The Brussels Convention of 1957 was brought before the Committee on Commerce of the U.S. Senate in bills S. 2314 and S. 556 during the 2d session of the 87th Congress in July, 1961 and in the 88th Congress, as an act entitled "Shipowners' Limitation of Liability Act, 1962," and reported with amendment in June, 1962, Report No. 1603, Calendar No. 1563. The Maritime Law Association at that time urged that the Brussels Convention of 1957 be made the law of this nation as set forth in bills S. 2314 and S. 556. However such bills were not enacted into law.

Thereafter, in 1966, adoption of the Brussels Convention, 1957, into our law was again proposed to the Committee on Commerce, U.S. Senate, by bill S. 3251 at which time the MLA affirmed its continued view that the provisions of the convention be enacted into law (see resolution attached as Appendix A).

This Special Committee is authorized again to urge that the provisions for limitation of shipowners' liability contained in the Brussels Convention of 1957, be made the law of this land.

At no time when the above bills were under consideration did the government take the position that shipowners should be deprived of their right to limit liability with respect to property damage. Bill 14000 as presently proposed is the only known attempt to deprive shipowners of such right.

Thus it can be seen that the change in law as now proposed by bill 14000 would be a drastic step not in harmony with maritime history as to limitation of liability.

Based upon realistic considerations, including the need for attracting private capital to support shipping in foreign and domestic commerce and the preservation and continuity of our merchant marine as a national asset, the proposed bill should clearly preserve shipowners' right to limit liability.

III. MLA'S SUGGESTED MODIFICATIONS OF H.R. 14000

Attached hereto is a redraft of Section 19 of H.R. 14000. It will be noted that the redraft embodies a number—but by no means all—of the suggestions which were incorporated in a redraft prepared by the API, and a number of other changes which are being urged by the MLA. We give you below our comments, keyed into the sections of our redraft, concerning changes suggested by the MLA:

SEC. 19. (a) (1) The addition of the adjective "persistent" is made to bring this legislation into line with the coverage of the IMCO convention which is now being worked out.

(2) and (3) It seems clearer to define "owner" and "operator" separately and somewhat more explicitly.

(11) Since the word "immediately" is used in the proposed bill it seems to us helpful to include a definition.

SEC. 19. (b) Oil discharges resulting from Acts of God, war and sabotage should obviously not be considered unlawful.

SEC. 19. (d) The phrase "causes the discharge" is considerably broader in its scope than the word "discharges" and, when combined with the adverb "negligently" makes it clear that *any* vessel or shore installation which negligently causes such discharge is subject to the fine even though it may not be the actual source of the discharge. Consideration could, perhaps, also be given to broadening the scope even further so that the penalty would be personal and include "any person."

SEC. 19. (e) The addition of the phrase "which negligently discharges or permits, causes or contributes to the discharge of oil" is considerably broader in scope than the original language and properly puts the burden on the "culprit" (a word used in the course of these hearings) to clean-up the results of his negligence. The word "shall" makes it clear that the Government must act in situations where the negligent owner fails to act, and the addition of the phrase "or other person whose negligence caused or contributed to such discharge of oil" makes it clear that it is the culprit who has to pay the reasonable costs of the clean-up operation performed by the Government.

The exclusion of the phrase "notwithstanding any other provision of law" is essential to preserve the rights of vessel owners and shore operators, and to eliminate the very real probability that the bill as originally drafted would, by creating uninsurable risks, result in the legislation being self-defeating, since without insurance many shipowners would not be able to meet the obligation to pay clean-up costs. (See Transcript page 446). See also the discussion in sec-