

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4496 HCRA HJR 61 - SB 162

68

## REGULATION 3

## DISPOSAL OF GARBAGE OUTSIDE SPECIAL AREAS

Subject to the provisions of Regulations 4, 5 and 6 of this Annex:

(a) the disposal into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags is prohibited;

(b) the disposal into the sea of the following garbage shall be made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than:

(i) 25 nautical miles for dunnage, lining and packing materials which will float;

(ii) 12 nautical miles for food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse;

(c) disposal into the sea of garbage specified in sub-paragraph (ii) of this Regulation may be permitted when it has passed through a comminuter or grinder and made as far as practicable from the nearest land but in any case is prohibited if the distance from the nearest land is less than 3 nautical miles. Such comminuted or ground garbage shall be capable of passing through a screen with openings no greater than 25 millimetres.

When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

## REGULATION 4

## SPECIAL REQUIREMENTS FOR DISPOSAL OF GARBAGE

Subject to the provisions of paragraph (2) of this Regulation, disposal of any materials regulated by this Annex is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources, and from all other ships when alongside or within 500 metres of such platforms.

The disposal into the sea of food wastes may be permitted if they have been passed through a comminuter or grinder on such fixed or floating platforms located more than 12 nautical miles from land and all other ships when alongside or within 500 metres of such platforms. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres.

## REGULATION 5

## DISPOSAL OF GARBAGE WITHIN SPECIAL AREAS

For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area and the "Gulfs area" which are defined as follows:

(a) The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar and the meridian of 5°36'W.

(b) The Baltic Sea area means the Baltic Sea proper with the Gulf of Bothnia and the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8'N.

(c) The Black Sea area means the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41°N.

(d) The Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras al Ane (12°8.6'N, 43°19.6'E) and Husn Murad (12°40.4'N, 43°30.2'E).

(e) The "Gulfs area" means the sea area located north west of the rhumb line between Ras al Hadd (22°30'N, 59°48'E) and Ras al Fasteh (25°04'N, 61°25'E).

(2) Subject to the provisions of Regulation 6 of this Annex:

(a) disposal into the sea of the following is prohibited:

(i) all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags; and

(ii) all other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;

(b) disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land.

(3) When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

(4) Reception facilities within special areas:

(a) The Government of each Party to the Convention, the coastline of which borders a special area, undertakes to ensure that as soon as possible in all ports within a special area, adequate reception facilities are provided in accordance with Regulation 7 of this Annex, taking into account the special needs of ships operating in these areas.

(b) The Government of each Party concerned shall notify the Organization of the measures taken pursuant to sub-paragraph (a) of this Regulation. Upon receipt of sufficient notifications the Organization shall establish a date from which the requirements of this Regulation in respect of the area in question shall take effect. The Organization shall notify all Parties of the date so established no less than twelve months in advance of that date.

(c) After the date so established, ships calling also at ports in these special areas where such facilities are not yet available shall fully comply with the requirements of this Regulation.

## REGULATION 6

## EXCEPTIONS

Regulations 3, 4 and 5 of this Annex shall not apply to:

- (a) the disposal of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or being at sea; or
- (b) the escape of garbage resulting from damage to a ship or equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or
- (c) the accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided that all reasonable precautions have been taken to prevent such loss.

## REGULATION 7

## RECEPTION FACILITIES

The Government of each Party to the Convention undertakes to provide the provision of facilities at ports and terminals for the reception of garbage, without causing undue delay to ships, and according to the needs of the ships using them.

The Government of each Party shall notify the Organization of all cases where the facilities provided under this Regulation are alleged to be inadequate.

This is a true copy of the English text of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, done at London on 2 November 1973, the original of which is deposited with the Secretary-General of the International Maritime Organization.

The Secretary-General of the International Maritime Organization.

*[Handwritten signature]*

Done at London, 19 December 1986.

TRANSMITTED FROM 2027834187

02.03.88 18:46 P.03 \*JSCF

100TH CONGRESS  
1st Session

SENATE

EXEC. RPT.  
100-8

## MARPOL CONVENTION, ANNEX V

OCTOBER 14 (legislative day, OCTOBER 13), 1987.--Ordered to be printed

Mr. PELL, from the Committee on Foreign Relations,  
submitted the following

## REPORT

[To accompany Treaty Doc. 100-8]

The Committee on Foreign Relations, to which was referred Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78), having considered the same, reports favorably thereon without amendment and recommends that the Senate give its advice and consent to ratification thereof.

## PURPOSE

Annex V, entitled Regulations for the Prevention of Pollution by Garbage from Ships, is an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78). The purpose of Annex V is to prohibit (subject to limited exceptions) the disposal from ships into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags. It also restricts the discharge at sea of other types of garbage to specified distances from the nearest land and mandates that reception facilities capable of holding waste from ships be required at ports and terminals.

## BACKGROUND

The discarding of debris as part of normal vessel operations is one of man's oldest pollution practices. Although the Refuse Act of 1899 (33 U.S.C. 403-466 g-1) prohibited the dumping of garbage in rivers and harbors, until recent years there has been no effort to impose sanctions on such practices which occur on the high seas beyond the 3-mile limit.

Since 1899, the type of refuse disposed overboard has changed from degradable materials to waste containing many nondegradable plastic products. In addition to merchant vessels, commercial fishing operations, recreational waste discards, and river runoffs are the major sources through which plastics enter the marine environment.

Exact estimates of the marine plastics problem are unavailable. However, beach surveys and other studies indicate that the problem is widespread. In a 1975 study, the National Research Council of the U.S. National Academy of Sciences estimated that approximately 6.4 million metric tons of trash was discharged into the oceans each year, and of that approximately 0.7 percent or 45,000 tons consisted of plastic garbage. In light of the continuing growth of the plastics industry over the past decade, there is no doubt that, unless checked, even greater quantities of plastic garbage will be dumped into oceans. Recent studies indicate that approximately 40,000 plastic containers are discharged by the world's shipping fleet each day, and each year fishing vessels reportedly dispose at sea approximately 52 million pounds of plastic packaging material and lose more than 298 million pounds of synthetic fishing gear, including nets, lines, and buoys.

A number of studies have documented the large amounts of plastic debris in the marine environment: Benthic sediment surveys off the coast of the United Kingdom showed 2,000 pieces of plastic per square meter, and beach surveys in New Zealand showed even greater concentrations of plastic particles on its beaches. A Mediterranean study revealed 60-70 percent of surveyed debris was plastic and a recent ocean sample of debris in the North Pacific found the level to be higher than 80 percent. Plastic debris is even appearing on the remote shores of Antarctica. Plastics are being used in increasingly greater quantities, and because of their durability remain in the environment longer than most other manmade substances.

Because much of the plastic debris is lightweight and degrades slowly in the marine environment, once discharged it floats at or near the surface for months, years, even decades, and poses hazards to marine mammals, sea birds, turtles, and fish as well as ships. Over time, floating plastic may accumulate attached marine life and sink to the bottom where it can continue to entangle crabs and other benthic marine life indefinitely.

The threat to marine wildlife posed by plastic essentially takes two forms: Entanglement in loops or openings of nets, net fragments, anchor and float lines, ropes, and packing bands; and ingestion of plastic fragments mistaken for natural items of prey, or taken incidentally because they happen to be associated with living prey. Animals which become entangled may exhaust themselves and drown, be slowed to the point of becoming easy prey for other predators or unable to catch fast moving prey, or develop wounds and infections from the abrasion of attached debris. Animals may be poisoned or have digestive tracts blocked or damaged by ingested plastics that are difficult or impossible to excrete, regurgitate, break down, or otherwise eliminate.

Although available information is not sufficient to quantify the number of individual animals affected by plastic debris in oceans,

available information suggests that lost and discarded fishing nets and packing bands may be the primary cause of an ongoing decline in the North Pacific fur seal population. Entanglement in such materials also may be a significant cause of recent declines in the number of endangered Hawaiian monk seals and perhaps certain populations of Steller sea lions and harbor seals in Alaska. It is also clear that many species of seabirds, turtles, sharks, and fish are being affected by plastic debris to varying degrees throughout the world's oceans. Some of these species are listed as endangered and losses due to entanglement or ingestion add an additional factor inhibiting their potential recovery. Other species such as salmon and various crabs are commercially valuable and losses may reduce potential income for fishermen.

Another harmful effect of ship-generated garbage is its appearance on beaches and shorelines. In the United States, trash and debris is a particular problem at the Padre Island National Seashore, where recent studies indicate the majority of debris to be plastics or plastic derivatives. Aside from its aesthetic damage, garbage may physically injure organisms and humans, and physically damage ships and machinery. Occasionally plastic sheets are picked up in water intakes of a ship, and ropes and nets foul propellers resulting in mechanical damage or delay.

The marine environment is capable of absorbing limited and controlled quantities of wastes and, as such, represents an important resource. Careful control of garbage disposal is necessary to ensure that the harm to the marine environment is minimized.

#### MAJOR PROVISIONS

Annex V prohibits the disposal into the sea of all plastics, including synthetic ropes, synthetic fishing nets, and plastic garbage bags. For other nonplastic garbage such as floating dunnage, lining, and packing materials, Annex V would require their disposal beyond 25 miles. For food wastes and all other garbage, "including paper products, rags, glass, metal, bottles, crockery, and similar refuse," Annex V would require disposal beyond 12 miles. However, if these items are ground, they can be disposed of as close as 3 miles offshore. In addition, the annex would prohibit garbage disposal from fixed platforms.

Specifically excluded from coverage are accidentally lost fishing nets. Regulation 6 of Annex V excludes "the accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided that all reasonable precautions have been taken to prevent such loss." However, this regulation does not specify what "reasonable precautions" are.

#### COMMITTEE ACTION

On July 31, 1987, the committee held a public hearing on Annex V. Testimony was received from the following individuals: (1) Senator John H. Chafee; (2) Senator Frank R. Lautenberg; (3) Rear Adm. John W. Kime, Chief, Office of Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Department of Transportation; and (4) Mr. Richard J. Smith, Principal Deputy Assistant

ary for Oceans and International Environmental and Scien-  
fairs, Department of State.

committee considered the treaty at its business meeting on  
ber 24, 1987, and voted 19-0 to report it favorably to the  
for its advice and consent. Ayes: Senators Pell, Biden, Sar-  
Cranston, Dodd, Kerry, Simon, Sanford, Adams, Moynihan,  
Lugar, Kassebaum, Boaschwitz, Pressler, Murkowski, Tribble,  
and McConnell.

#### COST ESTIMATE

Congressional Budget Office has supplied the committee  
e following information on the possible budgetary impact of  
V:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, October 14, 1987.

LAIBORNE PELL,  
an, Committee on Foreign Relations, U.S. Senate, Dirksen  
ate Office Building, Washington, DC.

MR. CHAIRMAN: The Congressional Budget Office has re-  
Treaty Document 100-3, Annex V, regulations for the pre-  
of pollution by garbage from ships, an optional annex to  
8 protocol relating to the international convention for the  
ion of pollution from ships, 1973, as ordered reported by the  
Committee on Foreign Relations, September 24, 1987. CBO  
es that the adoption of this treaty by the United States  
esult in federal costs of about \$1 million over two to three  
hese funds would be used by the U.S. Coast Guard to issue  
ons designed to ensure the availability of garbage reception  
s at U.S. ports and terminals under Regulation 7 of the

sts would be incurred by state or local governments as a  
enactment of this bill.

wish further details on this estimate, we will be pleased to  
them.

best wishes,  
incerely,

EDWARD M. GRAELICH,  
Acting Director.

#### ENTRY INTO FORCE

c V will enter into force 12 months after the date on which  
than 15 States, the combined fleets of which constitute not  
n 50 percent of the gross tonnage of the world's merchant  
s, have become parties to it. Annex V has not yet entered  
e, having been ratified by 27 States representing only ap-  
ately 45 percent of the world's shipping tonnage. U.S. ratifi-  
ould increase the tonnage to 49 percent. The following is a  
he nations that have either ratified or acceded to this

#### RATIFICATIONS

United Kingdom; France; Federal Republic of Germany; Poland;  
Sweden; and Uruguay.

#### ACCESSIONS

Norway; Colombia; Czechoslovakia; North Korea; Denmark;  
Egypt; Finland; Gabon; German Democratic Republic; Greece; Hun-  
gary; Italy; Japan; Lebanon; Oman; Panama; Peru; St. Vincent and  
the Grenadines; Tunisia; Tuvalu; and Yugoslavia.

#### TEXT OF RESOLUTION OF RATIFICATION

*Resolved* (two-thirds of the Senators present concurring therein),  
That the Senate advise and consent to the ratification of Annex V,  
Regulations for the Prevention of Pollution by Garbage from Ships,  
an Optional Annex to the 1978 Protocol Relating to the Interna-  
tional Convention for the Prevention of Pollution from Ships, 1973  
(MARPOL 73/78).

PUBLIC LAW 100-220—DEC. 29, 1987

**UNITED STATES-JAPAN FISHERY  
AGREEMENT APPROVAL ACT OF 1987**

Public Law 100-220  
100th Congress

An Act

Dec. 29, 1987  
[H.R. 3674]

To provide congressional approval of the Governing International Fishery Agreement between the United States and Japan; to implement the provisions of Annex V to the International Convention for the Prevention of Pollution from Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets; and for other purposes.

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

United States-  
Japan Fishery  
Agreement  
Approval Act of  
1987.  
Environmental  
protection.  
16 USC 1801  
note.

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

The contents of this Act are as follows:

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

TITLE I—APPROVAL OF GOVERNING INTERNATIONAL FISHERY  
AGREEMENT WITH JAPAN

- Sec. 1001. Approval of agreement.

TITLE II—PLASTIC POLLUTION RESEARCH AND CONTROL

- Sec. 2001. Short title.  
Sec. 2002. Effective date.  
Sec. 2003. Preemption; additional State requirements.

Subtitle A—Amendments to Act to Prevent Pollution From Ships

- Sec. 2101. Definitions.  
Sec. 2102. Application of Act.  
Sec. 2103. Pollution reception facilities.  
Sec. 2104. Violations.  
Sec. 2105. Civil penalties.  
Sec. 2106. Proposed amendments to protocol.  
Sec. 2107. Administration and enforcement; refuse record books; waste management plans; notification of crew and passengers.  
Sec. 2108. Compliance with international law.

Subtitle B—Studies and Report

- Sec. 2201. Compliance reports.  
Sec. 2202. EPA study of methods to reduce plastic pollution.  
Sec. 2203. Effects of plastic materials on the marine environment.  
Sec. 2204. Plastic pollution public education program.

Subtitle C—New York Bight

- Sec. 2301. New York Bight restoration plan.  
Sec. 2302. New York Bight plastic study.  
Sec. 2303. Reports.  
Sec. 2304. Definitions.  
Sec. 2305. Authorization of appropriations.

TITLE III—MARINE SCIENCE, TECHNOLOGY, AND POLICY DEVELOPMENT

- Sec. 3001. Short title.

0—DEC. 29, 1987

PUBLIC LAW 100-220—DEC. 29, 1987

101 STAT. 1459

Subtitle A—National Sea Grant College Program Authorization

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

Subtitle B—Great Lakes Mapping

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

TITLE IV—DRIFTNET IMPACT MONITORING, ASSESSMENT, AND CONTROL

- Sec. 4001. Short title.
- Sec. 4002. Findings.
- Sec. 4003. Definitions.
- Sec. 4004. Monitoring agreements.
- Sec. 4005. Impact report.
- Sec. 4006. Enforcement agreements.
- Sec. 4007. Evaluations and recommendations.
- Sec. 4008. Construction with other laws.
- Sec. 4009. Authorization of appropriations.

TITLE V—RED TIDE CONTAMINATION

- Sec. 5001. Declaration of disaster.
- Sec. 5002. Provision of assistance.
- Sec. 5003. Recent North Carolina Coast red tide contamination, defined.

## TITLE I—APPROVAL OF GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH JAPAN

### SEC. 1001. APPROVAL OF AGREEMENT.

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

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

16 USC 1823  
note.

erning International Fishery Agreement  
plement the provisions of Annex V to  
ention of Pollution from Ships, 1978; to  
lege Program Act; to improve efforts  
e impacts of driftnets; and for other

House of Representatives of the  
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ted States-Japan Fishery Agree-

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NG INTERNATIONAL FISHERY  
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RESEARCH AND CONTROL

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NOLOGY, AND POLICY DEVELOPMENT

Marine Plastic  
Pollution  
Research and  
Control Act of  
1987.  
33 USC 1901  
note.

## TITLE II—PLASTIC POLLUTION RESEARCH AND CONTROL

### SEC. 2001. SHORT TITLE.

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

### SEC. 2002. EFFECTIVE DATE.

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

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

#### (c) **ISSUANCE OF REGULATIONS.**—

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

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

### SEC. 2003. PREEMPTION; ADDITIONAL STATE REQUIREMENTS.

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

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

## Subtitle A—Amendments to Act to Prevent Pollution From Ships

### SEC. 2101. DEFINITIONS.

33 USC 1901.

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

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

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

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

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

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

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

## POLLUTION CONTROL

### Plastic Pollution Research

in subsections (b) and (c), this section which Annex V to the Convention of Pollution from the United States.

2003, 2108, 2202, 2203, 2204, effective on the date of the

to prescribe regulations effective on the date of enactment

IONS.—Any regulation prescribed under this title shall not be effective before the date of the enactment of this title under which the

### REQUIREMENTS

as provided in this title, shall not be construed to supersede or preempt any State law, either statutory or common law.

Nothing in this title shall be construed to prevent any State from imposing

### Act to Prevent Pollution from Ships

Act to Prevent Pollution from Ships (33 U.S.C. 1901-1905)

(a) This Act shall apply—

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

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

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

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

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

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

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

### SEC. 2102. APPLICATION OF ACT.

33 USC 1902.

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

"(a) This Act shall apply—

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

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

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

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

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

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

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

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

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

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

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

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

### SEC. 2103. POLLUTION RECEPTION FACILITIES.

33 USC 1905.

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

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

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

(3) by adding at the end the following:

"(2) The Secretary, after consulting with appropriate Federal agencies, shall establish regulations setting criteria for deter-

Regulations.

mining the adequacy of reception facilities for garbage at a port or terminal, and stating such additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that such facilities are available, for receiving garbage in accordance with those regulations."

33 USC 1905.

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

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

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

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

"(3) A certificate issued under this subsection—

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

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

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

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

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

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

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

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

(5) by adding at the end the following:

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

33 USC 1907.

#### SEC. 2104. VIOLATIONS.

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

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

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

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

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

ilities for garbage at a port  
ional measures and require  
e such adequacy. Persons in  
l provide reception facilities,  
available, for receiving gar-  
lations."

**TYPES OF SHIPS.**—Section 6(b)  
hips is amended by striking  
d inserting in lieu thereof the  
ng regulations under subsec-  
iking "seagoing ships" and  
; "ships or seagoing ships".

**6(c)** of the Act to Prevent  
d as follows:

or terminal meet the require-  
ntion and the regulations  
e Secretary shall, after con-  
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or terminal meet the require-  
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the Act to Prevent Pollution

y after "(e)";  
g in lieu thereof "(A)";  
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f the Act to Prevent Pollution

(A)";  
(B)";  
fter "(c)";  
agraph (2) (as redesignated),  
his subsection involves a ship,  
registry or nationality or one

operated under the authority of the United States, the" and  
inserting "The"; and

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

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

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

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

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

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

**SEC. 2105. CIVIL PENALTIES.**

**(a) PAYMENT FOR INFORMATION.—**

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

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

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

**SEC. 2106. PROPOSED AMENDMENTS TO PROTOCOL.**

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

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

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

33 USC 1907.

33 USC 1908.

International  
organizations.  
33 USC 1909.

33 USC 1903.

SEC. 2107. ADMINISTRATION AND ENFORCEMENT; REFUSE RECORD BOOKS; WASTE MANAGEMENT PLANS; NOTIFICATION OF CREW AND PASSENGERS.

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

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

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

(1) inserting “(1)” after “(b)”; and

(2) adding at the end the following:

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

Regulations.

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

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

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

International agreements.

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

Reports.

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

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

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

SEC. 2109. COMPLIANCE WITH INTERNATIONAL LAW.

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

33 USC 1912.

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

Subtitle B—Studies and Report

33 USC 1902 note.

SEC. 2201. COMPLIANCE REPORTS.

(a) IN GENERAL.—Within 1 year after the effective date of this section, and biennially thereafter for a period of 6 years, the Secretary of the department in which the Coast Guard is operating, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall report to the Congress regarding compliance with

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Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, in United States waters.

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

Contracts.

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

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

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

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

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

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

42 USC 6981  
note.

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

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

Wildlife.  
Safety.

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

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

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

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

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

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

(B) methods to facilitate the recycling of plastic materials by identifying types of plastic articles to aid in their sorting.

and by standardizing types of plastic materials, taking into account trade secrets and protection of public health;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 2204. PLASTIC POLLUTION PUBLIC EDUCATION PROGRAM.

(a) OUTREACH PROGRAM.—

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SEC. 2301

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#### N PROGRAM.

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

(A) the harmful effects of plastic pollution;

(B) the need to reduce such pollution;

(C) the need to recycle plastic materials; and

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

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

(A) workshops with interested groups;

(B) public service announcements;

(C) distribution of leaflets and posters; and

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

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

Voluntarism.

## Subtitle C—New York Bight

33 USC 2267  
note.

### SEC. 2301. NEW YORK BIGHT RESTORATION PLAN.

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

State and local  
governments.

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

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

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

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

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

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

State and local governments.

(6) devise a schedule of economically feasible projects to implement such technologies and practices and to remove such impediments;

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

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

SEC. 2302. NEW YORK BIGHT PLASTIC STUDY.

Reports.

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

SEC. 2303. REPORTS.

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

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

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

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

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

SEC. 2304. DEFINITIONS.

For purposes of this subtitle—

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

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

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

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

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

SEC. 2305. AUTHOR

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## SEC. 2305. AUTHORIZATION OF APPROPRIATIONS.

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

### TITLE III—MARINE SCIENCE, TECHNOLOGY, AND POLICY DEVELOPMENT

Marine Science, Technology, and Policy Development Act of 1987.  
33 USC 1121 note.

## SEC. 3001. SHORT TITLE.

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

#### Subtitle A—National Sea Grant College Program Authorization

National Sea Grant College Program Authorization Act of 1987.  
33 USC 1121 note.  
Education, Research and development.

## SEC. 3101. SHORT TITLE.

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

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

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

## SEC. 3103. DECLARATION OF POLICY.

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

(1) Subsection (a) is amended—

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

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

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

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

"(B) foster economic competitiveness;

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

"(D) understand global environmental processes; and

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

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

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

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

SEC. 3104. DEFINITIONS.

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

(1) by striking paragraph (2);

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

"(3) the term 'director of a sea grant college' means a person designated by their university or institution to direct a sea grant college, programs, or regional consortium.";

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

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

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

"(B) the Great Lakes;

"(C) the territorial sea;

"(D) the exclusive economic zone;

"(E) the Outer Continental Shelf; and

"(F) the high seas.

"(7) The term 'resource' means—

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

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

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

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

(4) by adding at the end the following:

"(15) The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere."

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

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

(A) Paragraphs (4) and (5) of section 202(a) (as redesignated by section 3103(1)(A) of this subtitle).

(B) Section 202(c).

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

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

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

33 USC 1121.

33 USC 1123.

33 USC 1126.

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

33 USC 1128.

(G) Section 210.

33 USC 1129.

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

33 USC 1123.

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

#### SEC. 3105. CONTRACTS AND GRANTS.

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

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

#### SEC. 3106. SEA GRANT STRATEGIC RESEARCH PROGRAM.

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

##### "SEC. 206. STRATEGIC MARINE RESEARCH PROGRAM.

"(a) GRANT AND CONTRACT AUTHORITY.—The Under Secretary may make grants and enter into contracts to carry out the strategic research program provided for under this section. A grant or contract may cover up to 100 percent of the cost of the research for which the grant or contract is made or awarded.

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

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

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

"(c) CONSULTATION AND CONGRESSIONAL REVIEW.—

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

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

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

Federal  
Register,  
publication.



- (6) may be made for any of the priority areas of research identified in the sea grant strategic research plan in effect under section 206; and
- (7) may be made to recipients of terminal professional degrees, as well as doctoral degree recipients."

#### SEC. 3108. SEA GRANT REVIEW PANEL.

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

(1) Subsection (b) is amended—

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

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

(2) Subsection (c) is amended—

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

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

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

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

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publication.

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

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

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

"(a) IN GENERAL.—The Under Secretary may provide annual grants during fiscal years 1988 through 1990 to institutions eligible under subsection (b) to assist the institutions in achieving the following objectives:

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

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

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

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

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

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

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

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

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

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

SEC. 3110. AUTHORIZATION OF APPROPRIATIONS.

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

“SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

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

- “(1) for fiscal year 1988, not to exceed \$41,500,000;
- “(2) for fiscal year 1989, not to exceed \$50,500,000; and
- “(3) for fiscal year 1990, not to exceed \$51,000,000.

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

- “(1) for fiscal year 1988, not to exceed \$500,000;
- “(2) for fiscal year 1989, not to exceed \$5,000,000; and
- “(3) for fiscal year 1990, not to exceed \$10,000,000.

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

- “(1) for fiscal year 1988, not to exceed \$2,000,000;
- “(2) for fiscal year 1989, not to exceed \$2,500,000; and
- “(3) for fiscal year 1990, not to exceed \$3,000,000.

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

“(e) REVERSION OF UNOBLIGATED AMOUNTS.—The amount of any grant, or portion of a grant, made to a person under any section of this Act that is not obligated by that person during the first fiscal year for which it was authorized to be obligated or during the next fiscal year thereafter shall revert to the Secretary. The Secretary shall add that reverted amount to the funds available for grants under the section for which the reverted amount was originally made available.”

SEC. 3111. SEA GRANT INTERNATIONAL PROGRAM.

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

“SEC. 3. SEA GRANT INTERNATIONAL PROGRAM.

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

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

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

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

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

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

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

- “(A) the Caribbean and Latin American regions;
- “(B) the Pacific Islands region;
- “(C) the Arctic and Antarctic regions;
- “(D) the Atlantic and Pacific Oceans; and
- “(E) the Great Lakes.

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

### Subtitle B—Great Lakes Mapping

#### SEC. 3201. SHORT TITLE.

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

#### SEC. 3202. GREAT LAKES SHORELINE MAPPING PLAN.

(a) PREPARATION OF PLAN.—Not later than nine months after the date of the enactment of this subtitle, the Director, in consultation with the Director of the United States Geological Survey, shall

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Pacific Islands.  
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Great Lakes Shoreline Mapping Act of 1987.  
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33 USC 883a note.

submit to the Congress a plan for preparing maps of the shoreline of the Great Lakes under section 3203.

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

- (1) a work proposal and a division of responsibilities between the National Oceanic and Atmospheric Administration and the United States Geological Survey;
- (2) a time schedule for completion of maps;
- (3) recommendation of funding needed for preparing the maps; and
- (4) an area mapping schedule, with first priority given to shoreline areas subject to a high risk of erosion or flooding.

SEC. 3203. PREPARATION OF GREAT LAKES SHORELINE MAPS.

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

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

(1) shall include—

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

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

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

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

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

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

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

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

- (1) the Army Corps of Engineers;
- (2) the Federal Emergency Management Agency;
- (3) other appropriate Federal agencies;
- (4) the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin;
- (5) appropriate local government units; and
- (6) the general public.

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

- (1) Federal agencies;
- (2) State governments;
- (3) local government units;
- (4) the Government of Canada; and

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(5) the general public.

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

**SEC. 3204. CONTRACT AUTHORITY.**

The Director may, subject to appropriations, enter into contracts and agreements on a reimbursable or cost-sharing basis with other Federal agencies, State governments, local governments, and private entities, to carry out this subtitle.

State and local governments.

**SEC. 3205. DEFINITIONS.**

For purposes of this subtitle—

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

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

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

**SEC. 3206. AUTHORIZATION OF APPROPRIATIONS.**

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

**TITLE IV—DRIFTNET IMPACT MONITORING, ASSESSMENT, AND CONTROL**

**SEC. 4001. SHORT TITLE.**

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

**SEC. 4002. FINDINGS.**

The Congress finds that—

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

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

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

**SEC. 4003. DEFINITIONS.**

As used in this title—

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

Driftnet Impact Monitoring, Assessment, and Control Act of 1987. North Pacific Ocean. 16 USC 1822 note.

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

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

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

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

(A) marine resources found in, or which breed within, areas subject to the jurisdiction of the United States, including the exclusive economic zone of the United States; and

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

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

**SEC. 4004. MONITORING AGREEMENTS.**

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

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

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

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

**SEC. 4005. IMPACT REPORT.**

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

- (1) the number and flag state of vessels involved;
- (2) the areas fished;
- (3) the length, width, and mesh size of driftnets used;
- (4) the number of marine resources of the United States killed by such fishing;

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“driftnet fishing” means a fishing operation in which driftnets are placed in water and used to fish for the purpose of catching fish.

“United States” means the United States, including the Fishery Conservation and Management Act of 1976.

“marine resources” includes fish, shellfish, and other marine resources.

“United States” means the United States, including the Fishery Conservation and Management Act of 1976.

“which breed within the United States” means those species of fish, shellfish, and other marine resources that spawn in the United States.

“United States” means the United States, including the Fishery Conservation and Management Act of 1976.

“United States” means the United States, including the Fishery Conservation and Management Act of 1976.

“Secretary of State” means the Secretary of State, or the Secretary of State’s representative.

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

(6) any other information the Secretary considers appropriate. (b) INFORMATION FROM FOREIGN GOVERNMENTS.—The Secretary, through the Secretary of State, shall—

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

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

Reports.

SEC. 4006. ENFORCEMENT AGREEMENTS.

International agreements.

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

(1) the effective monitoring and detection of violations;

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

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

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

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

SEC. 4007. EVALUATIONS AND RECOMMENDATIONS.

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

(b) ALTERNATIVE DRIFTNET MATERIALS.—The Secretary, in consultation with such other persons as may be appropriate, shall evaluate the feasibility of, and develop appropriate recommenda-

tions for, the use of alternative materials in driftnets for the purpose of increasing the rate of decomposition of driftnets that are discarded or lost at sea.

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

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

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

- (1) the evaluations and recommendations developed under subsections (a), (b), (c), and (d);
- (2) the most effective and appropriate means of implementing such recommendations;
- (3) any need for further research and development efforts and the estimated cost and time required for completion of such efforts; and
- (4) any need for legislation to provide authority to carry out such recommendations.

**SEC. 4008. CONSTRUCTION WITH OTHER LAWS.**

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

**SEC. 4009. AUTHORIZATION OF APPROPRIATIONS.**

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

North Carolina.

**TITLE V—RED TIDE CONTAMINATION**

**SEC. 5001. DECLARATION OF DISASTER.**

Notwithstanding any other provision of law, rule, or regulation, upon the date of the enactment of this Act, the Administrator of the Small Business Administration shall declare the recent North Carolina coast red tide contamination a disaster for purposes of section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

**SEC. 5002. PROVISION OF ASSISTANCE.**

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

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

**SEC. 5003. RECENT NORTH CAROLINA COAST RED TIDE CONTAMINATION DEFINED.**

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

Approved December 29, 1987.

**LEGISLATIVE HISTORY—H.R. 3674:**

HOUSE REPORTS: No. 100-489 (Comm. on Merchant Marine and Fisheries).  
CONGRESSIONAL RECORD, Vol. 133 (1987):

Dec. 18, considered and passed House.

Dec. 19, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 23 (1987):

Dec. 29, Presidential statement.

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STATE OF ALASKA  
THE LEGISLATURE

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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House C+RA 3-23-87 3:00p.m.



# Alaska State Legislature

## House of Representatives

### Committee on Community & Regional Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4833

#### M E M O R A N D U M

To: Representative Niilo Koponen

From: Representative Henry Springer, Chairman  
Community and Regional Affairs Committee *HS*

Subject: HR 5 - Local Effects of State Budget Cuts

Date: February 5, 1988

Following is information on HR 5, per your request, for your work on the Economic Recovery Committee.

HR 5, initiated by the House Community and Regional Affairs Committee on March 5, 1987, reflects the concern of the Committee about the financial situation in municipalities.

While the Administration is passing on reductions in services and financial assistance to communities, there is no process or method to assess the total impact of all those reductions on any given community. Many of the community residents do not have the ability to cope with the situation on such short notice.

This Resolution requests that the Governor "prepare a comprehensive fiscal analysis of the cumulative effect" of the reduction on total state expenditures on local communities to give an accurate and total picture of their financial situation relative to these programs.

Thank you for your interest and concern. Please do not hesitate to contact me for further information.

HR5.SPR

# HOUSE COMMITTEE REPORT

(4) HR 5

(5)

Date referred: 3/18/87

FURTHER REFERRALS: Finance

DATE: 3/23/87

The Community and Regional Affairs Committee has considered HR 5

Relating to the effect of budget reductions on local governments.

**RECOMMENDS:**

- replace with \_\_\_\_\_  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

**SIGNING OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
*Bette Cato* Cato  
 \_\_\_\_\_  
*Jim Zawacki* Zawacki  
 \_\_\_\_\_  
*Adelbert Herrmann* Herrmann  
 \_\_\_\_\_  
*Heinrich Springer* Springer  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Springer *Heinrich Springer*  
 Chairman's signature

# STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

③  
HR 5

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : \_\_\_\_\_  
 Title : Relating to the Effect of Budget  
 Reductions on Local Governments  
 \_\_\_\_\_  
 Sponsor : House Comm. & Res. Affairs Committee  
 Requestor : Representative H. Springer  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Office of the Governor  
 BRU : Office of Management and Budget  
 \_\_\_\_\_  
 Components : Policy  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Because of staff workloads at the present time, a comprehensive fiscal analysis of the kind requested cannot be prepared by the Resolution's stated deadline of April 16, 1987. Certain summary information (e.g., comparing FY 86 actual, FY 87 revised and FY 88 Governor's revised levels of operating budget funding for agencies, and for formula programs by department) can be provided within this timeframe. A comprehensive analysis, however, will require the effort of approximately one full-time position for six months.

Prepared by : Jack Furumli Phone : 465-3568  
 Division : Division of Policy, Office of the Governor Date : 3/26/87  
 Approved by Commissioner : Marj Halloran CRK Date : 3/26/87  
 Agency : Division of Policy, Office of the Governor

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

C R A

Would appreciate comments  
by 4 PM today (Tues 3/17)  
to Terry.

Yes.

① HR

Budget  
Reductions

5-0891A

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL  
AFFAIRS COMMITTEE

2 HOUSE RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the effect of budget re-  
6 ductions on local governments.

7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

8 WHEREAS the state and each of its communities are engaged in a cooper-  
9 ative effort to provide basic services to the residents of the state in the  
10 most effective manner; and

11 WHEREAS during the recently ended period of high oil revenue the state  
12 shared its wealth with local communities on an unprecedented scale and thus  
13 helped ease the fiscal problems that faced local governments at that time;  
14 and

15 WHEREAS local governments were encouraged by the state's revenue  
16 sharing policies and capital expenditures to expand levels of public ser-  
17 vice; and

18 WHEREAS the years of capital expenditures have created dependence in  
19 our communities on amenities such as roads, water systems and sewers, power  
20 plants, fire halls, clinics, schools, and community buildings that require  
21 public funds for their maintenance; and

22 WHEREAS state operating budget expenditures have also created vul-  
23 nerability in those segments of our society that have been most dependent  
24 on federal, state, and municipal services, most notably AFDC households and  
25 senior citizens; and

26 WHEREAS the state and local governments have already experienced the  
27 termination of federal revenue sharing and a marked reduction in federal  
28 domestic assistance; and

29 WHEREAS many traditional support mechanisms are no longer in

1 local service delivery systems are having difficulty meeting the additional  
2 service requirements; and

3 WHEREAS the budget proposed by the Governor reflects a shift by state  
4 agencies of program and service responsibilities to other levels of govern-  
5 ment without a proper consideration of the cumulative effect of that shift  
6 on local governments and communities; and

7 WHEREAS state agency budget reductions relative to the reduction in  
8 associated "flow-through" funding are not being proposed in an equal or  
9 equitable manner; and

10 WHEREAS principles of self-determination as well as the Alaska Consti-  
11 tution require the legislature to provide for the performance of services  
12 with maximum local participation and responsibility; and

13 WHEREAS the proposed reduction in the operating budget of the state  
14 will result in a direct reduction of local government services and an  
15 increase in local taxation; and

16 WHEREAS local governments of the state understand that the current  
17 contraction of the economy will cause a reduction in the operating budget  
18 of the state, the local governments should not be expected to assume a  
19 larger share of the burden than state agencies;

20 BE IT RESOLVED that the House of Representatives respectfully requests  
21 the Governor to prepare a comprehensive fiscal analysis of the cumulative  
22 effect of agency program and pass-through budget reductions on the local  
23 communities in the state; and be it

24 FURTHER RESOLVED that the Governor is respectfully requested to pre-  
25 pare and deliver this analysis to the House of Representatives by April 16,  
26 1987.

27  
28  
29

S B

25



STATE OF ALASKA  
THE LEGISLATURE

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JUNEAU, ALASKA 99811  
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House C+RA

3-23-87

3:00 p.m.

# HOUSE COMMITTEE REPORT

Date referred: 2/27/87

FURTHER REFERRALS: Transportation

DATE: 03/23/87

The Community and Regional Affairs Committee has considered SB 25 am

"An Act providing a special assessment for private airports open for public use; and providing for an effective date."

**RECOMMENDS:**

- replace with \_\_\_\_\_  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

**SIGNING OTHER RECOMMENDATIONS:**

Coto Bette Coto

Zawacki Jim Zawacki

Springer Heinrich Springer

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Herrmann Adelheid Herrmann No Rec.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Springer Heinrich Springer  
Chairman's signature



(6) SB 25 am

<sup>25</sup>  
SB ~~22~~ "An Act providing a special assessment for private airports open for public use; and providing for an effective date."

~~Mr. Bennett~~  
Mister Chairman, members of the committee, for the record my name in Charles Christensen. I am an aide to Senator Bennett, the sponsor of this bill.

~~Senator Bennett introduced this bill after being contacted by~~  
~~constituents in the Fairbanks area who are concerned~~ about the decline of our local general aviation airports. *... a very important*

The problem is simple. State law permits a borough to levy property taxes. (AS 29.45.010). It further provides that local government must assess land at its full and true value. (AS 29.45.110(a)). This is defined as the estimated price which the property would bring on the open market. The law provides only two exceptions to the rule requiring assessment of real property at its full and true value. The first of these is for property affected by a natural disaster. (AS 29.45.230). The second is for certain agricultural land, which must be assessed at its value for farm use, rather than its true value for some other use, such as subdivisions. (AS 29.45.060.)

Much like farms, airports require a large area of land which is frequently more valuable on the open market if it were put to a

different use. Like farms, airports cannot generate the same kind of income per square foot for their owners as can a shopping mall or a housing project. Thus, farmers, like airport operators, frequently cannot afford to pay true value tax assessments out of the low income their land actually produces. The reason state law makes an exception for farm land is because to do otherwise would encourage people to turn farms into subdivisions and businesses, and this is considered bad public policy.

The philosophy behind SB <sup>25</sup> ~~4~~ is that it is also bad public policy to encourage the closure and development of airport land. I do not need to tell the members of this committee about the importance of aviation to Alaska. What I will tell you is about the significance of private airports to aviation. In Fairbanks, for example, we have <sup>Alaska</sup> ~~one~~ <sup>only</sup> one publically owned airport, and seven privately owned airports which are open to the public. The <sup>of</sup> privately owned airports handle about one half of the general aviation traffic in the area, all of which would go to our international airport if the private airports were to close. Al Crook, the FAA's district manager for general aviation, has stated that he favors the continued operation of these private airports, because they relieve air traffic at the international airport, from which all major commercial aircraft operate. Cutting down light traffic at the international airport, of course, enhances safety and reduces public expenditures <sup>for general</sup> ~~on the~~ airport.

Unfortunately, high tax assessments are hurting the small private airports. Metro Field, for example, our largest private airport, has its future in doubt because of high taxes which make its economic viability as an airport marginal at best.

In answer to this problem, SB ~~41~~<sup>5</sup> gives municipalities the authority to assess privately owned airports at their true value for airport use. An airport must be open to the public, and it must be of benefit to the public or the municipality. Most importantly, the bill does not mandate that private airports be assessed at their value as an airport. Instead, it merely gives local governments the authority to decide if it is in the best interest of the community to value airport land as such, rather than valueing it simply as real estate ripe for development.

~~5~~  
5

SB 25am

BILL WORKSHEET

Bill #: SB 25am  
Date Sched.: HCRA Committee, Monday, March 16, 1987  
Title: "An Act Providing a special assessment for private airports open for public use"  
Sponsors: Sen. Bennett

Info Attached: Copy of Bill  
Fiscal Note  
History of Bill Action  
Documentation from Senate: article from Fairbanks News Miner

**Sponsor's Briefing, Intent/purpose:**

To encourage continued use of private airfields in urbanizing areas. Property taxes threaten continued existence of such airfields. The bill would allow municipalities the option of extending tax relief to private airports which are open to the public. The bill would permit such fields to be taxed at their value as an airfield.

**Effect of Bill:**

The bill is a local option which municipalities may exercise if they so choose. The airfields most likely to be affected are those already in use as quasi-public strips. Since there is a liability and inconvenience factor for the owners of such property, they are or will most likely become commercial type operations.

**Fiscal Impact:**

0 (Zero)

**Proponents:**

**Opponents:**

**Analysis of Bill's effect, by staff:**

As above. The committee may wish to add language which clearly indicates that by issuing the tax certification the municipality assumes no liability for certifying the condition of the airfield for public use.

**Committee Report:**

SB 25 am

③ SB 25 am

Backup from  
Sponsor ?  
Senate  
3/12/87

*Editorial Opinion and Comment of*



**Daily News - Miner**

*"Independent in All Things . . . Neutral in None"*

Other opinions expressed on this page do not necessarily reflect those of the Daily News-Miner.



**Airfield options**

Private airports face an uncertain future in urbanizing areas such as Fairbanks.

Because these airports require lots of land in comparison to the income they can earn, property taxes can threaten their very existence.

A bill being introduced in the legislature by Sen. Don Bennett (R-Fairbanks) would allow local governments to give a property tax break to private airports that are open to the public. Rather than a break, it would be more of a just tax considering their value to the communities they serve. At present, state law prohibits municipalities like the Fairbanks North Star Borough from offering such tax breaks except to farmland.

Private airports make an important contribution to Alaska aviation. Among other things, they help draw light planes away from major government-run airports that serve airliners and other heavy aircraft. Anything that separates small planes from their bigger brothers increases the safety and convenience of all air travelers.

In addition, they reduce the need to expand government-run airports, reducing the demands on the public purse.

Bennett's bill would not *require* tax relief for private airports; it would only allow such relief. The choice would be up to the local government, just as it should be. And the tax break could be extended only to private airports open to the public.

This bill would cost the state nothing while providing an important and useful option to local government in Alaska. We hope it passes.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

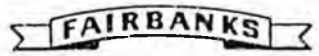
SB 25am

③ SB 25am

6—Fairbanks Daily News-Miner, Fairbanks, Alaska Jan. 16, 1987

Backup from  
Sponsor ?  
Senate  
3/12/87

*Editorial Opinion and Comment of*



**Daily News - Miner**

*"Independent in All Things. Neutral in None"*

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This bill would cost the state nothing while providing an important and useful option to local government in Alaska. We hope it passes.

No 25

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_  
Revision Date: Original  
Title: Special Assessment for private airports open for public use...  
Sponsor: Bennett  
Requestor: Senator Jones

Bill Version: SB 25  
Publish Date: 2-4

Agency Affected: DOT&PF  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This Bill will not impact DOT&PF. All duties, authorities and responsibilities rest with the municipality and the owner of the airport.

Prepared by: Ron B. Lind Phone: 465-2171  
Division: Plans, Programs and Budget Date: \_\_\_\_\_

Approved by Commissioner: [Signature] Date: 1/30/87  
Agency: Department of Transportation and Public Facilities

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)
  - Senate Secretary

SB

162



STATE OF ALASKA  
THE LEGISLATURE

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907.465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House C+RA

5-6-87

3:00p.m.

HOUSE COMMITTEE REPORT

6 CSSB 162 (C&RA) am

(5)

Date referred: 5/4/87

FURTHER REFERRALS: Finance

DATE: 05/06/87

The Community and Regional Affairs Committee has considered CSSB 162 (C&RA) am

"An Act relating to fisheries business tax refunds to local government; and providing for an effective date."

RECOMMENDS:

- [ ] replace with ... [ ] the same title
[ ] attached amendment(s) [ ] a new title
[XX] do pass
[ ] do not pass
[ ] no recommendation
[ ] individual recommendations
[ ] additional referral to the ... Committee

ADOPTS: [ ] letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [ ] fiscal impact [ ] same as previous fiscal note published ...
[ ] zero fiscal note
[ ] zero with analysis [XX] same as previous (4) zero fiscal note published ...

SIGNING DO PASS:

Handwritten signatures: Heinrich Springer, Cato, Collins, Herrmann

SIGNING OTHER RECOMMENDATIONS:

Blank lines for signing other recommendations

Handwritten signature of Heinrich Springer, Chairman's signature



② CS SB 162  
(CRA) am

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST \_\_\_\_\_

Bill Version: SB 162  
Publish Date: \_\_\_\_\_

Revision Date: 3/10/87  
Title: An Act relating to fisheries  
business refunds to local governments  
Sponsor: Zharoff  
Requestor: \_\_\_\_\_

Agency Affected: Revenue  
BRU: Audit  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
<b>OPERATING</b>						
PERSONAL SERVICES	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
TRAVEL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
CONTRACTUAL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
SUPPLIES	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
EQUIPMENT	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
LANDS & STRUCTURES	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
GRANTS, CLAIMS	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
MISCELLANEOUS	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
<b>TOTAL OPERATING</b>	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
<b>CAPITAL</b>	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
<b>REVENUE</b>	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

FUNDING: (Thousands of Dollars)

GENERAL FUND	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
FEDERAL FUNDS	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
OTHER	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
<b>TOTAL</b>	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: See attached.

Prepared By: Steven E. Kettel *Steve E. Kettel*  
Division: Audit

Phone: 465-2320  
Date: 3/10/87

Approved by Commissioner: *[Signature]*  
Agency: \_\_\_\_\_

Date: 3/18/87

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

142

3 CS SB 162  
(CIRA) am

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Revision Date: \_\_\_\_\_

Title: Relating to Fisheries Business Tax  
Refunds to Local Government

Sponsor: Zharoff

Requestor: \_\_\_\_\_

Bill Version: SB 162

Publish Date: \_\_\_\_\_

Agency Affected: Revenue

BRU: Research

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Robert Elliott *RE*

Division: Research Section

Phone: 465-2173

Date: 2/12/87

Approved by Commissioner: [Signature]

Agency: \_\_\_\_\_

Date: 3/12/87

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)
  - Senate Secretary

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST \_\_\_\_\_

Bill Version: SB 162

Publish Date: \_\_\_\_\_

Revision Date: 3/10/87

Agency Affected: Revenue

Title: An Act relating to fisheries  
business refunds to local governments

BRU: Audit

Sponsor: Zharoff

Components: \_\_\_\_\_

Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
<b>OPERATING</b>						
PERSONAL SERVICES	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
TRAVEL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
CONTRACTUAL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
SUPPLIES	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
EQUIPMENT	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
LANDS & STRUCTURES	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
GRANTS, CLAIMS	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
MISCELLANEOUS	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
<b>TOTAL OPERATING</b>	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
<b>CAPITAL</b>	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
<b>REVENUE</b>	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

FUNDING: (Thousands of Dollars)

GENERAL FUND	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
FEDERAL FUNDS	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
OTHER	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
<b>TOTAL</b>	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: See attached.

Prepared By: Steven E. Kettel  
Division: Audit

Phone: 465-2320  
Date: 3/10/87

Approved by Commissioner: [Signature]  
Agency: \_\_\_\_\_

Date: 3/18/87

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

Fiscal Note Analysis  
Senate Bill 162  
Prepared 3/10/87

The communities of Sand Point, King Cove, Akutan, False Pass and Nelson Lagoon will soon be incorporating to form a new borough within the state. AS 43.75.130(a) currently provides that to each unified municipality and to each city located within an unorganized borough, 50 percent of the amount of fisheries business tax revenue collected in the municipality will be refunded by the commissioner of revenue to these agencies. The cities named above have in past years received this 50 percent share. However, when a city lies within an organized borough, the city and the borough each receive a 25 percent share. Therefore, in order to phase in an anticipated reduction in shared revenues to these areas, SB 162 amends AS 43.75.130 by adding a new subsection (d) to minimize the revenue impact on the impacted cities.

AS 43.75.130(d) provides that the commissioner of revenue shall pay to each city in a borough that is incorporated after the effective date of this Act: 45 percent of the taxes collected during the calendar year in which incorporation occurs; 40 percent of the taxes collected during the first calendar year following the year of incorporation; 35 percent of the taxes collected during the second calendar year; and 30 percent of the taxes collected during the third calendar year.

Subsection (d) also provides that the commissioner shall pay to each borough that is incorporated after the effective date of this Act: 5 percent of the taxes collected during the calendar year in which the borough is incorporated; 10 percent during the first calendar year after incorporation; 15 percent during the second calendar year; and 20 percent during the third calendar year.

The Act is to take effect immediately under AS 01.10.070(c).

142

③ CS SB 162  
(CERA) am

# STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

REQUEST: \_\_\_\_\_

Revision Date: \_\_\_\_\_

Title: Relating to Fisheries Business Tax  
Refunds to Local Government

Sponsor: Zharoff

Requestor: \_\_\_\_\_

Bill Version: SB 162

Publish Date: \_\_\_\_\_

Agency Affected: Revenue

BRU: Research

Components: \_\_\_\_\_

### EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE		-0-	-0-	-0-	-0-	-0-

### FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

### POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

### ANALYSIS : (Attach a separate page if necessary)

Prepared by: Robert Elliott *RE*

Division: Research Section

Phone: 465-2173

Date: 3/12/87

Approved by Commissioner: [Signature]

Agency: \_\_\_\_\_

Date: 3/12/87

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)
  - Senate Secretary

143

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

(4) CS SB 162  
(Ct. RA) am

Bill Version: AB HB 162  
Publish Date: \_\_\_\_\_

REQUEST: \_\_\_\_\_  
Revision Date: \_\_\_\_\_  
Title: An Act relating to fisheries  
business tax refunds to local gov't  
Sponsor: Senator Zharoff  
Requestor: Senate L & C Committee

Agency Affected: Community & Regional Affs.  
BRU: Local Government Assistance  
Components: Statewide Assistance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS :

[Empty box for analysis]

Prepared by: Michael Cushing, Planner  
Division: Municipal & Regional Assistance

Phone: 465-4750  
Date: 3/16/87

Approved by Commissioner: David G. Hoffmann  
Agency: Community & Regional Affairs

Date: 3-16-87

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)
  - Senate Secretary

144

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

5 CSSB 162  
(CIRA) am

REQUEST \_\_\_\_\_

Bill Version: SB 162  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: An act relating to fisheries  
business tax refunds to local gov't  
Sponsor: Zhareff  
Requestor: Senate Labor & Commerce

Agency Affected: Revenue  
RPU: Administrative Services  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS:

There is no measurable administrative impact on this division.  
The accounting for shared taxes will be made slightly more complex.

Prepared By: Ervin B. Jones  
Division: Administrative Services

Phone: 465-2313  
Date: 3/17/87

Approved by Commissioner: [Signature]  
Agency: Revenue

Date: 3/18/87

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary



# Alaska State Legislature

## House of Representatives

### Committee on Community & Regional Affairs

⑦  
CSSB 162 (CRA) am

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4833

#### MEMORANDUM

To: All Members  
House Community and Regional Affairs Committee

From: Committee Staff

Date: May 6, 1987

Subject: CSSB 162 (CRA)am "Raw fish tax; local government refunds"

The attached measure, proposed for consideration at today's committee meeting is essentially the same as HB 226. Our committee passed HB 226 on April 9, 1987 with a recommendation of 5 do pass.

The two differences in the two bills are highlighted in the Senate version (enclosed). The first change is a simple language clarification, page 2, line 1. The second change adds a section, page 3, lines 2-5. The section added by the Senate was suggested to our committee as an amendment. The suggestion was not acted upon since existing law already permits such an intergovernmental transfer of funds.