum exploration activities in and around Indonesia, Malaysia, and Thailand and American concerns have been participating in this industry to an ever-increasing degree. As a result, Members of Congress, as well as the Commandant of the Coast Guard, began receiving numerous complaints from officers and seamen concerning violations of law on U.S.-flag vessels engaged in the offshore oil industry.

In August 1971, the Coast Guard established a Merchant Marine Detail in Singapore in order to insure compliance with U.S. laws relating to U.S.-flag vessels. Since that time, the number of complaints concerning overloading and improper manning of these vessels has decreased. The Delegation also visited the Far East-Levingston Shipyard where the plans of one of a proposed seven large drilling rigs is to be built. At that time, the Delegation was apprised of the fact that the United States owners would like to keep these vessels under U.S. flag. However, under present law, a vessel must return to the United States before it can be issued a registry. Towing a vessel (drilling rig) of this type to the United States from Singapore for purposes of registration is obviously impractical and the Coast Guard and the Subcommittee are presently considering the alternatives.

On the return leg of this tour, the Delegation stopped at Honolulu, Hawaii, where it met in formal conference with Rear Admiral Paul Prinz, Commander of the Fourteenth Coast Guard District, and members of his staff at the Headquarters Office and discussed the Coast Guard's present and future plans concerning their activities in the Southeast Asia area. Particular emphasis was placed on the reductions necessitated by the Administration's 5% cutback in budget and the adjustments which the Coast Guard has made in this regard. Also discussed in detail was the Coast Guard's future plans with regard to the winding down of hostilities in Vietnam.

HEARING BY COAST GUARD SUBCOMMITTEE OF HOUSE COMMITTEE ON
MERCHANT MARINE AND FISHERIES IN STONINGTON, CONN.

The Subcommittee on Coast Guard and Navigation, chaired by Rep. Frank Clark held hearings in Stonington, Conn. on October 6 and 7 to receive testimony on the effects of foreign fishing fleets operating off the New England coast. On October 8 the committee members observed the operation of foreign vessels in a coastal sweep aboard a Coast Guard aircraft.

During the first two days of the hearing, 17 witnesses explained how the intensity of foreign fishing effort has disrupted the American fishing industry and depleted certain stocks of fish. Many of the witnesses stressed direct control of the stocks of fish by the United States to ensure that they won't be completely depleted.

Many of the witnesses stressed the need for increased funding for Coast Guard surveillance equipment, declaring the lobster a creature of the Continental Shelf entitling it to federal protection and controlled zones for fishing on a species basis for conservation purposes.

On the morning of the overflight the congressmen observed 83 foreign fishing vessels ranging from factory ships to small trawlers and some of the vessels were within 38 miles of the Massachusetts coast.

HEARING BY COAST GUARD SUBCOMMITTEE OF HOUSE COMMITTEE ON
MERCHANT MARINE AND FISHERIES IN LONG ISLAND, N.Y.

The Subcommittee on Coast Guard and Navigation held a hearing in Long Island, New York on August 25, 1972. The purpose of this hearing was to afford members of the Coast Guard Auxiliary an opportunity to formally present for the record any areas of concern or suggestions for the betterment of the Coast Guard Auxiliary and its relationship with the regular Coast Guard. Present and testifying at that meeting were numerous representatives of the Auxiliary in that area.

At the present time the Coast Guard Auxiliary has a membership of over 35,000 men, these men are all volunteers and dedicate not only their services but also their equipment for the betterment of the safety and welfare of the recreational boater. The Coast Guard, as well as the public, receives incalculable benefits from the service of these men. The Coast Guard does supply certain materials and guidance to the Coast Guard Auxiliary, and one of the points raised at said hearing was the possibility of obtaining more in the way of surplus equipment and audio-visual aids to augment the Auxiliary and its safety education programs.

Also discussed at said hearing and under consideration by the Committee at this time is the possibility of insuring auxiliaries when they are engaged in boat safety programs, but not under direct orders from the Coast Guard.

The auxiliary also expressed an interest in obtaining a common frequency with the Civil Air Patrol. The Subcommittee recognizes the similarity in role and purpose between the CAP and the Auxiliary when they are engaged in search and rescue missions and the need for continuous communication during these periods of emergency. As a result, contact has been made with the Civil Air Patrol and the feasibility of such a common frequency is being considered.

HEARING BY COAST GUARD SUBCOMMITTEE OF HOUSE COMMITTEE
ON MERCHANT MARINE AND FISHERIES IN PORTLAND, MAINE

On October 5, 1972, the Coast Guard Subcommittee held a one day hearing in the District Court in Portland, Maine in order to obtain the fullest possible information regarding certain aspects of the spill of approximately 100,000 gallons of No. 6 fuel oil which occurred in Casco Bay during the night of July 22-23, 1972, when the tanker TAMANO's hull was breached by a rocky ledge.

The purpose of this hearing was not to establish the legal responsibility for damages resulting from this spill but the Subcommittee was concerned with the details of the spill itself, insofar as such information would be of assistance in preventing similar accidents in the future. In addition, these hearings brought forth considerable information with respect to techniques and procedures for combating oil spills once they occur.

The hearings commenced at 9:00 a.m., and continued on until 6:00 p.m. As wide a range of witnesses as possible was heard, some 29 witnesses in all, including the local Coast Guard Officer in Charge, various interested community groups, and the Governor of Maine. These hearings set out in a forthright manner the tragic incident in Casco Bay and brought to light many proposals which would act to minimize the chance of further oil spills in this area in this manner. In general, the scope of the hearings included the following:

- (1) The containment and cleaning up of the oil spill.
- (2) Environmental effects of the oil spill.
- (3) Provisions to prevent such future occurrences.
- (4) Benefits and risks of oil-handling on the Maine coast.

The hearing also brought into focus and set out in detail the long range environmental consequence of this oil spill and the resultant damages to the surrounding marine ecology. The hearing also brought into focus the critical contending arguments regarding energy needs and environmental hazards.

SUBCOMMITTEE ON OCEANOGRAPHY

Total bills referred to subcommittee	78
Bills reported, passed, and now public laws	4
Bills considered	64
Hearings held (days)	20
Executive meetings (days)	11

LEGISLATIVE ACTIVITIES

H.R. 2492, H.R. 2493, H.R. 9229—Coastal zone management program

The purpose of the proposed legislation is to establish a national policy and to develop a national program for the management, beneficial use, protection, and development of the water and land resources of the Nation's coastal and estuarine zones.

The bill would, inter alia, authorize the Secretary of Commerce to make certain annual grants, no more than two in number, to any State of the United States (including for that purpose Puerto Rico, the Virgin Islands, Guam and American Samoa) located in or bordering on the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, on the Great Lakes. The purpose of these grants would

to be assist the states in the development of management programs in their respective coastal and estuarine zones, which would include the coastal and estuarine waters, and submerged lands thereunder, and the adjacent shore lands directly influenced or affected by such waters. In addition, the Secretary would be authorized to make annual grants for the administration of the state programs approved by him as meeting the specific criteria included within the bill.

Both types of grants would be made on a "not to exceed two-thirds of the total cost" basis.

The bill also would provide for procedures for the approval, and a continuing review, by the Secretary of Commerce of the State programs, for the coordination of Federal projects with the approved State program, for the guarantee of certain state bond issues, for the creation of a Coastal Zone Advisory Committee, for a comprehensive Federal plan in the contiguous zone of the United States, for the issuance of necessary implementing regulations, for penalties for violations, and for periodic reports to the Congress on the implementation of the legislation.

The bill would authorize \$12 million for fiscal year 1972 and necessary sums from fiscal year 1973 through fiscal year 1976 for development grants, annual sums as may be necessary beginning in fiscal year 1973 (but not to exceed \$50 million in the first year of authorization) for program implementation grants, and \$6 million per year from fiscal year 1972 through fiscal year 1976 for matching grants on a 50-50 basis for the acquisition and operation of not more than 15 "estuarine sanctuaries," to be set aside as natural field laboratories for investigation and study purposes.

Finally, the bill would authorize the Secretary of Commerce to establish, for specific stated purposes, "marine sanctuaries" outside the coastal and estuarine zone and superjacent to the Continental Shelf. Provisions for necessary implementing regulations and penalties for violations are also included. Eight days of hearings were held by the Subcommittee on these bills.

During the second session, the subcommittee continued its consideration of proposed legislation to establish a national policy and to develop a national program for the management, beneficial use, protection, and development of the waters and land resources of the nation's coastal and estuarine zones.

The subcommittee completed hearings on the bills during the first session, 8 days of hearings being held. On March 21, 22, and 23, 1972, the subcommittee met in Executive Session for mark-up purposes. Having completed consideration, the subcommittee ordered reported a clean bill, H.R. 14146.

The clean bill would amend the Act of June 17, 1966, which established a National Council on Marine Resources and Engineering Development and a Commission on Marine Science, Engineering and Resources, by adding a new Title III to that Act, to be known as the "Coastal Zone Management Act of 1972." The new title contains a series of findings concerning the pressures against and the deterioration of the nation's coastal zone. It declares a national policy to protect, preserve, develop, and where possible, to restore or enhance the resources of the coastal zone, to encourage and assist the states in exercising their responsibilities in this critical area, to provide for the close cooperation of all interested Federal agencies, and to insure the

widest possible involvement of all instrumentalities and individuals, public and private, governmental and non-governmental, Federal, regional, state, and local, in the decision making and implementation processes designed to maintain the proper resource protection-utilization balance.

The full committee considered the bill during three separate days of Executive sessions and reported it favorably, with an amendment in the nature of a substitute. The bill was taken up on the floor of the House on August 2, 1972, under a rule granted by the Committee on Rules. It passed the House with amendments by a vote of 376 to 6. Subsequently, the Committee was discharged from the consideration of a similar bill, S. 3507, and the latter bill was passed with an amendment which incorporated into the bill the language of H.R. 14146, as passed by the House, and the latter bill was tabled.

Subsequently, the Senate declined to accept the House amendments and requested a conference. The House agreed to a conference, and the conferees were Messrs. Garmatz, Lennon, Downing, Pelly and Mosher for the House and Messrs. Magnuson, Hollings, and Stevens for the Senate. The conferees met and resolved their differences and on October 5, 1972, the Conference Report, including the joint statement of managers was filed in the House (H. Rept. 92-1544). The Conference Report was accepted by the House on October 12, 1972 by voice vote and was subsequently accepted by the Senate on the same day.

(S. 3507 became Public Law 92-583, on October 27, 1972.)

H.R. 2587—National Advisory Committee on Oceans and Atmosphere

The purpose of this legislation is to create a National Advisory Committee on Oceans and Atmosphere to serve as an advisory group concerning Federal programs involving marine and atmospheric matters.

In achieving this purpose the legislation authorizes the President to appoint 25 members, drawn from States and local governments, industry, science, and other appropriate areas.

The committee, serving in an advisory capacity to the Federal Government in monitoring the total national effort in the oceans and atmosphere, will provide the essential link with the Federal Government and other sectors, both public and private, insuring that the future national effort will be properly coordinated and that in particular the exploration, conservation, and development of the ocean environment programs will be accomplished as a partnership which will include government, industry, academic institutions, and the interested public.

The legislation also provides necessary liaison between the committee and all Federal agencies and departments which are involved in marine or atmospheric affairs.

The legislation authorizes an annual appropriation of \$200,000 to carry out the purposes of the act.

The subcommittee held no hearings on this bill, the subject matter having been thoroughly considered in hearings during the 91st Congress. After an executive meeting on April 22, 1971, the bill was reported favorably to the full committee, ordered reported to the House by the full committee on May 13, 1971, considered and passed the House on May 14, 1971, under suspension of the rules, and was

considered and passed by the Senate, amended, on August 2, 1971. The House concurred in the Senate amendments on August 5, 1971, and the bill was approved by the President on August 16, 1971, becoming Public Law 92-125.

H.R. 9727—Ocean dumping regulations

House action on this bill was completed in the first session. However, despite two meetings of the conferees, no resolution of differences was reached during the first session. During the second session, three additional meetings of the conferees were held, an agreement was reached, and the report of the Committee of Conference, including a joint statement of managers, was filed in the House on October 9, 1972. (H. Rept. 92-1546). For an explanation of what the legislation does, see p. 84, legislative activities of the Joint Subcommittee on Fisheries and Wildlife Conservation and Oceanography. The conferees appointed were Messrs. Garmatz, Dingell, Lennon, Pelly and Mosher for the House, and Messrs. Magnuson, Hollings, Hart, Baker and Stevens for the Senate. Both Houses accepted the Conference Report on October 13, 1972.

(H.R. 9727 became Public Law 92-532 on October 23, 1972.)

H.R. 13076, H.R. 13904, H.R. 14918—Deep Seabed Hard Mineral Resources Act

The purpose of the proposed legislation is to promote the orderly development of hard mineral resources of the deep seabed prior to an effective international regime concerning the deep seabed area. This "interim" legislation would permit United States companies to continue their exploration and exploitation activities in the deep seabed area, looking to a commercially feasible recovery of manganese nodules and other oceanic minerals.

The subcommittee held hearings on May 12, 16 and 25, 1972, hearing both proponents and opponents of the legislation. The subcommittee also held Executive Sessions on May 22 and September 26, 1972, at which times departmental witnesses from the Executive Branch advised the subcommittee of the undesirability of the Administration's taking a definite position on the bill, until after a meeting of the United Nations General Assembly in its 27th session, at which time it should be much clearer as to when the completion of international negotiations and the ultimate effective date of an international regime may be expected.

Based in large part upon a strong possibility that action on this proposed legislation during the 92nd Congress might have an adverse impact on the preparations for the Law of the Sea Conference, the subcommittee took no final action on the bills, expecting similar legislation to be introduced, considered, and acted upon during the first session of the 93rd Congress.

H.R. 15280—Increased annual appropriation authorization for the support of NACOA

The purpose of this proposed legislation is to increase the annual appropriation authorization for the Secretary of Commerce, in support of the National Advisory Committee on Oceans and Atmosphere, from \$200,000 to \$400,000. At the time the NACOA legislation, Public Law 92-125, was being considered during the first session of the Congress, the best estimate for the necessary administrative expenses,

including staff support, was \$200,000. Subsequently, after the Committee was functioning, the Chairman, committee members, and various officials of the Department of Commerce came to the conclusion that the Committee would need more frequent meetings and a somewhat larger support staff than anticipated if it were to perform its responsibilities properly. By Executive Communication, therefore, the Department of Commerce requested the introduction of legislation to accomplish that purpose. The subcommittee held hearings on the bill on September 14, 1972, and heard testimony from Administration and committee witnesses. On the same day the subcommittee met in Executive Session and directed that the bill be reported to the Full Committee with clarifying amendments. The bill was reported favorably by the Full Committee in House Report 92-1467, dated September 28, 1972, and was passed by the House under unanimous consent request on October 11, 1972.

(Subsequently passed in the Senate on October 13, 1972, H.R. 15280 became Public Law 92-567 on October 25, 1972.)

NONLEGISLATIVE ACTIVITIES

NOAA oversight hearings—1971

In its annual review of Federal policy and programs designed to achieve the objectives outlined in the Marine Resources and Engineering Development Act of 1966, the subcommittee held oversight hearings concerning the organization and programs of the National Oceanic and Atmospheric Administration, which was established by Reorganization Plan No. 4 of 1970.

Four days of hearings were held, during which testimony was heard from the Administrator, the Deputy Administrator, and eight other senior officials of NOAA, presenting information on their program responsibilities and future plans.

NOAA oversight hearings—1972

In its annual review of Federal policy and programs, as directed by paragraph 28, Rule XI, of the Rules of the House of Representatives, the subcommittee held oversight hearings concerning the programs of the National Oceanic and Atmospheric Administration, and received a briefing on the first annual report to the President and the Congress by the National Advisory Committee on Oceans and Atmosphere.

Two days of hearings were held in late November, during which testimony was heard from senior officials of NOAA and senior members of NACOA.

Law of the Sea Conference

During the second session, two members of the subcommittee, Messrs. Lennon and Keith, were appointed by the Speaker to represent the House as advisers to the U.S. Delegation to the UN Seabed Committee meetings held in New York from February 28 through March 24, 1972, and in Geneva, Switzerland from July 17 through October 18, 1972. Both members, subcommittee counsel, and minority counsel attended sessions of the two meetings, and the Subcommittee met in open session on September 26, 1972, at which time it received a detailed briefing on the progress of the UN Seabed Committee, in its preparation for the Law of the Sea Conference. The briefing was

given by the Legal Adviser, Department of State, Head of the U.S. Delegation to the Seabed Committee. The subcommittee intends to continue in the 93rd Congress its monitoring of the UN Seabed Committee, in view of the many facets of its deliberations of interest to the committee.

JOINT SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND OCEANOGRAPHY

Bills referred to joint subcommittee.....	46
Bills reported, passed House and Senate (now in conference).....	1
Bills considered.....	46
Hearings held (days).....	3
Executive meetings (days).....	7

LEGISLATIVE ACTIVITIES

H.R. 9727—Ocean dumping regulations

This bill was a clean bill resulting from the joint subcommittee consideration of 39 bills covering the subject of waste material disposal into the ocean, Great Lakes, or internal tidal waters.

Title I of the bill would ban the transportation from the United States of any radiological, biological or chemical warfare agent, or of any high-level radioactive waste, for the purpose of sumping the material into the waters covered by the bill. The bill would further require a permit for the transportation of other materials for such disposal. The same ban and permit scheme would be applied to any agency of the Federal Government as to transportation originating outside the United States. The bill would also apply the same ban and permit scheme to the dumping of material originating outside the United States into the U.S. territorial sea or, in some instances into the contiguous zone.

Under the bill, the Environmental Protection Agency would establish criteria under which the permit system would operate, and that agency would issue approved permits for all materials covered other than dredged or fill material, the latter to be supervised by permits from the Army Corps of Engineers.

The materials covered by the bill would include matter of any kind or description other than (1) oil or (2) sewage from vessels, both of which are regulated under other statutes. The provisions of the bill cover any disposal generally, but certain activities, such as effluent discharges from outfall structures, certain construction activities and deliberate device placement and certain material deposits for fisheries enhancement would be exempted under the bill when they are carried out pursuant to other laws or authorized governmental programs.

Title I also includes provisions as to the administration of the permit system, the availability to the public of information, the enforcement by the Coast Guard, the assessment and collection of penalties, and the rights of private citizens to seek injunctive relief when the purposes of the bill are being evaded.

Title II provides for a program of monitoring and comprehensive research to be carried out by the Secretary of Commerce in coordination with other agencies, as to the impact of the dumping of materials.

Title III would authorize the creation of "marine sanctuaries" for specified restoration or preservation purposes.

The joint subcommittee held 3 days of hearings and seven executive meetings, after which the bill was reported to the full committee on July 13, 1971, reported by the full committee to the House on July 17, 1971, considered in debate by the House on September 8, 1971, and passed by the House, with several clarifying amendments on September 9, 1971.

The bill was considered by the Senate on November 24, 1971, with several changes, three of which were of major significance: (1) limiting the application of the bill to instances where the dumping would occur outside the territory of the United States, (2) transferring from the Corps of Engineers to the EPA the permit authority for dredged or fill material, and (3) deleting the title III provision for marine sanctuaries.

The House on November 29, 1971, disagreed to the Senate amendments and requested a conference. The appointed conferees were Messrs. Garmatz, Dingell, Lennon, Pelly, and Mosher for the House, and Messrs. Magnuson, Hollings, Hart, Baker, and Stevens for the Senate. The conferees met twice without resolution of their differences during the first session of the Congress.

During the second session of the Congress, three additional meetings were held before the conferees reached an agreement.

Briefly explained, the conference bill assigned the responsibility for issuing dumping permits to the Administrator of EPA in all cases except those involving dredge operations, in which case, the Corps of Engineers would continue in its responsibilities. As to Corps issued dredge permits, the Administrator would be given power to designate areas which might not be used as disposal sites. Material could be placed in those areas only when the Secretary of the Army certified that no economically feasible alternative was reasonably available. In issuing permits for transportation of dredged material dumping, the Secretary would be required to follow the criteria set down by EPA.

As enacted, the House bill extended the coverage of the Act to oceans, estuarine waters, other coastal waters affected by the tides, and the Great Lakes. The Senate bill provided coverage only to the ocean waters beyond the territorial sea of the United States. The Conference bill resolved the conflict by drawing the line at the "baseline", the inner line from which the territorial sea is measured.

The House bill contained language that would permit any State to impose additional requirements to the criteria developed by the Administrator relating to dumping of materials. The Senate version of the bill restricted the right to cases in which a State proposed additional criteria which was subsequently accepted by the Administration and thereafter treated as Federal. The Senate version was adopted by the conferees.

The House bill contained an open-ended authorization as to time and funds whereas the Senate version of the bill would authorize to be appropriated not to exceed \$3.6 million for fiscal year 73 and \$5.5 million for fiscal year 74. The Conference bill adopted the Senate version.

The House version of Title II provided for research by the Secretary of Commerce, the Department in which the National Oceanic and Atmospheric Administration is currently operating, on the effects of dumping and on global monitoring of ocean problems. It authorized

\$2 million for these purposes. The Senate bill increased the authorization to \$12 million, added a reporting requirement and instructed the Secretary of Commerce to do research to determine means of ending all dumping within 5 years. The conferees decreased the authorization to \$6 million, incorporated an annual reporting requirement and instructed the Secretary in cooperation with other interested agencies to do research aimed at reducing or eliminating ocean dumping within 5 years.

Finally, the conference bill retained Title III of the House bill the marine sanctuaries provision.

(H.R. 9727 became Public Law 92-532 on October 23, 1972.)

NON-LEGISLATIVE ACTIVITIES

Subsequent to the enactment of Public Law 92-532, and as a part of the Committee oversight responsibilities relating to that Act, Chairman Garmatz authorized one Committee member, the Honorable Jack McDonald, and three staff members to attend, as observers, the Intergovernmental Conference on the Convention on the Dumping of Wastes at Sea. The Conference, held in London at the invitation of the British Government from October 30, 1972 to November 13, 1972, was attended by representatives of 91 nations, 12 of which were in the status of observers. In addition, 8 international organizations sent observers. The Secretary General of the United Nations was also represented.

On November 13, the representatives signed the Final Act of the Conference, which announced the adoption of the text of a "Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matters," together with a convention resolution to open the convention for signature from December 29, 1972 until December 31, 1973. The language of the convention itself provided that it should enter into force on the 30th day following the date of deposit of the 15th instrument of ratification or accession and designated the governments of Mexico, the U.S.S.R., the United Kingdom, and the USA as depositaries.

While the provisions of the draft convention are similar in many respects to the provisions of Public Law 92-532, it will be necessary to amend that law to conform with the convention, once the United States has determined to ratify the convention. Such action is anticipated early in the 93rd Congress.

SPECIAL INVESTIGATIVE SUBCOMMITTEE

Hearings held (days)----- 2

NON-LEGISLATIVE ACTIVITIES

Investigation of San Francisco tanker collision

On January 18, 1971, two U.S.-flag tankers, the *Arizona Standard*, and the *Oregon Standard*, collided in dense fog several hundred yards west of the Golden Gate Bridge in San Francisco Bay. Both vessels were extensively damaged and approximately 800,000 gallons of fuel oil escaped from the ruptured cargo tanks of the *Oregon Standard*.

Since the committee had not yet formally convened for the 92d Congress, and had not officially constituted its subcommittees, Chairman Garmatz appointed a special subcommittee for the purpose of investigating the collision from the viewpoint of its relevance to pending legislation such as the Bridge-to-Bridge Radio Telephone Act and the Ports and Waterways Safety Act. The special subcommittee was also directed to evaluate the adequacy of the Federal response to this pollution incident with particular emphasis upon coordination between all levels of government, the owner of the vessels, and the private sector during this emergency.

The special subcommittee under the chairmanship of the Honorable John D. Dingell met on February 8 and 9, 1971, in San Francisco. Members of the special subcommittee included Congressmen Mailiard, Anderson, Leggett, and McCloskey, all of California. Over 100 witnesses appeared before the special subcommittee in response to a public notice which was given wide publicity in the local news media.

Since a marine board of investigation already had been convened by the U.S. Coast Guard, the special subcommittee did not attempt to determine the exact causes of the accident, nor did it attempt to determine where fault for the accident might lie. The special subcommittee's attention was directed rather toward the prevention of similar environmental catastrophies in the future and insuring that we are prepared to cope with these emergencies when they occur.

The testimony presented to the special subcommittee indicated quite clearly that the availability of ship-to-ship radio telecommunication alone cannot prevent collisions in confined or congested waterways. In this case, both ships were so equipped but were not guarding a common frequency, so that efforts on the part of the Coast Guard and on the part of one of the tankers to contact the other were futile. The enactment of the Bridge-to-Bridge Radio Telephone Act during 1971 should insure that there is no repetition of such a communications failure. That legislation is discussed elsewhere in this report.

San Francisco Bay is the site of an experimental harbor advisory radar system operated by the U.S. Coast Guard. The harbor advisory radar was in operation on January 18, 1971 at the time of this collision. Indeed, the radar photographs provide a graphic presentation of the collision and are produced in the transcript of the special subcommittee's hearings, serial No. 92-3. Coast Guard witnesses testified concerning the operation of the harbor advisory radar system and stressed the fact that under existing law, the Coast Guard could do no more than advise ships of their position and warn them of other traffic in the area. The Coast Guard could not direct the movement of vessels nor assert a role comparable to that of air traffic controllers. It also was pointed out that the radar in use did not provide sufficient image resolution to enable the operator to determine whether ships in very close proximity to each other would collide or pass each other with minimal clearance. The Ports and Waterways Safety Act legislation, H.R. 8140, which was passed by the House of Representatives during 1971, will, when enacted, enable the Coast Guard to establish harbor radar control systems in the major ports of the United States. The legislation is designed to give the Coast Guard very wide discretion in the type of controls to be adopted in the various waterways of the United States. Had the Ports and Waterways Safety Act been operative at the time of this collision, the Coast Guard, for example,

could have ordered the port closed due to the dense fog or permitted only one way traffic under the Golden Gate Bridge. The Coast Guard is now developing a harbor advisory system for San Francisco Bay which will employ two radars, one situated outside the Bay on a hillside near the Golden Gate Bridge from which the harbor entrance will be monitored, and a second radar located on Yerba Buena Island within the bay, the site of the present facility. Both of these advanced radars will be monitored from Yerba Buena Island.

The owners of the *Arizona Standard* and *Oregon Standard*, Standard Oil Co. of California, and its operating subsidiary, Chevron Shipping Co., cooperated fully with the special subcommittee and provided witnesses who testified regarding the operating procedures of the company in the San Francisco Bay area.

The majority of witnesses before the special subcommittee testified regarding the postcollision cleanup activities. Oil from the ruptured tanker had been carried north along the California coast as far as Bolinas Lagoon, a major waterfowl resting ground connected with the sea by a narrow channel where strong tidal currents demonstrated the inadequacy of current oil containment techniques. Within the bay itself, the oil was dispersed over an extremely wide area.

Initial containment efforts were hampered by the dense fog. The ships locked together, drifted under the Golden Gate Bridge into the bay, and several hours elapsed before they could be located by the Coast Guard and Standard Oil Co. personnel. Once the vessels were found, oil containment booms were rigged without undue incident. By then, of course, the damage had been done.

The initial response of the Coast Guard and the Standard Oil Co. was characterized by their attempt to minimize public involvement in the cleanup effort. This was in line with the then existing national contingency plan as promulgated by the Council on Environmental Quality, which gave little or no attention to the need for coordination with concerned representatives of the private sector.

The physical characteristics of San Francisco Bay and the dispersal of the oil by tidal action virtually dictated the necessity of enlisting willing citizens to participate in the cleanup effort. This participation was resisted in the initial hours of the crisis but was gradually accepted as the magnitude of the problem became obvious.

The confrontation between concerned citizens and governmental entities was most apparent in connection with efforts to clean the many thousands of waterfowl which were coated with oil within the bay and along the coast. Numerous bird-cleaning stations were established under the auspices of local ecology groups, while official agencies were attempting to channel all bird-cleaning activities to the San Francisco Zoo.

While the evidence presented to the special subcommittee is not conclusive as to the relative efficacy of the private and public bird-cleaning efforts, it was clear to the subcommittee that members of the public who were willing to literally get their hands dirty and care for an oil-soaked bird should be encouraged and provided with instructions and appropriate cleaning agents at emergency stations set up at the scene of the pollution incident. The highest rate of recovery for oil-contaminated birds can be expected where there is nearly a 1-to-1 ratio of birds to volunteer workers who are willing to devote themselves to the care of the bird over a period of several days.

The waterfowl problem highlighted the need for better public information and coordination efforts during a pollution emergency. In areas where shorebirds and migratory waterfowl abound, the party responsible for a pollution incident and public agencies cannot expect to be able to cope with the problem.

The physical removal of the oil from beaches and rocky areas likewise demonstrated the need to enlist and encourage volunteers during such a crisis. While the Standard Oil Co. asserted strenuous efforts to provide straw to soak up oil and heavy equipment to remove contaminated sand, vast amounts of manpower were needed to effectively accomplish the task. Again, volunteers who are willing to get their hands dirty are the most effective answer to the manpower problem rather than attempting to hire temporary workers for this type of job.

The Bolinas Lagoon presented a unique case study in oil pollution control. The entrance to the Lagoon consists of a narrow channel through a sand spit with extremely strong tidal currents. Log booms and more sophisticated inflated booms were unable to prevent oil from entering the lagoon. Only the relatively small quantity of oil which reached the lagoon prevented an ecological disaster.

As an awareness of the oil dispersal grew, the Standard Oil Co. and agencies began to facilitate the cleanup efforts of private organizations. Communications, however, between public agencies and the private sector never reached an acceptable level. This problem was due in part to what may be a natural reluctance on the part of public officials to admit their inability to cope with a crisis and in part due to the lack of an identifiable spokesman for private organizations and individuals. There was, in fact, a significant degree of competition among environmental groups for the role of spokesman and coordinator which was clearly counterproductive.

The San Francisco Bay collision was the first truly major maritime pollution incident to occur in the United States, if the *Torrey Canyon* is used as a baseline for measuring such disasters. It was unique, however, in a number of other respects which are of great significance from the standpoint of anticipating our response to any future oil spill of this magnitude.

In the first place, both vessels were owned by the same company. Thus, it was clear from the outset where responsibility for the cleanup effort would lie. Had this collision involved tankers not owned by the same company it is conceivable that further delays could have occurred before booms were rigged around the vessels.

Secondly, San Francisco Bay has a strong tidal flow and strong currents facilitating a natural flushing action. The dispersal of the same volume of oil in waters where these currents do not facilitate flushing into the open sea could bring about a more profound impact upon the marine ecosystem.

Thirdly, the fact that this disaster occurred in close proximity to a major metropolitan area made it physically possible for so many citizens to participate in the cleanup effort. A similar disaster at the entrance to Puget Sound or in the upper reaches of the Chesapeake Bay near the Potomac River would make it virtually impossible for any but the most dedicated individuals to participate in the effort to clean beaches or save waterfowl.

The Council on Environmental Quality has, in conjunction with the Environmental Protection Agency and the Coast Guard, amended the national contingency plan in light of the experience gained from the San Francisco Bay collision. No plan can work, however, without exhaustive coordination and the establishment of lines of communication between all levels of government, industry, and interested private organizations. If our national response to massive pollution incidents is to be effective in the future, we must be prepared now and not wait until our shores have been contaminated to begin the job of mobilizing human and materiel resources. Few, if any, of our major port areas are yet prepared to cope with such a crisis.

From a materiel standpoint, it was clear that oil containment equipment is still at a primitive stage of development. The removal of oil once dispersed remains a dirty job requiring above all else dedicated hands. San Francisco was indeed fortunate to have had so many of these. For the future, the Merchant Marine and Fisheries Committee believes strongly that our only real safety from a repetition of such an incident lies in the Ports and Waterways Safety Act, and an effective system of vessel control wherever oil and other hazardous cargoes are transported in congested or restricted waterways.

PANAMA CANAL

Total bills referred to subcommittee-----	3
Hearings held (days)-----	9
Executive meetings (days)-----	5

The Subcommittee on the Panama Canal of the Committee on Merchant Marine and Fisheries convened hearings on November 29, 1971, which concerned themselves with current United States-Panama relations and proposals being considered by the negotiators of both countries on future treaty proposals.

The subcommittee heard from 30 witnesses including the American Ambassador to Panama, representatives of the Panama Canal government, and the Departments of State, Defense, and Justice. The purpose of these hearings was to establish the jurisdiction of the House of Representatives in any treaty which may come up for future consideration by the Senate and executive branch.

Congressional witnesses included members of the House and Senate who have a longstanding interest in the future of American control, operation and defense of the Canal Zone. These witnesses expressed their views regarding the necessary U.S. posture in current treaty negotiations.

During the hearings the committee also heard from representatives of U.S. shipping interests representing 90 companies and American business representatives who have vital interests in the future of the Canal Zone. These and other witnesses from International Telegraph & Telephone World Communications, Inc., which controls the vital communications center in the Canal Zone and is of importance to U.S. defense interests, outlined their needs in any future treaty that may be agreed upon.

Finally, scientific witnesses described the ecological consequences which could result from the building of a sea level canal which was outlined in the report of the Interoceanic Canal Commission.

NONLEGISLATIVE ACTIVITIES OF THE COMMITTEE (HEARINGS, STUDIES,
VISITATIONS, AND INVESTIGATIONS)

PANAMA CANAL (PANAMA CANAL TREATY)

The Subcommittee on the Panama Canal, resumed hearings on the proposed Panama Canal Treaty, that were not completed at the termination of the 1st session of the 92nd Congress. In addition to open hearings held on January 17, and 18, 1972, the subcommittee held two closed executive hearings on each of the hearing dates, with regard to the subject at hand.

Further information was received by the subcommittee on what effects the proposed treaty would have on American business enterprises that have interests in the Panama Canal Zone, the Republic of Panama, and in the actual operation of the canal. The witnesses included representatives of U.S. shipping interests operating foreign and in domestic commerce as well, and James R. McNitt, President, All American Cables and Radio Inc., ITT Central American Cables and Radio, Inc.

In February 1972, the subcommittee on the Panama Canal made an inspection of the Canal Zone, the City of Panama, and spent several days in Nicaragua. In addition to the Honorable John M. Murphy, Subcommittee Chairman, who headed the group the following also participated: Honorable Ralph Metcalfe; Ernest J. Corrado, Committee Counsel; and James Larocca, Clerk of the Subcommittee.

In order to receive firsthand information, to determine current problems facing the United States in operating the Canal in view of the highly volatile political situation in Panama, the subcommittee set up an ambitious schedule of meetings with officials, leaders, civic groups and individuals.

During these meetings a myriad of important topics, including the status of the Treaty talks were discussed with the Governor of the Canal Zone, David S. Parker and David H. Ward, the newly appointed U.S. Ambassador to Panama and others.

Present status of the Treaty talks have reached an impasse by State Department officials and by elements of the Panamanian government.

In addition, the issues of apparent political unrest, thefts, employment in the zone, present selection of juries and the segregated school systems functioning in the Zone were discussed in great detail with the proper individuals and agencies, charged with that responsibility. It was the Subcommittees view that many of these problems can be overcome by congressional legislation in the ensuing Congress.

Your committee has always concerned itself with the operational aspects of the Canal including recruitment policies, canal operations, and future efforts to provide additional water for the anticipated increase in canal usage. The subcommittee is keenly aware of the vital importance of the Panama Canal to international shipping, and it intends to continue discharging its responsibility for the efficient, safe and economical functioning thereof.

Individual meetings were held with the Central Labor Union Metal Trades Group, members of the Canal Zone Education Unions, the Latin American Civic Councils, the U.S. Civic Councils, the Smithsonian Tropical Research Group, AFL/CIO and Canal Pilots Association, and the U.S. Aid Team assigned to Panama.

A briefing was arranged, enabling the subcommittee to meet U.S. District Court Judge Guthrie Crowe and heard his views on the problems that are currently causing aggravation to the Panamanians in terms of U.S. judicial and law enforcement administration in the Canal Zone.

Members of the subcommittee were offered an opportunity to discuss key issues facing the Canal at another discussion with high echelon officials of the Canal Company, the U.S. Government, and the Southern Command including General George Underwood. At a subsequent meeting with Governor Parker, who outlined current Canal operating problems and the ongoing engineering research intended to solve them—the Delegation discussed the serious effects of increased wages, and the relationship of such an increase to the added operational cost of the Canal.

A series of recorded meetings (hearings) were held with the N.M.U., and the American Federation of State, County, and Municipal Employees, and the Postal Union, at which time the representative of the Canal Company was questioned in detail regarding personnel hiring and policy practices.

Representatives of the U.S. Bureau of Narcotics and Dangerous Drugs in Panama briefed the Committee on current efforts to halt the international flow of narcotics and dangerous drugs. Reports received by the subcommittee indicated the drug problem as to traffic from Panama to the United States has reached alarming proportions.

The subcommittee also embarked on overflights of the Canal from Balboa to Colon for onsite inspections.

Anastasio Somoza, President of Nicaragua, received the subcommittee, which was briefed by U.S. military and diplomatic personnel in that country on their efforts to combat Communist influences in Latin America.

President Somoza informed the delegation of his request to the United Nations to conduct a feasibility study for a barge canalization project for his country. An early reply from the United Nations is anticipated.

Because of the continued erosion of the United States presence in the Republic of Panama, highlighted by recent inflammatory actions and statements of Panamanian leaders, aimed at jeopardizing the American citizens in the Canal Zone and placing American business enterprise in that country in danger, Chairman John M. Murphy scheduled hearings for July 24 and August 10, 1972.

Of equal importance, there was concern over the military position of the United States, which is dependent on the Canal and Zone installations for its hemispheric and global defense.

On July 1, 1972, at the direction of the Provisional Junta Government of Panama, the Panama Power and Light Company, called Fuerza y luz (FYL), owned by the Boise Cascade Corporation of Boise, Idaho, was taken over by a military seizure.

At the hearings the following witnesses testified: Mr. Sidney Weintraub, Deputy Assistant Secretary for International Finance and Development, Department of State; the Honorable David S. Parker, Governor of the Canal Zone and President of the Panama Canal Company; and John M. Hennessey, Assistant Secretary of the Treasury for International Affairs. The President of Boise Cascade,

Mr. John B. Grey testified in a closed executive hearing at the conclusion of the open hearing on August 10, 1972, because of the delicate situation created by their present negotiating posture between his company and the Provisional Junta Government of Panama. The subcommittee respected his wishes, while at the same time, wanting to fulfill its obligation to the public.

It was revealed at the open hearings that the seizure of the Panama Power and Light Company was predicated upon the failure of (FYL) to pay its fuel bills which, in turn, threatened a black-out of Panama's major cities and the operation of the Panama Canal.

The dispute was further heightened by the failure of the junta government to pay approximately \$2½ million in back bills for electric and telephone services.

Several issues were brought to bear during the hearings, namely, what position the State Department had taken in connection with the seizure of an American enterprise in Panama, and whether or not the State Department had allowed violations of the spirit and the intent of President Nixon's position on expropriation enunciated in his policy statement on January 19, 1972, regarding the present seizure.

Additional fuel to stir the flames was added when at the time of the seizure of Fuerza y luz the State Department approved a loan to the Government of Panama in the amount of \$6 million. The Committee also received information that delved into the area of future takeovers of American-owned enterprises by the Panamanian junta government.

At the moment negotiations between the Panamanian Government and Boise Cascade are continuing. It is hoped that an amicable solution is in the making. There has been a movement afoot by the Panamanian Government to expropriate to its own use the Fuerza y luz complex. Therefore, just compensation must be made with dispatch to the American owned enterprise, in accordance with the President's aforementioned position on expropriation.

The subcommittee will continue to investigate and receive information on this very important matter with a view toward protecting the interest of the United States as set out in the treaty with Panama of 1903 and subsequent modification agreement of 1936, and will conduct hearings at the earliest possible moment in the next session of Congress.

MARITIME EDUCATION AND TRAINING

Total bills referred to subcommittee.....	8
Hearings held (days).....	1

LEGISLATIVE ACTIVITIES

In early September the Subcommittee opened hearings on H.R. 14998. The purpose of the bill is to expand the mission of the U.S. Merchant Marine Academy and to change the name of the Academy to reflect the expanded mission. In accordance with its legislative mandate, the primary mission of the Academy has for 25 years been to train deck and engineer officers for our merchant fleet.

Existing law provides the graduates with a Bachelor of Science degree in the nautical sciences.

The bill would broaden the mission of the Academy by authorizing the training of midshipmen in the undergraduate program for marine managerial positions and in the maritime related industries. Further H.R. 14998 authorizes the Secretary of Commerce to establish a graduate program at the Academy to offer qualified candidates the opportunity to acquire doctorates in marine transportation and the ocean sciences.

There is a worldwide trend in this direction, and we in this country are already being surpassed by other nations active in the maritime fields.

All parties interested in the legislation concerning the Merchant Marine Academy at Kings Point, New York, were given an opportunity to be heard at the one day hearing. Although no action was taken, the testimony produced extremely informative information to the Committee members.

The bill was introduced on January 19, 1973, regarding the present

Additional fact to this bill was added when at the time of the passage of Public Law 93-102 the State Department approved a loan to the Government of Panama in the amount of \$5 million. The loan was also received in information that delved into the area of future

At the present negotiations between the Panamanian Government and Base Case, it is hoped that an amicable solution is in the making. There has been a movement along by the Panamanian Government to explore to its own use the Canal Zone. Therefore, just compensation must be made with the transfer to the American owned enterprise, in accordance with the President's aforementioned position on exploration.

The subcommittee will continue to investigate and receive information on this very important matter with a view toward protecting the interest of the United States as set out in the treaty with Panama of 1903 and subsequent modification agreement of 1936, and will continue hearings at the earliest possible moment in the next session of Congress.

MARITIME RESEARCH AND TRAINING

8
1

LEGISLATIVE ACTIVITIES

In early September, the subcommittee opened hearings on H.R. 14998. The purpose of the bill is to expand the mission of the U.S. Merchant Marine Academy and to change the name of the Academy to reflect the expanded mission. In accordance with its legislative mandate, the primary mission of the Academy has for 25 years been to train deck and engine officers for our merchant fleet. Existing law provides the graduates with a Bachelor of Science degree in the natural sciences.

APPENDIXES

APPENDIX A

Status of bills referred—92d Congress

Bills referred:		
House bills:		
1st sess	-----	400
2d sess	-----	98
Total	-----	498
House resolutions:		
1st sess	-----	0
2d sess	-----	1
Total	-----	1
House joint resolutions:		
1st sess	-----	16
2d sess	-----	2
Total	-----	18
House concurrent resolutions:		
1st sess	-----	9
2d sess	-----	2
Total	-----	11
Senate bills:		
1st sess	-----	3
2d sess	-----	4
Total	-----	7
Bills reported:		
Public laws:		
1st sess	-----	11
2d sess	-----	34
Total	-----	45
Private laws:		
1st sess	-----	0
2d sess	-----	1
Total	-----	1
Reported to House:		
1st sess	-----	23
2d sess	-----	32
Total	-----	55
Hearings held (days):		
1st sess	-----	98
2d sess	-----	70
Total	-----	*171
Bills pending		143

*Figure includes 3 days of joint hearings between the Subcommittee on Oceanography and Fish and Wildlife Conservation.

In the following description of the status of bills referred to the committee, the date given for hearings is the day upon which they were initiated. The hearings may have continued for some period of time.

REPORTED, PASSED, AND NOW PUBLIC LAW (45)

- H.R. 19 (Garmatz, for himself and others)—Recreational Boat Safety. Introduced January 22, 1971. Hearings held in 91st Cong., March 23, 1970–July 16, 1970. Reported to House, with amendments, June 30, 1971, H. Rept. 92-324. Passed House July 8, 1971. Passed Senate amended July 12, 1971. House agreed to Senate amendments, July 29, 1971. Approved August 10, 1971. Public Law 92-75.
- H.R. 155 (Garmatz, for himself and others)—Lash Barge, Introduced January 22, 1971. Hearings, March 30, 1971. Reported to House, with amendments, April 7, 1971, H. Rept. 92-119. Passed House May 3, 1971. Reported to Senate with amendments, November 1, 1971, S. Rept. 92-417. Passed Senate amended, November 3, 1971. House agreed to Senate amendments, November 11, 1971. Approved November 23, 1971, Public Law 92-163.
- S. 699—(H.R. 756)—Bridge-to-Bridge Radiotelephones. Hearings July 1969. Considered in executive session and S. 699 ordered reported to House in lieu of H.R. 756, June 29, 1971. Reported to House July 12, 1971, H. Rept. 92-346. Passed House July 21, 1971. Approved August 4, 1971, Public Law 92-63.
- H.R. 701 (Dingell, for himself and others)—Duck Stamps. Introduced January 22, 1971. Hearings July 9, 1971. Reported to House with amendments, July 29, 1971, H. Rept. 92-424. Passed House August 2, 1971. Reported to Senate, December 13, 1971, S. Rept. 92-578. Passed Senate December 13, 1971. Approved December 22, 1971. Public Law 92-214.
- H.R. 755 (Garmatz)—Criminal to Civil Penalties. Introduced January 22, 1971. Hearings June 30, 1971. Reported to House September 14, 1971, H. Rept. 92-478. Passed House September 30, 1971. Passed Senate August 8, 1972. House agreed to Senate amendments August 18, 1972. Approved August 29, 1972. Public Law 92-416.
- H.R. 2587 (Lennon, for himself and others)—National Advisory Committee on the Oceans and Atmosphere. Introduced January 29, 1971. (See National Oceanographic Program hearings, 91st Cong.). Reported to House May 13, 1971, H. Rept. 92-201. Passed House May 17, 1971. Reported to Senate July 30, 1971, S. Rept. 92-333. Passed Senate amended August 2, 1971. House agreed to Senate amendments, August 5, 1971. Approved August 16, 1971. Public Law 92-125.
- S. 2684—(H.R. 11300)—Hydrofoil Mortgage Insurance. Introduced October 18, 1971. Hearings March 13, May 23, 1972. Reported to House June 30, 1972, H. Rept. 92-1217. Passed House July 31, 1972. Proceedings vacated and S. 2684 passed in lieu. Approved August 10, 1972, P.L. 92-374.
- H.R. 3304 (Pelly, for himself and others)—Atlantic Salmon. Introduced February 2, 1971. Hearings held May 24, 1971. Reported to House with amendments, August 6, 1971, H. Rept. 92-468. Passed House October 4, 1971. Reported to Senate, without amendment, December 14, 1971, S. Rept. 92-583. Passed Senate December 15, 1971. Approved December 23, 1971, P.L. 92-219.

- S. 3358—(H.R. 16793)—Canadian Fishing Vessels. Hearings September 27, 1972. Reported to House October 3, 1972, H. Rept. 92-1506. Passed House October 11, 1972. Vacated and S. 3358 passed in lieu Senate agreed to House amendment. Approved October 27, 1972, P.L. 92-601.
- S. 3507—(H.R. 14146)—Coast Zone Management. Hearings June, August, and November, 1971. Passed House August 2, 1972, in lieu of H.R. 14146. Senate disagreed and asked for conference. Conference report filed in House October 5, 1972, H. Rept. 92-1544. House and Senate agreed to conference report October 12, 1972. Approved October 27, 1972, P.L. 92-583.
- S. 3524—(H.R. 15384)—Commercial Fisheries Research and Development Act. Hearings August, 1972. H.R. 15384 passed House October 11, 1972. Was vacated and S. 3524 passed in lieu. Senate agreed to House amendment. Approved October 27, 1972, P.L. 92-590.
- S. 3545—(H.R. 14385)—Fishermen's Protective Act of 1967. Hearings August, 1972. Passed House in lieu of H.R. 14385 October 14, 1972. Approved October 27, 1972, P.L. 92-594.
- H.R. 4724 (Garmatz and Pelly)—Maritime Authorization—F.Y. 1972. Introduced February 22, 1971. Hearings March 17, 1971. Reported to House March 24, 1971, H. Rept. 92-62. Passed House April 20, 1971. Reported to Senate with amendments, May 24, 1971, S. Rept. 92-132. Passed Senate amended, May 24, 1971. House disagreed with Senate amendments, June 8, 1971. Conferees appointed and conference report filed in the House, June 23, 1971, H. Rept. 92-300. Senate agreed to conference report, June 24, 1971. House agreed to conference report, June 29, 1971. Approved July 9, 1971, P.L. 92-53.
- H.R. 5060 (Saylor, for himself and others)—Shooting Animals From Aircraft. Introduced February 25, 1971. Hearings March 23, 1971. Reported to House with amendment, H. Rept. 92-202. Passed House May 17, 1971. Reported to Senate November 2, 1971, S. Rept. 92-421. Passed Senate amended, November 4, 1971. House agreed to Senate amendments, November 5, 1971. Approved November 18, 1971, P.L. 92-159.
- H.R. 5208 (Garmatz, for himself and others)—Coast Guard Authorization. Introduced March 1, 1971. Hearings March 24, 1971. Reported to House With Amendments April 13, 1971, H. Rept. 92-124. Passed House amended April 29, 1971. Reported to Senate July 21, 1971, S. Rept. 92-278. Passed Senate amended, July 22, 1971. House disagreed with Senate amendments—appointed conferees, August 4, 1971. Senate and House agreed to conference report, H. Rept. 92-451, August 5, 1971. Approved August 13, 1971, P.L. 92-118.
- H.R. 5352 (Garmatz and Pelly)—Maritime Authorization—F.Y. 1972. Introduced March 2, 1971. Hearings March 17, 1971. Reported to House March 24, 1971, H. Rept. 92-63. Passed House April 20, 1971. Reported to Senate May 13, 1971, S. Rept. 92-106. Passed Senate, May 18, 1971. Approved June 1, 1971, P.L. 92-21.
- H.R. 6239 (Leggett, for himself and others)—Maritime Lien. Introduced March 17, 1971. Hearings June 28, 1971. Reported to House July 8, 1971, H. Rept. 92-340. Passed House July 19, 1971. Passed in Senate in lieu of S. 1275, July 30, 1971. Approved August 10, 1971, P.L. 92-79.

- H.R. 6479 (Garmatz, for himself and others)—Towboats. Introduced March 22, 1971. Reported to House April 15, 1971, H. Rept. 92-125. Passed House April 29, 1971. Reported to Senate. Senate amended June 27, 1972, S. Rept. 92-926. Passed Senate June 29, 1972. House agreed to Senate amendment June 29, 1972. Approved July 7, 1972, P.L. 92-339.
- H.R. 7088 (Williams, for himself and others)—Tinicum National Environmental Center. Introduced April 1, 1971. Hearings October 29, 1971. Reported to House February 4, 1972, H. Rept. 92-816. Passed House February 7, 1972. Reported in Senate amended June 1, 1972, S. Rept. 92-824. Passed Senate amended June 5, 1972. House agreed to Senate amendments June 20, 1972. Approved June 30, 1972, P.L. 92-326.
- H.R. 7117 (Pelly, for himself and others)—Illegal Seizures. Introduced April 1, 1971. Hearings June 3, July 8, 1971. Reported to House July 29, 1971, H. Rept. 92-426. Passed House August 2, 1971. Reported to Senate May 1, 1972, S. Rept. 92-769. Passed Senate amended May 25, 1972. House disagreed to Senate amendments, conferees appointed June 30, 1972. Conference report filed in House October 4, 1972, H. Rept. 92-1523. House and Senate agreed to conference report October 11, 1972. Approved October 26, 1972, P.L. 92-569.
- H.R. 8140 (Garmatz, for himself and others)—Ports and Waterways Safety. Introduced May 6, 1971. Hearings July 20, 21, 22, August 6, 13, 16, 17, 19, 23, 1971. Reported to House October 12, 1971, H. Rept. 92-563. Passed House October 18, 1971. Reported to Senate amended March 28, 1972, S. Rept. 92-724. Passed Senate amended March 30, 1972. House disagreed to Senate amendments. Conferees appointed May 10, 1972. Additional hearings on Senate-passed version June 12, 13, 1972. Conference report filed in House June 26, 1972, H. Rept. 92-1178. Senate agreed to conference report June 26, 1972. House agreed to conference report June 28, 1972. Approved July 10, 1972, P.L. 92-340.
- H.R. 9501 (Garmatz)—North Pacific Fisheries Act. Introduced June 29, 1971. Hearings February 25, 1972. Reported to House May 31, 1972, H. Rept. 92-1102. Passed House June 5, 1972. Reported in Senate September 22, 1972, S. Rept. 92-1201. Passed Senate September 28, 1972. Approved October 9, 1972, P.L. 92-471.
- H.R. 9552 (Garmatz, for himself and others)—Cruise Legislation. Introduced June 30, 1971. Hearings March 13, 1972. Reported to House March 20, 1972, H. Rept. 92-931. Passed House April 11, 1972. Reported to Senate June 19, 1972, S. Rept. 92-889. Passed Senate June 21, 1972. Approved June 30, 1972, P.L. 92-323.
- H.R. 9727 (Garmatz, for himself and others)—Ocean Dumping. Introduced July 13, 1971. Hearings held on H.R. 4723 on April 5, 6, 7, 1971. Clean bill ordered reported to full Committee on July 13, 1971, now H.R. 9727. Reported to House July 17, 1971, H. Rept. 92-361. Passed House September 9, 1971. Passed Senate amended November 24, 1971. House disagreed to Senate amendments and conferees appointed. Conference report filed in House October 9, 1972, H. Rept. 92-1546. Senate and House agreed to conference report on October 13, 1972. Approved October 23, 1972, P.L. 92-532.

- H.R. 9756 (Garmatz, for himself and others)—Ship Mortgage Insurance. Introduced July 13, 1971. Hearings September 16, 1971. Reported to House November 30, 1971, H. Rept. 92-688. Passed House February 7, 1972. Reported in Senate amended September 15, 1972, S. Rept. 92-1137. Passed Senate September 19, 1972. House agreed to Senate amendments October 4, 1972. Approved October 19, 1972, P.L. 92-507.
- H.R. 10310 (Hosmer, for himself and others)—Seal Beach National Wildlife Refuge. Introduced August 3, 1971. Hearings March 10, 1972. Reported to House May 24, 1972, H. Rept. 92-1093. Passed House June 5, 1972. Reported to Senate August 17, 1972. Passed Senate August 18, 1972. Approved August 29, 1972, P.L. 92-488.
- H.R. 10384 (Garmatz and Dingell)—Recreation Areas Adjacent to Refuges. Introduced August 4, 1971. Hearings September 10, 24, 1971. Reported to House December 3, 1971, H. Rept. 92-706. Passed House December 6, 1971. Reported in Senate October 12, 1972, S. Rept. 92-1291. Passed Senate October 14, 1972. Approved October 23, 1972, P.L. 92-534.
- H.R. 10420 (Anderson of California, for himself and others)—Marine Mammals. Introduced August 5, 1971. Hearings September 9, 13, 17, 23, 1971. Reported to House December 4, 1971, H. Rept. 92-707. Defeated in House December 6, 1971. Passed House amended under rule March 9, 1972. Passed Senate amended July 26, 1972. House disagreed to Senate amendments, conferees appointed. Conference report filed in House October 2, 1972, H. Rept. 92-1488. House agreed to conference report October 10, 1972. Senate agreed to conference report October 11, 1972. Approved October 21, 1972, P.L. 92-522.
- H.R. 10486 (Garmatz, for himself and others)—Petty Officer Pay of the Coast Guard. Introduced August 6, 1971. Hearings June 6, 1972. Reported to House August 2, 1972, H. Rept. 92-1278. Passed House August 14, 1972. Reported in Senate September 19, 1972, S. Rept. 92-1185. Passed Senate September 21, 1972. Approved October 2, 1972, P.L. 92-455.
- H.R. 11091 (Goodling, for himself and others)—Bows and Arrows. Introduced October 5, 1971. Hearings held on H.R. 761 on July 9, 1971. H.R. 761 vacated and H.R. 11091 reported to the House October 3, 1972, H. Rept. 92-1492. Passed House October 5, 1972. Reported to Senate October 16, 1972, S. Rept. 12-1305. Approved October 25, 1972, P.L. 92-558.
- H.R. 11589 (Garmatz, for himself and others)—Sale of Passenger Ships. Introduced November 4, 1971. Hearings held on H.R. 10577 on September 21, 22, 1971. H.R. 11589 considered in lieu of H.R. 10577. Reported to House November 5, 1971, H. Rept. 92-617. Passed House December 1, 1971. Reported in Senate April 25, 1972, S. Rept. 92-758. Passed Senate May 2, 1972. Approved May 16, 1972, P.L. 92-296.
- H.R. 12143 (Edwards of California, for himself and others)—San Francisco Bay National Wildlife Refuge. Introduced September 9, 1971. Hearings held on H.R. 111 on October 29, 1971. Clean bill reported to full Committee on December 8, 1971. H.R. 12143 reported to House February 3, 1972, H. Rept. 92-813. Passed House February 7, 1972. Reported in Senate June 14, 1972, S. Rept. 92-859. Passed Senate June 16, 1972. Approved June 30, 1972, P.L. 92-330.

- H.R. 12186 (Dingell, for himself and others)—Bald Eagle Protection Act. Introduced September 10, 1971. Hearings held on H.R. 10450 on September 20, 24, 1971. Clean bill, H.R. 12186, ordered reported December 7, 1971. Reported to House February 4, 1972, H. Rept. 92-817. Passed House February 7, 1972. Reported in Senate amended September 15, 1972, S. Rept. 92-1159. Passed Senate amended October 13, 1972. House agreed to Senate amendments October 13, 1972. Approved October 23, 1972, P.L. 92-535.
- H.R. 12207 (Garmatz, for himself and others)—Tuna Development. Introduced December 13, 1971. Hearings held on H.R. 4380 on June 16, 1971. Clean bill, H.R. 12207, was ordered reported to full Committee December 8, 1971. Reported to House February 2, 1972, H. Rept. 92-810. Passed House February 7, 1972. Reported to Senate amended August 10, 1972. S. Rept. 92-1031. Passed Senate August 11, 1972. House agreed to Senate amendments September 20, 1972. Approved September 29, 1972, P.L. 92-444.
- H.R. 13025 (Dingell, for himself and others)—Use of Real Property for Wildlife Conservation. Introduced February 8, 1972. Hearings March 10, 1972. Reported to House April 14, 1972, H. Rept. 92-990. Passed House April 17, 1972. Reported in Senate September 12, 1972, S. Rept. 92-1108. Passed Senate September 14, 1972. Approved September 26, 1972, P.L. 92-432.
- H.R. 13188 (Garmatz, for himself and others)—Coast Guard Authorization. Introduced February 16, 1972. Hearings March 7, 1972. Reported to House March 20, 1972, H. Rept. 92-933. Passed House April 11, 1972. Reported to Senate amended May 30, 1972, S. Rept. 92-819. Passed Senate June 1, 1972. House disagreed to Senate amendments, conferees appointed. Conference report filed in House June 26, 1972, H. Rept. 92-1177. Senate agreed to conference report June 26, 1972. House agreed to conference report June 28, 1972. Approved July 10, 1972, P.L. 92-343.
- H.R. 13324 (Garmatz and Pelly)—Maritime Authorization, Fiscal Year 1973. Introduced February 23, 1972. Hearings March 14, 16, 1972. Reported to House March 20, 1972, H. Rept. 92-934. Passed House April 11, 1972. Reported in Senate amended June 8, 1972, S. Rept. 92-841. Passed Senate July 26, 1972. House agreed to Senate amendments August 14, 1972. Approved August 22, 1972, P.L. 92-402.
- H.R. 13967 (Garmatz, for himself and others)—Flag Officer Structure of the Coast Guard. Introduced March 9, 1972. Hearings June 6, 1972. Reported to House August 1, 1972, H. Rept. 92-1271. Passed House August 14, 1972. Reported in Senate September 19, 1972, S. Rept. 92-1186. Passed Senate September 21, 1972. Approved October 2, 1972, P.L. 92-451.
- H.R. 14731 (Garmatz, for himself and others)—Shooting Wildlife from Aircraft. Introduced May 3, 1972. Reported to House June 1, 1972, H. Rept. 92-1109. Passed House June 5, 1972. Reported in Senate September 15, 1972, S. Rept. 92-1157. Passed Senate October 6, 1972. Approved October 20, 1972, P.L. 92-502.
- H.R. 14891 (Garmatz, for himself and others)—Active Duty for Coast Guard Reservists. Introduced May 10, 1972. Hearings June 6, 1972. Reported to House August 1, 1972, H. Rept. 92-1272. Passed House August 14, 1972. Reported in Senate amended

- September 19, 1972, S. Rept. 92-1187. Passed Senate September 21, 1972. House agreed to Senate amendments. Approved October 9, 1972, P.L. 92-479.
- H.R. 15280 (Garmatz and Mosher)—NACOA Authorization. Introduced June 1, 1972. Hearings September 14, 1972. Reported to House September 28, 1972, H. Rept. 92-1467. Passed House October 11, 1972. Taken from Senate desk and passed without amendment October 13, 1972. Approved October 25, 1972, P.L. 92-567.
- H.R. 15735 (Murphy to New York, for himself and others)—Ship Transfer to City of New York. Introduced June 28, 1972. Hearings August 18, 1972. Reported to House October 2, 1972, H. Rept. 92-1480. Passed House October 5, 1972. Passed Senate October 13, 1972. Approved October 25, 1972, P.L. 92-553.
- H.R. 16074 (Garmatz)—Jellyfish Authorization. Introduced July 27, 1972. Hearings August 11, 15, 16, 1972. Reported to House October 2, 1972, H. Rept. 92-1490. Passed House October 11, 1972. Passed Senate October 14, 1972. Approved October 31, 1972, P.L. 92-604.
- H.R. 16870 (Pelly)—Sockeye Salmon. Introduced September 27, 1972. Hearings held September 27, 1972, on H.R. 15718. H.R. 16870 ordered reported in lieu of H.R. 15718 on September 28, 1972. Reported to House September 28, 1972, H. Rept. 92-1474. Passed House October 5, 1972. Passed Senate October 10, 1972. Approved October 18, 1972, P.L. 92-504.
- H.R. 16987 (Garmatz)—Supplemental Maritime Authorization. Introduced October 4, 1972. Hearings October 10, 1972. Reported to House October 11, 1972, H. Rept. 92-1569. Passed House October 12, 1972. Passed Senate October 13, 1972. Approved October 21, 1972, P.L. 92-523.

REPORTED, PASSED, AND NOW PRIVATE LAW (1)

- H.R. 10834 (Begich)—Alaska Ferry (WICKERSHAM)—Introduced September 23, 1971. Hearings December 8, 1971. Reported to House March 2, 1972, H. Rept. 92-897. Passed House March 6, 1972. Passed Senate March 8, 1972. Approved March 21, 1972. Private Law 92-81.

REPORTED TO HOUSE (15)

- H.R. 56 (Dingell, for himself and others)—Environmental Data Bank. Introduced January 22, 1971. Hearings June 1970. Reported to House amended, May 13, 1971, H. Rept. 92-203. Passed House May 17, 1971. Passed Senate June 29, 1972. House held hearing on Senate amendment July 28, 1972. Conference Report passed House October 5, 1972. Presidential veto October 21, 1972.
- H.R. 760 (Garmatz, for himself and others)—Vessel Documentation. Introduced January 22, 1971. Hearings July 7, 1971. Reported to House with amendments, H. Rept. 92-378. Passed House August 2, 1971.
- H.R. 5741 (Downing)—Transfer of Surplus Liberty Ships. Introduced March 9, 1971. Hearings June 8, 1971. Reported to House June 30, 1972, H. Rept. 92-1216. Passed House July 31, 1972.
- H.R. 9128 (Leggett)—FMC-ICC Jurisdiction. Introduced June 15, 1971. Hearings November 21, 1971. Reported to House August 2, 1972, H. Rept. 92-1277. Passed House September 26, 1972.

- H.R. 10577 (Garmatz, for himself and others)—Passenger Vessels. Introduced September 9, 1971. Hearings September 21–22, 1971. Reported to House September 28, 1971, H. Rept. 92–519.
- H.R. 10923 (Garmatz, for himself and others)—Cargo for American Ships. Introduced September 28, 1971. Hearings October 5, 6, 7, 12, 13, 14, 21, 27, 28, November 3, 10, 18, December 7, 1971. Reported to House June 15, 1972, H. Rept. 92–1138.
- H.R. 11300 (Pelly)—Hydrofoil Mortgage Insurance. Introduced October 18, 1971. Hearings March 13, May 23, 1972. Reported to House June 30, 1972, H. Rept. 92–1217. Passed House July 31, 1972. Proceedings vacated and S. 2684 passed in lieu.
- H.R. 13152 (Garmatz, for himself and others)—Predatory Mammals. Introduced February 16, 1972. Hearings held March 20, 21, April 10, 11, 1972. Reported to House July 1, 1972, H. Rept. 92–1218. Passed House July 17, 1972.
- H.R. 13752 (Dingell)—Interim Nuclear Licensing. Introduced March 13, 1972. Hearings March 22, 24, 27, 1972. Reported to House April 14, 1972, H. Rept. 92–991. Passed House April 17, 1972.
- H.R. 14146 (Lennon, for himself and others)—Coastal Zone Management. Introduced March 28, 1972. Hearings held on H.R. 2492 on June 22, 23, 24, August 3, 4, 5, November 1, 9, 1971. A clean bill, H.R. 14146, was reported to the House May 5, 1972, H. Rept. 92–1049. Passed House August 2, 1972.
- H.R. 14384 (Garmatz, for himself and others)—Extending the Provisions of the Commercial Fisheries and Development Act. Introduced April 17, 1972. Hearings August 11, 15, 16, 1972. Reported to House October 2, 1972, H. Rept. 92–1489. Passed House October 11, 1972.
- H.R. 14385 (Garmatz, for himself and others)—Fishermen's Protective Act. Introduced April 17, 1972. Hearings held August 11, 15, 16, 1972. Reported to House October 2, 1972, H. Rept. 92–1487. Passed House October 14, 1972.
- H.R. 15048 (Garmatz and Pelly)—Commission on American Shipbuilding—Waiver of Compensation. Introduced May 17, 1972. Reported to House June 12, 1972, H. Rept. 92–1122. Passed House June 19, 1972.
- H.R. 15627 (Garmatz and Pelly)—Oil Pollution Convention. Introduced June 21, 1972. Hearings August 3, 1972. Reported to House October 2, 1972, H. Rept. 92–1486. Passed House October 11, 1972.
- H.R. 16793 (Begich)—Prohibits the Use of Certain Small Vessels in U.S. Fisheries. Introduced September 25, 1972. Hearings September 27, 1972. Reported to House October 3, 1972, H. Rept. 92–1506. Passed House October 11, 1972.

APPENDIX B.—PRINTED HEARINGS BY SERIAL NUMBER, TITLE-SUBJECT, AND HEARING DATE

Serial number	Title and subject	Hearing dates
92-1	Shooting Animals from Aircraft	Mar. 23, 1971.
92-2	Ocean Dumping of Waste Materials	Apr. 5, 6, 7, 1971.
92-3	San Francisco Oil Spill	Feb. 8, 9, 1971.
92-4	Commercial fisheries— Illegal Seizures	Feb. 10, Mar. 11, June 3, July 8, 1971.
	Atlantic Salmon	May 24, July 8, 1971.
	Seattle, Wash., Fishery Problems	Apr. 14, 1971.
	Soviet Fishing Violations	May 20, 1971.
92-5	Coast Guard Authorization—1972	Mar. 24, 25, 1971.
92-6	Fish and wildlife legislation: Fishing Vessel Insurance	May 6, 1971.
	Tuna Fisheries	June 16, 1971.
	Duck Stamps—Bows and Arrows	July 9, 1971.
92-7	Maritime Authorization—1972, Supplemental—1971	Mar. 17, 18, 1971.
92-8	Merchant Marine Miscellaneous: Federal Maritime Commission Oversight	Mar. 16, 1971.
	Lash Barge	Mar. 30, 1971.
	Maritime Lien	June 28, 1971.
	FMC Criminal to Civil Penalties	June 30, 1971.
	Vessel Documentation	July 7, 1971.
	Maritime Administration Oversight	July 8, 1971.
92-9	Migratory Waterfowl Regulations—1971	July 30, 1971.
92-10	Marine Mammals	Sept. 9, 13, 23, 1971.
92-11	Passenger Vessels	Apr. 27, 28, 29, May 3, 4, 5, 17, Sept. 21, 22, 1971.
92-12	Port and Harbor Safety	July 20, 21, 22, Aug. 6, 13, 16, 17, 19, 23, 1971.
92-13	NOAA Oversight	July 6, 7, 15, 16, 1971.
92-14	Fish and Wildlife Legislation—Part 2: Game Management and Recreational Development	Sept. 10, 24, 1971.
	Hawks, Owls, and Eagles	Sept. 20, 24, 1971.
92-15	Merchant Marine Miscellaneous—Part 2: Military Sealift Procurement Transfer	Mar. 4, 9, 16, 1971.
	Liberty Ships for Artificial Reefs	June 8, 1971.
	Ship Mortgage Insurance	Sept. 16, 1971.
92-16	Coastal Zone Management	June 22, 23, 24, Aug. 3, 4, 5, Nov. 1, 9, 1971.
92-17	Fish and Wildlife Legislation—Part 3: San Francisco Bay National Wildlife Refuge	Oct. 29, 1971.
	Tinicum Environmental Center	Do.
	Fish Farming	Nov. 5, 1971.
92-18	Interim Nuclear Licensing	Mar. 22, 24, 27, 1972.
92-19	Fish and Wildlife Legislation—Part 4: Antarctic Sealing Treaty	Jan. 31, 1972.
	North Pacific Fisheries Act	Feb. 25, 1972.
	Seal Beach Refuge—Surplus Wildlife Property	Mar. 10, 1972.
	Diseases of Fish and Shellfish	Feb. 18, 1972.
	Military Reservation Wildlife and Fish, Game Conservation Programs	Apr. 11, 1972.
92-20	Cargo for American Ships—Part 1	Oct. 5, 6, 7, 12, 13, 14, 21, 27, 28, Nov. 3, 10, 18, Dec. 7, 1971.
92-21	Cargo for American Ships—Part 2	Feb. 24, 29, Mar. 1, 2, 3, 8, 23, 1972.
92-22	Predatory Mammals and Endangered Species	Mar. 20, 21, Apr. 10, 11, 1972.
92-23	Environmental Citizen Action	May 7, June 9, 10, 1971, May 8, June 23, 1972.
92-24	Administration of the National Environmental Policy Act—1972: NEPA Oversight	Feb. 17, 1972.
	Amendments to the National Environmental Policy Act of 1969	Feb. 25, 1972.
	Federal Agency Compliance	May 24, 1972.
92-25	Administration of the National Environmental Policy Act—1972 (Appendix).	Feb. 17, 25, May 24, 1972.
92-26	Coast Guard Miscellaneous: Coast Guard Oversight	Dec. 15, 1971.
	Coast Guard Authorization	Mar. 7, 1972.
	Coast Guard Personnel	June 6, 1972.
92-27	Merchant Marine Miscellaneous—Part 3: FMC-ICC Jurisdiction	Nov. 29, 1971.
	MV "Wickersham"	Dec. 8, 1971.
	Mail and Cargo for Cruise Ships	Mar. 13, 1972.
	Hydrofoil Mortgage Insurance	Mar. 13, May 23, 1972.
	Maritime Authorization	Mar. 14, 16, 1972.
92-28	Annual Reports of CEQ	Aug. 6, Sept. 8, 1971, Aug. 16, 1972.
92-29	Temporary Exemption From Sec. 102 Statements	May 2, 3, June 30, 1972.
92-30	Panama Canal Treaty Negotiations	Nov. 29, 30, Dec. 2, 6, 10, 1971; Jan. 17, 18, July 24, Aug. 10, 1972.
92-30A	Panama Canal Treaty Negotiations—Addendum	Do.

APPENDIX B.—PRINTED HEARINGS BY SERIAL NUMBER, TITLE-SUBJECT, AND HEARING DATE.—Continued

Serial number	Title and subject	Hearing dates
92-31	Fish and Wildlife Miscellaneous—Part 5: Alaska Pipeline	Nov. 17, 1971.
	Vessel Seizure and Treaty Agreements	Mar. 13, 1972.
	Environmental Data System	July 28, 1972.
	Commercial Fisheries Legislation	Aug. 11, 15, 16, 1972.
	Salmon Fisheries and Small Vessels	Sept. 27, 1972.
92-32	Oceanography Miscellaneous: Deep Seabed Hard Mineral Resources	May 12, 16, 25, 1972.
	NACOA Authorization	Sept. 14, 1972.
	Geneva U.N. Seabed Committee	Sept. 26, 1972.
92-33	Intermodal Transportation	Sept. 18, 25, 26, 1972.
92-34	Merchant Marine Miscellaneous—Part 4: Liquefied Natural Gas Carriers	June 14, 15, 19, 1972.
	Ship Construction Restrictions	June 19, 1972.
	Foreign Cruise Ships	July 25, Aug. 2, 1972.
	New York City School Ship	Aug. 18, 1972.
	Merchant Marine Academy	Sept. 12, 1972.
92-35	Maritime Oversight and Authorization	Oct. 10, 1972.
92-36	Coast Guard Field Activity: Coast Guard Auxiliary Small Boat Problems	Aug. 25, 1972.
	Staten Island Coast Guard Problems	Sept. 28, 1972.
	MV Tamano Oil Spill	Oct. 5, 1972.
	New England Fishery Problems	Oct. 6, 1972.
92-37	Coast Guard Miscellaneous: Coast Guard Oversight	Oct. 17, 1972.
	Port and Waterways Safety	June 12, 13, 1972.
	Oil Pollution Convention	Aug. 3, 1972.
92-38	NOAA and NACOA Oversight	Nov. 28, 29, 1972.