

LIABILITY WITHOUT FAULT

Further, the requirement of these provisions as now written is applicable in all instances except where the discharge was due to an act of God. I do not believe it just, in a case of a collision to penalize the owner or operator of a vessel not at fault, for the discharge of any oil which might occur as a consequence of the collision. Yet, as I interpret the provisions of these acts, this could be the case.

In certain situations, however, it would be practicable for the owner or operator of a vessel or shore installation to remove oil discharged into or upon navigable waters, and here I cite the example of our cleanup efforts in Baltimore Harbor as a practical method of oil removal at reasonable cost.

In my opinion we need to strike a reasonable balance between a situation such as we have in Baltimore on a routine basis and a situation where there is a gross spillage on the open sea or unsheltered waters where it is impractical to remove the oil and where any and all efforts to do so will result in astronomical costs.

Now, Mr. Chairman, it is very easy to criticize and find fault. I sat down and tried to write some alternate wording. I found it more difficult than I expected. I have a suggestion here and I am not very proud of it, but I will read it.

SUGGESTED OPTION OF CLEANUP COST PAYMENT OR LIABILITY FOR DAMAGES

As a suggestion, could you not so word the statutes as to give the owner or operator of a vessel or shore installation, responsible and at fault for an oil spill, and I emphasize that, the option of either paying the cleanup costs or being held liable for the damages resulting from the spill, with the Government filing suit in behalf of all claimants? Even in this situation due regard should be given to the national interests of the United States. Specifically, I have in mind our merchant marine. In our zeal to control oil pollution, we must avoid any action which would further weaken this vital segment of our national economy.

PUBLIC VESSELS AND SHORE INSTALLATIONS

I note that the definition of public vessel or public shore installation includes United States and State owned. If municipally owned vessels and shore installations are not considered to be "State owned," I request that the definition be extended to include them also, since one of our more recent oil spills in Baltimore Harbor was caused by a broken fuel line in a city school some five miles distant from the waterfront.

UNIFORM PENALTY PROVISIONS

It is recommended that the penalty provisions in both bills be made uniform. In this regard I prefer the wording set forth in H.R. 15906 to the wording contained in S. 2760, except I am in full agreement with the latter in the application of penalties to shore installations.

RECOMMEND PASSAGE OF H.R. 15906 AND S. 2760 AFTER MODIFICATION

Subject to the foregoing comments, I consider the provisions of H.R. 15906 and S. 2760 to be sound and just, and I would recommend passage of the bills after modification.

Mr. McCARTHY. Thank you very much, Captain.