

ORIGINAL
House of Representatives

Report of Proceedings

Hearing held before

COMMITTEE ON MERCHANT MARINE AND FISHERIES

H. R. 3849, H. R. 4301, H. R. 4297, H. R. 6205 and H. R. 6206

Washington, D. C.

May 5, 1977

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H. R. 3849

2 TO ESTABLISH QUALIFICATIONS FOR INDIVIDUALS
3 APPOINTED TO THE NATIONAL ADVISORY COMMITTEE
4 ON OCEANS AND ATMOSPHERE AND TO AUTHORIZE
5 APPROPRIATIONS FOR THE COMMITTEE FOR FISCAL
6 YEAR 1978

7 - - -

8 H. R. 4301

9 TO AUTHORIZE APPROPRIATIONS FOR THE
10 NATIONAL SEA GRANT PROGRAM ACT DURING
11 FISCAL YEAR 1978

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13 H. R. 4297

14 TO AMEND THE MARINE PROTECTION, RESEARCH
15 AND SANCTUARIES ACT OF 1972 TO AUTHORIZE
16 APPROPRIATIONS TO CARRY OUT THE PROVISIONS
17 OF SUCH ACT FOR FISCAL YEAR 1978

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19 H. R. 6205

20 TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEARS
21 1978, 1979 AND 1980 TO CARRY OUT THE
22 ATLANTIC TUNAS CONVENTION ACT OF 1975

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24 H. R. 6206

25 TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEARS

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1978, 1979 AND 1980 TO CARRY OUT THE COMMERCIAL
FISHERIES RESEARCH AND DEVELOPMENT ACT OF 1964

THURSDAY, MAY 5, 1977

House of Representatives,
Committee on Merchant Marine and Fisheries,
Washington, D. C.

The Committee met, pursuant to recess, at 10:17 a.m. in
Room 1334 Longworth House Office Building, Hon. John M. Murphy
(Chairman of the Committee), presiding.

Present: Representatives ~~Murphy~~, ~~Jones~~, ~~Leggett~~, ~~de la~~
~~Garza~~, ~~Breaux~~, ~~Eilberg~~, ~~Lugo~~, ~~Hubbard~~, ~~Bonker~~, ~~AdCoin~~, ~~D'Amours~~,
~~Patterson~~, ~~Zeferetti~~, ~~Oberstar~~, ~~Hughes~~, ~~Bonior~~, ~~Akaka~~, ~~Ruppe~~,
~~McCloskey~~, ~~Pritchard~~, ~~Bauman~~, ~~Emery~~, ~~Evans~~ and ~~Trible~~.

Staff present: Carl Perian, Chief of Staff; Ernest J.
Corrado, Chief Counsel; Francis D. Heyward, Counsel; Ned P.
Everett, Counsel; Thomas R. Kitsos, Professional Staff Member;
Frances Still, Chief Clerk; W. Patrick Morris, Chief Minority
Counsel; Robert D. Thornton, Counsel, Subcommittee on Ocean-
ography; Michael Ingrao, Research Assistant, George J.
Mannina, Jr., Professional Staff Member, Minority; Judy
Townsend, Professional Staff Member; Grant Wayne Smith, Pro-
fessional Staff Member; Curtis L. Marshall, Professional Staff
Member, Minority; and Donna K. Firkin, Clerk, Subcommittee on

1 Oceanography.

2 - - -

3 The Chairman. The Committee will come to order.

4 This morning we will mark up three bills from the Sub-
5 committee on Oceanography and two bills from the Subcommittee
6 on Fish and Wildlife.

7 We will start with H. R. 3849, a bill to establish
8 qualifications for individuals appointed to the National Ad-
9 visory Committee on Oceans and Atmosphere and to authorize
10 appropriations for the Committee for Fiscal Year 1978.

11 The Clerk will read the bill.

12 Mr. Smith. Mr. Chairman:

13 "A bill to establish qualifications for individuals
14 appointed to the National Advisory Committee on Oceans and
15 Atmosphere and to authorize appropriations for the Committee
16 for fiscal year 1978.

17 "Be it enacted by the Senate and House of Representatives
18 of the United States of America in Congress assembled, That
19 the Act entitled 'An Act to establish the National Advisory
20 Committee on the Oceans and Atmosphere', approved August 16,
21 1971 (33 U.S.C 857-6 through 857-12), is amended--

22 (1) by adding the following sentence at the end of sec-
23 tion 2(a): 'No individual shall be appointed as a member of
24 the Advisory Committee unless such individual has knowledge
25 and expertise in fields related to oceanic or atmospheric

1 matters.'; and

2 "(2) by amending section 7--

3 "(A) by striking out 'and' immediately before '(4)',

4 and

5 "(B) by striking out '1977.' and inserting '1977,

6 and (5) \$560,000 for the fiscal year ending September 30, 1978.'

7 The Chairman. Mr. Breaux?

8 Mr. Breaux. Mr. Chairman, I ask unanimous consent that
9 the opening statement that I have be inserted in the record at
10 this point.

11 The Chairman. Without objection, so ordered.

12 (The following was received for the record:)

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OPENING STATEMENT OF JOHN B. BREAU
SUBCOMMITTEE ON OCEANOGRAPHY

MARKUP OF H.R. 3849 - NACOA AUTHORIZATION AND AMENDMENT

MAY 5, 1977

Reel 1-B

H.R. 3849 IS A BILL TO AMEND THE NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE AND TO AUTHORIZE APPROPRIATIONS FOR THE COMMITTEE FOR FISCAL YEAR 1978.

NACOA WAS ESTABLISHED PURSUANT TO THE PASSAGE OF P.L. 92-125

AUGUST 16, 1971. THIS 25 MEMBER ADVISORY BOARD IS MANDATED

TO PERFORM THE FOLLOWING PRIMARY FUNCTIONS; FIRST, TO CONTINUOUSLY REVIEW OUR

COUNTRY'S MARINE AND ATMOSPHERE POLICIES AND PROGRAMS; SECOND, TO

REPORT TO THE PRESIDENT AND CONGRESS ANNUALLY AND UPON REQUEST;

THIRD, TO ADVISE THE SECRETARY OF COMMERCE WITH RESPECT TO

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S ACTIVITIES.

H.R. 3849 INCLUDES A ONE YEAR EXTENSION OF FUNDS AUTHORIZED

AND APPROPRIATED FOR THE OPERATION OF NACOA. THIS BILL PROVIDES

A FUNDING AUTHORIZATION LEVEL OF \$560,000 FOR FISCAL YEAR 1978, AN

AMOUNT NECESSARY TO MAINTAIN NACOA'S CURRENT LEVEL OF OPERATIONS

IN THE FACE OF GOVERNMENT SALARY INCREASES AND OTHER INFLATIONARY

FACTORS. I BELIEVE THAT NACOA HAS A POTENTIALLY VALUABLE CONTRIBUTION

TO MAKE, ESPECIALLY IN THE NEXT FEW YEARS DURING WHICH I HOPE

IT WILL BE MAKING SIGNIFICANT PROGRESS TOWARD THE

ACHIEVEMENT OF A COMPREHENSIVE AND RATIONAL NATIONAL OCEAN

PROGRAM. AT THIS POINT, I WOULD HATE TO SEE NACOA'S EFFECTIVENESS

UNDERMINED.

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ALSO INCLUDED IN H.R. 3849 IS LANGUAGE TO AMEND P.L. 92-125. THIS AMENDMENT IS INTENDED TO PROVIDE A MORE STRICT DEFINITION OF THE QUALIFICATIONS NECESSARY FOR NACOA MEMBERSHIP.

I SUPPORT THE MANDATED GOALS AND OBJECTIVES OF NACOA. HOWEVER, THERE HAVE BEEN SOME VALID QUESTIONS RAISED REGARDING NACOA'S ABILITY TO ATTAIN THESE GOALS WITHIN ITS CURRENT STRUCTURE AND MODE OF OPERATION. IT IS THEREFORE MY INTENTION TO INVESTIGATE POSSIBLE ALTERNATIVE ARRANGEMENTS FOR NACOA AS PART OF THIS SUBCOMMITTEE'S OCEAN POLICY OVERSIGHT IN COMING MONTHS.

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1 Mr. Breaux. I would like to briefly inform the members
2 that the NACOA authorization is basically a continuation of
3 the existing program.

4 The National Advisory Committee on Oceans and Atmosphere
5 is an independent advisory agency which advises Congress and
6 the Executive branch on matters pertaining to oceans and the
7 atmosphere.

8 We have increased the authorization slightly, which will
9 enable them to maintain their current level of operations.

10 The only thing which we did was to change the qualifica-
11 tion for the members to be appointed. We have added a para-
12 graph which says:

13 "No individual shall be appointed as a member of the
14 Advisory Committee unless such individual has knowledge and
15 expertise in fields related to oceanic or atmospheric matters."

16 The Subcommittee was relatively disturbed by some of the
17 individuals who have been appointed to the NACOA staff as
18 advisory members because we felt that some of them did not
19 really possess the real expertise that we thought was necessary;
20 so we have added this paragraph.

21 Otherwise, it is basically the same as it has been in the
22 past.

23 The Senate is taking a different approach with NACOA and
24 there will definitely be a need for a conference with the
25 Senate. We will go into the conference with an open mind so

1 far as seeing what they have done and what would be the best
2 possible answer to the NACOA situation.

3 Mr. Ruppe. Would the gentleman yield?

4 Mr. Breaux. I would be glad to.

5 Mr. Ruppe. I understand the Subcommittee's concern over
6 the appointment of several members to NACOA. I wonder really
7 if any proper response to that is identifying the types of
8 people that should be appointed to NACOA in the future? It
9 would seem to me we ought to still maintain a provision for
10 an opportunity for people of broad range and background to be
11 appointed to NACOA.

12 I fairly share your concern about some of the appointments
13 to that group.

14 Even so, if a President wanted to make an appointment that
15 was less than suitable, he could certainly do so even under the
16 requirements under the Subcommittee amendment.

17 I wonder if we would be well advised to try to narrow down
18 the options of the President or rather to the contrary should
19 we impress upon him what we want or suggest to him the best
20 qualified personnel possible be placed in NACOA.

21 I must confess I would rather get a well-rounded group of
22 highly-qualified people than simply to suggest that a person
23 has to have expertise or knowledge in a certain area to be
24 appointed to NACOA.

25 There are people who have got a fair amount of expertise

1 in a particular subject but who generally would be disastrous
2 appointments to any body that would require judgment or thought
3 or anything outside of a purely technical judgment.

4 Mr. Breaux. The Subcommittee is wrestling with a very
5 difficult problem. How do we set out the qualifications for
6 the President to look at to see what type of people we would
7 like to have on the National Advisory Committee on Oceans and
8 Atmosphere? We want well-rounded people. No one wants people
9 on an advisory committee to try to advise the Congress and the
10 President on oceans and atmosphere who is an expert in high-
11 way construction. We want him knowledgeable in the field with
12 which he is charged with advising the Congress and the
13 Executive branch.

14 It is very difficult to spell out in any legislative
15 dictate.

16 We do not want NACOA to become a political dumping ground,
17 quite frankly, of Democrats or Republicans who are just looking
18 for a place to work.

19 In order to do that, we want to keep it completely non-
20 political; because the cost to NACOA would otherwise be too
21 high. We want non-political, top experts in the field.

22 It is difficult. The people who are going to advise us
23 should be knowledgeable in the fields that they want to advise
24 us on. It is just as simple as that.

25 Mr. AuCoin. Would the gentleman yield to me?

1 Mr. Breaux. Yes.

2 Mr. AuCoin. I certainly concur with the Chairman of the
3 Subcommittee; and I compliment him for trying to make this body
4 far more than what it has been in the past. It should not be
5 a dumping ground. It really is a resource which is very
6 desperately needed. To state that by stating as we are doing
7 that the appointees shall be knowledgeable and have expertise
8 in fields related to the oceans and atmosphere, that we are
9 precluding people of judgment who can make policy decisions is
10 not right.

11 There are many people who have that expertise who are
12 also qualified in a judgmental way, and I think it is sound and
13 the gentleman should be complimented.

14 Mr. Breaux. We changed it. We said "atmospheric or
15 oceanic." We added the word "or." They could be knowledge-
16 able in oceans or the atmospheric area and scientific research.
17 We tried to make it a little more lenient.

18 It is a guideline, but it is something that we have to
19 follow up on and see that it is followed.

20 That is the only addition made by the Subcommittee. The
21 Senate has taken an entirely different approach, which means
22 that we have to have a conference with the Senate and we will
23 have to follow it very closely in conference.

24 If there are no amendments, Mr. Chairman, I move the pre-
25 vious question.

1 The Chairman. The question is on the previous question.

2 All those in favor, signify by saying "aye."

3 (Chorus of "aye.")

4 The Chairman. Those opposed signify by saying "no."

5 (No response.)

6 The Chairman. The previous question is in order.

7 Those in favor of passing H. R. 3849, signify by saying
8 "aye."

9 (Chorus of "aye.")

10 The Chairman. Opposed, "no."

11 (No response.)

12 The Chairman. H. R. 3849 is passed.

13 Mr. Breaux. I ask unanimous consent that the staff have
14 the authority to make the necessary technical conforming
15 changes to put the bill before the House.

16 The Chairman. Without objection, it is so ordered.

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H. R. 4301

The Chairman. The next bill is H. R. 4301.

This is a bill to authorize appropriations for the National Sea Grant Program Act during fiscal year 1978.

The Clerk will read it.

Mr. Kitsos. Mr. Chairman:

"H. R. 4301.

"A bill to authorize appropriations for the National Sea Grant Program Act during fiscal year 1978.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 206 and 212 of the National Sea Grant Program Act (33 U.S.C. 1125 and 1131) are each amended by striking out 'the fiscal year ending September 30, 1977' and inserting in lieu thereof 'each of the fiscal years ending September 30, 1977 and September 30, 1978'."

The Chairman. Mr. Breaux?

(The following was received for the record:)

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OPENING STATEMENT OF JOHN B. BREAUX

FULL COMMITTEE MARKUP

H.R. 4301 - SEA GRANT AUTHORIZATIONS

MAY 5, 1977

H.R. 4301 IS A BILL TO AUTHORIZE APPROPRIATIONS FOR THE NATIONAL SEA GRANT PROGRAM ACT DURING FISCAL YEAR 1978.

THE BILL WILL CONTINUE THE THREE AUTHORIZING FUNDS AT THE EXISTING LEVELS AGREED UPON LAST YEAR BY THE CONFEREES. THE MAIN PROGRAM FUNDS ARE AUTHORIZED AT \$50 MILLION. THE NATIONAL PROGRAM IS AUTHORIZED AT \$5 MILLION AND THE INTERNATIONAL PROGRAM AT \$3 MILLION FOR FISCAL YEAR 1978. ALTHOUGH THESE ARE SIMILAR AMOUNTS TO THOSE AUTHORIZED LAST YEAR---ONLY \$27.7 MILLION WAS APPROPRIATED FOR THE BASIC PROGRAM FOR FISCAL YEAR 1977 AND NO NEW FUNDS WERE ALLOWED FOR THE TWO NEW PROGRAMS. LAST YEAR'S LEGISLATION EXTENDED THE AUTHORIZATIONS FOR ONLY ONE YEAR SPECIFICALLY TO ENABLE US TO REVIEW THE IMPLEMENTATION OF THE NEW PROGRAMS.

FUNDING HAS BEEN A MAJOR PROBLEM FOR SEA GRANT. IT HAS BEEN ESSENTIALLY LEVEL SINCE 1973, WHILE INFLATION HAS ERODED ITS EFFECTIVENESS. OVER THE 11 YEAR LIFE OF THE PROGRAM, OMB HAS RECOMMENDED BUDGET SLASHES OF APPROXIMATELY \$125 MILLION OUT OF AN AUTHORIZATION OF \$286 MILLION. NEITHER OF THE TWO NEW SUPPLEMENTAL PROGRAMS WERE FUNDED LAST YEAR NOR ARE THEY INCORPORATED IN THE PRESIDENT'S BUDGET FOR FISCAL YEAR 1978.

Reel 1
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CONGRESS AUTHORIZED THE TWO NEW PROGRAMS SEPARATELY FROM THE MAIN PROGRAM SO AS NOT TO ENCROACH UPON THE BASIC PROGRAM FUNDS. SEA GRANT'S SUCCESS HAS DERIVED IN LARGE PART FROM ITS SYSTEM OF DEVELOPING PROGRAMS AT UNIVERSITIES AND OTHER INSTITUTIONS IN WHICH LOCAL AND REGIONAL NEEDS ARE ADDRESSED AND FOR WHICH STATE LEGISLATURES AND OTHER LOCAL AND REGIONAL FUNDING SOURCES HAVE BEEN ABLE TO PROVIDE MATCHING FUNDS. ON THE OTHER HAND, THE MATCHING FUNDS HAVE LIMITED THE PROGRAM TO PROJECTS OF A LOCAL AND/OR REGIONAL NATURE. THE CONGRESS FELT IN PASSING THIS LEGISLATION LAST YEAR THAT SEA GRANT'S SERVICE TO STATE AND LOCAL PROBLEMS MUST BE MAINTAINED BUT AT THE SAME TIME WE NEED TO FOCUS ATTENTION ON OCEAN ISSUES OF MAJOR NATIONAL AND INTERNATIONAL IMPORTANCE.

CONSEQUENTLY, \$5 MILLION WAS AUTHORIZED FOR 100 PERCENT GRANTS FOR NATIONAL PROJECTS. FURTHERMORE, A RESTRICTION WAS PLACED LIMITING NATIONAL PROJECT FUNDS TO NOT MORE THAN TEN PERCENT OF FUNDS APPROPRIATED FOR THE MAIN SEA GRANT PROGRAM IN ORDER TO ENSURE A PROPER BALANCE BETWEEN LOCAL AND REGIONAL PROJECTS. \$3 MILLION WAS AUTHORIZED FOR 100 PERCENT GRANTS FOR INTERNATIONAL PROJECTS RECOGNIZING THAT COASTAL WATER PROBLEMS ARE NOT UNIQUE TO THE UNITED STATES.

I WOULD HOPE THAT SEA GRANT WILL BE MORE SUCCESSFUL THIS YEAR IN OBTAINING THE MONIES THAT THE CONGRESS CLEARLY INTENDED THEY SHOULD HAVE WHEN WE PASSED THE SEA GRANT IMPROVEMENT ACT OF 1976 (P.L. 94-461).

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1 Mr. Breaux. Mr. Chairman, H. R. 4301 would continue the
2 three authorizing funds of the Sea Grant Program at the existing
3 levels agreed upon last year by the Congress.

4 The main program funds are authorized at a \$50 million
5 funding level.

6 The National program is authorized separately at \$5
7 million, and the International funding is at \$3 million for
8 fiscal year 1978.

9 Although these are the similar amounts to those we have
10 authorized in the past, last year, the authorization is the
11 same. Only \$27.7 million was actually appropriated for the
12 basic program for fiscal year 1977 and there were no new funds
13 actually appropriated for the two new programs.

14 Last year, because of the action of many members for
15 appropriations for Sea Grant, the increase was \$4 million over
16 what everybody recommended. The money is being put to good
17 use.

18 We have followed closely what the Sea Grant universities
19 are doing in the field. We find they are making substantial
20 progress. It is solid. There is not a nickel wasted in the
21 Sea Grant program.

22 We only wish we were more successful in getting the level
23 of funding increased. There has been essentially level funding
24 since 1973. I think everyone is familiar with the fact that the
25 real success of the Sea Grant program is derived in developing

1 the programs at various State universities and other institu-
2 tions where your local and regional needs are really addressed.
3 They are addressing the problems in the areas in which they
4 are operating. It is not a giveaway program. In a sense, it
5 is a matching program. The states have to show they are
6 interested in doing something with Sea Grant. They match
7 Federal grants and it makes a more workable program by requir-
8 ing the states to participate in the funding level.

9 Mr. Chairman, the Subcommittee has no amendments to pre-
10 sent to the full Committee at this time. *There were two*
amendments.

11 Mr. Zeferetti. Mr. Chairman?

12 The Chairman. The gentleman from New York?

13 Mr. Zeferetti. I move the previous question.

14 The Chairman. A vote on the previous question is in
15 order.

16 Those in favor, signify by saying "aye."

17 (Chorus of "aye.")

18 The Chairman. Those opposed, say "no."

19 (No response.)

20 The Chairman. So ordered.

21 The question is on H. R. 4301.

22 All those in favor, signify by saying "aye."

23 (Chorus of "aye.")

24 The Chairman. Opposed, "no."

25 (No response.)

1 The Chairman. The "ayes" have it.

2 Mr. Breaux. I ask unanimous consent that the staff be
3 empowered to make the necessary technical and conforming
4 changes in order to report the bill to the House.

5 The Chairman. Is there any objection?

6 It is so ordered.

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H. R. 4297

The Chairman. H. R. 4297, to amend the Marine Protection, Research and Sanctuaries Act of 1972 to authorize appropriations for fiscal year 1978.

The Clerk will read the bill.

Mr. Smith. Mr. Chairman:

"H. R. 4297.

"A bill to amend the Marine Protection, Research and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1978.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled," --

Mr. Breaux. Because of the length of this bill, I will ask unanimous consent that it be considered as read and open for amendment.

The Chairman. Is there any objection?

(No response.)

The Chairman. So ordered.

Mr. Breaux. Mr. Chairman, H. R. 4297 is a bill to amend the Marine Protection, Research and Sanctuaries Act of 1972 to authorize appropriations for Fiscal Year 1978.

Briefly, this Act is divided into three parts:

Title I establishes a policy to prevent or strictly limit the dumping of materials which adversely affect the marine environment. In addition, this title authorizes the creation

1 of an Ocean Dumping Permit Program to be administered by EPA
2 and the Corps of Engineers; Title II authorizes NOAA to conduct
3 research on ocean pollution; and, lastly, Title III provides
4 for the designation and regulation of marine sanctuaries.

5 The Marine Protection Research and Sanctuaries Act of 1972,
6 commonly known as the Ocean Dumping Act, is one of a myriad of
7 laws passed over the last decade intended to protect our environ-
8 ment. For many of these laws, the road to successful implem-
9 entation has been far from smooth. The Ocean Dumping Act is
10 no exception.

11 I feel that during the next decade, the collective
12 vigilance of those of us concerned with oceanic matters will
13 be required to ensure the protection of the marine environment.

14 As land and fresh water-based waste disposal and pollution
15 activities become increasingly more restrictive, it is important
16 that the oceans, which have traditionally suffered from a "Big
17 Sink" perception, be afforded comparable protection.

18 One step in the direction of accomplishing this is to
19 ensure that the various programs authorized in the Ocean Dump-
20 ing Act receive adequate funding.

21 This Act, under previous Administrations, has suffered
22 chronically from low levels of appropriations as recommended
23 by OMB. For instance, until fiscal year 1977, Title II had
24 received no moneys and Title III has yet to be appropriated
25 any funds.

1 This bill before us, H. R. 4297, authorizes \$4.8 million
2 to be appropriated for purposes of Title I, \$6.0 million to be
3 appropriated for purposes of Title II, and \$500,000 to be
4 appropriated for purposes of Title III.

5 I feel the authorization levels included in H. R. 4297
6 provide the opportunity for NOAA to initiate a strong and long
7 overdue ocean pollution research program. In addition, H. R.
8 4297 will provide a funding level that will allow EPA and NOAA
9 to more adequately monitor and study ocean dumping activities.

10 Mr. Chairman, I might point out at the beginning of our
11 Subcommittee hearings on this legislation on the Ocean Dumping
12 Act, I stated, as the Chairman of the Subcommittee, that it was
13 our intent to move forward with the authorization level, re-
14 authorizing the program basically with the same provisions as
15 the year before, and that after we get through with the
16 authorization process, it is our intent to have extensive over-
17 sight hearings on ocean dumping to really delve into the
18 alternative of ocean dumping: what we are doing, how we are
19 going to find some real alternates to the ocean dumping pro-
20 gram we have at the present time.

21 We do not feel that we have the necessary time to really
22 get into oversight hearings while we are doing the authoriza-
23 tion process. This is why we are reporting back to the full
24 Committee a similar authorization with levels of funding which
25 we think are adequate.

1 I intend, at the proper time, to offer an amendment to
2 strike out the amendment offered by the gentleman from New
3 Jersey, Congressman Hughes, on the deadline for ocean dumping
4 which we feel will not help the legislation at this time, in
5 fact at any time; but we can talk about that amendment when it
6 is offered at the proper time.

7 The Chairman. Are there amendments to the bill?

8 Mr. Breaux. Mr. Chairman, I have an amendment. I think
9 it is at the desk.

10 The Chairman. The counsel will read the amendment.

11 Mr. Smith. The amendment offered by Mr. Breaux to H. R.
12 4297:

13 "Strike all after line 14 on page 2 and strike all on
14 page 3."

15 The Chairman. The gentleman is recognized for five
16 minutes.

17 Mr. Breaux. Mr. Chairman, during the Subcommittee meet-
18 ing, an amendment was offered by the gentleman from New Jersey,
19 Mr. Hughes, whose purpose we really cannot argue with as far
20 as a goal or concept is concerned.

21 Mr. Hughes' amendment basically said after December 31,
22 1981, there will be no permits issued for any dumping of
23 sewage sludge, period.

24 His amendment is contained in the legislation as you look
25 at it on Page 2, section 4.

1 I do not think anyone has any problem with the first half
2 of that amendment, which is the state of the current law, which
3 says that after December 31, 1981, you are not going to be
4 able to get any kind of a permit to dump any sewage sludge
5 which could degrade or endanger human health, welfare, or
6 amenities, or the marine environment, ecological systems or
7 economic potentialities.

8 If it will cause any harm after that date, you will not
9 get a permit after December 31, 1981. That is in the current
10 regulations of EPA in administering this program.

11 Mr. Hughes' amendment goes further.

12 As I interpret the amendment and as counsel interprets
13 the amendment and as EPA interprets the amendment, no matter
14 how well the sewage sludge is being treated to be safe to eat,
15 if you can imagine anything that bad, you still could not fump
16 it in the ocean, no matter how well it is treated, no matter
17 how safe it is.

18 That is not what we are looking for.

19 We are looking for an alternative for sewage sludge which
20 is going to work. We are trying to find a program which will
21 enable cities and municipalities to treat it. Some people say
22 if properly treated, it could be of value. Although I am not
23 urging that, it is something that we need to be looking for.
24 The amendment is effective after it says don't dump anything
25 after that date. It is regardless of what condition it is in.

1 It might be totally clean and pure.

2 The EPA opposes the proposed section. I asked them to
3 respond to the gentleman's amendment and they said they opposed
4 it. They say enactment of the legally required phase-out date
5 for sewage sludge would commit us to future action which may
6 not be needed if sewage sludge may be treated so that it will
7 be non-toxic.

end 1

8 They pointed out something to all of us on this Committee
9 that the Administration and Congress are grappling with and
10 unable to meet unrealistic, mandated dates in the FPWCA. We
11 have the same problem with the tuna-porpoise thing, where we
12 set an impossible standard that we cannot meet.

13 We have a commitment to move into extensive oversight
14 hearings on alternatives to ocean dumping.

15 If this were enacted we would get into problems. Phila-
16 delphia was fined \$225,000 by EPA just because they were not
17 filing their reports on time, and cities like New York City
18 would be just completely wiped out as far as being able to
19 handle the sewage sludge right now. They are making progress.

20 The amendment is improper certainly at this time and we
21 should consider an alternative in this direction.

22 I will be glad to yield to Mr. Leggett.

23 Mr. Leggett. As I understand, you have no objection to
24 the first section?

25 Mr. Breaux. No.

1 Mr. Leggett. Why do you strike that part?

2 Mr. Breaux. I am striking what is the basis of the whole
3 Hughes amendment. This is part of it. This is the current
4 state, and you can correct me, but Section (A) is a current
5 state; in fact, the language was drawn from the current EPA
6 regulations, which say that if by December 31, 1981, any of
7 these things that are listed as bad exist, they will not issue
8 a permit.

9 Mr. Leggett. That is in the regulations?

10 Mr. Breaux. Yes.

11 Mr. Leggett. Why don't we put at least that much in the
12 legislation, and then if we want to strike out the provision
13 that says dogmatically that you cannot have any discharge,
14 whether it is clean or not -- I can understand the gentleman's
15 position on that -- but I do think that considering the fact
16 that EPA in some areas has been very aggressive, but in this
17 area had not been too aggressive and we have had huge amounts
18 of sulfuric acid --

19 The Chairman. We are only talking about sewage sludge now.

20 Mr. Leggett. I understand that.

21 But there have been some failures on the part of EPA to
22 aggressively enforce the Ocean Dumping Act; and I think this
23 Committee has been very hot on EPA to get them to come up to
24 speed.

25 I would think that if we codified in law, at least the

1 regulations and perhaps not went any further than that, then
2 at least we would keep their nose to the buzz saw and if we
3 wanted to change this date, we could; but we would have to do
4 it by legislation.

5 Mr. Smith. Mr. Leggett, Section (A) is confusing. The
6 original amendment offered was a statement that the Administra-
7 tor may not issue any permit after December 1, 1981, for dump-
8 ing of sewage sludge.

9 That is a strict requirement. If it were questionable
10 before that date, under the present law, the Administrator can
11 deny a permit to any municipality if he finds it will unreason-
12 ably degrade or endanger human health, welfare or amenities or
13 the marine environment, ecological systems or economic
14 potentialities.

15 So that Paragraph (A) was taken from present law in order
16 to allow the Administrator to carry out his present function.
17 If he found that any material was being of harmful effect to
18 the marine environment, he could deny a permit before 1981;
19 but in any case, no permit could be issued after 1981.

20 By deleting Section (A) it would not be taken out of the
21 present law. It would still remain.

22 Mr. Hughes. Mr. Chairman?

23 The Chairman. The time of the gentleman has expired.

24 The gentleman from New Jersey.

25 Mr. Hughes. Mr. Chairman, I never cease to marvel at how

1 amendments around here are described and the motives and intent
2 of a member are frustrated as they are described.

3 The Chairman. Two years from now you can say the same
4 thing.

5 Mr. Hughes. I am sure that that is probably true.

6 My colleague from California, the Chairman of one of my
7 subcommittees, put his finger on precisely what I am trying to
8 do with this amendment, and I think counsel well knows my
9 intent.

10 My intent is to codify what the Environmental Protection
11 Agency has already done by regulation.

12 My problem with the Environmental Protection Agency is
13 that they have not been aggressive. They have not been enforc-
14 ing the mandate. Unfortunately, it becomes an economic
15 decision. I suppose it depends on whose ox is being gored about
16 how excited we get about legislation that we pass.

17 I think that the legislation, the basic legislation, is
18 good. The Marine Protection Research and Sanctuaries Act of
19 1972 set forth some guidelines that EPA was to follow.

20 We are dumping all kinds of harmful substances off the
21 beaches of my District, off the beaches of Delaware and off the
22 beaches of Maryland, in particular, of substances that we do
23 not understand the precise effect of.

24 They are beginning to damage a multi-billion tourist
25 economy. They despoil our economy.

1 This past summer we had an algae bloom that nobody com-
2 pletely understood, but we had a dead sea for approximately
3 three weeks during the middle of our season which just blanket-
4 ed the whole coast.

5 People were not eating seafood from the coast because
6 they felt it might be contaminated. People were afraid of the
7 death in the area. And the New York Bight is not very far
8 from many of the beaches of New Jersey. It has come an
9 increasing problem to find areas to dispose of the spoils.

10 The Chairman. Twelve or 15 miles from Asbury Park?

11 Mr. Hughes. Yes.

12 Just a year ago, the New York delegation wanted to move
13 the New York Bight because it was spoiling the New York
14 beaches. They wanted to move it south.

15 Maryland went into court in connection with a site off
16 the Maryland beaches, and New Jersey was not represented at
17 that hearing, and guess where they moved the site to? Off
18 of New Jersey. It is becoming a mammoth problem.

19 I sympathize with New York City and Philadelphia in their
20 efforts to try to devise alternative means of disposing of
21 the spoils, particularly sewage sludge. EPA determined that
22 there was sufficient lead time right now to develop alterna-
23 tive methods of sludge disposal.

24 I have taken EPA's projection and I have asked that we
25 codify it because it becomes an economic decision. EPA goes

1 into Federal court in response to some suit filed by an
2 environmental group or some other group and between the pressure
3 brought by the municipalities and the court, deadlines are
4 extended based upon economic reasons more than anything else.

5 Instead of looking at alternative methods in many instances
6 they are locked into the disposal on the ocean because it costs
7 only \$2 to \$4 to dispose of it in the ocean as opposed to ten
8 and 15 times that by other options on land.

9 My amendment does nothing more than say, in essence, EPA's
10 projection of 1981 is, in fact, going to be the deadline for
11 the disposal of harmful sewage sludge.

12 Mr. Breaux. Would you yield?

13 Mr. Hughes. Let me finish and I will be happy to, my
14 Chairman.

15 A GAO report just furnished to the Congress in January
16 says:

17 "Some materials which are ocean-dumped contain more of a
18 harmful substance than the agency has established as safe.
19 Municipal sewage plants in New York, Northern New Jersey and
20 Philadelphia were dumping sludge with excessive levels of high-
21 ly toxic cadmium and mercury.

22 "These wastes were allowed to be dumped, official said,
23 because no alternative disposal method could be found.

24 "Sewage sludge and industrial wastes are dumped at rates
25 which may be causing harm to the marine environment. The agency

1 uses a scientific test to determine the rate at which wastes
2 can be safely dumped, but it is not using these tests to
3 set most discharge rates and, indeed, is setting discharge
4 rates based on non-scientific factors."

5 They are economic factors.

6 Mr. AuCoin. Will you yield to me?

7 Mr. Hughes. May I yield to my Chairman first?

8 Mr. Breaux. After all that, we agree.

9 The amendment does not do what you say. Section 2, Page
10 2, it is the current state of the law in the Act which says
11 you cannot dump the material if it is bad in the ways which
12 are set out in Section (A). That is in the Act itself.

13 The regulations say the date that is going to be effective
14 is December 31, 1981, that they cannot issue any permit after
15 that date.

16 Now, if it is determined anywhere in between that time
17 that it is bad, they could issue an interim permit with an
18 absolute cutoff of anything that is harmful on the same date
19 that Mr. Hughes is saying, December 31, 1981.

20 That is in the Act and in the regulations right now. The
21 thing that bothers me is Section (B) of your amendment which
22 says December 31, 1981. That means that is an absolute
23 termination of any ocean dumping and sewage sludge, regardless
24 of the effect.

25 That would prevent the dumping of any sewage sludge then

1 even if it were determined to be non-toxic and non-harmful to
2 the environment in any way, shape or form.

3 Mr. Hughes. If my colleague will permit me to recapture
4 some of my time before it runs out on me --

5 Mr. Breaux. Yes.

6 The Chairman. The gentleman is recognized for an addition-
7 al five minutes.

8 Mr. Hughes. It has to be read in context. I have
9 depended upon counsel in drafting the amendment, but the intent
10 is nothing more than a codification of what the EPA has already
11 indicated is the intent.

12 Mr. Beraux. Except in Section (B).

13 Mr. Hughes. It has to be read in the context of the rest
14 of the section.

15 Mr. Leggett. Would the gentleman yield?

16 Mr. Hughes. I will be happy to.

17 Mr. Leggett. "The Administrator shall terminate the grant
18 of a permit for the dumping of sewage sludge into ocean waters
19 which are a danger or harmful to health, welfare, economic or
20 ecological systems at the earliest possible date, but in no case
21 shall such a permit be granted after December 31, 1981."

22 That refers just to ocean sludge, which is deleterious.

23 Mr. Hughes. That would be agreeable, because that is,
24 in essence, exactly what I am attempting to do by this par-
25 ticular amendment.

1 The Chairman. Would the gentleman yield?

2 Mr. Hughes. I will be happy to.

3 The Chairman. We did the Ocean Dumping Act in this
4 Committee, and the intent was to stop ocean dumping and stop it
5 by 1981.

6 But the Congress did some other things. The Congress in
7 1963 has passed legislation where it would pay 50 cents on the
8 dollar for every separation sewer and every primary or second-
9 ary treatment plant that a municipality or county or state
10 put in.

11 We then raised that four years ago to 70 cents on the
12 dollar, if you remember the impoundment problem of Mr. Nixon,
13 and we finally got all the many states advanced funds -- our
14 state half a million dollars -- to proceed with primary treat-
15 ment plants. That is the sludge the gentleman is going to.
16 We are going to be 100 percent primary treated in New York in
17 a year; but we have created much of a sludge-dumping problem.

18 What we have not done, and Mr. Forsythe is trying to
19 correct in a piece of legislation which the gentleman is co-
20 sponsoring and Mr. Breaux and Mr. Leggett and myself -- we have
21 got to find out what to do with the sewage sludge.

22 Last year when I chaired the Committee, we went to New
23 York and called in the Environmental Protection Agency and the
24 Corps of Engineers. We asked them not only about their permits
25 for sewage dumping, for cellaway dumping sites, but acid

1 dumping sites and the industrial waste dumping sites.

2 We put the money in to study those sites to see if there
3 was a draft onward or to the Long Island beaches or southward
4 on the New Jersey beaches.

5 We hope to do -- and I support the gentleman 100 percent
6 in correcting the problem in 5282, which goes to the heart of
7 not just the sewage sludge which we through out clean waters
8 program have helped to expand, but we found that the Environ-
9 mental Protection Agency and the Corps of Engineers have not
10 stopped issuing any permits.

11 The permit levels up until last year had continued to
12 increase and only because of the impact in our hearings did
13 they level off.

14 Even though in '72 we started on this program of clean
15 waters, they continued to increase ocean dumping permits.

16 It was only recently that they have been requiring when they
17 issue a permit that the industry or the municipality tell them
18 what their alternate plans are going to be for the future and
19 that is what 5282 is going to do.

20 It is going to go to the 1981 date, but it is not going to
21 lock it in so tightly that a municipality like Philadelphia or
22 New York that has gone to almost 100 percent of primary treat-
23 ment, hasn't the funding at the present time or hasn't put in
24 the mechanisms or can't possibly put the mechanisms in to
25 alternate site dumping on land or other place.

1 The Chairman. The gentleman from New Jersey has the floor.
2 Mr. Hughes. I will be happy to yield to my colleague from
3 Philadelphia.

4 I am mindful of the problems that the gentleman from New
5 York is describing which are shared by the City of Philadelphia.
6 These cities do not have the resources to develop as we would
7 like at the present time, the alternatives to much of this
8 waste disposal, whether you are talking about sewage waste or
9 other kinds of waste, but particularly sewage.

10 I would like to stop dumping tomorrow if it is possible.
11 It is not. We would have to do it at the earliest possible
12 time.

13 The legislation that we passed in 1972 did not intend for
14 the EPA to put the great emphasis that it has on the economic
15 aspects of it. It has become an economic decision more than
16 an environmental decision in many instances.

17 The deadline that I am imposing is a deadline that was set
18 by the EPA, not by me. They went through a series of hearings
19 and determined that it was feasible to ban the type of dumping
20 that is harmful to the environment and that complies to the
21 statute by 1981, but because they are waffling on it, that is
22 a signal to those that are dumping that there is flexibility;
23 and I want to serve notice on those who have alternatives that
24 we mean what we say.

25 We want you to move with dispatch to ban the dumping of

1 the kind of harmful dumping which we have seen.

2 Mr. AuCoin. Would you yield?

3 Mr. Hughes. I would be happy to.

4 Mr. AuCoin. I appreciate the gentleman's courstesy in
5 yielding.

6 Let me see if I can understand this.

7 The Environmental Protection Agency has indicated by 1981
8 it thinks it is feasible to come down with a ban on harmful
9 sludge.

10 Is that a regulation?

11 Mr. Hughes. Yes.

12 Mr. AuCoin. But the regulation also says, however, that
13 that sludge that shall be banned by that will be that sludge
14 which is harmful to the environment; is that not true?

15 Mr. Hughes. That is correct.

16 Mr. AuCoin. Is it also not true that under the terms of
17 the gentleman's amendment there is no reference to sludge that
18 is harmful to the environment? It just says "no ocean dumping
19 shall be permitted"?

20 Yes. The difficulty I have with it, even though I
21 sympathize with the gentleman's problem, that would also
22 include non-toxic, biodegradable wastes which, in some cases,
23 particularly in my part of the country, actually can have a
24 positive effect in adding nutrients into the ocean.

25 You know the nutrient arguments that the gentleman from

1 Alaska and I have been talking about in the past. Under your
2 amendment, those wastes would be banned.

3 If I am mistaken, please let me know.

4 Mr. Hughes. The section that I am amending already
5 conditions it on that type of dumping that endangers the human
6 health, welfare, or amenities or the marine environment,
7 ecological systems, or economic potentialities.

8 To make sure that we are directing our attention to the
9 appropriate areas -- there is some confusion; I am prepared to
10 write in a recitation of that kind of harmful dumping. That
11 is the intent.

12 Mr. AuCoin. Would you repeat the section which he amends?
13 What is the citation?

14 Mr. Smith. The Marine Protection and Sanctuaries Act of
15 1972, Section 102.

16 Mr. Leggett. Could someone read the whole section with
17 the amendment so we can get the whole thing in context?

18 Mr. Smith. Section 102(a) except in relation to dredged
19 material, as provided for in Section 103 of this title and in
20 relation to radiological, chemical and biological warfare
21 agents and high-level radioactive waste, as provided for in
22 Section 101 of this title, the Administrator may issue permits,
23 after notice and opportunity for public hearings, for the
24 transportation from the United States or, in the case of an
25 agency or instrumentality of the United States, for the

1 transportation from a location outside the United States of
2 material for the purpose of dumping it into ocean waters, or
3 for the dumping of material into the waters described in
4 Section 101(b), where the Administrator determines that such
5 dumping will not unreasonably degrade or endanger human health,
6 welfare, or amenities, or the marine environment, ecological
7 systems or economic potentialities.

8 Mr. Leggett. How does the amendment tie in?

9 Mr. Smith. At the end of "economic potentialities," it
10 would go further and add this additional statement, that after
11 the date on which the Administrator determines that dumping
12 will unreasonably degrade or endanger, which is Paragraph (a),
13 or after December 31, 1981, whichever date occurs first, the
14 Administrator may not issue any permit under this title for
15 the transportation of sewage sludge for the purpose of dumping
16 in coastal waters.

17 Mr. Leggett. It seems redundant, but under the terms of
18 that, isn't the 1981 conditioned by the same limitations --
19 isn't it conditioned by the same limitation in Section (a)?

20 Mr. Smith. No; because (b) is a date certain, whichever
21 date first occurs in the amendment.

22 Mr. Leggett. Don't you first state that the Administrator
23 only has authority to delimit where it will unreasonably
24 degrade or endanger human health, welfare or amenities of the
25 marine environment, ecological systems or economic

**MEMORANDUM
OF CALL**

TO: _____

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OF (Organization) _____

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CODE/EXT. _____

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HR 186 -
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1 potentialities?

2 Mr. Smith. Right.

3 Mr. Leggett. You just read that.

4 You said you cannot grant any permits after 1981 where
5 those activities are in fact affected?

6 Mr. Smith. Yes, sir. It would be an either/or situation
7 if it were amended under Section 102(a).

8 Mr. Hughes. That is the way I interpret it. If it would
9 clarify, I will be happy to repeat it again.

10 The Chairman. The gentleman from Philadelphia.

11 Mr. Eilberg. Mr. Chairman, Philadelphia has been
12 mentioned.

13 I have listened with great interest to the statements that
14 the EPA has not been aggressive. As far as Philadelphia is
15 concerned, it could not be more aggressive. It has become
16 practically impossible for the City of Philadelphia to deal
17 with the Environmental Protection Agency.

18 This year, the city was required to file 48 separate
19 reports and there are frequent consultations and there just was
20 not time, there was not time to file all the required reports,
21 as a result of which the city has been fined \$225,000 as a
22 penalty, which we will appeal through the courts.

23 The city is trying the very best that it can.

24 Most recently, the limit was set at 116 million pounds
25 for this year. We dumped 100 million pounds and I say, Mr.

**MEMORANDUM
OF CALL**

TO: _____

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STANDARD FORM 63
REVISED AUGUST 1967
GSA FPMR (41 CFR) 101-11.6

GPO : 1969-O-48-10-80341-1 332-880

63-108

1 Chairman, there are methods, alternatives.

2 In the City of Philadelphia, our experts feel that they are
3 making strides; and I just say that it is unfair to us in
4 Philadelphia that we have to dump 50 miles out and that would
5 be completely terminated by Mr. Hughes' amendment, while the
6 cities of New York -- forgive me, Mr. Chairman, -- Elizabeth,
7 Newark, Passaic, could dump theirs only 12 miles out.

8 We think we are treated very badly by the Environmental
9 Protection Agency.

10 Mr. Leggett. If the gentleman would yield, we heard the
11 folks from Philadelphia last year in our Committee that has
12 joint jurisdiction over this subject matter; and we did get a
13 strong commitment that you were going to do a number of
14 things.

15 However, when we put the whole situation in context, it
16 appears that in this area we, apparently, have opted for the
17 so-called Blue Plains Dumpsite, which takes in a rather large
18 area in the Washington-Maryland area and it has gone to a
19 huge expense to develop a disposal program.

20 It appears after getting the insights from the Attorney
21 General of Maryland and some of the other folks who were con-
22 cerned with this that Philadelphia, at least to date, had not
23 made that kind of an effort, bonding limitations, and various
24 other constraints.

25 We do understand that Philadelphia is under the gun. All

1 we want to do is see that Philadelphia exerts the same kind of
2 effort that some of the other areas of the country have.

3 We do not want the impossible. All we want is the
4 possible. We do want a major effort. You know what has
5 happened to the Delaware River effort.

6 The Chairman. The gentleman from Maryland.

7 Mr. Bauman. There can be only one reason why the Environ-
8 mental Protection Agency is opposed to the Hughes Amendment or
9 any variation which would oppose the specific date of 1981,
10 and that is contained in their letter of May 4, which has been
11 distributed to us.

12 I call your attention to the fifth paragraph, which says:

13 "Enactment of a legally required phase-out date for sewage
14 sludge would commit this nation to a specific future action
15 which may not be needed if sewage sludge can be treated to be
16 non-toxic," and we have heard discussion about that or "may
17 not be economically feasible if the municipalities are not
18 able to obtain sufficient funding."

19 EPA is telling us they intend to abrogate that deadline.

20 The gentleman from New Jersey is absolutely correct. The
21 history of this Act, despite the policy statement in 1972 by
22 the Congress in opposition to dumping sewage sludge, the
23 history of the administration of the Act has been one of delay.

24 The only reason that Philadelphia has responded, Phila-
25 delphia or Camden, has been lawsuits by the State of Maryland

1 because of the pressure of the Subcommittees holding hearings
2 and because of massive citizen turnout. I have counted seven
3 or eight hearings in the four years I have been in Congress.
4 Every step the Environmental Protection Agency has taken has
5 been to delay the intent of Congress.

6 All the gentleman from New Jersey suggested: we have made
7 the decision; the law ought to be enforced. The Environmental
8 Protection Agency set the deadline of '81 and we ought to write
9 it into law.

10 If the toxic standard is a problem, let us blend the
11 sections so non-toxic dumping is considered.

12 If we are serious about the Act we passed four years ago,
13 we ought to enact a 1981 deadline.

14 I am surprised that the gentleman from Louisiana is
15 carrying sludge, because sludge is a lot stronger than the
16 EPA commitments we have.

17 Mr. Evans. I support the feelings of the gentleman from
18 Maryland and I support the amendment of the gentleman from
19 New Jersey.

20 It is darned important to develop alternative, on-land
21 disposal sites. As we develop better secondary and tertiary
22 treatment plants, we will have more sludge. What he is talk-
23 ing about is not the harmful sludge, but the unharmed sludge.

24 Mr. Leggett from California makes a good point. The
25 whole history has been one of waffling, total waffling. If

1 you take a look at Camden, New Jersey, they accept the EPA
2 regulation and then they waffle.

3 They come into court and they constantly postpone. All
4 we are saying is that there has got to be a date certain that
5 we have to go after the problem. We are reacting to crisis.
6 Congress does. The cities and the government and Congress.
7 They will put it off as long as they can put it off if we do
8 not give them the amendment.

9 Mr. Leggett. I move the question.

10 The Chairman. The gentleman from Oregon.

11 The Chair has to move the previous question and we will
12 take the vote immediately upon returning from the quorum call,
13 but I want to see the Democrats just a minute before we go
14 over to the floor.

15 Mr. AuCoin. We have not heard from counsel.

16 (B) is not contingent on (A) and therefore the provisions
17 of (B) would be arbitrary and would be a blanket ban on all
18 forms of dumping, even non-toxic, biodegradable dumping. It
19 is a blunderbuss, meat cleaver approach; and I would like
20 counsel to respond to that before the Committee votes. If it
21 is untrue, I would be delighted to support the gentleman from
22 New Jersey.

23 The Chairman. We will come back and we will get the
24 counsel's recommendation.

25 (Brief recess.)

1 The Chairman. The Committee will come to order.

2 Mr. Breaux. Mr. Chairman?

3 The Chairman. The gentleman from Louisiana.

4 Mr. Breaux. During the recess, Mr. Hughes and myself
5 and some of the other members of the Committee, while we agree
6 in principle with what we are trying to do within the amend-
7 ment -- at least to my satisfaction; maybe the gentleman from
8 New Jersey will want to speak for himself -- we have not been
9 able to come up with the language to do what we intend to do.

10 It is my intent, and I think the intent of the gentleman
11 from New Jersey, to codify with the current state of the law
12 and regulations of what the EPA ocean dumping happens to be.

13 I interpret that to be that there will be no permits
14 issued for ocean dumping which will be harmful to the environ-
15 ment by December 31, 1981. That is what the current law
16 says, along with the regulations.

17 The gentleman wants to put those regulations into the
18 statute. I do not think we have the language, at least to
19 my satisfaction, that comes up with that solution at the
20 present time. This puts us right back where we were according
21 to what counsel said.

22 My suggestion with the thing is that we go ahead and vote
23 the original amendment that I have offered, pass that which
24 would strike out the original Hughes language which I do not
25 think says what the Congressman says he would like to have

1 happen, and make this particular area a subject of our over-
2 sight hearings.

3 Nothing is going to happen between now and 1981 that
4 disturbs anyone. We are saying after that we do not want any
5 harmful materials dumped in the ocean. We agree. The diffi-
6 culty is in coming up with the proper language. We need to
7 sit down in oversight hearings to come up with a solution and
8 we all agree we cannot find the means to get that at the pre-
9 sent time.

10 The Chairman. Mr. Hughes?

11 Mr. Hughes. Mr. Chairman, I, too, think we agree in
12 principle.

13 I sincerely believe that the amendment that I offered to
14 the Subcommittee affects the policy that I am trying to
15 establish. I am not attempting to ban all ocean dumping. I
16 concede that there are all forms of dumpings and some may have,
17 in fact, some beneficial aspects.

18 Nutrients certainly come from some forms of dumping. We
19 know so little about ocean dumping and its effects at this
20 point that we really cannot make any determination on an item-
21 by-item basis as to which type of dumping is desirable and
22 which type of dumping is not desirable.

23 The thrust of my amendment was merely to codify what the
24 EPA has already done by regulation. EPA has determined that
25 there is sufficient lead time between now and 1981 to determine

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end 3 2

the alternatives that we now don't have have for harmful types of dumping.

3 The Chairman. How long will it take the gentleman to
4 work out language with the gentleman from Louisiana?

5 Mr. Breaux. Let me ask counsel when you think we can come
6 up with something on that?

7 Mr. Smith. We seem to be going around and around on the
8 question because the statement is in the statute that the Ad-
9 ministrator cannot issue a permit where he finds that the
10 material to be dumped will be unreasonably harmful to the
11 marine environment and to repeat that statement and to put in
12 an additional date, December 31, 1981, does not seem to
13 accomplish it; because the Administrator should be doing that
14 under present law.

15 He gets two choices. He shall not be doing it -- not --
16 and also he cannot issue a permit after 1981.

17 Mr. Hughes. That is not accurate. The statute did not
18 establish the 1981 date. That was established by the Environ-
19 mental Protection Agency.

20 Mr. Smith. Correct.

21 Mr. Hughes. They established the date on the basis of
22 what the Environmental Protection Agency felt was a reason-
23 able lead time to develop alternatives.

24 The Environmental Protection Agency is now granting permits
25 to dumpers for materials which are indeed harmful to the

1 environment. It does violate the statute and they blink their
2 eyes because there aren't alternatives to that.

3 I am trying to codify an administrative regulation, EPA's
4 regulation, setting an '81 deadline date for the reason that
5 it becomes a matter of economics.

6 It is easier to dump than to find alternatives, and many
7 of the large cities and many of the polluters are not moving
8 ahead with dispatch in some instances because they don't
9 really believe that 1981 is indeed a deadline.

10 Mr. Evans?

11 Would the gentleman yield?

12 Mr. AuCoin. Would the gentleman yield?

13 Mr. Hughes. I will be glad to yield to Mr. Evans.

14 Mr. Evans. Thank you.

15 The Environmental Protection Agency has been requiring
16 industry to comply with the standards they set up. For
17 example, Phoenix Steel, along the Delaware River, they comply
18 with the standards as set up by the Environmental Protection
19 Agency, but yet Camden, New Jersey, will carry its sludge right
20 past Phoenix, out to sea, and literally use the Atlantic as a
21 garbage pit.

22 I support the amendment of the gentleman from New Jersey
23 because it sets up a certain date beyond which nothing can
24 happen. If we do not set a date, nothing will happen, because
25 they will continue to postpone it and postpone it as they have

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1 done in the past. I think it is a proper role for us to play
2 here.

3 I might suggest to the Chairman, the gentleman from New
4 York, that all of those proxies that he has, I hope you recog-
5 nize that some of those individuals enjoy the beaches at
6 Rehobeth and Fenwick and Bethany and that he will vote them
7 accordingly -- and the beaches in New Jersey.

8 Mr. Hughes. In fact, my Chairman enjoys the beaches in
9 Atlantic and Cape May Counties. I do not think the intent is
10 confusing.

11 The Chairman. Are there any other amendments to this
12 bill?

13 Mr. AuCoin. Has the gentleman's time expired?

14 The Chairman. Yes.

15 Mr. AuCoin. Has the gentleman's time expired?

16 The Chairman. Yes.

17 Are there other amendments to this bill?

18 Mr. AuCoin. Mr. Chairman?

19 The Chairman. The gentleman from Oregon.

20 Mr. AuCoin. I do not have an amendment in written form.

21 Would the following language accomplish the intent which
22 I think is clear? This is language which Mr. Leggett, who
23 cannot be back in Committee because he is on the floor for a
24 moment, suggested, and it would state essentially -- this would
25 be Section (f).

1 "The Administrator shall terminate the granting of permits
2 for the dumping of sewage sludge into ocean waters which are
3 a danger to health, welfare and economic or ecological systems
4 at the earliest possible date, but in no case shall such per-
5 mit be granted after December 31, 1981."

6 Would that solve the impasse? Or is that just a different
7 way of stating the same problem?

8 Mr. Hughes. That is saying, in essence, the same thing.

9 Mr. AuCoin. Does that solve the potential problem that
10 some of us see with sub (b)? Some of us interpret sub (b) to
11 be an either/or situation.

12 Mr. Kitsos. Mr AuCoin, I think there are two issues here
13 and they are separate.

14 The issue with which you are concerned is, will the
15 December 31, 1981, date preclude the dumping of non-toxic,
16 perhaps beneficial material; and under the Hughes Amendment
17 as we read it, (b) would prohibit that.

18 The suggested language that you have just read would solve
19 that problem.

20 The second problem, the one that is not solved by this is
21 locking the date into the statute.

22 Mr. Bauman. It is not a problem.

23 Mr. Zeferetti. What problem?

24 Mr. Kitsos. The issue that Mr. Breaux raised.

25 Mr. Hughes. If the gentleman would yield, the one problem

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MAY 19 1947

W. C. Sullivan

Mr. W. C. Sullivan
1400 ...
Washington, D. C.

Dear Mr. Sullivan:
I have your letter of ...
and am glad to hear ...
I will be glad to ...
Very truly yours,
[Signature]

1 and the difficult we are having in the short period of time we
2 have to do it is that right now the Environmental Protection
3 Agency is indeed granting permits that violate the statute.

4 The Environmental Protection Agency is bringing to court
5 and finding in some instances polluters and we do not want to
6 write into the statute an additional period of time for those
7 people to comply with the statute, giving them until 1981.

8 It is our intent to require the Environmental Protection
9 Agency to enforce the policy and mandate of the 1972 Act and,
10 on a case-by-case basis, begin to phase out but, at the same
11 time, we want to say that we realize that there are no land
12 alternatives in many instances, and 1981, the date that you have
13 set for those permits, is going to be the outside date.

14 Mr. AuCoin. Does the gentleman object to the language
15 I suggested?

16 Mr. Hughes. No.

17 Mr. Breaux. I will ask counsel to comment.

18 Mr. Smith. The language you suggested changes the policy
19 of the Act. The present instructions to the Administrator of
20 the Environmental Protection Agency state he cannot issue a
21 permit to any applicant for any material which falls into the
22 category we have been quoting here and which we have quoted
23 in your amendment; so what the amendment would do would weaken
24 that provision in present law and say until 1981, it is all
25 right to issue whatever permits you want for that but, after

1 1981, it would have to be a definite cutoff date, as I read it.

2 Mr. Hughes. If the gentleman would yield, if your amend-
3 ment were to be interpreted in that fashion, I would not
4 accept it.

5 Mr. AuCoin. If that were the interpretation, I would not
6 offer it.

7 Mr. Evans. Will you yield?

8 Mr. AuCoin. Yes.

9 Mr. Evans. It says "at the earliest possible date." It
10 says if it is harmful, it is not done.

11 The Environmental Protection Agency is blinking their eyes
12 at the appropriate time and letting many cities and municipal-
13 ities continue dumping and use the Atlantic as a garbage pit
14 and hurting New Jersey and Delaware.

15 I speak in support of your amendment because I don't
16 interpret it that way.

17 Mr. AuCoin. Are you a lawyer? I am not.

18 Mr. Evans. Never practiced.

19 Mr. Bauman. Could counsel advise us as to the Hughes
20 Amendment? Doesn't that accomplish the same thing? It does
21 not change the policy, Act, or definition of "sludge," but it
22 does indeed set the 1981 date. I think it accomplishes what
23 the gentleman from Oregon seeks to accomplish.

24 Mr. Smith. Which one?

25 Mr. Bauman. The new amendment before you of Mr. Hughes,

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Section 4.

The Chairman. It has not been offered.

Mr. Bauman. It had not been offered?

The Chairman. No.

Mr. AuCoin. I would like counsel to comment on the differences he sees.

Mr. Smith. May I have a copy?

Mr. AuCoin. I believe it is set at the desk.

Mr. Smith. What would you like me to comment on?

Mr. AuCoin. The gentleman from Maryland makes the point that the same effect is achieved by the language of this amendment that has not yet been offered.

I have the impression that there was some difficulty in that that could be corrected by the general language I was suggesting.

The gentleman from Maryland asked aren't they identical?

I ask counsel the question.

Mr. Smith. I do not think so.

Mr. AuCoin. In what way would they differ?

Mr. Smith. What the Hughes Amendment, as Mr. Bauman explained, does, is that it would change the section (a) which is in the present Hughes Amendment and says the Administrator cannot issue a permit for any material which is harmful to the marine environment, essentially.

Then you put in this other section that says the

1 Administrator may not issue any permit under this title after
2 December 31, 1981, for the transportation of such sewage sludge.

3 "Such sewage sludge" refers to the sewage sludge described
4 in (a), which is already a mandate on the Administrator.

5 The Administrator would be between prohibiting --

6 Mr. Bauman. As I understand this amendment, it is a
7 completely new Section 4.

8 The Chairman. Your time has expired.

9 The gentleman from Louisiana.

10 Mr. Breaux. Everybody has a common goal and common
11 interest. We are merely looking at an authorization bill.

12 The reason why we are having so many problems of trying
13 to find the proper language and do whatever everyone agrees
14 should be done is that the issue has not been gone into in
15 the Subcommittee. We looked to see if they had enough money
16 to carry out the program.

17 I have a commitment to have oversight hearings on the
18 issue that we are trying to solve today. We will have over-
19 sight hearings in Ocean City or in the District of the gentle-
20 man from Maryland or in Atlantic City if they get the hotels
21 built in time. We have had field hearings. You have a commit-
22 ment from the Subcommittee Chairman and I think the full
23 Committee Chairman, that we agree in principle with what we
24 are trying to put into the Act, but I do not think that we
25 are going to do it here and come up in the next five minutes

1 with language that will really solve the problem.

2 I ask the full Committee to adopt my amendment with the
3 commitment from the Committee Chairman to go into this in depth.

4 The Chairman. The gentleman from New Jersey.

5 Mr. Hughes. I have a substitute at the desk.

6 The Chairman. The Clerk will report the substitute.

7 Mr. Smith. I do not have a copy.

8 Miss Still. "On page 2, after line 14, insert the follow-
9 ing new section:" --

10 Mr. Hughes. I ask unanimous consent that the amendment
11 be considered read.

12 The Chairman. Is there an objection?

13 (No response.)

14 The Chairman. If there is no objection, so ordered.

15 Mr. Hughes. A one-word change will make clear my intent.

16 I ask under subsection (b) of my amendment, that would be
17 on the last page of the bill, where it says: December 31, 1981,
18 whichever date first occurs, the Administrator may not issue
19 any permits under this title for the transportation of such
20 sewage sludge for the purpose of dumping it into any such
21 waters.

22 What this substitute would do, it would relate back to the
23 definition of harmful dumping, so it makes very clear that we
24 are talking about only certain types of dumping; that is,
25 dumping that will endanger human health, welfare or amenities,

1 or the marine environment, ecological systems or economic
2 potentialities.

3 I think that this particular amendment with the intent
4 that is clearly expressed in this hearing clarifies any con-
5 fusion. That is what we are talking about.

6 Mr. Bauman. Is this a substitute for all the language in
7 the bill, or does it add to it? Does it add it on?

8 Mr. Hughes. It adds the word "such."

9 The Chairman. The Hughes Amendment was adopted in Sub-
10 committee.

11 We are talking about the Breaux Amendment. This is a
12 substitute to the Breaux Amendment.

13 Mr. Bauman. This would nullify what was adopted in the
14 Subcommittee?

15 Mr. Hughes. No; the language would be intact. It would
16 add one word in the language of the bill. That is the word
17 "such," so we make it clear we are only talking about harmful
18 type sewage.

19 Mr. Bauman. Thank you.

20 The Chairman. Would the counsel comment on the substitute?

21 Mr. Kitsos. I believe the substitute addresses itself to
22 the issue that Mr. AuCoin raised in that the 31st cutoff date,
23 maintaining it, would only apply to toxic substances.

24 It still contains the cutoff date in the statute.

25 Mr. Hughes. That is what I want to do. That is what I

1 have been talking about.

2 Mr. Breaux. Let me ask counsel another question.

3 You discussed this also with EPA and they expressed the
4 concern that they may be suffering from lawsuits if they are
5 requested to do something.

6 Mr. Smith?

7 Mr. Smith. I agree with the first part of Mr. Kitsos'
8 answer. It solves the problem of Mr. AuCoin and Mr. Hughes
9 as to what they are trying solve.

10 When you include "such," you create an ambiguity because
11 you are saying to the Administrator that he shall not issue any
12 permits if he finds material is harmful to the marine environ-
13 ment and then you are saying "and he shall not issue any per-
14 mits after December 31, 1981, if he finds the material is harm-
15 ful to the marine environment." It creates an ambiguity to the
16 Administrator as to which date is official.

17 Mr. Hughes. I do not think it creates an ambiguity. It
18 is amazing how lawyers look at something. That is why we are
19 so mixed up in this country.

20 The Chairman. The judges. We could get a judge to
21 interpret this Act the way they did the Marine Mammal Protection
22 Act, and then instead of having no place to dump, we will have
23 to bypass that and we will have five times the problems.

24 Mr. Hughes. I think we agree. I think there are many
25 dumb judges who can look at this and think we are talking about

1 abortion.

2 The Chairman. I will give the gentlemen and the staff
3 until next week to work out language that is acceptable and we
4 will go ahead with some other bills that I do not think are
5 under controversy.

6 Mr. Bauman. Does it not have to be reported or acted
7 upon by May 15?

8 The Chairman. Yes; but we have time on May 11.

9 I would ask that the two gentlemen and the staff endeavor
10 to resolve this problem at that time.

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H. R. 6205

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2 The Chairman. We will now take up H. R. 6205, which is
3 a bill to authorize appropriations for fiscal years 1978, 1979
4 and 1980, to carry out the Atlantic Tunas Convention Act of
5 1975.

6 The International Convention for the Conservation of
7 Atlantic Tunas -- ICCAT -- entered into force and effect on
8 March 21, 1969. There are 16 nations signatory to the Con-
9 vention.

10 The United States ratified the Convention in 1967, but
11 it did not have statutory authority to implement the Conven-
12 tion until August 5, 1975, at which time legislation reported
13 out of this Committee became Public Law 94-70.

14 The Convention came into being as a result of the need
15 to protect the tuna and tuna-like resources of the Atlantic
16 Ocean from being overexploited.

17 The Convention provided for the establishment of a
18 Commission, with each one of the contracting parties to be
19 represented on the Commission by not more than three delegates.

20 The Commission, which is required to meet once biennially
21 is, in general, charged with the responsibility of conducting
22 research on the abundance of the tuna and tuna-like fishes of
23 the Atlantic Ocean and on the effects of natural and human
24 factors upon their abundance.

25 Within the Commission is a Council, consisting of the

1 Chairman and the Vice Chairman of the Commission, together
2 with representatives from not less than four and not more than
3 eight of the contracting parties. The Council meets at least
4 once between biennial meetings of the Commission.

5 The Commission has as one of its purposes to make
6 recommendations, where supported by scientific evidence, to
7 maintain populations of tuna and tuna-like fishes that may be
8 taken in the Convention Area at levels which will permit the
9 maximum sustainable catch.

10 Thus far, the Commission has taken regulatory action with
11 regard to two species of tunas. The recommendations call for
12 a ban on the taking of bluefin tuna weighing less than 3.2
13 kilograms. Also, the recommendations restrict each nation's
14 catch of bluefin to recent levels.

15 Under present law, there is authorized to be appropriated
16 through fiscal year 1977 such sums as may be necessary for
17 carrying out the Act, including necessary travel expenses of
18 the United States Commissioners and advisors authorized to
19 attend official meetings and the United States share of the
20 joint expenses of the Commission.

21 In carrying out its functions under the Act, the State
22 Department has spent about \$40,000 per year for the past
23 several years. The Commerce Department has expended about
24 \$500,000 per year for the past two years in carrying out its
25 functions, which consist primarily of research of the bluefin

1 tuna.

2 The Subcommittee hearings were held on the predecessor
3 legislation, H. R. 4742. That bill merely extended the Act for
4 an additional three years, at the same appropriation author-
5 ization level of existing law.

6 The Subcommittee ordered H. R. 4742 reported to the full
7 Committee with a technical amendment and at the same time
8 ordered a clean bill to be introduced to reflect H. R. 4742, as
9 amended.

10 H. R. 6205, the clean bill, would amend the Act for three
11 years and, in addition, it would redefine the term on
12 "fisheries zone" as used throughout the Act so as to have the
13 same meaning as it does when used in the 200-Mile Fishery
14 Zone Act.

15 The bill was reported by the Subcommittee unanimously
16 and it has the strong support of both the Departments of State
17 and Commerce.

18 The Clerk will read the bill.

19 Mr. Everett. Mr. Chairman, H. R. 6205 is a bill to
20 authorize appropriations for fiscal years --

21 The Chairman. I would ask unanimous consent that the
22 bill be considered as read and open for amendment at any
23 point.

24 There being no objection, it is so ordered.

25 Is there an amendment?

1 Mr. Oberstar. Mr. Chairman?

2 The Chairman. Mr. Oberstar.

3 Mr. Oberstar. The Committee has had hearings and they did
4 a splendid job reviewing it from every aspect. The Chairman
5 stated the case very well. I think the bill ought to be passed
6 and I move the adoption of the legislation.

7 The Chairman. The motion is to adopt H. R. 6205.

8 Those in favor, signify by saying "aye."

9 (Chorus of "aye.")

10 The Chairman. Those opposed, say "no."

11 (No response.)

12 The Chairman. The bill is adopted.

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H. R. 6206

The Chairman. The next bill is H. R. 6206, a bill to authorize appropriations for fiscal years 1978, 1979, and 1980, to carry out the Commercial Fisheries Research and Development Act of 1964.

The Commercial Fisheries Research and Development Act, known as PL 88-309, will expire September 30, 1978.

Section 4(a) of the Act authorizes the Secretary of Commerce to carry out commercial fisheries research and development projects with the states on a 75-25 matching-fund basis in order to promote the commercial fisheries of the United States.

All 50 states and American Samoa, Guam, Puerto Rico, and the Virgin Islands are participating under the Act and it has proven to be a very popular program with the states.

The funds appropriated under the Act are appropriated among the states based on the most recent three-year averages of the value of the raw fish landed and products processed in each state.

Each of the recipient states is assumed a Federal apportionment of at least one-half of one percent and no more than six percent of the funds appropriated each year.

Section 4(a) of the Act authorizes to be appropriated \$5 million per year. The legislation would increase from \$5 million to \$10 million the amount of funds authorized to be

1 appropriated under Section 4(a) for fiscal year 1978, the last
2 year of the program under current law, and it would extend this
3 authorization at the same level for each of fiscal years 1979
4 and 1980.

5 Only \$3.8 million of the \$5 million authorization has been
6 appropriated each year for the past eight years.

7 Section 4(b) of the Act authorizes to be appropriated
8 \$1.5 million per year to assist the states in the form of grants
9 in which there has been a commercial fishery failure due to a
10 resource disaster caused by natural or undetermined factors.

11 After the Secretary of Commerce has determined such a
12 commercial fishery failure has occurred, then she is authorized
13 to make these funds available to the states affected to assist
14 in restoring the affected fishery and for research and develop-
15 ment in order to prevent a similar failure in the future.

16 The legislation would increase the amount of funds
17 authorized to be appropriated under section 4(b) from \$1.5
18 million to \$3 million for fiscal year 1978, and it would extend
19 the authorization at the same level for each of fiscal years
20 1979 and 1980.

21 Approximately \$3.5 million has been appropriated for
22 this purpose over the past ten-year period.

23 Section 4(c) of the Act authorizes to be appropriated
24 \$100,000 per year to be used by the Secretary of Commerce to
25 assist the states in developing new commercial fisheries.

1 No funds have been appropriated under this provision of
2 the Act since its inception.

3 The legislation would increase from \$100,000 to \$500,000
4 the amount of funds authorized to be appropriated for fiscal
5 year 1978, and it would extend this authorization at the same
6 level for each of fiscal years 1979 and 1980.

7 The need for this legislation arises from the fact that
8 there is a backlog of projects submitted by the states awaiting
9 funding.

10 NOAA indicates that this backlog amounts to \$1.6 million.
11 However, based upon a poll of the coastal states conducted at
12 the request of the Subcommittee, of the 19 states heard from
13 so far, there is a backlog of more than \$7.5 million worth of
14 programs the states desire to have funded under Section 4(a).

15 Likewise, under Section 4(b) of the Act, the Secretary
16 has been less than aggressive. No funds have been
17 appropriated since 1974 and there have been many commercial
18 fishery failures occurring each year that would qualify for
19 assistance under this subsection.

20 And with respect to 4(c), to assist in developing new
21 commercial fisheries, opportunities in this area are unlimited.

22 The Subcommittee held hearings on the predecessor legis-
23 lation, H. R. 4576. Testimony was received from witnesses on
24 behalf of the states in strong support of the legislation.
25 Their only caveat was that the increased funding under the Act

1 should be provided for five years rather than three.

2 The Commerce Department supports the extension of section
3 4(a) and 4(b) of the Act at such levels as may be necessary to
4 carry out its purposes, but it opposes the extension of 4(c).

5 The Subcommittee ordered H. R. 4576 reported to the full
6 Committee, with technical amendments and, at the same time,
7 ordered a clean bill to be introduced incorporating the
8 language of H. R. 4576 and the amendments adopted by the Sub-
9 committee.

10 The clean bill, H. R. 6206, was unanimously ordered
11 reported to the Subcommittee.

12 We have a technical amendment that we will offer at the
13 appropriate time.

14 Mr. Oberstar. Mr. Chairman?

15 The Chairman. Mr. Oberstar.

16 Mr. Oberstar. Mr. Chairman, the Subcommittee did hold
17 very extensive hearings. The hearings showed that there is a
18 need for an increase, a very modest increase in funds that this
19 bill does provide and there is a technical amendment which I
20 will ask the clerk to read at this time.

21 Miss Still. On page 2, amend line 6 to read as follows:

22 "(2) by amending subsection (b) up to the first proviso
23 to read as follows:"

24 This is a technical amendment.

25 The underlined language, "up to the first proviso" makes

1 it clear that the language contained in the provisos of sec-
2 tion 4(b) of the Act is not repealed.

3 Mr. Oberstar. It is a minor technical amendment and I
4 move its adoption.

5 The Chairman. The question is on the amendment.

6 All those in favor, signify by saying "aye."

7 (Chorus of "aye.")

8 The Chairman. Opposed, "no."

9 (No response.)

10 The Chairman. The "ayes" have it. The amendment is
11 agreed to.

12 Mr. Oberstar. I move the adoption of H. R. 6206.

13 The Chairman. The question is whether the Committee
14 adopts the bill as amended.

15 Those in favor, signify by saying "aye."

16 (Chorus of "aye.")

17 The Chairman. Opposed, "no."

18 (No response.)

19 The Chairman. The "ayes" have it and the bill is passed.

20 The Committee will meet at 9:30 a.m. on May 11th. We
21 will hear from Mrs. Krebs, Secretary of Commerce, for a
22 presentation first; and then we will go to the final markups
23 on the authorization bills. We must conclude them on that
24 date, if possible.

25 The Committee stands adjourned.

1 (Whereupon, at 12:10 p.m., the Committee recessed, to
2 reconvene subject to the call of the Chair.)
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