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FISHERY LEGISLATION

GOVERNMENT

DOCUMENTS

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON OCEANS AND ATMOSPHERE

OF THE

COMMITTEE ON COMMERCE

UNITED STATES SENATE

NINETY-SECOND CONGRESS

FIRST SESSION

ON

S. 1242, 1322, 2191, 2437, 2764, H.R. 3304,
and H.R. 7117, Fishery Legislation

NOVEMBER 22 AND 24, 1971

Serial No. 92-42

Printed for the use of the Committee on Commerce

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U.S. HOUSE OF REPRESENTATIVES

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FISHERY LEGISLATION

MONDAY, NOVEMBER 22, 1971

U.S. SENATE,
COMMITTEE ON COMMERCE,
SUBCOMMITTEE ON OCEANS AND ATMOSPHERE,
Washington, D.C.

The subcommittee met, pursuant to call, at 10 a.m., in room 1114, New Senate Office Building, Hon. William B. Spong, Jr., presiding.
Present: Senators Spong, Hatfield, and Stevens.

OPENING STATEMENT BY SENATOR SPONG

Senator SPONG. The hearing will come to order.

This morning marks the beginning of several days of hearings on general fisheries legislation before the Oceans and Atmosphere Subcommittee of the Senate Committee on Commerce.

Although there are seven bills before us today, several of them are similar in intent. Six specifically relate to the Nation's commercial fisheries, and the seventh deals with an area in which there is a dual commercial sports fishing interest.

We will not examine these measures in order or by subject but will consider all of them during the 2 days of scheduled hearings, thus enabling witnesses to testify on any or all bills.

The matters for consideration this morning are as follows:

S. 1242 and H.R. 7117, to amend the Fishermen's Protective Act of 1967 to provide for reimbursement for certain expenses incurred as the result of the unlawful attempted seizure or seizure of U.S. fishing vessels. This matter is a matter of timely interest in light of the large number of Ecuadorian seizures of American-flag tuna vessels in recent weeks.

S. 2191 and H.R. 3304, to also amend the Fishermen's Protective Act. These proposals are designed to make more effective the conservation of our fishery resources.

S. 2437 would authorize a program for the development of fishery resources in the Central, Western, and South Pacific Ocean.

S. 2764, to establish programs for protection of marine fish cultural industries against dissemination of diseases, and S. 1322, to provide excess storm loss reinsurance for commercial fishing fleets.

At this point in the record we will insert the actual bills in full text followed by the agency comments which demonstrate interest in the proposals.

(The bills and agency comments follow:)

Staff member assigned to these hearings: John Wedin.

92^D CONGRESS
1ST SESSION

S. 1242

IN THE SENATE OF THE UNITED STATES

MARCH 16, 1971

Mr. TUNNEY (for himself and Mr. CRANSTON) introduced the following bill;
which was read twice and referred to the Committee on Commerce

A BILL

To amend the Fishermen's Protective Act of 1967 to provide for reimbursement for certain expenses incurred as the result of the unlawful attempted seizure or seizure of United States fishing vessels.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 6 of the Fishermen's Protective Act of 1967 is
4 amended to read as follows:

5 "SEC. 6. There are appropriated, out of any money
6 in the Treasury not otherwise appropriated, such sums as
7 may be necessary to make reimbursements and payments in
8 accordance with sections 3 and 7 of this Act."

II

1 SEC. 2. (a) Section 7 (a) of such Act is amended to
2 read as follows:

3 “(a) Such agreement shall provide that, if a foreign
4 country attempts to seize such vessel (on the basis of rights
5 or claims in territorial waters or the high seas which are
6 not recognized by the United States and when there is no
7 dispute of material facts with respect to the location or activ-
8 ity of such vessel at the time of such attempt), or if such
9 vessel is seized by a foreign country and detained under the
10 conditions of section 2 of this Act, the Secretary shall guar-
11 antee—

12 “(1) the owner of such vessel for all actual costs,
13 except those covered by section 3 of this Act, incurred
14 by the owner, during the period of attempted seizure or
15 during the period of seizure and detention, and as a direct
16 result of that attempt or seizure, as determined by the
17 Secretary, resulting (A) from any damage to, or de-
18 struction of, such vessel, or its fishing gear or other equip-
19 ment, (B) from the loss or confiscation of such vessel,
20 gear, or equipment, (C) from dockage fees or utilities,
21 or (D) from injuries to the crew of such vessel;

22 “(2) the owner of such vessel and its crew for the
23 market value of fish caught (A) before the attempted
24 seizure of such vessel and lost or spoiled during the period

1 of such attempted seizure, or (B) before seizure of such
2 vessel and confiscated or spoiled during the period of
3 detention; and

4 “(3) the owner of such vessel and its crew for not
5 to exceed 50 per centum of the gross income lost as a
6 direct result of such attempted seizure or such seizure
7 and detention, as determined by the Secretary of the
8 Interior, based on the value of the average catch per
9 day's fishing during the three most recent calendar years
10 immediately preceding such seizure and detention of the
11 vessel seized, or, if such experience is not available, then
12 of all commercial fishing vessels of the United States
13 engaged in the same fishery as that of the type and size
14 of the seized vessel.”

15 (b) Section 7 (b) of such Act is amended by striking
16 out “seized”.

17 (c) The last sentence of section 7 (c) of such Act is
18 amended by striking out “which are hereby authorized to
19 be appropriated to such account” and inserting in lieu thereof
20 “appropriated by section 6”.

21 SEC. 3. (a) Section 4 of such Act is amended by insert-
22 ing before “a seizure” wherever it appears the following: “an
23 attempted seizure or”.

1 (b) The first sentence of section 5 of such Act is
 2 amended by inserting before "seizure" the following: "at-
 3 tempted seizure or".

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92D CONGRESS
1ST SESSION

S. 1322

IN THE SENATE OF THE UNITED STATES

MARCH 23, 1971

Mr. TOWER introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To provide excess storm loss reinsurance for commercial fishing fleets.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Fish and Wildlife Act of 1956, as amended (16
4 U.S.C. 742a), is amended by inserting after section 4
5 thereof a new section as follows:

6 "STORM REINSURANCE

7 "SEC. 4A. (a) The Secretary of Commerce is author-
8 ized to take such action as may be necessary to provide
9 surance to carriers against excess losses on claims to provide
10 reinsurance to carriers against excess losses on claims for
11 losses resulting from damage to or destruction of commer-

1 cial fishing property caused by storms. The Secretary may
2 enter into such contracts, agreements, or other arrangements,
3 upon such terms and conditions as may be agreed upon, with
4 such carriers in order to carry out the purposes of this sec-
5 tion. The Secretary may issue such regulations regarding the
6 classification, limitation, or rejection of excess loss risks re-
7 insured by him under this subsection as he deems advisable.

8 “(b) (1) Reinsurance under subsection (a) shall be
9 made available to any carrier who issues insurance against
10 (A) probable storm losses at premium rates approved by
11 the Secretary consistent with the objective of this section
12 to provide insurance against such probable losses at reason-
13 able costs, and (B) excess storm losses at no premium
14 charge, but subject to reinsurance by the Secretary under
15 this section.

16 “(2) Premium rates established by the Secretary for
17 probable loss coverage shall be—

18 “(A) uniform with respect to similar classifica-
19 tions of property and risks;

20 “(B) sufficient to provide adequate proceeds to
21 pay all claims for probable losses over a reasonable
22 period of years; and

23 “(C) exclusive of any loading for administrative
24 expenses of the United States under this section.

25 “(3) No premium may be charged any carrier for ex-

1 cess loss reinsurance unless the Secretary determines that
2 such carrier's probable loss experience justifies the imposi-
3 tion of such a premium, but in no case shall an excess loss
4 reinsurance premium exceed premium rates established un-
5 der paragraph (2) of this subsection for any classification
6 of property.

7 “(d) (1) The Secretary is authorized to establish a
8 Fishing Fleet Reinsurance Fund (hereafter called the
9 ‘fund’) which shall be available without fiscal year limi-
10 tations to make such payments as may be required under
11 reinsurance contracts, agreements, or other arrangements
12 under this section.

13 “(2) The fund shall be credited with reinsurance pre-
14 miums, interest which may be earned on investments of
15 the fund, such amounts as may be appropriated for the fund
16 or advanced to the fund from appropriations, and receipts
17 from any other source.

18 “(e) For the purposes of this section—

19 “(1) ‘citizen of the United States’ includes a cor-
20 poration, partnership, or association which is organized
21 under the laws of any State of the United States, the
22 District of Columbia, the Commonwealth of Puerto
23 Rico, or any territory or possession of the United States;

24 “(2) ‘carrier’ includes private insurance compa-
25 nies, associations of persons engaged in the business of

1 commercial fishing, associations of persons who own
2 commercial fishing property, or any combination thereof;

3 “(3) ‘commercial fishing property’ means any real
4 or personal property (including vessels and any ma-
5 chinery, equipment, or gear thereon) of which at least
6 50 per centum of the interest therein is owned by a citi-
7 zen of the United States and which is used in the busi-
8 ness of commercial fishing; and

9 “(4) ‘storms’ includes hurricanes, typhoons, water-
10 spouts, tidal waves, and any other such wind or water
11 disturbance, whether or not directly caused by meteor-
12 ological forces, as the Secretary may define by regula-
13 tion to be included in the definition of storms.

14 “(f) No contract, agreement, or other arrangement for
15 reinsurance shall be issued or entered into under this section
16 covering risks against which insurance is available on rea-
17 sonable terms from other public or private sources.”

92D CONGRESS
1ST SESSION

S. 2191

IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 28), 1971

Mr. STEVENS introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To amend the Act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect United States fish resources.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act entitled "An Act to Protect the Rights of Ves-
4 *sels of the United States on the High Seas and in Territorial*
5 *Waters of Foreign Countries," approved August 27, 1954*
6 *(22 U.S.C. 1973), is amended by inserting at the end*
7 thereof the following new section:

8 "SEC. 8 (a) When the Secretary of Commerce deter-

9 mines that nationals of a foreign country are conducting

10 fishing operations in a manner or in such circumstances

1 which would diminish the effectiveness of domestic programs
2 designed to insure the conservation of the United States fish
3 resources by entering the United States contiguous fisheries
4 zone established in Revised Statutes, title 80, page 908, by
5 engaging in activity which breaches a fishery treaty between
6 the United States and the foreign country of which the fish-
7 erman is a national, by engaging in any activity which
8 breaches any other agreement or understanding respecting
9 fishing between the United States and the foreign country
10 of which the offending fisherman is a national, by destroying
11 equipment owned by United States fishermen, or by engag-
12 ing in any other activity which endangers United States
13 fish resources, the Secretary of Commerce shall certify such
14 fact to the Secretary of the Treasury. The Secretary of the
15 Treasury shall then prohibit the bringing or the importation
16 into the United States of any fish products of the offending
17 country. This prohibition shall also apply to the bringing or
18 importation of fish products processed by any person subject
19 to the jurisdiction of said country and transshipped through
20 third countries to the United States.

21 “(b) It shall be unlawful for any person subject to the
22 jurisdiction of the United States knowingly to bring or im-
23 port into, or cause to be imported into, the United States
24 any fish products prohibited by the Secretary of the Treasury
25 pursuant to this section.

1 “(c) (1) Any person violating the provisions of this
2 section shall be fined not more than \$10,000 for the first
3 violation, and not more than \$25,000 for each subsequent
4 violation.

5 “(2) All fish products brought or imported into the
6 United States in violation of this section, or the monetary
7 value thereof, may be forfeited.

8 “(3) All provisions of law relating to the seizure, judi-
9 cial forfeiture, and condemnation of a cargo for violation of
10 the customs laws, the disposition of such cargo or the pro-
11 ceeds from the sale thereof, and the remission or mitigation
12 of such forfeitures shall apply to seizures and forfeitures
13 incurred, or alleged to have been incurred, under the pro-
14 visions of this section, insofar as such provisions of law are
15 applicable and not inconsistent with this section.

16 “(d) (1) Enforcement of the provisions of this section
17 prohibiting the bringing or importation of fish products into
18 the United States shall be the responsibility of the Secretary
19 of the Treasury.

20 “(2) The judges of the United States district courts, the
21 judges of the highest courts of the territories and posses-
22 sions of the United States, the judges of the high court for
23 the Trust Territory of the Pacific Islands, and United States
24 commissioners may, within their respective jurisdictions,
25 upon proper oath or affirmation showing probable cause,

1 issue such warrants or other process as may be required for
2 enforcement of this Act and regulations issued thereunder.

3 “(3) Any person authorized to carry out enforcement
4 activities hereunder shall have the power to execute any
5 warrant or process issued by any officer or court of compe-
6 tent jurisdiction for the enforcement of this section.

7 “(4) Such person so authorized shall have the power—

8 “(A) with or without a warrant or other process,
9 to arrest any persons subject to the jurisdiction of the
10 United States committing in his presence or view a vio-
11 lation of this section or the regulations issued thereunder;

12 “(B) with or without a warrant or other process;
13 to search any vessel subject to the jurisdiction of the
14 United States, and, if as a result of such search he has
15 reasonable cause to believe that such vessel or any per-
16 son on board is engaging in operations in violation of
17 this provision of this section or the regulations issued
18 thereunder, then to arrest such person.

19 “(5) Such person so authorized, may seize, whenever
20 and wherever lawfully found, all fish products brought or im-
21 ported into the United States in violation of this section or
22 the regulations issued thereunder. Any fish products so
23 seized may be disposed of pursuant to the order of a court
24 of competent jurisdiction, or, if perishable, in a manner pre-
25 scribed by regulations of the Secretary of the Treasury.

1 “(6) Notwithstanding the provisions of section 2464
2 of title 28, United States Code, when a warrant of arrest or
3 other process in rem is issued in any cause under this section,
4 the marshal or other officer shall stay the execution of such
5 process, or discharge any fish products seized if the process
6 has been levied, on receiving from the claimant of the fish
7 products a bond or stipulation for the value of the property
8 with sufficient surety to be approved by a judge of the court
9 or United States commissioner having jurisdiction of the
10 offense, conditioned to deliver the fish food products seized,
11 if condemned, without impairment in value or, in the discre-
12 tion of the court or United States commissioner to pay its
13 equivalent value in money or otherwise to answer the decree
14 of the court or of the United States commissioner in such
15 cause. Such bond or stipulation shall be returned to the court
16 or United States commissioner and judgment thereon against
17 both the principal and sureties may be recovered in event
18 of any breach of the conditions thereof as determined by the
19 court or United States commissioner. In the discretion of
20 the accused, and subject to the direction of the court, the fish
21 products may be sold for not less than its reasonable market
22 value and the proceeds of such sale placed in the registry
23 of the court pending judgment in the case.

24 “(c) The Secretary of the Treasury is authorized to

1 prescribe such regulations as he determines necessary to
2 carry out the provisions of this section.

3 “(f) As used in this section—

4 “(1) The term ‘person’ means any individual, part-
5 nership, corporation, or association; and

6 “(2) The term ‘United States’, when used in a
7 territorial sense, includes all areas under the sovereignty
8 of the United States, its territories and possessions, the
9 Canal Zone, and the Trust Territory of the Pacific
10 Islands.”

92^D CONGRESS
1ST SESSION

S. 2437

IN THE SENATE OF THE UNITED STATES

AUGUST 5 (legislative day, AUGUST 3), 1971

Mr. FONG (for himself and Mr. INOUYE) introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To authorize a program for the development of fishery resources in the Central, Western, and South Pacific Ocean.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Central, Western, and
4 South Pacific Fishery Development Act".

5 SEC. 2. (a) The Secretary of Commerce (hereinafter
6 referred to as the "Secretary") is authorized to contract with
7 the Pacific Island Development Commission to undertake a
8 three-year program for the development of the tuna resources
9 of the Central, Western, and South Pacific Ocean.

10 (b) The program shall include but not be limited to tuna
11 exploration and tuna stock assessment, improvement of har-
12 vesting techniques, gear development, biological resource

II

1 monitoring, and an economic evaluation of the potential for
2 a tuna fishery in such areas.

3 (c) (1) During the first year such program shall include
4 exploration of the Central and South Pacific by large modern
5 purse seiners and medium size bait boats and exploration of
6 the Western Pacific by medium size purse seiners and bait
7 boats of various types.

8 (2) Aerial survey scouting shall be used to assist in
9 spotting fish schools.

10 (3) Gear modification expenses of the commercial ves-
11 sels under contract shall be borne by the owners of such
12 vessels.

13 SEC. 3. (a) As soon as practicable after the end of the
14 first year of the program the Secretary shall assess the re-
15 sults of the program and use such results to develop the
16 program for the second and third years.

17 (b) The Secretary shall submit to the President and
18 the Congress, not later than six months after the end of the
19 second year of such program, a complete report with respect
20 to his activities, and any recommendations he may have as
21 a result of such activities, including recommendations for
22 continuing such program.

23 SEC. 4. There is authorized to be appropriated the sum
24 of \$4,000,000 to carry out the purpose of this Act. Sums
25 appropriated pursuant to this section shall remain available
26 until expended.

92^D CONGRESS
1ST SESSION

S. 2764

IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 1971

Mr. MOSS (for himself, Mr. ERVIN, Mr. GRAVEL, Mr. HART, Mr. MCGEE, Mr. METCALF, Mr. MUSKIE, and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To authorize the Secretary of the Interior to establish programs and regulations for the protection of the fishery resources of the United States, including the fresh water and marine fish cultural industries, against the dissemination of serious diseases of fish and shellfish.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as "The Fish Disease Control
4 Act" and that as used in this Act, unless the context indicates
5 otherwise, the term—

6 (1) "Secretary" means the Secretary of the
7 Interior,

II

1 (2) "Department" means the Department of the
2 Interior,

3 (3) "United States" means the States thereof, and
4 Puerto Rico, Guam, the Virgin Islands, and the District
5 of Columbia,

6 (4) "interstate traffic" means the transport of fish
7 or fish products from a State or other area included in
8 the definition of "United States" to or through any other
9 such State or area,

10 (5) "fish" includes all species of fresh water and
11 marine fish and/or fishes, mollusks, crustaceans, amphib-
12 ians, and reptiles, including their eggs or young, whether
13 normally found in the wild or reared in captivity, whether
14 live or dead,

15 (6) "disease" is a condition which causes economic
16 losses of fish which is produced by a transmissible agent.
17 scribes,

18 (7) "fish product" includes whole fish, parts there-
19 of, and fish offal, except products which are exempted
20 by the Secretary under such regulations as he may pre-
21 scribe,

22 (8) "article" includes fish product containers, fish
23 egg shipping containers, fish shipping containers, motor
24 vehicles, boats, and other equipment and facilities that

1 are associated with the culture, harvest, or transportation
2 of fish or fish products.

3 SEC. 2. (a) In order to develop an effective, coordi-
4 nated, fish disease control program for the protection of
5 fishery resources, the Secretary shall enter into cooperative
6 agreements with the appropriate agencies of the several
7 States, fish farming organizations, and individuals. These co-
8 operative agreements must provide for the inspection of fish
9 and premises for the presence of diseases designated under
10 section 3 of this Act by State personnel with the assistance
11 of personnel of the Department, if necessary. The Secretary
12 is authorized to train and provide personnel for the labora-
13 tory examination of fish and fish products and he shall effec-
14 tively coordinate interstate fish disease control activities. In
15 the absence of State-Federal cooperative agreements the Sec-
16 retary is authorized to enter into cooperative agreements with
17 fish farming organizations and individuals to assist in their
18 compliance with the provisions of this Act.

19 (b) Compliance with the provision of this Act by Fed-
20 eral agencies is mandatory. Any cooperative agreement made
21 by the Secretary must provide for compulsory compliance
22 by all parties concerned.

23 SEC. 3. (a) The Secretary is authorized, under the pro-
24 visions of the Federal Register Act, to promulgate regulations

1 necessary for the establishment and operation of an effective
2 and coordinated fish disease control program. Such regula-
3 tions will—

4 (1) exclude from the provisions of this Act those
5 species of fish and fish products which in the opinion of
6 the Secretary posed no threat to the fishery resources
7 of the United States as sources for the introduction or
8 dissemination of fish diseases in the United States,

9 (2) establish criteria and determine the fish diseases
10 to be included under the provisions of this Act, and the
11 conditions under which fish infected with any of the
12 named diseases will be destroyed,

13 (3) set conditions to control the interstate traffic of
14 diseased or infected fish by regulating the distribution of
15 such fish, and establishing quarantine measures.

16 SEC. 4. (a) The Secretary will indemnify the owner of
17 any fish, fish product, or article destroyed pursuant to the
18 provisions of this Act, and compensate the owner for costs,
19 including the cost of disinfection of facilities, as determined
20 by the Secretary to have been reasonably incurred in con-
21 nection with the disease eradication effort. The indemnity
22 will not exceed the appraised value of the fish, fish product,
23 or article as determined by the Secretary at the time of
24 destruction. Compensation for cost of disinfection of facilities
25 shall be paid separately on a reasonable cost basis. Any

1 indemnity paid under this Act will not exceed the difference
2 between any indemnity received by the owner from a State
3 or other source and the appraised value of the fish, fish
4 product, or article. Any compensation for disinfection paid
5 under this Act will not exceed the difference between the
6 total compensation received by the owner from a State or
7 other source and the total disinfection costs paid by the
8 owner: *Provided*, That no money appropriated under this
9 Act will be expended for compensation until alternative
10 methods of disposing of the fish, fish product, or article, such
11 as controlled marketing, have been considered and found not
12 to be in the interest of an effective disease control program.

13 (b) Any compensation paid under section 4 (a) of this
14 Act will be tax free.

15 (c) Any owner affected by the provisions of this Act
16 is eligible to receive operating and emergency loans under
17 titles A and B of the "Consolidated Farmers Administra-
18 tion Act of 1961."

19 SEC. 5. (a) Any law enforcement officer of the Depart-
20 ment designated by the Secretary, when properly identified,
21 is authorized to impound samples of fish or fish products
22 moving in interstate traffic, whenever there is reasonable
23 cause to believe that a regulation authorized under section
24 3 (a) (2) of this Act is being violated.

1 (b) Whoever knowingly violates any provision of this
2 Act, or any regulation pursuant thereto, shall be punished
3 by a fine not exceeding \$1,000 or by imprisonment not ex-
4 ceeding one year, or both.

5 (c) The Secretary may request the Attorney General
6 to bring an action to enjoin the violation of, or to compel
7 compliance with, any provision of this Act, or any regula-
8 tion issued under this Act. The Secretary may request the
9 Attorney General to bring an action to enjoin any interfer-
10 ence by any person with an employee of the Department
11 in carrying out any duties assigned under this Act. Such
12 action shall be brought in the United States district court
13 for the judicial district in which such person resides or
14 transacts business or in which the interference is about to
15 occur. Process in such cases may be served in any judicial
16 district wherein the defendant resides or transacts business
17 or wherever the defendant may be found.

18 SEC. 6. The United States district courts shall have
19 jurisdiction over all prosecutions and other proceedings aris-
20 ing under this Act. The Attorney General, upon receipt of
21 notice or knowledge of any violation or threatened violation
22 of this Act, may direct that prosecutions or other proceed-
23 ings be brought in the district in which such violation has
24 allegedly occurred or may occur or in the district in which
25 the defendant may be found, or that such prosecutions be

1 brought before a United States Magistrate when designated
2 pursuant to section 3401 of title 18, United States Code.

3 SEC. 7. The authority conferred upon the Secretary by
4 this Act shall be in addition to any other authority conferred
5 upon him by other laws of the United States.

6 SEC. 8. If any provision of this Act or application thereof
7 to any person or circumstances is held invalid, the remainder
8 of this Act and the application of such provisions to other
9 persons and circumstances shall not be affected thereby.

10 SEC. 9. There is authorized to be appropriated such sums
11 as may be necessary to carry out the programs established
12 by this Act, for research of fish disease control, and training
13 of personnel.

92^d CONGRESS
1ST SESSION

H. R. 3304

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 1971

Read twice and referred to the Committee on Commerce

AN ACT

To amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Fishermen's Protective Act of 1967 (68 Stat. 883,
4 as amended: 82 Stat. 729), is amended by inserting at the
5 end thereof the following new section:

6 "SEC. 8. (a) When the Secretary of Commerce deter-
7 mines that nationals of a foreign country, directly or indirect-
8 ly, are conducting fishing operations in a manner or under
9 circumstances which diminish the effectiveness of an inter-
10 national fishery conservation program, the Secretary of Com-

1 merce shall certify such fact to the President. Upon receipt
2 of such certification, the President may direct the Secretary
3 of the Treasury to prohibit the bringing or the importation
4 into the United States of fish products of the offending coun-
5 try for such duration as he determines appropriate and to the
6 extent that such prohibition is sanctioned by the General
7 Agreement on Tariffs and Trade.

8 “(b) Within sixty days following certification by the
9 Secretary of Commerce, the President shall notify the Con-
10 gress of any action taken by him pursuant to such certifica-
11 tion. In the event the President fails to direct the Secretary of
12 the Treasury to prohibit the importation of fish products of
13 the offending country, or if such prohibition does not cover
14 all fish products of the offending country, the President shall
15 inform the Congress of the reasons therefore.

16 “(c) It shall be unlawful for any person subject to the
17 jurisdiction of the United States knowingly to bring or im-
18 port into, or cause to be imported into, the United States any
19 fish products prohibited by the Secretary of the Treasury
20 pursuant to this section.

21 “(d)(1) Any person violating the provisions of this
22 section shall be fined not more than \$10,000 for the first
23 violation, and not more than \$25,000 for each subsequent
24 violation.

25 “(2) All fish products brought or imported into the

1 United States in violation of this section, or the monetary
2 value thereof, may be forfeited.

3 “(3) All provisions of law relating to the seizure,
4 judicial forfeiture, and condemnation of a cargo for viola-
5 tion of the customs laws, the disposition of such cargo or the
6 proceeds from the sale thereof, and the remission or mitiga-
7 tion of such forfeitures shall apply to seizures and forfeitures
8 incurred, or alleged to have been incurred, under the pro-
9 visions of this section, insofar as such provisions of law
10 are applicable and not inconsistent with this section.

11 “(e) (1) Enforcement of the provisions of this section
12 prohibiting the bringing or importation of fish products into
13 the United States shall be the responsibility of the Secretary
14 of the Treasury.

15 “(2) The judges of the United States district courts,
16 and United States commissioners may, within their respec-
17 tive jurisdictions, upon proper oath or affirmation showing
18 probable cause, issue such warrants or other process as may
19 be required for enforcement of this Act and regulations issued
20 thereunder.

21 “(3) Any person authorized to carry out enforcement
22 activities hereunder shall have the power to execute any
23 warrant or process issued by any officer or court of compe-
24 tent jurisdiction for the enforcement of this section.

25 “(4) Such person so authorized shall have the power—

1 “(A) with or without a warrant or other process,
2 to arrest any persons subject to the jurisdiction of the
3 United States committing in his presence or view a viola-
4 tion of this section or the regulations issued thereunder:

5 “(B) with or without a warrant or other process, to
6 search any vessel subject to the jurisdiction of the United
7 States, and, if as a result of such search he has reason-
8 able cause to believe that such vessel or any person on
9 board is engaging in operations in violation of this sec-
10 tion or the regulations issued thereunder, then to arrest
11 such person.

12 “(5) Such person so authorized, may seize, whenever
13 and wherever lawfully found, all fish products brought or
14 imported into the United States in violation of this section
15 or the regulations issued thereunder. Any fish products so
16 seized may be disposed of pursuant to the order of a court of
17 competent jurisdiction, or, if perishable, in a manner pre-
18 scribed by regulations promulgated by the Secretary of the
19 Treasury after consultation with the Secretary of Health,
20 Education, and Welfare.

21 “(f) The Secretary of the Treasury is authorized to
22 prescribe such regulations as he determines necessary to
23 carry out the provisions of this section.

24 “(g) As used in this section—

5

1 “(1) The term ‘person’ means any individual, partner-
2 ship, corporation, or association.

3 “(2) The term ‘United States’, when used in a geo-
4 graphical sense, means the continental United States, Alaska,
5 Hawaii, Puerto Rico, and the United States Virgin Islands.

6 “(3) The term ‘international fishery conservation pro-
7 gram’ means any ban, restriction, regulation, or other
8 measure in force pursuant to a multilateral agreement to
9 which the United States is a signatory party, the purpose
10 of which is to conserve or protect the living resources of the
11 sea.

12 “(4) The term ‘fish products’ means fish and marine
13 mammals and all products thereof taken by fishing vessels
14 of an offending country whether or not packed, processed, or
15 otherwise prepared for export in such country or within the
16 jurisdiction thereof.”

Passed the House of Representatives October 4, 1971

Attest:

W. PAT JENNINGS,

Clerk

92D CONGRESS
1ST SESSION

H. R. 7117

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 1971

Read twice and referred to the Committee on Commerce

AN ACT

To amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 (b) of the Fishermen's Protective Act of 1967
4 (22 U.S.C. 1972 (b)) is amended by striking out "and
5 to secure the release of such vessel and crew." and inserting
6 in lieu of the following: " , to secure the release of such

1 vessel and crew, and to immediately ascertain the amount of
2 any fine, fee, or other direct charge which may be reimburs-
3 able under section 3 (a).”

4 SEC. 2. Section 3 of the Fishermen’s Protective Act of
5 1967 (22 U.S.C. 1973) is amended by inserting “(a)”
6 immediately before “In”, and by adding at the end thereof
7 the following: “Any reimbursement under this section shall
8 be made from the Fishermen’s Protective Fund established
9 pursuant to section 8.

10 “(b) The Secretary of State shall make a certification
11 under subsection (a) of this section as soon as possible after
12 he is notified pursuant to section 2 (b) of the amounts of the
13 fines, fees, and other direct charges which were paid by the
14 owners to secure the release of their vessel and crew. The
15 amount of reimbursement made by the Secretary of the
16 Treasury to the owners of any vessel under subsection (a)
17 of this section shall constitute a lien on the vessel which may
18 be recovered in proceedings by libel in rem in the district
19 court of the United States for any district within which the
20 vessel may be. Any such lien shall terminate on the ninetieth
21 day after the date on which the Secretary of the Treasury
22 reimburses the owners under this section unless before such
23 ninetieth day the United States initiates action to enforce the
24 lien.”

1 SEC. 3. Section 5 of the Fishermen's Protective Act of
2 1967 (22 U.S.C. 1975) is amended to read as follows:

3 "SEC. 5. (a) The Secretary of State shall—

4 "(1) immediately notify a foreign country of—

5 "(A) any reimbursement made by the Secre-
6 tary of the Treasury under section 3 as a result of
7 the seizure of a vessel of the United States by such
8 country,

9 "(B) any payment made pursuant to section 7
10 in connection with such seizure, and

11 "(2) take such action as he deems appropriate to
12 make and collect claims against such foreign country for
13 the amounts so reimbursed and payments so made.

14 "(b) If a foreign country fails or refuses to make pay-
15 ment in full on any claim made under subsection (a) (2)
16 of this section within one hundred and twenty days after
17 the date on which such country is notified pursuant to sub-
18 section (a) (1) of this section, the Secretary of State shall
19 transfer an amount equal to such unpaid claim or unpaid
20 portion thereof from any funds appropriated by Congress
21 and programed for the current fiscal year for assistance to
22 the government of such country under the Foreign Assist-
23 ance Act of 1961 (and if such funds are insufficient to
24 cover such claim, transfer shall be made from any funds so

1 appropriated and programed for the next and any succeeding
2 fiscal year) to (1) the Fishermen's Protective Fund estab-
3 lished pursuant to section 8 if the amount is transferred with
4 respect to an unpaid claim for a reimbursement made under
5 section 3, or (2) the separate account established in the
6 Treasury of the United States pursuant to section 7 (c) if
7 the amount is transferred with respect to an unpaid claim
8 for a payment made under section 7 (a). Amounts trans-
9 ferred under this section shall not constitute satisfaction
10 of any such claim of the United States against such foreign
11 country."

12 SEC. 4. Section 7 (c) of the Fishermen's Protective Act
13 of 1967 (22 U.S.C. 1977 (c)) is amended by inserting
14 immediately before the last sentence thereof the following
15 new sentence: "If a transfer of funds is made to the sepa-
16 rate account under section 5 (b) (2) with respect to an
17 unpaid claim and such claim is later paid, the amount so
18 paid shall be covered into the Treasury as miscellaneous
19 receipts."

20 SEC. 5. The Fishermen's Protective Act of 1967 is fur-
21 ther amended by adding at the end thereof the following
22 new section:

1 “SEC. 8. There is created a Fishermen’s Protective Fund
2 which shall be used by the Secretary of the Treasury to re-
3 imburse owners of vessels for amounts certified to him by the
4 Secretary of State under section 3. The amount of any claim
5 or portion thereof collected by the Secretary of State from
6 any foreign country pursuant to section 5 (a) shall be de-
7 posited in the fund and shall be available for the purpose of
8 reimbursing vessel owners under section 3; except that if
9 a transfer to the fund was made pursuant to section 5 (b)
10 (1) with respect to any such claim, an amount from the
11 fund equal to the amount so collected shall be covered into
12 the Treasury as miscellaneous receipts. There is authorized
13 to be appropriated to the fund (1) the sum of \$3,000,000
14 to provide initial capital, and (2) such additional sums as
15 may be necessary from time to time to supplement the fund
16 in order to meet the requirements of the fund.”

17 SEC. 6. The amendments made by this Act shall apply
18 with respect to seizures of vessels of the United States oc-
19 ccurring on or after the date of the enactment of this Act;
20 except that reimbursements under section 3 of the Fisher-
21 men’s Protective Act of 1967 (as in effect before such date
22 of enactment) may be made from the fund established by

1 the amendment made by section 5 of this Act with respect
2 to any seizure of a vessel occurring before such date of en-
3 actment and after December 31, 1970, if no reimbursement
4 was made before such date of enactment.

Passed the House of Representatives August 2, 1971.

Attest:

W. PAT JENNINGS,

Clerk.

FEDERAL MARITIME COMMISSION,
Washington, D.C., April 27, 1971.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Federal Maritime Commission with respect to S. 1242, a bill to amend the Fishermen's Protective Act of 1967 to provide for reimbursement for certain expenses incurred as the result of the unlawful attempted seizure or seizure of United States fishing vessels.

Inasmuch as the bill does not affect the responsibilities or jurisdiction of the Commission, we express no views as to its enactment.

The Office of Management and Budget has advised that there would be no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

HELEN DELICH BENTLEY, *Chairman.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 7, 1971.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: This refers to your letter of March 24, 1971, requesting our comments on S. 1242, entitled: "A bill to amend the Fishermen's Protective Act of 1967 to provide for reimbursement for certain expenses incurred as the result of the unlawful attempted seizure or seizure of United States fishing vessels."

The Fishermen's Protective Act of 1967 (22 U.S.C. § 1971) makes available two types of protection for recovery of costs resulting from vessel seizures. The Act:

1. Provides for reimbursement by the Secretary of the Treasury for any fine, license fee, registration fee, or any other direct charge paid to secure the prompt release of the vessel, and
2. Provides for payment by the Secretary of Interior for all actual costs incurred during seizure and detention including costs resulting from damage to, or confiscation of, the vessel or gear, and certain other costs. The Act also provides for the payment by the Secretary of Interior of the market value of fish caught before seizure and confiscated or spoiled during the period of detention and up to 50 percent of the gross income lost because of the detention.

In summary the proposed amendment to the Fishermen's Protective Act:

1. Provides a permanent indefinite appropriation to allow the Department of the Treasury to pay a claim as soon as it is certified by the Department of State or Interior, and
2. Expands the present protection of the law to reimburse the vessel owners for costs incurred caused by harassment or attempted seizure and the cost of medical treatment for injuries sustained during an attempted, as well as, a successful seizure.

Presently under the Fishermen's Protective Act there is no regular appropriation available for the payment of claims filed by illegally seized fishing vessels. The proposed amendment will obviate the necessity for a supplemental appropriation from the Congress for individual claims. Thus, there will no longer be a delay caused by lack of congressional authority to make payment on certified claims to various fishing vessels.

The provisions in the proposed amendment concerning the expansion of reimbursement to include costs incurred by harassment or attempted seizure could pose serious problems for the Departments of State and Interior in their administration of the Fishermen's Protective Act. Under the current legislation, the Departments require documentary evidence to support every essential allegation of the vessel owner resulting from seizure on the high seas and in territorial waters of foreign countries. In such cases the evidence may consist of certified copies of hearings and findings of authorities of the Government seizing the vessel and also receipts showing the date and amount paid for fines imposed, the purchase of a license and/or registration fee, and/or other direct charges exacted as a condition of release.

The proposed legislation will allow claims to be filed by vessel owners for costs incurred as a result of harassment or attempted seizure for which official documentation of the offending Government may not be available. In such instances, the Departments of State and Interior would have to rely entirely on the allegation of the vessel owner for the material facts with respect to the harassment or attempted seizure.

The proposed relief for owners of United States fishing vessels involves matters of policy for determination by the Congress and ones on which we have no recommendation to make.

Sincerely yours,

ROBERT F. KELLER,
Assistant Comptroller General of the United States.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., June 21, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: By letter of April 1, 1971, you requested our comments on S. 1322, 92d Congress.

Senate bill 1322 proposes to amend the Fish and Wildlife Act of 1956, as amended, to provide excess storm loss reinsurance for commercial fishing fleets by inserting after section 4 a new section, 4A, titled "Storm Reinsurance."

The bill involves matters of policy for determination by the Congress, therefore, we have no recommendation with respect to its merits. However, we have the following comments concerning specific provisions of the bill.

Generally, the bill does not contain certain provisions which are included in similar reinsurance programs of the Federal Government and which we consider to be desirable. The similar programs are the National Insurance Development Program and a portion of the National Flood Insurance Program, both authorized by the Housing and Urban Development Act of 1968 (Public Law 90-448). The committee may wish to adopt certain of the provisions in Public Law 90-448 which deal with the extent and limit of the Government's financial contributions; controls over and uses of the fund created; coverage of administrative expenses; rights and duties of the carriers; and the establishment of an advisory board or committee.

Section 4A(b)(2) provides that premiums on probable loss coverage shall be sufficient to pay claims for probable losses over a reasonable period of years. However, because no premiums generally may be charged carriers for excess loss reinsurance according to section 4A(b)(3), the source of funds for payment of excess losses is unclear.

Section 4A(b)(3) limits excess loss reinsurance premiums to the "premium rates established under paragraph (2) of this subsection for any classification of property." It is not clear whether risk as well as property classification is to be considered in establishing limits on excess loss reinsurance premiums. We suggest that this provision be appropriately revised for clarification.

Section 4A(d) of the bill provides for the establishment, availability, and maintenance of a Fishing Fleet Reinsurance Fund. We presume that it is intended to establish the fund in sufficient amount to protect against "excess losses" including those that might result soon after its establishment; however, provision is made for funding only on a contingent basis or from indefinite sources. We believe that the sources of funding and the initial level of the fund should be specified.

The bill does not include a provision requiring insurers to maintain adequate records, or to authorize the Secretary and the Comptroller General to have access to records. We suggest that appropriate provisions be included in the bill.

The committee may wish to add a section to the bill to provide the authorization of appropriations for carrying out the provisions of the bill.

Line 9 of page 1 apparently should be eliminated. Subsection (b) of section 4A is followed by subsection (d), (e), and (f). These should be changed to (c), (d), and (e), respectively.

Sincerely yours,

ROBERT F. KELLER,
Assistant Comptroller General of the United States.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., November 26, 1971.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1322 (92d Congress, 1st Session) To provide excess storm loss reinsurance for commercial fishing fleets.

Whether this legislation should be enacted involves questions as to which the Department of Justice defers to the Department of Commerce.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

DEPARTMENT OF STATE,
Washington, D.C., November 22, 1971.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of August 12 requesting the comments of the Department of State on S. 2437, a bill to authorize a program for the development of fisheries resources in the Central, Western and South Pacific.

If enacted into law, S. 2437 would authorize the Secretary of Commerce to contract with the Pacific Islands Development Commission to undertake a three-year program for the development of the tuna resources of the Central, Western and South Pacific. The bill would also authorize the appropriation of the sum of \$4,000,000 to carry out this program.

The Department of State supports the objective of S. 2437. Fishery resources, and particularly tuna, represent one of the major natural resources of the Central, Western and South Pacific Ocean. The successful development of a program for the exploitation of these resources could be of great benefit to the economy of those regions, where the United States bears responsibility for the administration of several important island possessions and the Trust Territory of the Pacific Islands.

The Department sees no objection to enactment of S. 2437 from the standpoint of the foreign relations of the United States. In fact, the Trusteeship Council of the United Nations, which oversees our administration of the Trust Territory of the Pacific Islands, has long urged that steps be taken to improve the fisheries industry in the Territory. To the extent that the proposed legislation achieved that end, our efforts would undoubtedly be warmly received by the Council and by the people of Micronesia, whose continuing good will we desire.

With respect to the feasibility of the proposed development program, and the appropriate mechanism for carrying it out if it were deemed feasible, the Department would defer to the views of the Department of Commerce, which would have the leading responsibility for execution of the program. The Department would also defer to the views of the Department of Commerce as to whether the authorization that would be given by the proposed legislation would be needed in order to enable the Department of Commerce to carry out such a program.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

FEDERAL MARITIME COMMISSION,
Washington, D.C., September 3, 1971.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Federal Maritime Commission with respect to H.R. 7117, a bill to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United

States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

Inasmuch as the bill does not affect the responsibilities or jurisdiction of the Commission, we express no views as to its enactment.

The Office of Management and Budget has advised that there would be no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

ASHTON C. BARRETT, *Vice Chairman.*

DEPARTMENT OF STATE,
Washington, D.C., October 20, 1971.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Thank you for the opportunity of expressing the views of the Department of State on H.R. 7117, a bill to amend the Fishermen's Protective Act of 1967 to expedite the payment by the Secretary of Treasury to United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed, and for certain other amounts, and for other purposes.

H.R. 7117 would, if enacted into law, establish a Fishermen's Protective Fund, from which the Secretary of the Treasury would be authorized to reimburse owners of seized vessels immediately upon certification to him by the Secretary of State of the amounts of the fines, fees and other direct charges actually paid by the owners to secure the release of their vessel and crew seized for fishing on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States. The amount of such reimbursement would constitute a lien on the vessel for ninety days following reimbursement. Appropriation of \$3,000,000 would be authorized to provide initial capital for the Fishermen's Protective Fund, which would be supplemented by the appropriation of additional funds as might be required from time to time and by the deposit in the Fund of any monies which the United States might recover from the seizing government by the claim procedure provided in section 5 of the Fishermen's Protective Act.

The Department of State recognizes that owners of seized vessels suffer some degree of inconvenience and unreimbursed loss under the present Act owing to the lapse of time which is normal between the payments which they must make to secure release of their vessels and the payment of their claims by a supplemental appropriation. The Department sympathizes with the intention of this bill to expedite the payment process by the Secretary of Treasury and thereby obviate this inconvenience and financial loss.

The Department, however, has some difficulty in understanding the intent of and necessity for certain provisions of the proposed legislation, and it further finds that these provisions may be open to interpretations which, if valid, would require the Department to oppose enactment.

The first point which we find obscure is the requirement, in the proposed amendment to section 2(b), that the Secretary of State be immediately notified of the amount of any fine, fee, or other direct charge which may be reimbursable under section 3(a). The regulations of the Department already require that our Embassies and Consulates report this information to the Department as soon as possible following a vessel seizure. However, the Embassies and Consulates are necessarily dependent for this information on either the seizing government, which cannot be forced by United States law to make the information available if it does not choose to do so, or on the vessel owner, who is of course the best possible source of information on the amounts that have been paid to secure release of his vessel. The Department does not consider that the proposed amendment of section 2(b) would have any real effect on this situation.

The Department considers that the bill does not make sufficiently clear the purpose or usefulness of the proposed provision in section 3(b) for a lien on the vessel in favor of the United States for a period of ninety days following reimbursement. Experience in administering the Fishermen's Protective Act to date has not revealed any need for such a provision.

The Department is troubled by the possibility that the two provisions referred to immediately above may be subject to the interpretation that the proposed legislation would require the Secretary of State to certify claims to Secretary of the Treasury for immediate payment of funds to a vessel owner in consideration of a seizure of his vessel without a properly documented claim having been received from the vessel owner.

If this is in fact the intent of these proposed amendments, the Department would have to oppose their enactment as an undesirable departure from the general practice of handling claims against the Government. Furthermore, the Department considers that there is no necessity for this relaxation of normal claims procedures, since it has been our experience that the review and certification of claims under the Fishermen's Protective Act has not been a cause of delay in reimbursement to the owners of seized vessels. Nor do we see any serious obstacles to the prompt submission of properly documented claims by owners of seized vessels at the present time. The primary cause of delays in reimbursement under the present Act has been the necessity of an appropriation by the Congress, and such delay would be overcome by the establishment of the Fishermen's Protective Fund envisaged by the proposed legislation. The Department defers to the Treasury Department as to whether the bill or some other measure will provide the best means of overcoming this delay.

The other portion of H.R. 7117 concerning which the Department has serious doubts is the proposed amendment to section 5 of the Act. This would require the Secretary of State to give immediate notification to the government of a foreign country of any reimbursement made under the Act by reason of the seizure of United States vessel by that country. It would then require the Secretary of State, as in the present Act, to take such action as he deems appropriate to make and collect claims against such foreign country for the amounts so reimbursed. If such claims were not paid within 120 days of notification, the Secretary would be required to transfer a like amount from funds programmed for the assistance of the government of the foreign country in question to the proposed Fishermen's Protective Fund or to the special account in the U.S. Treasury established pursuant to Section 7(c) of the Act. The Department sees no logical connection between the act of notification, which may or may not be followed, as the Secretary deems appropriate, by the making of a claim within 120 days, and the deduction from assistance funds by reason of non-payment of a claim. The present Act requires that a deduction be made if a claim is not paid within 120 days of its submission, which appears more logical and workable than the proposed amendment. The Department strongly opposes the proposal that any amounts deducted from planned assistance to a country seizing vessels be transferred to the proposed Protective Fund or to the special account established pursuant to Section 7(c). Under existing legislation amounts required to be deducted from planned assistance to particular countries remain available to carry out the purposes of the Foreign Assistance Act. The proposed amendment would establish an undesirable precedent of automatically transferring funds appropriated for one purpose to finance entirely different purposes.

The Department believes that funds required to assure reimbursement of vessel owners should be specifically appropriated for that purpose and that any amounts deducted should, as at present, remain available for the purposes of the Foreign Assistance Act.

This proposed amendment of Section 5 appears to be open to the interpretation that claims against foreign governments resulting from seizures of United States vessels must in all cases be made by the Secretary of State within 120 days following reimbursement of the vessel owner. If this is in fact the intent of the proposed amendment, the Department would have to oppose its enactment, as an undesirable restriction upon the flexibility which the Secretary of State must have in order to fulfill his responsibility for the conduct of the foreign relations of the United States. We can easily foresee situations in which the state of other aspects of our relations with the foreign country concerned, including the prospects for resuming efforts to negotiate an amicable settlement of the underlying jurisdictional dispute which causes the vessel seizures, would make it untimely and inappropriate to lodge a claim within such a rigidly prescribed time frame.

For the reasons set forth, the Department of State opposes the enactment of H.R. 7117 in its present form. The Department would, however, support enactment of legislation to provide prompt reimbursement of fines but as noted above

defers to the Treasury Department on the nature and provisions of any such legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., November 19, 1971.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate.*

DEAR MR. CHAIRMAN: By letter of August 27, 1971, you requested our comments on H.R. 7117, which is an act to "amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes."

The Fishermen's Protective Act was passed August 27, 1954, and amended August 12, 1968. This act, as amended, directs the Secretary of State to attend to the welfare of the crew of any vessel of the United States seized by a foreign country on the basis of rights or claims not recognized by this country in territorial waters or on the high seas. The State Department is also directed to secure the release of the vessel and crew. In carrying out these functions, the Secretary must find that there is no dispute of material facts relative to the vessel's location and activities when seized.

If the vessel owner must pay a fine, fee, or other direct charge to secure release, the act directs the Secretary of the Treasury to reimburse the owner for an amount certified to him by the Secretary of State as being the direct charge actually paid. The existing law also provides that the owner of the seized vessel may be reimbursed for costs attributable to damage to and/or destruction of the vessel's gear or equipment, the market value of fish spoiled during the period of illegal detention, and one-half of the loss of gross income which might have accrued to the vessel owner and its crew had the seizure not occurred.

The Secretary of State is also required to take such action as he deems appropriate to make and collect claims against a foreign country for amounts expended under the act. If the country fails or refuses to pay within 120 days after receiving notice of any such claim, an amount equal to the claim is required to be withheld from funds programmed to that country under the Foreign Assistance Act.

Under existing legislation the Secretary of State has interpreted the law as giving him discretionary authority to either give notice or not give notice of a claim. As a result of this interpretation, the Secretary of State has never given an official notice (although protests have been filed) to a seizing country of any such claim under the amended act thus not bringing into effect the requirement to deduct the amount of the claim from foreign assistance.

H.R. 7117, if enacted into law, would provide the following:

- (1) The Secretary of State would be required to immediately ascertain the fines, fees, and other direct charges paid by a U.S. vessel owner to a seizing country for the release of the vessel and its crew.
- (2) The Secretary of the Treasury would reimburse owners of seized vessels as soon as possible after certification to him by the Secretary of State of the amounts of the fines, fees, and other direct charges actually paid by the owners. The amount of such reimbursement would constitute a lien on the vessel for 90 days following reimbursement.
- (3) The bill would authorize to be appropriated \$3 million to provide initial capital for a Fishermen's Protective Fund and such sums as may be necessary to meet future requirements of the fund.
- (4) Upon reimbursement to vessel owners the Secretary of State would be required to immediately notify the foreign country of such reimburse-

ment and take such action as he may deem appropriate to make and collect claims from the offending country for the amounts so reimbursed. If such claims were not paid within 120 days of notification, the Secretary would be required to transfer a like amount from funds programmed for the assistance to the government of the country in question to a proposed Fishermen's Protective Fund or to the special account in the U.S. Treasury already established pursuant to section 7(c) of the act.

We believe that certain provisions of the bill need clarification. The following is an item-by-item discussion of the consequences of the proposed legislation listed above.

(1) and (2) These provisions seem to provide for immediate certification by the Secretary of State and immediate payment of funds by the Secretary of the Treasury to a vessel owner in consideration of a seizure of his vessel without a properly documented claim having been received from the vessel owner. The provisions of law relating to certifying officers (31 U.S.C. 82c and 82f) require that the amounts certified for payment be supported by the facts; are legal, proper and correct, and represent legal obligations under the appropriations of funds involved.

Department of State experience shows the need for a thorough investigation of claims. In the past the Department of State has both denied and reduced claims under existing legislation. Moreover, the review and certification of claims under the act has taken only a few weeks after receipt of the claim by the Department of State.

We believe these provisions should not be included because (1) the possibility of certifying claims without a proper investigation is not in the best interest of the U.S. Government; (2) if a proper investigation is made there is no need for a lien on vessels; and (3) some of the payment delay—which these sections sought to obviate—could be taken care of by establishment of the Fishermen's Protective Fund as discussed in item (3) above. In this regard, a Department of State official informed us that by creation of the Fund claims could be paid up to six months sooner.

(4) In a report on H.R. 7117 the House Committee on Merchant Marine and Fisheries (Report No. 92-426, dated July 29, 1971) explained the fourth provision listed above in a section-by-section analysis of the bill as follows:

"As rewritten, this section of the act would place a nondiscretionary and mandatory duty upon the Secretary to immediately notify the seizing country when reimbursement or payment has been made to the vessel owner. Should it develop that the foreign country does not reimburse the United States for funds so expended within 120 days from the date of notification (not the date of making a claim) the Secretary of State would be required to deduct an amount equal to the unpaid claim from funds programmed to that country under the Foreign Assistance Act of 1961 and, in turn, to transfer an amount equal to the claim to the Fishermen's Protective Fund."

In commenting on the new legislation the Department of State stated that one possible interpretation of this provision is that the making of the claim and not the required act of notification triggers the running of the 120-day period. On pages 12 and 13 of the report referred to above, the Department stated the following:

"The Department sees no logical connection between the act of notification, which may or may not be followed, as the Secretary deems appropriate, by the making of a claim within 120 days, and the deduction from assistance funds by reason of nonpayment of a claim."

Under this interpretation it is possible for the Department to merely inform the foreign government of a payment made by the Treasury and not file a formal claim for remuneration of the funds.

We noted that the operative words in both the existing legislation and the proposed legislation appear to be that the Secretary of State shall take such action as he deems appropriate to make and collect claims.

Since the purpose of this legislation is apparently to make it mandatory for the Secretary of State to immediately make and collect claims, and since the legislation may be subject to more than one interpretation, we believe the Congress may wish to clarify this section.

Sincerely yours,

ROBERT F. KELLER,
Deputy Comptroller General of the United States.

Senator SPONG. This morning we are pleased to have with us as our first witness the Senator from the State of Utah, the Honorable Frank Moss, who is a member of the Commerce Committee.

Senator Moss, we are delighted to have you here.

STATEMENT OF HON. FRANK E. MOSS, U.S. SENATOR FROM UTAH

Senator Moss. Thank you, Mr. Chairman. I appreciate the opportunity of appearing here. I wanted to testify about S. 2764 which is a bill that I have introduced again this session of the Congress, and it is very similar to a bill that I introduced before.

I thank you for including this bill in the several that are before you at the hearing today.

S. 2764 authorizes the Secretary of the Interior to establish programs for the protection of freshwater and marine fish cultural industries against the dissemination of fish diseases, and I feel it most important that we get on with this job.

This bill has its roots in S. 1151, which I introduced in the 91st Congress and which was drafted by Mr. Jim Warren, a fish and wildlife fellow who worked in my office for 6 months in 1968 and 1969. Jim called my attention to the extent to which disease threatens the fish resources of the Nation and outlined in general the measures which could be taken.

Jim is now hatchery biologist for the Bureau of Sport Fisheries and Wildlife at Genoa, Wis. He is here for these hearings. I want to welcome him and thank him again for his assistance.

I shall make some very candid remarks here this morning. There was considerable controversy about some of the provisions of S. 1151 in the last Congress, and before introducing the revised version this session (S. 2764), a draft of the bill was widely circulated to industry and agency spokesmen around the country. The measure before the subcommittee today has been modified to include many of the suggestions which were received.

However, in circulating the bill, I recognized the truth of the old adage: "You can't please all of the people all of the time." Everybody will not like every provision of the new bill. But I still stand firmly by the principles of disease control which have been proved effective in related fields in control programs administered by the Department of Agriculture and the Public Health Service.

And, of course, the subcommittee is here today to listen to further recommendations which the industry wishes to make. I have in hand a letter from Mr. Clay Robinson, of Sandy, Utah, who is executive manager of the U.S. Trout Farmers Association, suggesting specific amendments to the bill. I have read it carefully, and I ask that it be made a part of the record of the hearings. I understand that Dr. Roger L. Herman, chairman of the Trout Disease Committee of the U.S. Trout Farmers Association, is here to testify personally on these recommendations, and I welcome him also.

There are a number of reasons, Mr. Chairman, why I feel that coordinated action for the control of fish diseases is vital. First of all, the spread of serious diseases continues largely unabated. While we were watching the spread of whirling disease with grave concern in

1969, channel catfish virus leaped from four isolated cases into nine separate States with devastating losses in some areas. So we have a growing problem with that disease.

Second, recent information gathered by the subcommittee on Aquatic Animal Health of the National Academy of Sciences indicates that upwards of 30 percent of every dollar spent for the culture of fish goes into some form of disease control expense. Since most farming operations have a narrow margin of profit, the cost of disease control is a tremendously important factor in the well being of an industry.

When the combined output of the commercial trout and catfish industries is considered, this cost could easily exceed \$5 million per year. If modern fish disease control programs could cut this cost in half, the program would more than pay its own way.

I am happy to report that, in spite of fund shortages, some progress has been made in controlling fish disease problems. The State of Michigan has done an excellent job of cleaning up the serious whirling disease problem it had a few years ago. Had a program such as is authorized by S. 2764 been in force at the time of that outbreak, many of the difficulties that were encountered might have been avoided.

I am also encouraged by reports from the Bureau of Sport Fisheries and Wildlife that an effective compound has been discovered that can be safely used to disinfect trout and salmon eggs. The use of this agent, an iodine complex, appears to be the key to preventing the spread of certain viral diseases and holds promise for use on other diseases which might be carried on eggs.

Perhaps the most gratifying fact of all is that these advances in disease control have been accomplished by a few dedicated Federal and State employees with virtually no special funds. With a tripling of the catfish production since 1969, it is a miracle that our fish disease problems are not far worse. The potential for catastrophe is there.

So, Mr. Chairman, I urge support for the principles advanced in S. 2764, and I know that very serious consideration will be given to these matters during these hearings. The time has come for creative thinking from all fisheries interests to develop an effective and workable program.

Thank you, Mr. Chairman.

Senator SPONG. We thank you very much for your appearance here.

The letter which you mentioned in your testimony addressed to you by Mr. Clay Robinson will be admitted and made a part of the record.

We are very appreciative of your testimony here. I assure you of full consideration.

Senator MOSS. Thank you very much. I appreciate that.

(The letter follows:)

U.S. TROUT FARMERS ASSOCIATION,
Sandy, Utah, November 17, 1971.

HON. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: Reference is made to my earlier communication with your office and Mr. John Wedin of the Senate Commerce Committee regarding your revised S.B. 1151 or other proposed legislation pertaining to fish disease control.

We appreciate your extending the time to allow for our Board of Directors' Meeting and the establishment of a committee to offer advice on this matter.

The committee is headed by Dr. Roger L. Herman, fishery biologist of Castalia Farms, Castalia, Ohio and includes the following trout farmers and others affiliated with the trout industry: Mike Greene, Blue Lakes Trout Farm, Twin Falls, Idaho; Floyd L. Getz, Getz Trout Ranch, Monte Vista, Colorado; Don S. Nelson, president, Sterling H. Nelson and Sons, Inc., Murray, Utah; Robert Corey, Silver Springs Trout Farm, Montrose, Colorado, and Paul Roberts, Royal Industries, Twin Falls, Idaho.

The Committee reports to Clark White, President of U.S. Trout Farmers Association, White's Trout Farm, Logan and Paradise, Utah.

In regard to SB 1151 or other disease control bills, the U.S. Trout Farmers Association is asking for assurance that—

1. There will be definite funding to provide for disease research and that such research funds will be disbursed by one man or a board that will co-ordinate all research (federal and state) in which such funds will be used, so as to gain the most efficiency and economy.

It is important that there be advanced research on diseases to place the fish industry (state, federal and private) in a state of composure at all times in dealing with disease problems. This will help to minimize impulsive decisions and legislation that could spell disaster to some or all segments of the industry.

2. There will be definite funding to provide for indemnifying an individual, firm or organization for fish that are condemned and destroyed because of disease. The legislation pertaining to the disease control should actually show where and how such funding will be assured, and will definitely state that unless there is such funding for indemnification fish cannot be quarantined and/or destroyed.

3. There will be a committee or board under the secretary of interior or secretary of agriculture to determine overall national policy for the disease legislation and for hearings in regard to action taken against diseased fish and establishments having diseased fish, and that this committee or board will be made up of representatives of state and federal fishery agencies and commercial fishery industries such as trout and catfish farming.

4. That the legislation pertain equally to state, federal and commercial interests in fishing farming; that there will be no discrimination when it comes to enforcing the law.

The trout industry feels that if the bill has written into it such wording as to assure the foregoing provisions, it would be a workable and worthwhile bill. We have confidence that you and your staff will do everything possible to effect these assurances.

Let me know if there is anything we can do as an industry or as individuals to help in this legislative project.

Sincerely,

CLAY M. ROBINSON, *Executive Manager, USTFA.*

Senator SPONG. Congressman Pelly, if you would allow me to go vote, I assure you I will be right back and we will hear from you. Thank you.

(Recess.)

Senator SPONG. Congressman Pelly, we are very pleased to have you over here with us this morning.

**STATEMENT OF HON. THOMAS M. PELLY, U.S. REPRESENTATIVE
FROM WASHINGTON; ACCOMPANIED BY RICHARD SHAROOD,
MINORITY COUNSEL OF THE HOUSE COMMITTEE ON MERCHANT
MARINE AND FISHERIES**

Mr. Pelly. Senator, I appreciate that it is difficult to answer to your name and to vote and still not delay us any, but I appreciate how quickly you got over and back.

I have with me, and with your permission I would like him to sit with me, our minority counsel of the House Committee on Merchant Marine and Fisheries, Richard Sharood, who helped me in preparing the bills.

Senator SPONG. Glad to have you.

Mr. PELLY. I am going to speak with your permission in support of H.R. 3304, a bill to enhance the effectiveness of international fishery conservation programs, and H.R. 7117, a bill to expedite the reimbursement of U.S. vessel owners for charges arising from illegal seizure of their vessels, and to strengthen the provisions of the Fishermen's Protective Act relating to the collection of claims against foreign countries responsible for such illegal seizures.

With your permission, Mr. Chairman, I will first discuss H.R. 3304. I was prompted to introduce this legislation because of the severe conservation crisis which has arisen with respect to Atlantic salmon of North American origin.

As you know, this is a highly prized sports fish which spawns in the freshwater streams of New England and the Canadian maritime provinces. Like all species of anadromous fish, the Atlantic salmon migrates to the sea where it grows to adult size, and then returns to the stream of its birth to reproduce and die, completing the life cycle.

I might interpose here the Atlantic salmon does go out to sea after spawning unlike our own Pacific Northwest salmon which returns to its stream where it originated and then dies and does not go out to sea.

Although numerous spawning grounds have been destroyed or rendered inaccessible due to pollution and man-made obstacles, fishing for Atlantic salmon has remained a viable rod-and-reel sport for many generations. The taking of salmon commercially by nets inshore has not unduly affected the ability of the salmon to spawn in sufficient numbers, and until recently the taking of Atlantic salmon by commercial fishermen and sportsmen has been accomplished with relative harmony.

This equilibrium in the Atlantic salmon fishery has been effectively destroyed by the willful high seas commercial exploitation of Atlantic salmon by Denmark, aided and abetted I believe by a virtual conspiracy of other European countries which have failed to back the efforts of the United States and Canada to secure an effective total ban on the high seas salmon fishery.

The development of the Danish fishing industry is well known and need not be repeated in detail. It is sufficient to recall that this industry has grown from a catch of a few tons 5 years ago to a catch of over 1,000 tons per year at this time.

The International Commission on Northwest Atlantic Fisheries (ICNAF) has proven to be completely impotent in dealing with this program. The ICNAF convention permits its members to exempt themselves from the Commission's decisions. Although the Commission has adopted a ban on the high seas taking of Atlantic salmon, that ban is meaningless in light of the convention's loophole.

The latest meeting of the Commission in June of this year confirmed the inability of the United States and Canada to deal with this crisis within the ICNAF machinery.

In the face of Denmark's intransigence, the Commission again established a 1,200-ton quota on the high seas Atlantic salmon catch, approximately the 1969 level.

This quota, of course, is nothing but a smokescreen permitting Denmark to continue fishing at an already dangerously high level. The quota inevitably will lead to the extinction of the Atlantic salmon.

The life cycle of the Atlantic salmon is approximately 6 to 7 years. The full impact of the 1969 level of Danish commercial exploitation will not be felt until 1975.

Presumably, at that time the Danish Government will admit that there is indeed adequate scientific evidence to confirm that the Atlantic salmon is in jeopardy. By then, however, the salmon will have been depleted beyond any hope of restoration.

The saga of the Atlantic salmon, unfortunately, is being repeated around the world with respect to many other creatures that inhabit the seas, most notably the whale. The International Whaling Convention, far from being a conservation measure, has proved to be a cloak for overexploitation on a grand scale due again to the ability of certain convention members to effectively frustrate any meaningful limitations.

No one anticipated the advent of the Danish high seas salmon fishery, and it is entirely possible that other valuable fishery resources and marine mammals may fall victim to similar sudden intensive exploitation in the future.

For this reason, H.R. 3304 was substantially amended to authorize an embargo in the case of flagrant violation of any international fishery conservation program to which the United States has committed itself.

The bill before you represents, I believe, a substantial improvement over the legislation which I originally introduced. The report of the Committee on Merchant Marine and Fisheries discusses these amendments in detail.

One comment on these amendments is in order, however, Mr. Chairman. The Committee on the Atlantic Salmon Emergency, for which I have the greatest respect and with which I have worked closely, has stated in a recent position paper that the legislation, as passed by the House, has been weakened as far as enabling the President to declare an embargo on all Danish fish products.

This, of course, refers to the requirement that the President's action should conform to the provisions of the General Agreement on Tariffs and Trade.

At the time of House consideration of this legislation, the State Department was unable to advise whether article 20 of GATT relating to conservation programs would permit an embargo on all fishery products, or would limit the embargo to the specie subject to over-exploitation.

So far as I know, the Department of State still has not reached a decision on this point. Nevertheless, I believe this legislation should be enacted in its present form. If the decision of the Department of State is contrary to the interests of the United States in preserving the Atlantic salmon, I will not hesitate to introduce appropriate corrective legislation.

The prompt enactment of H.R. 3304 will greatly strengthen the bargaining position of the U.S. delegation at the next ICNAF conference. If a Danish agreement to ban high seas fishing does not result from that conference, I expect the President to move swiftly to ban the importation of all Danish fishery products pursuant to the authority granted him in this bill.

This completes my statement, Mr. Chairman, with respect to H.R. 3304. I will be happy to answer any questions you may have at this point or proceed with the balance of my remarks, as you prefer.

Senator SPONG. I would prefer that you proceed.

Mr. PELLY. Thank you.

Twelve days ago, an Ecuadorian gunboat seized the U.S.-flag tuna vessel, the *Ventureess*. It was released on November 11, following the payment of a license fee and fine totaling \$46,100. Thus began the latest round of Latin American tuna vessel seizures.

Between November 10 and November 18, 14 American tuna boats were seized by Ecuador with fines and license fees exceeding \$500,000 paid to the Government of Ecuador. Earlier this year, 26 U.S.-flag tuna boats were seized by Ecuador and one by Peru. That rash of seizures netted the Ecuadorian and Peruvian Governments over \$1,300,000.

Although I do not have the figures for the latest seizures, those which occurred earlier this year took place at distances of from 24 to 130 miles offshore, the average being in the neighborhood of 50 to 60 miles from shore.

Mr. Chairman, the purpose of H.R. 7117 is twofold. On the one hand, it is designed to expedite the reimbursement process. On the other hand, it is designed, quite frankly, to compel the Department of State to initiate the procedures set forth in the Fishermen's Protective Act for the presentment of claims to countries seizing our fishing vessels. A failure to honor such a claim, of course, should result in the deduction of the claims from any funds programed for that country under the Foreign Assistance Act.

It now takes approximately 250 days from the date of a seizure to the date the Secretary of State certifies to the Secretary of the Treasury the amount of a claim for reimbursement to a vessel owner. Additionally, it takes another 180 days from the date of certification before reimbursement actually is made, making a total average waiting time of 430 days.

Under existing practice, reimbursement to the vessel owner can only occur if the funds for this purpose have been allocated in either of the two supplemental appropriation measures considered by Congress during each fiscal year.

During this 430-day period, the vessel owner has lost the use of the money paid to the offending country, has depleted his working capital, and has paid a high rate of interest on money borrowed to secure the release of his vessel.

Compounding this situation is the policy of Ecuador to double the fine levied against a fishing vessel seized for a second or third time. For example, on January 18, 1971, the *Apollo* was seized by Ecuador and subjected to over \$86,000 in fines and other charges. On March 3, 1971, the *Apollo* was seized again, but this time the fines amounted to over \$155,000.

In order to relieve this severe financial burden, H.R. 7117 establishes a Fishermen's Protective Fund, which shall be used by the Secretary of the Treasury to reimburse owners of vessels for amounts certified to him by the Secretary of State pursuant to section 3 of the act.

The bill authorizes \$3 million to provide initial capital for the fund, and further provides that any moneys received in repayment by any foreign country shall be deposited in the fund unless there already has been a transfer to the fund from the Foreign Assistance Act.

With respect to the second basic purpose of this legislation, Mr. Chairman, some background information may be helpful. The Fishermen's Protective Act, as originally enacted in 1954, required the Secretary of State to take such action as he deemed appropriate to make and collect claims against foreign countries for amounts expended by the United States pursuant to the act because of the seizure of a U.S. vessel by such country.

In 1968, section 5 of the act was amended at my suggestion to provide that if the offending country fails or refuses to make payment in full within 120 days after receiving notice of a claim by the United States, the Secretary of State shall withhold, pending such payment, the equivalent amount from any funds programed for that country under the Foreign Assistance Act.

Unfortunately, the Department of State has chosen to interpret section 5 of the act in such a way as to completely negate both the original provision and the 1968 amendment.

The key language relied upon by the Department of State appears in the first sentence of section 5. It is "shall take such action as he may deem appropriate."

The words "may deem appropriate" were intended, of course, to give the Secretary of State discretion in the manner of presenting a claim—essentially a mechanical operation or a procedural detail.

Through some quasi-legal juggling act which I cannot comprehend, the State Department interprets these words as a grant of total discretion in deciding whether to present any claim. The State Department to its credit candidly admits that any other interpretation of section 5 would trigger the provision of the 1968 amendment requiring a withholding of foreign assistance funds.

Mr. Chairman, this is one of the most flagrant and deliberate examples that I have ever encountered of administrative distortion and frustration of an act of Congress. Quite naturally, the State Department never has presented a claim to any South American government for the seizure of a U.S. fishing boat, nor will it ever do so until the Congress makes the language of the Fishermen's Protective Act so crystal clear that no State Department lawyer, no matter how adept, can find a word or phrase to seize upon.

With all due respect to the skill of the State Department in these matters, I believe that H.R. 7117 accomplishes this purpose. As re-drafted in this bill, section 5 of the act states that the Secretary of State shall immediately notify a foreign country of any reimbursement made pursuant to the act.

While the Secretary still may take such action as he deems appropriate to collect the claim, the triggering of the 120-day period after which foreign assistance funds must be withdrawn occurs upon notification. No discretion exists with respect to the transmission of his notice.

The State Department, of course, will argue that this legislation unduly ties its hands in the conduct of foreign policy. On the other hand, Mr. Chairman, we have completed almost a decade of tuna boat seizures with no evidence whatsoever that this situation will do anything but deteriorate.

Time and time again, officials of the State Department have come before the Merchant Marine and Fisheries Committee of the House and undoubtedly before the Commerce Committee to indicate that meaningful negotiations are underway. Inevitably, these reports seem to be timed to forestall some impending congressional action.

I am told that the Latin American countries are only interested in conservation of the fishery resources off their coasts, and yet I find no evidence that any progress has been made toward the establishment of meaningful bilateral conservation programs. I have stated that I will support wholeheartedly the establishment of such programs.

We are also told by the State Department that the forthcoming Law of the Sea Conference will resolve this dilemma. That Conference, now tentatively scheduled for 1973, may indeed ameliorate this situation.

In the meantime, however, our tuna industry is confronted with several more years of harassment, seizures, fines, and loss of income. The tuna industry cannot afford to wait until 1973 at the earliest for a solution.

Mr. Chairman, I see no alternative to this legislation. The amendments to the Fishermen's Protective Act to expedite reimbursement to our fishermen are called for as a matter of equity. The amendments with respect to the termination of assistance are essential in order to take the profit out of this business and to convince Ecuador, Peru, and any other country tempted to seize our vessels that the United States is not a paper tiger.

Thank you again for the opportunity to appear before your committee, Mr. Chairman.

Senator SPONG. Thank you very much, Mr. Pelly.

In the definition of terms in H.R. 3304 I wonder if we should not consider broadening the term, and I quote, "international fishery conservation program" to include more than just multilateral agreements.

As you know, the United States is now a party to a number of bilateral agreements in both the Pacific and the Atlantic, and it seems to me that an amendment might be considered to include these also.

Would you agree with that?

Mr. PELLY. I certainly would not object, and I think I would support the interpretation to include bilateral. I think we chose the word "multilateral" because we were thinking originally in drawing this legislation of the North Atlantic salmon treaty.

However, I know of a number of bilateral treaties, and I would be hopeful that this legislation could be used in connection with any failure of those treaties to conserve our fishery resources. Therefore, I think it is an excellent suggestion.

Senator SPONG. I have been particularly interested in the bilateral agreements with Poland and with Russia with regard to the menhaden and the river herring particularly.

Mr. PELLY. I know Mr. Downing, a member of my committee, has shared that concern, and I might add that we have bilateral treaties

on the Pacific Coast too which I think would benefit as a result of that suggestion, although I had hoped that it could move rapidly, and possibly in the report if the Senate did report the bill out it could indicate that it was intended to include bilateral.

Or perhaps you could put an amendment in and then we could just take up the bill.

But I want to see this go through as rapidly as possible and have as few amendments as possible because of the time element that we are all interested in—getting home before Christmas.

Senator SPONG. I share that interest.

Senator HATFIELD.

Senator HATFIELD. Thank you very much, Mr. Chairman.

I would like to commend my neighbor and colleague from the State of Washington, Congressman Pelly, for this very outstanding testimony this morning and to recognize again his long record of support and very material effort made on behalf of the national resources of our area and particularly the fishery resources.

Mr. Congressman, as you well know, we have some very great problems as it relates to the fisheries along our own respective coasts of Washington, Oregon, California, and Alaska. This type of legislation which you are proposing would, of course, have an important effect on the Danish fishing practices.

But where we do not have import from countries, such as Russia, which is so voracious in its fishing appetite on the western coast, it would have no impact at all, would it?

Mr. PELLY. At the moment, no, although the way apparently the relationship between the Soviet Union and ourselves is developing it may well be that we will be having imports.

And I might add that recently I know that the hake fishery off of Oregon has been greatly depressed due to the Soviet fishing.

Senator HATFIELD. And perch.

Mr. PELLY. And they have agreed in this case I think to respect the treaty that we have with them, and they are going to reduce their fishing effort of this product in which we have now a great interest in producing fish protein concentrate.

Senator HATFIELD. I would amend your statement to include the perch species as well as the hake. Both are being rapidly depleted by the type and method of fishing engaged in by the Soviet fishing fleets.

And, of course, we have had the problems with Koreans and the Japanese as well in the Pacific.

I think, Mr. Chairman, it is a very important contribution the Congressman has made this morning to remind us again that these are somewhat stopgap measures that we are talking about because eventually we are going to have to consider this whole problem from the approach of the resource.

It is not a question of territoriality or territorial sovereignty as we attempted to do by moving from a 3-mile to a 12-mile limit on the Pacific Coast, because this does not solve the problem with the basic commitment which we have to preserve the resource.

Mr. PELLY. Of course, the fish don't know where the 3-mile or the 12-mile line is, and they seem to migrate back and forth.

Senator HATFIELD. That's right. It is the resource again more than the exact territorial boundaries or limits.

I think we as a nation have to move with greater acceleration in trying to develop international treaties and commitments by all countries to the preservation of the resource and less concern about the territorial limits which really are rather artificial, especially when 90 percent of our marine life in the ocean is found on the continental shelf of those nations bordering the ocean.

It is all the more imperative that we move, and move soon. I think that what the Congressman is proposing is a very logical preliminary action perhaps. I hope it is preliminary to triggering not retaliation, so much as action on the part of the State Department and other bodies within our own government to undertake serious negotiation with these various countries to get such agreements as the sockeye salmon treaty and others which preserve the resource. They addressed themselves to the resource rather than territory or sovereignty and these other legalisms which oftentimes neglect the resource.

Would you agree, Congressman, this is our ultimate objective?

Mr. PELY. Senator, I couldn't agree with you more. Actually, there isn't a nation in Latin America, for example, with whom we have differences that doesn't have a community of interest with us in conservation. And why we have had to wait to settle the sovereignty over the 200 miles and instead didn't get in there and talk about conservation of the resource I am not able to say.

Senator HATFIELD. Thank you very much, Mr. Chairman.

Senator SPONG. Thank you.

For the record, I would like to amend your statement to show the voraciousness of the Russians is not confined to the Pacific coast. I have worked with it firsthand from the air out here right off the Virginia capes.

Senator HATFIELD. Mr. Chairman, I would say that this points up all the greater responsibility we have to move ahead with some of the legislation to aid our fishing industry. When you look at the Russian technology and the Russian fleets that are plowing both the Atlantic and the Pacific—even based upon an equal start on this thing—we would still be far behind because we need to update both our fishing fleet and the technology surrounding it.

I have seen these foreign mother ships in which the small ships around move out to do the fishing, come back, process it on the mother ship, and they send it back to Russia without ever having touched land except to send their ill people or their emergency cases to our hospitals. And then we spend the next year trying to collect the payment for the services rendered.

But that is another story.

Mr. PELY. We allow them, of course, to come into our ports to get water and supplies, and that simply enables them to stay out there longer and deplete the fishing resources more than they would otherwise.

Senator HATFIELD. Mr. Chairman, would it be appropriate at this time just to illustrate the point here of how these particular species are being depleted by including some statistical data showing the various species along the Pacific coast? It merely illustrates, I think, the problem that we are facing along the Atlantic coast as well.

Senator SPONG. They will be admitted in the record.

(The material follows:)

[From the Congressional Record, May 21, 1971]

PROTECTION OF AMERICA'S DOMESTIC FISHING INDUSTRY

Mr. HATFIELD. Mr. President, a few minutes ago, I testified at a hearing before the Consumer Subcommittee of the Commerce Committee on the subject of protecting our domestic fishing resource from ruination by foreign fishing fleets.

I am a member of this subcommittee, and we are reviewing several bills regarding fish inspection.

I ask unanimous consent that my statement be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR MARK HATFIELD, U.S. SENATOR FROM OREGON

As our committee reviews various bills relating to fish inspection legislation, I think we should examine the more basic question of preserving the very industry that the bills would regulate. As a Senator from the Northwest, I know firsthand the decline our fishing industry has experienced, due in large part to the increased Russian fishing off the coast of Oregon, Washington, and Alaska.

I believe fish protection should be just as important as fish inspection. There will be no fish to inspect, if past trends continue. There will be nothing but fishing ghost towns left along our coasts unless the Federal government takes strong steps to preserve what is left of this once valuable industry.

Yesterday, I checked with my home state, Oregon, to ascertain the latest report. I call attention to these dramatic statistics: at one plant, production is down 80% from last year; at a second it is down 75%; at a third, 63%. At a fourth, production is only half of what it was last year at this time. The annual Oregon trawl landings of fish have decreased from 33 million pounds in 1965 to 18 million pounds in 1970. I also call attention to the attached statistics. While Oregon is known as a lumber state, our fishing industry has played a historic role in the life of our state's economy.

Unemployment in Oregon statewide was 7.6% in February, but was higher along our coast, where Russian fishing has cut into Oregon jobs as indicated above. In Clatsop County, at the mouth of the Columbia River, unemployment was 18% in January and 12.2% in February. It was over 9% in the other coastal counties. As another example, I have been advised that the Oregon catch of ocean perch was about 13 million pounds before the Russians moved in, and last year it had fallen to one million.

In my home town of Newport, I was told that if the trends of the past years continue, there will be no groundfish industry in two or three years. While I recognize that fish imports also contribute to this decline, I know from discussions with Oregonians just how much the Russians have eaten into the traditional catch.

As I speak today, I am advised that 50 Russian fishing vessels are operating just outside the twelve mile limit off the Northwest coast. I know that other states have experienced similar reductions in the catch by American boats.

The same interest shown toward establishing laws for Federal fish inspection must be shown to establish protection for the fish resource. If strong action is not taken soon by the Federal government, these inspectors we are talking about will not have anything to inspect, because foreign fishing boats will have effectively eliminated one of this country's oldest industries.

RECENT OREGON FISHING STATISTICS

Type of fish	1965	1966	1967	1968	1969	1970
Pacific Ocean perch (in millions of pounds).....	13.5	3.8	1.6	0.8	0.6	0.5
Catch per hour unit of effort.....	1,200	1,000	700	400	400	300
Other rock fish.....	4.0	4.8	4.0	3.6	4.6	3.1
Arrow tooth flounder.....	2.3	2.2	2.1	1.0	.9	.4
Total of all specimen, otter trawl fisheries.....	32.5	24.2	20.3	18.2	19.8	18.7
Catch per unit of effort (in hours).....	1,100	1,100	1,000	800	800	700
Total efforts in thousands of hours.....	28.5	22.6	19.6	22.4	24.2	25.9

Note.—Intensive Russian fishing began in April 1966, so 1965 serves as base year. Arrow tooth flounder used mainly as milk food—found in deeper water.

Senator SPONG. Congressman Pelly, we are most appreciative of your appearance here this morning and your contribution to these hearings.

Mr. PELLY. Thank you, Senator.

Senator SPONG. Hon. Nathaniel P. Reed, Assistant Secretary of the Interior.

Mr. Reed, we are pleased to have you with us.

STATEMENT OF HON. NATHANIEL P. REED, ASSISTANT SECRETARY OF THE INTERIOR FOR FISH AND WILDLIFE AND PARKS

Mr. REED. Thank you, Mr. Chairman.

Mr. Chairman, and Senator Hatfield, I appreciate the opportunity to discuss the proposal to enhance the effectiveness of international fishery conservation programs, with particular reference to Atlantic salmon of North American origin.

Conservation of the Atlantic salmon depends upon international cooperation and careful management. High seas conservation of fisheries in the Northwest Atlantic is coordinated by the International Commission for Northwest Atlantic Fisheries, and its members include the principal countries fishing there. Responsibility for international fisheries rests with the State Department and the National Marine Fisheries Service of the Department of Commerce as carried out through ICNAF. Nationally, however, the Department of the Interior is the lead Federal agency for the Atlantic salmon sport fishery.

ICNAF-sponsored studies have shown salmon caught off Greenland come from streams in Great Britain, Ireland, Canada, and the United States. Fishing for salmon on the high seas is contrary to principles of good conservation, since it precludes rational management. It is essential to allow a certain number of salmon to escape to spawning streams in order to maintain the resource. This can be done only if fishing operations are restricted to waters where stocks are not intermingled and where close supervision is possible.

Atlantic salmon stocks in New England were reduced to the brink of extinction, and by 1870 only eight United States rivers, all of these in Maine, supported regular runs. The decline resulted from construction of dams without adequate passage facilities, pollution, and overfishing.

The Department of the Interior, through its Bureau of Sport Fisheries and Wildlife, has been working with the Northeastern States of Connecticut, Maine, Massachusetts, New Hampshire, and Vermont to restore salmon in some of the streams that historically supported runs. Much of the State effort has been financed under the Anadromous Fish Conservation Act.

Fishways required for salmon access to spawning and nursery habitat in Maine's Penobscot River have been constructed in accordance with a model plan initiated in 1967. Better water control on the Machias, Narraguagus, and Dennys Rivers has been achieved. A dam near the mouth of the Machias River, which has obstructed fish passage for many years, has been acquired by the State and has been breached. Water quality continues to improve under standards agreed to by both the States and industry.

In 1966, the States in the Connecticut River Basin and the Fish and Wildlife Service agreed upon a plan for restoring Atlantic salmon in the Connecticut River, and a similar plan has been developed for the Merrimack River by New Hampshire and Massachusetts. The Bureau of Sport Fisheries and Wildlife is presently developing a comprehensive plan for Atlantic salmon restoration and hopes to have it completed by January 1972.

There is no doubt that the great success the Pacific salmon fishery has gained from research, management, propagation, and international cooperation can also be achieved with Atlantic salmon. Even with Federal grant-in-aid assistance, State resources are inadequate to maintain the level of effort necessary for success, and the balance must be provided with Federal programs. Of immediate need is a great increase in the capability to produce young salmon for release, and a vigorous research program to guide propagation and management efforts.

Present hatchery production of Atlantic salmon is woefully inadequate, with the Craig Brook National Fish Hatchery in Maine the only hatchery producing significant numbers of smolts. The current program utilizes 2-year smolts, of which Craig Brook can produce a maximum of 200,000. Additional smolts were purchased from a private hatchery in Canada in 1970 and 1971.

Construction of a new Atlantic salmon hatchery at Green Lake, Maine was authorized in fiscal year 1968, and \$100,000 was appropriated for site acquisition, water rights investigations, and preliminary engineering.

In fiscal year 1972, \$540,000 was appropriated for site preparation and detailed engineering plans. Estimated cost to complete construction is \$3,000,000. The combined output of the Green Lake and Craig Brook stations will be 600,000 to 800,000 2-year smolts annually.

The Bureau of Sport Fisheries and Wildlife has partially redirected program efforts at the Eastern Fish Disease Laboratory at Leetown, W. Va., the Tunison Laboratory of Fish Nutrition at Cortland, N. Y., and the Cortland National Fish Hatchery to include studies of the diseases and nutritional and environmental requirements of hatchery-reared Atlantic salmon.

If we are to expect success for our Atlantic salmon restoration program, there must be some assurance that a reasonable number of the smolts released in our rivers will have an opportunity to return from the North Atlantic as adults. Because it is indiscriminate, a high seas fishery for Atlantic salmon cannot be justified and could well eliminate any chance of restoration. The Department of the Interior would fully support any effort that would result in a total ban on high seas fishing for Atlantic salmon.

While we are in agreement with the intent of the proposed legislation, we cannot recommend the adoption of a unilateral embargo, such as would be authorized by H.R. 3304. The Department of State is, of course, best qualified to assess the impact of an embargo upon our relations with ICNAF nations and other members of the world community.

I thank you, Mr. Chairman, for the opportunity to speak to your subcommittee. I would be pleased to answer any questions you and other members of the subcommittee may wish to ask.

Senator Spong. Thank you very much, Mr. Reed.

Senator Hatfield.

Senator HATFIELD. Thank you, Mr. Chairman.

I appreciate the recitation of the Secretary on this background material. It is very important in what they are doing in terms of creating the smolts, increased population. But I am a little puzzled as to exactly what the recommendation is of the agency to deal with this problem that we are talking about this morning.

As I read your testimony or listen to it, you identify the issue and the problem. You say the Department of the Interior will fully support any effort that will result in a total ban on high seas fishing for the Atlantic salmon. But then you say you do not recommend the unilateral embargo such as would be authorized in H.R. 3304.

What would the agency recommend to deal with this problem?

Mr. REED. The final paragraph, of course, has been added to the testimony as representing the views of the U.S. State Department. We feel that the legislation before you without the embargo, nevertheless, would give us a very effective tool to demonstrate to the ICNAF countries, principally Denmark, the necessity of reviewing with great care the quotas that were established last spring at the ICNAF meeting in Halifax, which to our way of thinking do not address themselves to the very serious problem which affects both the Canadian rivers and the rivers of the United States.

We have eight rivers that now contain salmon runs. The Congress has seen fit to give us authorization for a great deal of money to build one of the most modern hatcheries in the world. To my way of thinking, Senator, unless we can effectively reach some agreement on high seas fishing I can't really recommend to the Congress that it would be a very good idea to go ahead with this vast expenditure of money if we are not going to get any fish back.

So we do have a problem. But our hope is that this bill will pass in some form to give us additional leverage at the next meetings of ICNAF.

Senator HATFIELD. You are still putting your confidence and trust in ICNAF then rather than any proposal like Congressman Pelly has?

Mr. REED. No; my trust and faith in ICNAF are certainly strained. I would think that any leverage that we can get and direction we can get from the Congress will be of use to the Secretary of the Interior as he faces this problem.

Senator HATFIELD. You are not implying, are you, that we turn this matter over to the State Department to resolve by the statement here in your testimony?

Mr. REED. A final decision on an embargo is beyond the purview of the Department of the Interior.

Senator HATFIELD. Right.

Mr. REED. That is substantially what that statement says.

Senator HATFIELD. But, you see, the thing that I have a fear of is that as anyone who carefully studies the situation, as I have, has seen that the mineral industry of this country has been bartered away by the State Department for political treaties with little concern for the economic or other problems in the metal and mining industry.

I would be very reticent to see the State Department take over the major responsibility of resolving the fishery problems without the full and complete involvement of the Interior Department because I

would be fearful that there would be those who would see this in political objectives rather than in natural resource objectives.

The State Department has a notorious record in my opinion of making decisions and policies based upon only politics. This is part of their commitment. After all, the State Department is the State Department. It is not the Interior Department. But I don't want to see them involved in trying to resolve a fishery problem without the input and the complete support of the Interior Department looking at it from purely a natural resource and not from a political basis.

Mr. REED. Understood, sir.

I am sure the Department of State could much better testify to that than I could.

I would like also, sir, to comment on your very excellent questions to Congressman Pelly concerning the problems of high seas fisheries off the Pacific Northwest which in fact are really identical to the problems we are facing off the Georgian Bank in the northeast-controlled again by the ICNAF treaty.

I would be delighted to send you and the chairman for the record a very fascinating paper developed by Frank Grice, the director of the Department of Natural Resources of the State of Massachusetts called "Pulse Fishing and its Effect on the High Seas Fishing in the Northeast." It is one of the most interesting papers on this subject I have ever read.

Senator SPONG. Secretary Reed, we appreciate your testimony.

The State Department is scheduled to appear here on Wednesday to testify. I must concur with Senator Hatfield's observation that Interior goes fine for four pages of your statement and then sort of falls off at the end.

And I don't want to promote any differences between your function or policy and those of the State Department, but do you believe that any international agreement is forthcoming in the near future that will save the Atlantic salmon?

Mr. REED. It is my personal opinion that things are going to have to get a great deal worse than they are now, and they will get worse—I can guarantee you that, Mr. Chairman—next summer because—

Senator SPONG. You heard the testimony earlier?

Mr. REED. Yes, sir.

Senator SPONG. I think they used the year 1975 for the critical year.

Mr. REED. Well, the kill 3 years ago, the kill 2 years ago, the kill 1 year ago, and the kill this summer were all vastly excessive in the high seas. We saw a dramatic drop in the number of fish that entered the Canadian river systems this spring and summer. We noticed a dramatic drop in Great Britain and in Ireland. We are going to see a more dramatic drop next spring and summer.

It is my hope that those countries with the great salmon reserves and resources are going to recognize the position that they put themselves in by their failure to vote for strong conservation methods at the last meeting at ICNAF at Halifax this spring and that it will galvanize those countries into some legitimate action.

We are in a difficult position. We only have eight rivers that contain small salmon runs. We are in the position of trying to rebuild

our resource. Those countries that still have enormous salmon runs are now really seeing the results of this 5 years of high-seas fishing. It's terrific.

Senator SPONG. Are the Canadians to your knowledge endeavoring to deal bilaterally with the Danes?

Mr. REED. No, sir. It is the intent of the Secretary of the Interior to undertake discussions with the Canadian Government to attempt to arrive at a North American Atlantic salmon policy, and those communications will begin almost immediately.

The Canadians have so much more to gain by a strong position on high-seas fisheries than we do with the hundreds of rivers that contain salmon and the millions and millions of dollars of income which they generate from those rivers and from their fishery. They are going to have to take a very strong position.

The fish are caught all the way down from the Davis Strait all the way across Newfoundland before they get to our waters, and the Canadians have got to face some responsibility as to this themselves.

Senator SPONG. Thank you very much.

Mr. REED. Thank you, Mr. Chairman.

Senator SPONG. Thank you for your testimony here.

(The following information was subsequently received for the record:)

THE NORTHWEST ATLANTIC FISHERIES CRISIS—PRESENTED AT THE NEW ENGLAND GOVERNORS' CONFERENCE, NEWPORT, R.I., JULY 23, 1971

(By Arthur W. Brownell, Commissioner of the Massachusetts Department of Natural Resources)

Although the recent dispute between Soviet fishermen and American lobstermen off the Massachusetts coast has caused an avalanche of publicity, an even greater crisis with more far-reaching implications is taking shape in the Northwest Atlantic. In recent years these waters—particularly Georges Banks which lies 50 to 100 miles off Nantucket—have been so overfished that marine resources are dwindling rapidly.

Already the decline of haddock stocks, once the mainstay of the Massachusetts fishing industry, have been declared a resource disaster by the Federal Government. Herring and yellow tail flounder stocks in these waters are also on the verge of commercial extinction and other species such as cod, mackerel and lobsters are threatened. Unless some management and regulation of fishing in these waters are imposed immediately, valuable fishing stocks that now account for a good part of the \$200 million annual catch in the Northeast will be wiped out and the New England fishing industry ruined.

For years the Northwest Atlantic, especially Georges Banks off Massachusetts, has supported the bulk of fish landings such as haddock, cod, flounder, mackerel, herring—all of which substantially contributed to New England's economy and development. While volume of landings of specific species varied over the years, there was little indication of over-fishing and the abundant supplies of fish were believed to be inexhaustible.

In less than a decade the situation has changed radically. In the early 1960's the Soviets moved into these waters in large numbers, followed by other Communist Bloc and European nations. These government subsidized fleets consisted of everything from small, obsolete side trawlers to giant factory ships capable of complete servicing of the catching vessels. By 1970 the combined foreign fleets consisted of over 1,000 vessels which spent at least part of the year in the Georges Banks area.

The scoreboard on fish catches illustrates, the dismal story. From 1952 through 1960 the U.S. fish catch from New England waters averaged over 700 million pounds, 99% of the total catch from that area. By 1969 the U.S. catch from these waters had declined to about 418 million pounds, 25% of the area's total harvest.

In that year the Soviets took 836 million pounds, 50% of the total catch from New England waters.

The consequences of this fantastic increase in fishing effort are now becoming clear. One by one the most abundant and economically important species of fish have been systematically exploited by "pulse" fishing. Pulse fishing consists of directing intense effort to a particular fishery until it is no longer economically feasible to continue. When that point is reached the Soviet or foreign fleet switches to another species and the exploitation proceeds again. After being so intensely exploited, it is questionable whether the species can adequately reproduce to replenish their diminished population. It is also questionable what the ultimate effects of over-exploitation will be on the total marine ecosystem. It is certain though that pulse fishing is like a dangerous, irresponsible game of Russian roulette in which the stakes are nothing less than the survival of valuable protein resources.

Ironically the most seriously threatened fishery resources are those which have been the most prolific. Only those species whose sheer numbers provide a huge source of available protein are sought by the Soviet Union and other foreign nations. Through fleet communications the catching vessels are homed in on fish concentrations after special scout vessels have systematically plotted their abundance. In this manner constant pressure is applied to the schools of fish as they go through their normal seasonal movements or migrations. No longer are the fish safe from capture. The fleets can trawl at whatever depth the fish are present. When coupled with electronic gear that pin point fish concentrations, the capability for virtual annihilation of each school is realized.

The grim effects of pulse fishing are now being felt. In 1965, 550 million pounds of haddock were caught in the Northwest Atlantic. Of this catch the Russians accounted for 283 million pounds, most of which were young fish spawned in 1963, an unusually successful year for this species. This huge year class would have sustained normal U.S. haddock fishing into the 1970's and at the same time provided ample breeding stock for the future. But as a result of pulse fishing only 27 million pounds were caught last year—the lowest number ever recorded. So reduced are haddock numbers that the National Marine Fisheries Service has recommended that fishing haddock be suspended indefinitely in New England's waters. Many biologists believe there is a possibility that the species could disappear from New England waters in the next few years.

Nor is the situation much better in the herring fishery. In the spring of 1971 National Marine Fisheries estimated that the once abundant stocks of herring off the Atlantic coast had been reduced by 95% in just two years of intense fishing. And many experts predict that unless drastic conservation measures are taken immediately, the yellow tail flounder, cod, mackerel, sea scallops, lobsters and other abundant species will be imperiled.

At present the only control, treaty agreement or fisheries jurisdiction covering New England's waters outside the 12 mile limit is empowered in the International Commission for Northwest Atlantic Fisheries (ICNAF). Established in 1949, ICNAF consists of 15 member nations, including the U.S., Canada, and the Soviet Union, whose purpose is "to investigate, protect and conserve the fisheries of the Northwest Atlantic Ocean in order to make possible the maintenance of a maximum sustained catch from these fisheries."

Unfortunately ICNAF has been ineffective, an anachronism of less complicated times before pulse fishing and the advent of modern fishing fleets. Since its beginning ICNAF has been unable to develop an adequate system of fishing controls. As the case of haddock testifies—a species which ICNAF has concentrated its greatest effort in managing—the Commission has been incapable of acting in time to prevent the decline of a species. It only reacts after the tragedy has occurred. The international machinery is so time-consuming that it cannot hope to keep pace with the technological capabilities of the foreign fishing nations involved.

The fact is the Commission has not even addressed the real issue—*total fishing pressure*. Under ICNAF's species management approach it can only impose regulations on a particular species after it has been documented that the species has been over-fished. In actuality these regulations have come about after pulse fishing has already been transferred to another victim. Until some control can be exerted on the total harvest capability of the nations involved, no effective management will exist.

ICNAF's supporters point out that the Commission is now in the process of improving international procedures for achieving effective management of fish stocks. Presently ICNAF has a proposal for granting coastal states preference in traditional fisheries, but permitting other nations certain rights to utilize some of the stocks. But even ICNAF's most optimistic supporters admit that truly effective management is at least several years away—and that may be too late to save those endangered species.

It is evident that some form of management of New England's offshore waters is imperative. To achieve this as soon as possible, the Department of Natural Resources recommends that the Congress of the United States pass emergency legislation temporarily extending fisheries jurisdiction over these waters. Extended fisheries jurisdiction would not involve any territorial extension of 100 or 200 miles offshore. It is realized that such an approach would only invite reciprocal territorial extension on the part of other nations, closing off areas such as the Mediterranean and yielding little more than equalization of disadvantage plus hard feelings. Extended fisheries jurisdiction, however, would enable the U.S. to exert effective management over the area.

At present under ICNAF some control is attempted through regulating net mesh sizes and fishing quotas. But these regulations are difficult to enforce, requiring the boarding of vessels to check on compliance with the law. By extending fisheries jurisdiction the Federal Government could control fishing quotas by determining the number of vessels fishing the area. Enforcement would be feasible as the Coast Guard could monitor the number of vessels entering and fishing the area at a given time. In this way the critical pressure on fish supplies could be controlled and reduced.

Other immediate steps can also be taken to protect marine resources, specifically in the case of lobsters. The U.S. claims control over the oil, minerals and all "creatures" of the Continental Shelf. Permission to extract any mineral or creature from the nation's seabeds must be granted by the Federal Government. Presently lobsters are not classified as "creatures" of the Continental Shelf. Yet there is precedence for doing so since all of the West Coast king crabs, similar type crustaceans as the lobsters, have been classified "creatures"—an arrangement, incidentally, which the Soviet fleets have honored. If National Marine Fisheries extended classification to lobsters, a vital sector of New England's fishing industry could be protected.

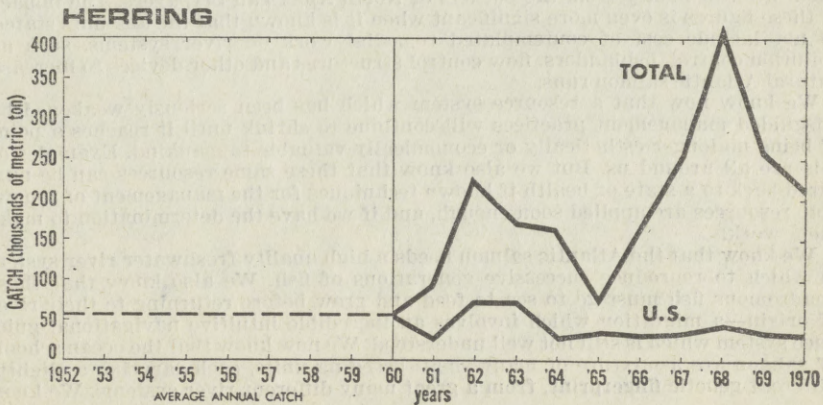
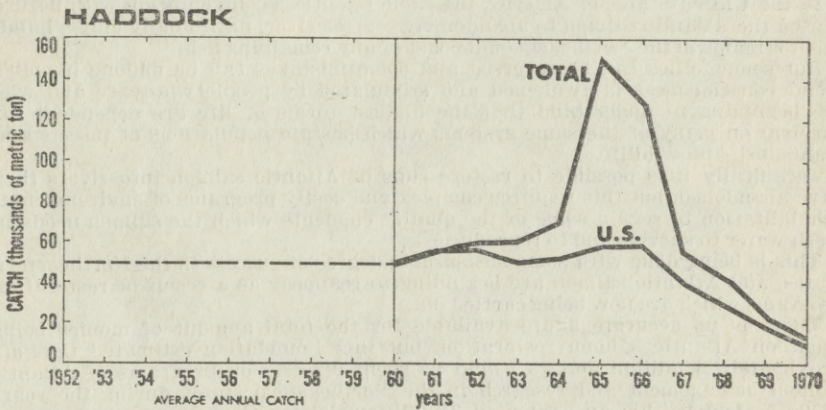
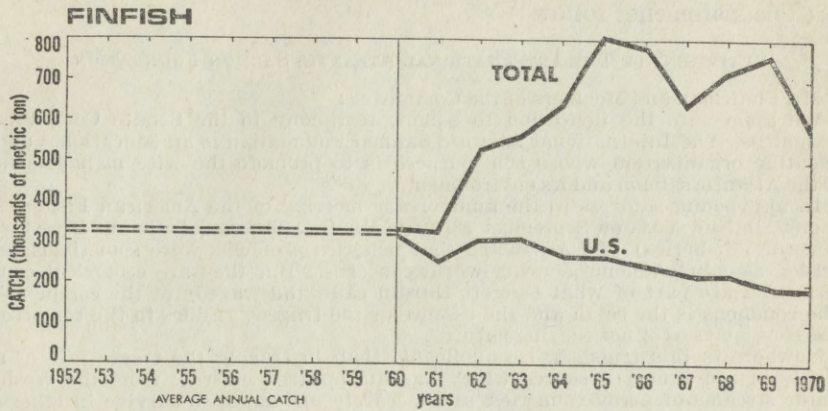
The time is ripe for the Commonwealth to apply pressure on the Federal Government to extend fisheries jurisdiction to these waters. In the past the Federal Government has looked upon the Northwest Atlantic fisheries as poor cousins among the nation's fishing industries. In the arena of international politics the Government has appeared to have written off New England's fisheries as an unimportant factor for consideration. But now the Northwest Atlantic fisheries appear to be gaining influential allies that could aid in convincing the Government to extend fisheries jurisdiction. In both the West Coast and Gulf Coast fisheries, segments of which previously opposed any extension of fisheries jurisdiction, are now changing their attitudes toward this policy.

Undoubtedly the Federal Government, not wishing to antagonize its neighbors, would prefer to extend fisheries jurisdiction on a bilateral basis with the Canadian Government rather than alone on a unilateral basis. Canada might be very receptive to a bilateral approach given its similar fishing interests. Nevertheless if Canadian cooperation is not immediately forthcoming, action to extend fisheries jurisdiction should be carried out unilaterally since the need for protection is so urgent.

The crucial point is that we must make a total effort to impress the Federal Government of the urgent need to address itself to the critical problem of protecting these fishery resources. At the present there is a bill before the Massachusetts Legislature to extend the territorial waters of the Commonwealth 200 miles from the shoreline. We support the intent of this bill in that it seeks to protect our offshore fishing industry. While we realize that the bill may be unconstitutional, we believe that lack of appropriate action disregards an even more fundamental law—that of conserving our living resources.

Our strategy thus should be to exert pressure on all fronts and on both Congress and the Executive branch to press for emergency legislation. But time is of the essence, for unless we move quickly to enact effective control over our fish resources, an ecological disaster may occur that will not only ruin New England's fishing industry, but wipe out a vital food resource for the entire world as well.

CATCH FROM NEW ENGLAND WATERS



Senator SPONG. I have statements from the International Atlantic Salmon Foundation, the Theodore Gordon Flyfishers, Inc., and the Connecticut River Watershed Council, Inc., to be inserted in the record.

(The statements follow:)

STATEMENT OF THE INTERNATIONAL ATLANTIC SALMON FOUNDATION

Mr. Chairman and Members of the Committee:

We appreciate the invitation to submit testimony to the Senate Commerce Committee. The International Atlantic Salmon Foundation is an educational and scientific organization whose sole purpose is to promote the wise management of the Atlantic salmon and its environment.

In his opening address to the anniversary meeting of the American Fisheries Society in New York on September 13, 1970, Mr. Roy Jackson, Assistant Director-General (Fisheries) of FAO, noted that fisheries problems were sometimes regarded as minor among growing world concerns. "But they are ecological concerns and are part of what Garrett Hardin calls 'the tragedy of the commons'. The commons is the earth and the essence of the tragedy resides in the remorseless consequences of not obeying nature".

Nowhere is this truism more applicable than in tracing the tragic fate of a highly prized fishery resource which has disappeared entirely from the fresh-water streams of many countries, and is barely managing to survive in others. Only of a very few countries in the world today can it still be said that the state of Atlantic salmon resources is healthy.

In the United States of America the same relentless confrontation with nature caused the Atlantic salmon to abandon river after river, until finally only a handful of streams in the Northeast could boast of any remaining fish.

But some follies can be reversed and some mistakes can be undone if man's social consciousness is awakened and stimulated by people who care and who are beginning to understand that the highest forms of life are dependent for survival on many of the same systems which sustain populations of insects and plants, fish and wildlife.

Technically it is possible to restore runs of Atlantic salmon into rivers they have abandoned, but this requires complex and costly programs of environmental rehabilitation to regain some of the quality elements which the salmon needs in fresh water to survive and to reproduce.

This is being done with some measurable degree of success in the Northeastern states, and Atlantic salmon are beginning to reappear as a result of restoration programs which are now being carried out.

There is no accurate figure available for the total amount of monies being spent on Atlantic salmon restoration, but this Foundation estimated that approximately 6 million dollars would be spent directly on programs of Atlantic salmon management and research in the Northeastern states during the years 1970-75. Add to this an estimated 35 million dollars Canada expects to spend on Atlantic salmon programs there during the same period and one is talking about a lot of money from the pockets of North American taxpayers. The impact of these figures is even more significant when it is known that the amounts stated do not include cost of contemplated remedial work on river systems, such as pollution control, fishladders, flow control structures and other devices to increase natural Atlantic salmon runs.

We know now that a resource system which has been seriously weakened by misguided management practices will continue to shrink until it reaches a point of being no longer esthetically or economically valuable to mankind. Examples of this are all around us. But we also know that these same resources can be nurtured back to a state of health if known techniques for the management of renewable resources are applied soon enough, and if we have the determination to make them work.

We know that the Atlantic salmon needs a high quality freshwater river system in which to reproduce successive generations of fish. We also know that these anadromous fish must go to sea to feed and grow before returning to their river of origin—a migration which involves an incredible intuitive navigational guidance system which is still not well understood. We now know that the ocean schools of salmon are a mixture of many small breeding units, each carrying a slightly different genetic fingerprint, from a great many different river systems. We know

also that when the time approaches for a return to natal river systems to reproduce, these individual gene pools of salmon will split off from the others and head unerringly back for the stream from whence they came.

We also know that like other renewable resources, this harvest should be cropped, but a farmer doesn't mow his grain when it is half ripe nor does the cattle rancher harvest his animals by sending calves to the slaughterhouse. There is a selection made so that mature elements of the resource are harvested and sufficient good seed stock is retained to assure another generation.

This same principle can and should be applied to Atlantic salmon, so that the harvest will be taken by controlled methods only *after* the individual, mature breeding units have split off from the main feeding concentrations and are nearing their rivers of origin on the return migration. There is no other known way to harvest stocks of anadromous fish which provides any degree of control over the destiny of the resource. This is why we oppose the fishing of mixed populations of anadromous fish in the sea distant from their rivers of origin, *wherever* it occurs. The issue is not of one group or of one country in opposition to another—it is this fundamental conservation issue that is at stake. Are we going to manage a much maligned and valuable resource properly by known resource management principles and restore it to a healthy state, or are we going to flounder around with half measures and compromise while the resource is frittered away?

Although there may not yet be the incontrovertible scientific date some insist upon to prove the highseas fishery for Atlantic salmon harmful, there is mounting evidence to support this contention. One has only to look at the precipitous decline in the Norwegian salmon fishery since highseas operations began there, or view the catches off Greenland in relation to the very real decline in stocks in North American rivers and then study the origin of tagged fish taken in the highseas operations. The 1971 fishing results indicate the total approximate decrease in Atlantic salmon catches in North America of 40%.

In one recent experiment worthy of mention among the many which show clearly what is happening, 45.7% of the adult salmon recaptured from a tagging experiment with 20,000 smolts in 4 Canadian rivers were taken off the west coast of Greenland by fishermen of other countries. A person would have to be naive indeed not to see a clear and direct relationship between the cause and the effect.

It can be said that a highseas fishery for Atlantic salmon began, expanded and continues yet today partly by virtue of restrictions placed upon the fishery in salmon producing countries and by management programs carried out by those countries to assure a continuing stock of fish. No agreement to correct this obvious imbalance can ever be acceptable which ignores the fundamental principles of renewable resource management, while placing the burden on conservation on salmon producing countries and leaving the fishery in international waters in tact.

Norman Cousins once wrote that if all a man is concerned about is the here and the now, he is of small stature, and his measure is soon taken.

The concern of our organization today is to assure that we preserve the Atlantic salmon for tomorrow. We give our active support to individuals, governments and other organizations trying to do this. We cannot comment either for or against the method proposed in H.R. 3304 to regulate exploitation of Atlantic salmon in international waters. We can however, strongly support the conservation principle which this Bill seeks to promote.

WILFRED M. CARTER,
Executive Director.

THEODORE GORDON FLYFISHERS, INC.,
New York, N.Y., November 16, 1971.

Senator WARREN G. MAGNUSON,
*Chairman, U.S. Senate, Committee on Commerce,
Washington, D.C.*

DEAR SENATOR MAGNUSON: Theodore Gordon Flyfishers, Inc., a conservation and angling organization with 500 members located chiefly throughout the North-eastern United States, urges you and your committee to act favorably on H.R. 3304. To the best of our knowledge, passage of this legislation is the only route available to us which has any promise of applying pressure to stop or curtail the irresponsible high seas fishing for Atlantic Salmon now taking place. This high seas netting of immature Atlantic Salmon, chiefly by Danes, Faroese Islanders and Greenlanders, has produced a precipitous decline in Atlantic Salmon

runs in the United States, Canada, and in Europe. This decline has been such that a continuation will place the Atlantic Salmon in the category of a true endangered species and if there ever was a case of the few benefiting at the expense of the man, this is it.

In the United States, both Federal and State funds have been spent and are being spent to bring the Atlantic Salmon back to the New England streams where it once abounded and these efforts were meeting with success until the inception of the serious high seas fishing for Atlantic Salmon which started a few short years ago. To many knowledgeable people, the Atlantic Salmon is the premiere sport fish in the world. Unfortunately, it is as good on the table as it is on the end of a line, and therein lies the tragedy. Those who profit from this highseas fishery have no Atlantic Salmon streams in their own countries and therefor are not affected by the depredation with which they afflict others.

Passage of H.R. 3304 will not only serve to curtail the high seas fishery and restore the Atlantic Salmon, but will provide an important measure of protection to all anadromous species, including the vitally important salmonoids of the Pacific, which, themselves, may be one day the victims of similar types of exploitation. We ask your support and your effort to achieve passage of this important legislation. Our country can only gain by its passage.

Yours sincerely,

GARDNER L. GRANT,
President.

CONNECTICUT RIVER WATERSHED COUNCIL, INC.,
Easthampton, Mass., November 17, 1971.

Senator WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
Washington, D.C.*

DEAR SENATOR MAGNUSON: Our conservation organization representing over one thousand families, industries, business concerns and other conservation associations within the Connecticut River valley in the states of Connecticut, Massachusetts, New Hampshire and Vermont wishes to record with your committee our support for passage of the Senate Bill 2191 and H.R. 3304.

We fully concur with the purposes of these bills which would enable the President to place an embargo on the importation of fish products from any country whose nationals are conducting high seas operations in a manner which diminishes the effect of conservation efforts.

While these bills include all marine species of fish, we are particularly interested in the anadromous fish species, and the Atlantic Salmon and American Shad in particular, as they pertain to our river system. We believe strongly that these species must be given every available means of protection from becoming extinct from our river's systems. In the case of Atlantic Salmon, the current exploitation of this species on the high seas by nationals from Denmark and Norway threatens their continued existence as a renewable and valuable fishery resource.

Other organizations—such as the Committee on the Atlantic Salmon Emergency (CASE) and the International Atlantic Salmon Foundation (IASF)—will document the severity of this high seas fishery for Atlantic Salmon at hearings scheduled by your committee on November 22 and 24, 1971. Their collective efforts to familiarize themselves with this problem and to bring public attention and action to this critical issue should be considered with the utmost attention by the Senate Commerce Committee.

With major efforts of both time and money being expended by federal, state, and national governments, and private industry to protect and restore Atlantic Salmon to river systems—such as the Connecticut River—and to improve rivers for this sport fishery, we believe it to be fool-hardy of governments to allow through insufficient action the continual high seas slaughter of salmon. This species is perilously close to exhaustion, as being of any value either commercially or for sport fishing. Neither the Northeast Atlantic Fisheries Commission (NEAFC) nor the International Commission for Northwest Atlantic Fisheries (ICNAF) to which we have delegates are able to take appropriate measures which would assure the preservation of the Atlantic Salmon as a species. Many fishery biologists and conservationists feel that the ICNAF is incompetent to deal satisfactorily with international fishery problems. Meanwhile, an extremely valuable

fishery resource is being eliminated as a result of nations unwilling to work collectively through this Commission.

Therefore, it is urgent that the United States take a lead in developing strong measures that could be effectively employed on an international basis for assuring the protection of fishery resources valuable to our country. It is certainly within our interest to protect our propagation, management and restoration programs which are dedicated to returning anadromous fish species to our east coast river systems.

The four year Anadromous Fishery Restoration Program for the Connecticut River Valley is but one of many programs in North America which would suffer should action be delayed in protecting our anadromous fish while they develop in the open sea. To date, more than 100,000 Atlantic Salmon smolt, and a like number of salmon fry, have been stocked in the Connecticut River system. Thousands of dollars and man-hours have been invested in this program to restore this specie to the river after an absence of nearly 200 years.

The outlook for a favorable restoration effort is encouraging—but at the same time we are uncertain of full success due to foreign governments' high seas fishing operations which are rapidly depleting the world stock of Atlantic Salmon. These nations must be made to realize the value we place upon our fishery resources. To date, they are significantly unimpressed with our government's position in this matter.

These bills will give the President—and our country—a strong tool with which to convince other countries that we mean to protect and preserve marine fishery resources valuable to our continent.

We urge favorable action on S.B. 291 and H.R. 3304 by the Senate Committee on Commerce.

Respectfully submitted,

JOHN C. CALHOUN, Jr.,
President.

Senator SPONG. The next witness will be the senior Senator from the State of Hawaii, Senator Fong.

We are very pleased to have you with us this morning, Senator Fong.

STATEMENT OF HON. HIRAM L. FONG, U.S. SENATOR FROM HAWAII

Senator Fong. Thank you, Mr. Chairman.

Mr. Chairman and Senator Hatfield, I welcome this opportunity to testify on S. 2437, a bill I introduced to authorize a program for the development of fishery resources in the Central, Western, and South Pacific Ocean.

The bill would authorize the Secretary of Commerce to contract with the Pacific Islands Development Commission to undertake a 3-year program for the development of the vast, untapped tuna resources in the Pacific. An authorization of \$4 million is provided to carry out the program.

The measure has the same general objectives as S. 3176, a bill I offered in the last Congress. It was favorably reported last year by the Senate Commerce Committee, approved by the Senate, and sent to the House where, unfortunately, it was not acted on before adjournment.

The bill now before you has been modified to take into account two events which occurred since I introduced the earlier bill.

First, a reorganization plan last year transferred the commercial fisheries functions formerly vested in the Interior Department to the Commerce Department. S. 2437, therefore, authorizes the Secretary

of Commerce, instead of the Secretary of the Interior, to carry out the program for the development of tuna resources in the Pacific.

Second, the Pacific Islands Development Commission was organized last year to promote the fisheries development. The Commission is a nonprofit corporation composed of the chief executives of four similar areas—the State of Hawaii, the territories of American Samoa and Guam, and the Trust Territory of the Pacific Islands. It is working closely with the tuna industry in support of the program envisioned in S. 2437.

The chief executives of the Pacific Island areas under the American flag are united in their firm determination to encourage the economic development and diversification of their respective areas. All consider the tuna as a latent resource with great potentialities for development. I am greatly impressed with their plan to expand their basic economies by harvesting the tuna resource which abounds in the ocean around their islands.

Fishery experts estimate the tuna resource in the Central, Western, and South Pacific to amount to as much as 1 million tons, and that approximately 880,000 short tons of skipjack tuna can be harvested from this extensive region.

At \$250 per ton, 800,000 tons of skipjack would be worth about \$200 million to the fisherman, \$500 million to the processors, and some \$800 million at the retail level. Even if only half of this resource is developed in the next decade, it would be a significant contribution.

The existence of the tuna resource has been well established. The task is to harvest it efficiently and profitably. What needs to be done now is exploratory fishing and gear research—what equipment and techniques would be best suited for that region of the Pacific.

The plan is to explore the Central and South Pacific with large modern purse seiners and medium-size bait boats, and to search the Western Pacific with medium-size seiners and bait boats of various types with gear modifications. The experience gained from the initial operations is expected to be followed by more productive activities in subsequent years.

The Pacific Islands Development Commission is firmly committed to the tuna development program. Hawaii, American Samoa, Guam, and the trust territory have pledged \$200,000 toward the cooperative venture. The tuna industry has pledged an additional \$212,500.

However, the program contemplated under S. 2437 requires the Federal Government to lend its assistance. Neither the island areas nor the tuna industry is financially able to undertake the fishery development without the Federal Government joining in the venture.

The eventual return from this joint investment would, in my opinion, be worth the outlay of funds. For the peoples living on the islands—in Hawaii, Guam, American Samoa, and Micronesia—it would mean a more viable economy through the creation of new jobs, additional capital, and more exports. For the Nation, it means an opportunity to reverse the declining state of America's fishing industry.

The U.S. tuna fleet is hard pressed to find new areas to catch tuna. Although the demand for the product is increasing rapidly, the American tuna industry is providing a decreasing proportion of the

world's supply of tuna. Its very existence is being threatened by regulatory limits in the Eastern Pacific, by stiff competition from foreign fleets receiving considerable assistance from their governments, and by foreign seizures of U.S. tuna vessels.

A recent letter I received from the Office of the High Commissioner of the Trust Territory has summed up very cogently the need for early action on a Pacific tuna fishery development program:

Getting this program underway is particularly urgent at this time as the Koreans and Taiwanese are now building fleets of skipjack boats with which they plan to fish the Trust Territory waters, carrying their hardy live bait with them from their home ports. Their efforts, combined with the Japanese skipjack fleet, which exceeds a hundred vessels and is steadily growing, may soon result in such an extensive fishery in the Western Pacific that regulatory measures will have to be introduced to prevent overfishing. Should this occur, the countries with the history of fishing in that area will probably receive the bulk of the quota, thus closing the U.S. tuna fishery out of what is still the last major underdeveloped world tuna fishery. Limit the participation by U.S. interests and you will also limit the participation of Micronesians in their own fishery.

Similar letters of concern and of appeals for action have come to me from all four island areas of the Pacific and from the tuna companies. I request that these messages urging support of the tuna development program be made a part of the hearing record.

For all the reasons cited in my statement, I ask this committee to give its strong endorsement and approval of S. 2437.

Senator SPONG. Thank you very much, Senator Fong.

I believe I conducted the hearings at the last session on similar legislation—

Senator FONG. Yes.

Senator SPONG (continuing). Which received favorable consideration from this committee, and I assure you of our earliest consideration of this measure and appreciate your appearance here this morning.

Senator FONG. Thank you.

(The letters follow:)

HONOLULU, July 1, 1971.

HON. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: I regret that I was not able to go to Washington to participate in the effort to obtain Federal funds for the all-important fisheries development project in the Central, Western and Southern Pacific.

I am in complete support of the effort to obtain \$4 million to initiate the exploratory program which could lead to great economic benefits to the Island territories as well as to Hawaii.

As you know, there was an Administration bill passed in our own State Legislative which I have recently signed, Act 126, which provides \$100,000 for Hawaii's contribution to a \$200,000 cooperative development by Hawaii and the Island territories. This amount must be matched by the Island territories at some \$33,333 each before Hawaii's portion can be expended. We expect, through the Pacific Islands Development Commission, to contribute a nominal amount from this fund toward the fisheries development project as outlined in the report, "An American Fisheries Opportunity in the Central and Western Pacific," which I understand is in your possession. This amount will probably be in the order of \$30,000 to \$40,000 by the Commission which compares with the individual contributions by tuna companies. Their pledge, as you know, totals \$212,500 and consists of some 5 or 6 companies as well as two boat owners associations.

My fellow commissioners and I believe that the project should be under the policy direction of the Pacific Islands Development Commission with its Marine

Resources Development Committee having the direct jurisdiction over the operation of the project. For your information, I am enclosing a copy of the list of members of the Marine Resources Development Committee.

I would again emphasize Hawaii's complete support of this effort, together with our friends in the Island territories. We are ready to provide you with whatever information that you need to help you in your efforts to raise the necessary money in the Congress and the Administration.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS,
Governor of Hawaii.

Enclosure.

PACIFIC ISLANDS DEVELOPMENT COMMISSION—MARINE RESOURCES DEVELOPMENT COMMITTEE

Hawaii: Mr. Michio Takata, Director, Division of Fish and Game, Department of Land and Natural Resources, 530 South Hotel Street, Honolulu, Hawaii.

Guam: Mr. Isaac Ikehara, Chief, Fish and Wildlife Division, Department of Agriculture, Government of Guam, Agana, Guam 96910.

Trust Territory: Mr. Peter Wilson, Chief, Marine Resources, Trust Territory of the Pacific Islands, Koror, Palau, Western Caroline Islands 96940.

American Samoa: Dr. Stanley Swerdloff, Director of Marine Resources, Government of American Samoa, Pago Pago, Tutuila, American Samoa 96920.

Bumble Bee: Mr. Ora Kerns, Fishery Biologist, Bumble Bee Seafoods, Inc., Box 30, University Station, Seattle, Washington 98105.

Del Monte: Mr. Clifton D. Day, Manager, Seafood Development, International Del Monte Corporation, P.O. Box 3575, San Francisco, California 94119.

Star-Kist: Mr. Edward Ryan, Director of Fish Procurement Operations, Star-Kist Foods, Inc., Terminal Island, California 90731.

Van Camp Seafood: Mr. Glenn H. Copeland, President, Van Camp Sea Food Division, Ralston Purina Company, P.O. Box 3208, Terminal Island, California 90731.

Westgate-California: Mr. Jack Gorby, Executive Vice President, Production & Marketing, Westgate-California Foods, Inc., 1995 Bay Front, San Diego, California 92112.

American Tunaboat Association: Mr. August Felando, General Manager, American Tunaboat Association, 1 Tuna Lane, San Diego, California 92101.

Western Fishboat Owners Association: Mr. F. Robert Insinger, General Manager, Western Fishboat Owners Association, 4904 N. Harbor Drive, San Diego, California 92106.

Scientific Community Representative: Dr. Albert Tester, Senior Professor, Zoology, University of Hawaii, Honolulu, Hawaii 96822.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF TERRITORIES,
Washington, D.C., June 18, 1971.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: Thank you very much for your support of the Pacific Islands Development Commission and its proposal to utilize the skip jack tuna resources now unutilized in the Pacific.

American Samoa, as a member of P.I.D.C. with Guam, the Trust Territory and Hawaii, fully supports the proposal presented to members of Congress and various Federal agencies this past week. We already know what tremendous economic impact a strong fishery can make and believe the use of the skip jack resource will expand our own cannery operations and provide new jobs for us, as well as for the other three areas involved.

Your support of this proposal, again, is deeply appreciated.

Sincerely yours,

JOHN M. HAYDON,
Governor of American Samoa.

GOVERNMENT OF AMERICAN SAMOA,
OFFICE OF THE DELEGATE-AT-LARGE,
Washington, D.C., June 28, 1971.

Hon. HIRAM L. FONG,
U.S. Senate,
New Senate Office Building, Washington, D.C.

DEAR SENATOR FONG: I wish to congratulate and thank you for your strong support of the proposed tuna fisheries research program in the Pacific. In this connection, I wish to let you know that I am fully in accord with your views.

Governor John M. Haydon has expressed the true position of our Government and people in this matter. The United States share of the tuna supply has decreased greatly each year and the only hope for recouping and increasing this serious loss is in developing a skipjack tuna fisheries industry in the Central, Western and South Pacific.

With best regards and alofa, I remain
Sincerely yours,

A. U. FUIMAONO,
Delegate-at-Large.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF TERRITORIES,
Washington, D.C., June 17, 1971.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: I am writing to indicate the complete support of the Government of the Trust Territory of the Pacific Islands of efforts to obtain Federal funds for development of the fishing industry in the Central, Western, and South Pacific.

As a member of the Pacific Islands Development Commission, I am most anxious to do everything in my power to harvest the rich potential of marine resources in the four Pacific Island areas in which the United States has an interest—Hawaii, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

As we discussed yesterday, each of the three territories will, hopefully, contribute \$33,333 to the Pacific Islands Development Commission within the next year to match the \$100,000 already authorized by the State of Hawaii. This has been discussed with members of the Congress of Micronesia and a bill to this effect will definitely be introduced at the next regular session which convenes in January 1972.

We deeply appreciate your assistance in this project and your continued interest in the welfare of all Pacific Island people.

Sincerely yours,

EDWARD E. JOHNSTON,
High Commissioner, Trust Territory of the Pacific Islands.

TERRITORY OF GUAM,
OFFICE OF THE GOVERNOR,
Agaña, Guam, August 16, 1971.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: Thank you for your letter of June 25 and your continuing interest in Guam and the Pacific Island Development Commission's skipjack tuna fishery development program. Guam's present economy is basically defense oriented and thus tied very closely to Federal spending. Sixty percent of the work force (24,500) on the island is involved in Government work, either on the federal or local level. Recognizing this situation of having all our "eggs in one basket", we are striving to diversify and broaden our economic base.

In order to achieve this diversification, we initiated a tourist industry development program, mainly aimed at attracting visitors from Japan which is only three jet hours away. Also, a small watch assembly industry and a petroleum refining plant utilizing imported oil are now in operation on Guam.

Nevertheless, the only developable raw material presently available in substantial quantity on or near Guam is the potentially tremendous skipjack tuna resource that the Japanese are now harvesting by the live-bait pole and line method. The harvesting and processing of this raw material could form the basis of a multi-million dollar industry on Guam.

The estimates of the size of the Pacific skipjack tuna resource is placed at upwards of 800 thousand tons per year. Based on an ex-vessel price of \$400 per ton, this resource is valued at \$320 million. Guam is concerned with the utilization of the Western Pacific skipjack tuna population which is presently being harvested by the Japanese at the rate of 220,000 tons per year (in comparison, the U.S. Pacific skipjack tuna production is 70,000 tons per year). The Japanese are harvesting approximately 15,000 tons per year from the seas within a short operating radius of Guam.

Guam is uniquely located so that even medium-sized skipjack purse seine fishing boats could range as far west as the Philippines, south to New Guinea, east to the Marshalls and north into Japanese waters to conduct fishing operations. Our deep water port can accommodate a large fishing fleet and our fuel, supply, repair, transportation and communication facilities are all readily available. Guam could become the hub of the U.S. tuna fishing industry in the Western Pacific, which also would help establish U.S. historical fishing rights in this part of the Pacific.

The development of this skipjack fishery to the point where it would be feasible to operate two 50 ton per day capacity tuna canneries will create jobs for 700 people directly and an estimated 300 more indirectly. This will create an additional payroll of at least \$4 million and would provide opportunities for the employment of mostly unskilled women, whose job opportunities on Guam is presently very limited. This will help to boost Guam's average family income which is presently much lower than the National average (the final census figures are not yet available to us).

The value of the potential harvest is estimated to be worth \$12 million to the fishermen (based on 30,000 tons \$400 per ton) and approximately \$19 million to the processors and approximately \$30 million at the retail level. Therefore, the development of a skipjack tuna fishing industry and its related operations will substantially aid the island in diversifying and broadening her present narrow based economy.

Guam will be pledging \$33,000 toward the Pacific Island Development Commission, which will be programming a portion of its \$200,000 fund to augment the \$212,000 that the tuna industry has pledged toward the skipjack fishing development program of the Central, Southern and Western Pacific.

Mahalo—Si Yuus Maase!

Sincerely yours,

CARLOS G. CAMACHO.

TUNA RESEARCH FOUNDATION, INC.,
Terminal Island, Calif., June 23, 1971.

Hon. HIRAM L. FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: This will refer to the Program of Economic Development envisaged by the Pacific Island Development Commission.

The United States tuna industry considers this to be a program which will be highly beneficial of the economies of the State of Hawaii, American Samoa, Guam, and the Trust Territories of the Pacific Islands. The U.S. tuna industry would hope to share in this benefit.

After considerable consultation with the executives of the above mentioned political entities, the tuna industry has pledged a contribution of \$212,500 toward the Program for the development of fisheries in the Pacific Basin.

The pledge of \$212,500 is contingent, however, on there being made available from other sources a sum sufficient to insure the mounting of a program of a size that will give some reasonable assurance of success to the effort.

We are informing you of this pledge in order that you may know that the tuna industry is indeed sincere in its desire to contribute to and participate in the program.

Yours sincerely,

CHAS. R. CARRY,
Executive Director.

Senator SPONG. Dr. Roger L. Herman. Nice to have you with us, Dr. Herman.

STATEMENT OF DR. ROGER L. HERMAN, CHAIRMAN, FISH DISEASE COMMITTEE, U.S. TROUT FARMERS ASSOCIATION, SANDY, UTAH

Dr. HERMAN. It is nice to be here.

Senator SPONG. We will receive your statement in its entirety for the record, and you may testify from it as you wish.

Dr. HERMAN. All right. Fine. I understand you are perhaps a little short for time, so rather than reading the whole statement I will just hit what I hope will be the high points, Mr. Chairman.

Mr. Chairman and members of the committee, the U.S. Trout Farmers Association appreciates this opportunity to present its views on this bill, S. 2764, which would authorize the Secretary of the Interior to establish programs and regulations for the protection of our country's fishery resources. We trout farmers are, of course, particularly interested in this proposed legislation since it will have a significant effect upon our business.

The members of the U.S. Trout Farmers Association are well aware of the consequences of the indiscriminate transfer of fishes carrying certain fish disease organisms. The membership believes fish disease control legislation which is properly designed, administered, and, in particular, well funded would be of great benefit to commercial fish farmers and government agencies. The results of disease control programs in other animal husbandry and in human medicine clearly indicate the value of such programs.

Effective control of any disease must, of course, be based on knowledge. Such knowledge can only come through adequate research conducted by qualified personnel. The private fish growers are unable to fully support the costs of such research and government support is needed but has been limited.

The Bureau of Sport Fisheries and Wildlife maintains two fish disease research laboratories under its Division of Fishery Research. However, these laboratories are understaffed and do not have a sufficient budget to conduct the required research. We estimate that these two laboratories presently have less than \$15,000 each year with which to purchase materials for actual research. This budget is not sufficient to support the need for fish disease research of over 1,200 fish farmers, over 400 State hatcheries, and 100 Federal hatcheries.

In addition to these financial restrictions, both laboratories are limited in physical facilities.

In our prepared statement we have listed several serious diseases which result in high mortalities frequently and which we do not have sufficient information on with which to completely control these diseases.

We feel that it is highly desirable that authorization be given for expansion of present fish disease research facilities and establishment of new facilities. We believe that this type of legislation could accomplish this.

In order to insure effective, efficient, and fair administration of S. 2764 (The Fish Disease Control Act), we offer the following suggestions for your consideration.

Section 2(a) provides for the inspection of fish and premises for disease only by State personnel with the assistance of personnel of the Department of the Interior. There are individuals in the private and academic sectors who are equally well qualified in the field of fish disease diagnosis. There is presently maintained a list of diagnosticians qualified to certify imported trout and salmon free of specific diseases. This list includes nongovernment agents.

We, accordingly, would suggest that section 2(a) provide for inspection by State and private personnel. This would allow for full utilization of the limited number of presently qualified experts.

The U.S. Trout Farmers Association believes that the Secretary should have available an advisory board made up of qualified representatives of Federal, State, and private fish growers to assist in setting regulations under section 3 of the bill. Such a board could offer valuable assistance in determining which diseases are of greatest significance, what steps can and should be taken to deal with them, and where research efforts are most needed.

As we have explained, an adequate budget is needed to support the important research that must be conducted. Similarly, adequate funds must be appropriated to support the indemnification procedures established under section 4 of the bill. Destruction of fish is a drastic step, and if the producers are not fully reimbursed it could put them entirely out of business. We believe a separate fund solely for this purpose should be provided.

In conclusion, the U.S. Trout Farmers Association agrees with the principles involved in this proposed legislation. We feel the bill would be improved by:

- (1) Assuring that there are sufficient funds for fish disease control research;
- (2) Providing for the use of nongovernment diagnosticians;
- (3) Providing an advisory board to aid the Secretary in setting regulations; and
- (4) Providing a specific fund for indemnification and making such compensation the sole relief for the unintentional transfer of diseased fish.

Thank you again for permitting us to present our views on this important legislation. We would be glad to work with the staff of the committee on the wording of the amendments we have suggested.

If you have any questions about my testimony, I would be pleased to answer them.

Senator SPONG. Dr. Herman, we appreciate your appearance here this morning, your testimony, and the suggestions you have made for amendments to the bill.

We will submit to you certain questions with regard to your statement and perhaps with regard to the amendments that you have suggested in behalf of the U.S. Trout Farmers Association, and we would appreciate an early reply.

I personally appreciate your limiting your testimony here this morning.

Dr. HERMAN. Thank you.

Senator SPONG. Thank you very much.

(The statement follows:)

STATEMENT OF ROGER HERMAN, PH. D., CHAIRMAN, TROUT DISEASE COMMITTEE,
UNITED STATES TROUT FARMERS ASSOCIATION

Mr. Chairman and Members of the Committee: The United States Trout Farmers Association appreciates this opportunity to present its views on this Bill, S. 2764, which would authorize the Secretary of Interior to establish programs and regulations for the protection of our Country's fishery resources. We trout farmers are, of course, particularly interested in this proposed legislation since it will have a significant effect upon our business.

I am the Chairman of the Trout Disease Committee of the United States Trout Farmers Association. I have degrees from the Ohio State University in fish management and aquatic ecology. I was employed at the Eastern Fish Disease Laboratory (Bureau of Sport Fisheries and Wildlife of the Department of Interior) for over six years as a research biologist. Currently, I am an Aquatic Biologist for Owens-Illinois' Castalia Farms, Castalia, Ohio, at which trout are hatched and reared. I am also a member of the Fish Disease Committee of the American Fisheries Society.

The United States Trout Farmers Association is composed of approximately 1500 members who are interested in furthering the interests of commercial fish production with particular emphasis on trout. The members are fish growers, egg producers, recreational pond owners, research biologists, and others with interests in fish production. The value of the trout produced by the members of the Association is over \$20,000,000 a year. There are also associated businesses related to trout production. These include recreational activities such as fish out ponds and feed producers. Trout production and trout fishing support a significant part of our economy and are growing at a rapid pace.

The production and consumption of trout and other fishes has been increased substantially during the last ten years. Increasing the current trout consumption to only one pound per year per person in the United States would require increasing the present 16,000,000 pounds annual production to 220,000,000 pounds. This is feasible.

Feed conversion (amount of food required to produce a pound of meat) in trout production is probably the lowest of any animal production. Some farmers are able to achieve nearly a one-to-one conversion of feed to fish flesh. This is a highly efficient and economical means of converting grain to meat. Fish must be considered an important source of protein as the demand for protein in the world grows.

LEGISLATION IS NEEDED

The members of the United States Trout Farmers Association are well aware of the consequences of the indiscriminate transfer of fishes carrying certain fish disease organisms. The membership believes fish disease control legislation which is properly designed, administered, and, in particular, well funded would be of great benefit to commercial fish farmers and government agencies. The results of disease control programs in other animal husbandry and in human medicine clearly indicate the value of such programs.

Effective control of any disease must, of course, be based on knowledge. In the case of communicable diseases, we must know the life cycle of the pathogen, how it causes disease, how it is transmitted, and how it responds to therapeutic agents or other means of control inside or outside of the host body. Such knowledge can only come through adequate research conducted by qualified personnel. The private fish growers are unable to fully support the costs of such research and government support is needed but has not been provided.

The Bureau of Sport Fisheries and Wildlife maintains two fish disease research laboratories under its Division of Fishery Research. However, these laboratories are understaffed and do not have a sufficient budget to conduct the required research. We estimate that these two laboratories presently have less than \$15,000 each year with which to purchase materials for actual research. This budget is not sufficient to support the need for fish disease research of over 1200 fish farmers, 446 state hatcheries and 100 federal hatcheries. In addition to these financial restrictions, both laboratories are limited in physical facilities.

I would like to indicate a few of the fish diseases that need to be thoroughly researched so that methods can be developed to bring them under control:

1. Infectious hematopoietic necrosis (IHN) commonly produces 80-100% mortalities of fry infected. It is a virus disease and as with virus diseases of

higher animals and man there is no known drug therapy. Detection of carriers (typhoid Mary's) is very difficult.

2. Infectious pancreatic necrosis (IPN) is a virus disease which may kill 50% or more of the infected fry of fingerlings. As with IHN, therapy is unknown and carrier detection methods uncertain.

3. Viral hemorrhagic septicemia (VHS) is unknown in the United States at present. In Europe, it causes high mortality in fish of all ages. Therapy and detection are as with IHN and IPN.

4. Furunculosis is a bacterial disease caused by *Aeromonas salmonicida*. Mortality can be high. Drugs are available for therapy but drug resistance is an increasing problem. Immunization is possible but not practical as yet.

5. *Myxosoma cerebralis* causes whirling disease of trout. It is a protozoan (one-celled animal) parasite which forms a highly resistant spore. Therapy is unknown. Detection of carriers requires sacrificing the animal. Loss of fry may be over 50% with many survivors having skeletal deformities. At this time, the life cycle is unknown although the parasite was first noted in the late 1800's.

Epidemics of these diseases are possible and they often are spread unknowingly.

As a further indication of the need for this legislation, several years ago it was proposed to establish a Fish Disease Reporting Center within the Bureau of Sport Fisheries and Wildlife. This center has not been created because of a lack of funds. Establishment, staffing and funding of such a reporting center would go far toward determining, on a factual basis, which fish diseases are of economic significance, which are spreading and which are disappearing. With this information, research efforts could be rapidly shifted to those areas requiring immediate attention. New diseases would be detected before they are widespread. Hopefully, if this legislation is passed, funding for such a center would be provided.

To carry out the inspections necessary under S. 1151, the predecessor to this Bill, Mr. A. V. Tunison, then Deputy Director, Bureau of Sport Fisheries and Wildlife, estimated that in 1969 seventy-five positions would be required. To train this number of biologists under the present fish disease training program would require eight years because facilities are available for only ten students at one time.

We feel it highly desirable that authorization be given for expansion of present fish disease research facilities and establishment of new facilities. We, accordingly, believe that this type of legislation is needed and that it must be well funded if the objective is to be accomplished.

SUGGESTED IMPROVEMENTS TO THE BILL

In order to insure effective, efficient and fair administration of S. 2764 (The Fish Disease Control Act), we offer the following suggestions for your consideration:

A. Diagnosticians from the Private Sector should be used

Section 2(a) provides for the inspection of fish and premises for disease only by State personnel with the assistance of personnel of the Department of Interior. There are individuals in the private and academic sectors who are equally well qualified in the field of fish disease diagnosis. There is presently maintained a list of diagnosticians qualified to certify imported trout and salmon free of specific diseases. This list includes non-government agents. The several states which have some regulation of fish diseases generally accept certification by these same people. This has greatly aided many private farmers because State or Federal personnel cannot always comply promptly with requests for disease examinations. They are few in number and their first responsibility is to Federal and State facilities. We, accordingly, would suggest that Section 2(a) provide for inspection by State and private personnel. This would allow for full utilization of the limited number of presently qualified experts.

B. An advisory panel with private grower representation is needed

The United States Trout Farmers Association believes that the Secretary should have available an Advisory Board made up of qualified representatives of Federal, State and private fish growers to assist in setting regulations under Section 3 of the Bill. Such a Board could offer valuable assistance in determining which diseases are of greatest significance, what steps can and should be

taken to deal with them, and where research efforts are most needed. The Board might also give advice in connection with fish destruction and indemnification proceedings. The private fish growers should be represented on the Advisory Board because they are most familiar with the disease problems fish producers are encountering and have extensive experience in dealing with them.

C. A sufficient budget for indemnification is needed

As we have explained, an adequate budget is needed to support the important research that must be conducted. Similarly, adequate funds must be appropriated to support the indemnification procedures established under section 4 of the bill. Destruction of fish is a drastic step and if the producers are not fully reimbursed, it could put them entirely out of business. We believe a separate fund solely for this purpose should be provided.

We further believe that since many of these diseases are not detectable by practical means and can be transferred unknowingly and unintentionally, the Federal and State indemnification programs should be the only compensation received for the destruction of fish. The transfer of the diseases is like an Act of God and no individual grower should be held responsible for the spread of such epidemics.

CONCLUSION

In conclusion, the U.S. Trout Farmers Association agrees with the principles involved in this proposed legislation. We feel the bill would be improved by:

- (1) Assuming that there are sufficient funds for fish disease control research;
- (2) Providing for the use of non-government diagnosticians;
- (3) Providing an Advisory Board to aid the Secretary in setting regulations; and
- (4) Providing a specific fund for indemnification and making such compensation the sole relief for the unintentional transfer of disease fish.

Thank you again for permitting us to present our views on this important legislation. We would be glad to work with the staff of the committee on the wording of the amendments we have suggested.

If you have any questions about my testimony, I would be pleased to answer them.

Senator SPONG. Mr. Richard A. Buck.

Good morning, Mr. Buck.

STATEMENT OF RICHARD A. BUCK, CHAIRMAN, COMMITTEE ON THE ATLANTIC SALMON EMERGENCY

Mr. BUCK. Good morning, sir.

Mr. Chairman and other distinguished members of this committee, it is a great privilege for the Committee on the Atlantic Salmon Emergency to come before you for the purpose of making a statement in support of S. 2191 and H.R. 3304.

The Committee on the Atlantic Salmon Emergency, popularly known as "CASE," was organized in 1970 to develop programs designed to increase worldwide stocks of Atlantic salmon, focusing particularly on the threat to conservation of the species on account of high seas fishing, principally by the Danes.

In 1965 the Danes moved in on a newly discovered major feeding grounds in the Davis Strait off West Greenland. Each year they steeply escalated nettings, so that by 1970 they were taking an estimated 400,000 salmon, with many thousands more so damaged or lost in the nets that they would perish.

The principal salmon-producing countries, such as the United States, Canada, the United Kingdom and Ireland, and others, have

repeatedly protested this ruthless plunder in the proper international assemblies and through diplomatic channels.

In the high seas feeding areas, salmon stocks are inextricably intermingled. They come from different spawning streams, different river systems, different nations, different hemispheres. No man, and no type of fishing gear yet known to man, no method of control, can separate them out. Thus, high seas fishing takes indiscriminately from perhaps the very river runs needing particular protection and results in absolutely no rational or effective means of conserving basic stocks or ensuring adequate escapements for spawning.

Proper management techniques require that harvesting of salmon takes place only inshore, at the mouths of streams or in the streams themselves. In this fashion adequate stocks can be maintained for each particular river run. This is known to be the basic position held by the United States and other governments, by leading world biologists, conservatoinists, and commercial and sport fishermen.

Danish fisheries authorities and the Danish Government profess great interest in conservation measures, and it is assumed therefore that they certainly understand this basic tenet of proper management of salmon stocks. Yet they never acknowledge this basic principle, probably because to do so would place them in an indefensible position.

In an attempt to quiet the rising tide of resentment against her unyielding position, Denmark now emits a new smokescreen. She states that she is helping to underwrite the conversion of some high seas salmon trawlers to other types of fishing. Yet she refuses to formalize this reduction.

Denmark has further stated that she hopes to tax the high seas salmon fishermen in order to provide funds for a restoration of salmon rivers.

Our reply to this has been that we would encourage such an undertaking, because Denmark, as a salmon producer herself, would then subscribe to the modern management principle that indiscriminate high seas fishing is never justified.

Also, we know that a Danish restoration could not be successful for many years, due to pollution and alteration of rivers, and we cannot condone the possibility of serious depletion of stocks in the meanwhile.

In short, the salmon producing countries require proof of good intentions now and not promises of future action.

There are other important reasons for supporting a total ban on this fishing. The coastal States have substantial investments in propagating and managing the fish. The Federal Government, the States, and industry are pouring millions of dollars yearly into the Atlantic salmon restoration program.

Severe depletion would cause loss of livelihood to tens of thousands of commercial fishermen all around the North Atlantic shores. It would bring an end to sport fishing for Atlantic salmon.

The only international body set up to work towards conservation measures in this feeding areas is the International Commission for Northwest Atlantic Fisheries (ICNAF), but this convention lacks the authority to control dissenters. For 3 straight years, against the weight

of world opinion, Denmark has refused to agree to cease high seas operations. There is no law of the sea that can stop her.

At the June 1971 meeting of this international commission, ICNAF, the Danes secured a 2-year extension of the 1970 amendment which limited the catch to 1,200 metric tons. Few people realize that this amounts not to a 2-year freeze but a 5-year license to overexploit—as follows:

In 1969 the high seas take was 1,200 metric tons. In 1970 it was 940 tons but it could have been as much as 1,200. In 1971 it is fixed at 1,200 tons, and the extension at ICNAF this past June permits 1,200 tons until 1974.

Such a state of limbo represents no improvement whatsoever, so where do we go from here?

In the opinion of CASE, only political and economic pressure will cause Denmark to cease this ruthless plunder.

Our CASE Committee has been reluctant to issue a formal call for an all-out boycott by Americans of Danish products. No one wants a boycott. But people historically have arrived at this frame of mind as a last resort. Many Americans have already taken this route and have adopted their own informal family boycotts.

A delegation representing our committee visited Copenhagen this past April, where our mission was to inform the Danish Government and the Danish public of the desire by many Americans for aggressive action. We appealed for a cessation of this ruthless and unconservative depletion. We met with the Minister of Fisheries and the Minister for Foreign Affairs. We presented positions and statements condemning the high seas fishery from the leading conservation organizations in the United States, representing millions of citizens. We received no encouragement whatsoever.

Thus, time is of the essence. For the present, the CASE Committee feels that the enacting into law of S. 2191 and H.R. 3304 could act to prevent the probability of an all-out boycott of Danish products by the American public at large. Such legislative action by the U.S. Government would clothe with dignity the forceful acts necessary to the conservation of a valuable national resource. Such a course is vastly preferable to an unofficial boycott which should be undertaken by the citizens only as the final persuader.

The Committee on the Atlantic Salmon Emergency strongly recommends that your committee take favorable action on S. 2191.

Thank you.

Senator SPONG. Thank you very much, Mr. Buck.

Mr. BUCK. Sir, could I have the privilege of one brief comment?

Senator SPONG. Yes.

Mr. BUCK. I think it is important for the record. It has to do with Senator Hatfield's question to Congressman Pelly.

I was present at the ICNAF meeting in June 1971, and it is quite possible that if this matter of the high seas fishery is not corrected we could have a multination fishery. And such a multination fishery is frightening to contemplate.

The Russians expressed themselves formally at ICNAF as being thoroughly dissatisfied with this amendment on the ground that it is discriminatory because the Russians voted with the United States in

1969 to ban high seas fishing, so, therefore, they cannot enter this fishery. Yet they feel it is discriminatory against them because it permits Denmark to have a small monopoly.

One other point, sir. Japan entered ICNAF this year. She was voted in. Therefore, she had to abide by the status quo, which was still the majority vote against high seas fishing in 1969.

She, however, declared that she did not recognize the principle that any coastal state has any sort of preferential right to protect their own fisheries.

Thus, you have the possibility that if Japan were freed from the status quo that we could very possibly face a multinational fishery.

Thank you, sir.

Senator SPONG. Thank you for your testimony and for those additional comments.

I will have to return to the floor and vote again. The next witness will be Mr. Curtin Winsor, national director of Trout Unlimited, and we will call you and hear from you upon our return.

Thank you.

[Recess.]

Senator SPONG. The hearings will be in order.

Is Mr. Winsor here?

Sorry we had that interruption, Mr. Winsor.

STATEMENT OF CURTIN WINSOR, NATIONAL DIRECTOR OF TROUT UNLIMITED

Mr. WINSOR. That's all right, Senator.

My name is Curtin Winsor. I am a lawyer from Philadelphia, and I appear today representing Trout Unlimited of which I am a national director and president of its eastern Pennsylvania chapter. I am also a trustee of the Salmon and Trout Foundation and president of the Pennsylvania Environmental Council, a coalition lobby of conservation groups in Pennsylvania against all forms of pollution.

Trout Unlimited is a nonprofit organization of some 14,000 members from most of the States across the country dedicated to the improvement of the habitat for trout and salmon and the cold water fishery resource of North America. We appear in support of House Resolution 3304.

We believe that the principal reason why high seas fishing for Atlantic salmon should be outlawed is that it is indiscriminate and wasteful and likely to lead to the extinction of this great fish. Our case has been well documented by leading governmental agencies, scientists, and conservationists.

We choose today, therefore, to lay our stress on the adverse effects of high seas fishing on the success of the joint efforts of the U.S. Government, State governments, conservation organizations, and private individuals to restore Atlantic salmon to rivers of the United States.

Salmon migrations are already established in a number of rivers in Maine. In 1969, salmon returned to that once-great salmon river, the Penobscot. The Connecticut restoration is being attempted, with plant-

ings of thousands of fry and smolts in recent years. These fish are already going to sea. Should this future spawning potential be emasculated? Millions of dollars are being spent, and planned for spending, on the abatement of pollution in New England rivers, and at least one purpose of this cleaning up is to secure water standards that will maintain stocks of quality fish. Private industry has committed itself to the building of fishways for migrating fish, at substantial costs, in the neighborhood of several million dollars apiece.

At this point, Senator, I diverge for one moment from my written testimony.

This building will be fruitless unless steps are taken to restrict the aggressive overnetting by Denmark which makes no contribution whatsoever to conservation and restoration of North American stocks and has no Atlantic salmon producing rivers of her own.

The Danes also choose to disregard an almost sure corollary to over-exploitation. Unless there is a maximum economic yield for the salmon producing countries, it becomes unprofitable to fish commercially, or for sport by rod and reel, for any fish. So a substantial impairment, let alone complete exhaustion of the resource, would destroy the livelihoods of tens of thousands of people and a great sport for American fishermen.

From time immemorial, and often by hereditary right, inhabitants of the shores of the Canadian maritimes and the coasts of England, Scotland, and Ireland have tended salmon nets at the mouths of rivers. There are in excess of 16,500 nets in the maritimes alone. Figures are not available for numbers of overseas nets, but it is possible to estimate.

When we then consider the numbers of people employed, all around the North Atlantic, as guides, cooks, and maintenance personnel for sport fishing, we know that the total families affected would run to high figures, probably well over 100,000. And loss of income? Certainly in the many millions.

All this is being caused by a Danish high-seas salmon fleet of about 10 trawlers, manned by less than 100 fishermen. And the landed value of the salmon is only worth about several million dollars.

All recent efforts by governments in the proper international assemblies have failed. Direct appeals by private organizations such as the Committee on the Atlantic Salmon Emergency have fallen on deaf ears. It would appear that the only remaining hope in the governmental area for the conservation of this great fish is legislation such as this bill.

Trout Unlimited urges that your committee, Mr. Chairman, make it possible for the Congress to enact this legislation into law.

Just one personal human note at the end. Mr. Richard Buck in his testimony made reference to an unpleasant private boycott of Danish goods. I have been an admirer of Danish cherry brandy for many years, but it is forbidden to my household, that of my family and my friends for the last 5 years.

Thank you, Mr. Chairman.

Senator SPONG. Thank you very much, Mr. Winsor, and thank you for your testimony here this morning.

Senator Stevens.

Senator STEVENS. No questions. I appreciate your comments, and I only wish more people would take it to heart and impose their own little private boycott until we straighten some of these things out.

Mr. WINSOR. Thank you, Senator.

Senator SPONG. Mr. J. E. Pike.

STATEMENT OF J. E. PIKE, ON BEHALF OF TEXAS SHRIMP ASSOCIATION, SOUTHEASTERN FISHERIES ASSOCIATION, LOUISIANA SHRIMP ASSOCIATION, AND NATIONAL SHRIMP CONGRESS

Mr. PIKE. Mr. Chairman, I have been in the insurance business and in those facets related to shrimp trawling in the gulf coast area for the past 20 years. Today, however, I am appearing before this hearing representing not only the Texas Shrimp Association but also the Southeastern Fisheries Association, the Louisiana Shrimp Association, as well as the National Shrimp Congress, and, additionally, the national fisheries industry.

As such, I am authorized to advise you that all of these entities are in complete support of Senator Tower's bill, S. 1322, a bill to provide excess storm loss reinsurance for commercial fishing fleets.

Relating my remarks to the area that I know best, which is the gulf coast area, we are concerned with approximately 4,500 shrimp trawlers actively engaged offshore in this industry. In addition to this, there are some 10,000 small inland shrimp trawlers usually called "bay boats" and usually operated by an owner and some members of his family.

On a broader base, we should look at the shrimp industry nationwide. Of some \$450 million worth of fish landed by trawlers in U.S. ports last year, shrimp trawling represented 25 percent of the total dollar values. Such an industry, of course, gives a large base of employment to a very large number of people.

What we are concerned with at the present moment is where do we stand with respect to providing adequate reliable insurance facilities to this great industry? The picture has become pretty grim. And basically, there is no market available presently for wooden vessels, nor is there any adequate market available for excess of loss insurance covering catastrophic occurrences such as that which occurred when Hurricane Celia hit the lower gulf coast in the Port Aransas, Aransas Pass, and the Corpus Christi area a year ago.

On behalf of the Texas Shrimp Association, we have been diligently working on this problem and to a degree have been successful in putting together a primary insurance program which will, in a stable market under rigid loss and safety engineering conditions, provide a base for insurance.

This, however, is only a base. We still must put together excess of loss, or, in other words, "storm loss reinsurance facilities," so as to be in a position to weather catastrophic occurrences, and it is for this reason that the people comprising the various associations which I represent here today are heartily in support of Senator Tower's bill, S. 1322, which would authorize the Secretary of Commerce to establish a Fish Fleet Reinsurance Fund. We solicit enactment of this bill.

Thank you, gentlemen.

Senator SPONG. Thank you very much, Mr. Pike, for this testimony. The committee will give early consideration to this piece of legislation. Thank you very much.

Mr. PIKE. Thank you.

Senator SPONG. Mr. August Felando.

Good morning.

STATEMENT OF AUGUST FELANDO, GENERAL MANAGER, AMERICAN TUNABOAT ASSOCIATION, SAN DIEGO, CALIF.

Mr. FELANDO. Good morning, Senator.

Mr. Chairman, I am August Felando. I am appearing before this subcommittee on behalf of the American Tunaboat Association.

Senator SPONG. You have appeared before me before.

Mr. FELANDO. Yes, I have, sir.

Senator SPONG. Last year I believe.

Mr. FELANDO. Yes.

Senator SPONG. Good to see you again.

Mr. FELANDO. Good to see you.

I am also appearing on behalf of the Western Fish Boat Owners Association and also the Fishermen's Cooperative Association of San Pedro.

I am the general manager of the American Tunaboat Association. This is a nonprofit fishery cooperative association, incorporated under the laws of the State of California, with its principal office of business in San Diego, Calif.

The American Tunaboat Association (ATA) has been in existence since 1923. The membership is comprised exclusively of tuna fishing vessel owners. Annually our members catch and unload over 60 percent of all tropical tunas landed in the United States by vessels operating from the United States. Some of our members operate from Puerto Rico.

There are 127 U.S. tuna clippers, that is, vessels that have a carrying capacity of 100 short tons of frozen tuna, or more. The total trip carrying capacity of this fleet is about 67,000 tons. There are 15 additional vessels under various stages of construction in the United States.

With regard to our position on H.R. 7117 and related bills, subject to our suggestions for minor changes in language, the ATA strongly supports and urges passage of H.R. 7117.

H.R. 7117 proposes to amend the Fishermen's Protective Act of 1967 (22 U.S.C. 1971-1977, 82 Stat. 729), as follows:

(1) By imposing an additional duty on the Secretary of State to take action to be immediately notified of the charges paid by vessel owner to the seizing country for release of the vessel and crew;

(2) By creating a lien on the vessel seized to the extent the vessel owner is reimbursed under the act by the Secretary of Treasury;

(3) By requiring the Secretary of State to immediately notify the seizing country of the reimbursements and payments made by the United States under the act;

(4) By directing the Secretary of State, after a passage of 120 days from the date of notice, to transfer funds appropriated by Con-

gress and programed under the Foreign Assistance Act for the seizing country to a Fund account administered by the Secretary of Treasury;

(5) By creating a revolving fund for use by the Secretary of Treasury to reimburse certified claims, initially capitalized at \$3 million; and

(6) By allowing certified claims since December 31, 1970 to be reimbursed retroactively after enactment into law from such newly created Fishermen's Protective Fund.

I would like to now move to the background supporting the need for this legislation.

In our opinion, a number of factors, including a desire to seek equity and justice plus an application of common sense, require Congress to enact into law a bill that imposes sanctions against those countries that deny the United States of America the freedoms of the high seas, and at the same time enjoy the extensive freedoms of the market place of the United States and the substantial benefits that are made available to them under the Foreign Assistance Act.

The 200-mile territorial sea doctrine asserted and enforced by military forces of certain Latin American countries challenges the sovereign interests of the United States of America, and to that challenge Congress must respond.

A refusal to provide effective protection to American fishing vessels operating on the high seas within the 200-mile claim would seriously impair rights of the Government of the United States. This is because the freedoms of the high seas belong only to sovereign countries, and, therefore, to the United States of America.

The fact is that the extent to which U.S. citizens can exercise their freedom to fish the high seas is subject to the action taken by the U.S. Government. If an American fisherman has his freedom to fish on the high seas interfered with or denied, his only recourse is to seek relief from the U.S. Government.

Only a sovereign state can defend its rights as declared by the Geneva Convention on the High Seas and international law against another sovereign state. It is for this reason that it is in the public interest for this subcommittee and the 92d Congress to enact legislation that will be designed to protect the claim of sovereignty that the United States has on the high seas.

Congress must further consider the impact of the failure to protect its citizens on the high seas with respect to international relations beyond those that exist in the Western Hemisphere, with respect to defense and international air and sea commerce, and, finally, with respect to this Nation's plans and desires to resolve the Law of the Sea during the 1973 Geneva Conference.

We do not believe it is the primary duty of the ATA to present before this subcommittee the reasons why the position of the United States in this dispute are in accordance with international law and with the practice of the great majority of nations, and why the United States does not recognize the claims of Ecuador and other 200-mile countries.

We hope that this subcommittee will make a request of appropriate government officials, particularly with those connected with the Department of Defense, so that this subcommittee can determine the reasons why the United States objects to the 200-mile doctrine.

Some of the reasons were expressed in an article entitled "U.S. Oceans Policy," *Journal of Maritime Law and Commerce*, volume 2, No. 2, page 263, January 1971, author Leigh S. Ratiner, attorney, Office of the Secretary of Defense, and chairman of the Department of Defense Advisory Group on the Law of the Sea, as follows:

*The United States has long opposed extensions of territorial sea limits beyond 3 miles because such extensions would overlap 116 international straits which, under a 3-mile rule, contain high seas. Nations which depend on their merchant marine and navies for economic and national security * * * can be strangled by having access to oceans limited or delayed when passing through international straits. Submerged passage of submarines, overflight of aircraft, and freedom from restriction generally would disappear.*

To the extent they would continue to exist, these rights would depend on the good graces of the coastal state or states bordering on the strait in question. Such a result would be unacceptable to any country with global interests, a global foreign policy, a large merchant marine and a large navy and air force.

It is principally for this reason that the United States has opposed territorial sea extensions beyond 3 miles. Unilateral extensions of jurisdiction are not likely to be restricted in such a way as to comport with what the United States regards as vital national security interests.

Even if the United States were willing to see its rights as a nation on the high seas compartmentalized, and even if the United States were willing to treat these rights differently, according higher priority to the rights of its warships than those, say, of its distant-water fishing fleets, it is difficult to see how the United States could prevent interference with its fishing fleet from maturing into interference with its warships when unilateral assertions of jurisdiction alone determine what is lawful. [Emphasis added.]

As we know, the sea covers 70.8 percent of the world's surface or about 140 million square miles. The earth's land surface covers a little more than 56 million square miles. Should everyone of the 108 coastal states claim a 200-mile territorial sea, then over 50 million square miles of the high seas would be nationalized and lost to the world community.

These are the facts that support the concern expressed by our Government leaders about this new wave of economic nationalism in the world's oceans.

We in the tuna industry are also concerned about the 200-mile doctrine's impact on the tuna fishery. We are concerned that the 200-mile doctrine, if applied generally by the coastal nations, would effectively prevent actions to economically manage and harvest the tuna resources under internationally controlled conservation regimes as are presently in existence in the eastern Pacific and applied by the Inter-American Tropical Tuna Commission (IATTC).

I would like to depart from my statement at this point to make the comment that the Inter-American Tropical Tuna Commission is composed of Canada, United States, Mexico, Panama, Costa Rica, and Japan. Ecuador was once a member of this Commission. Its membership commenced in 1961. Effective August 1968 it denounced the treaty, and it still owes the Commission over \$120,000.

This is a commission that establishes the conservation rules for the tunas in the eastern Pacific. It has been in existence since 1950.

There is another tuna conservation commission in the Atlantic Ocean, and this is the International Commission for the Conservation of the Atlantic Tunas (ICCAT).

As established by conclusive scientific evidence, the tuna are a highly migratory, international ocean fishery, a resource of which no one

nation can claim ownership or exclusive control. Should each of the 108 coastal countries have the authority to each determine the conservation rules affecting an international fishery like the tuna, then we believe that such fisheries would be seriously destroyed economically and most probably depleted.

It is for the above reasons why it is in the public interest that the 92d Congress enact legislation of the type proposed by H.R. 7117.

Now I would like to discuss the impact of the 200-mile enforcement on U.S. tuna clippers.

I have a number of tables accompanying this statement, and I hope the entire statement will be included in the record.

Senator SPONG. It will be received in the record in its entirety, and you may testify in any way you wish from it.

Mr. FELANDO. Thank you.

I would like now to summarize table I. This provides the data on seizures of U.S.-flag tuna clippers during the period January 1, 1961 through December 31, 1970. During this 10-year period, there have been 92 seizures, with total costs at about \$933,184.12, including the payment of \$757,021.90 for fines.

Table I also covers the 1971 seizures as of this date. This listing indicates 40 seizures (39 by Ecuador, one by Peru), and that the payment of fines and other direct charges came to about \$1,845,021.

However, since the preparation of this table we had three additional seizures, the vessels *Ecuador*, *Wiley V.A.*, and the *Anne M.*

The *Wiley V. A.* and the *Ecuador* were seized on November 18 about 50 to 60 miles off the coast, and they paid a combined fine of approximately \$45,000.

The third vessel was seized on November 19 approximately 120 miles off the coast of Ecuador. The *Anne M* is the name of that vessel. And she paid a fine of approximately \$45,000.

Senator STEVENS. May I interrupt there? Does that include the value of the catch?

Mr. FELANDO. No; this is just a monetary fine that is based on the information contained in the ship's document. Generally the fine is equal to about \$100 times the net tonnage of the vessel.

Therefore, if the net tonnage of the vessel is let's say 400 net tons then the fine and penalties would come to about \$40,000.

Senator STEVENS. What would be the value of 400 net tons of tuna?

Mr. FELANDO. Well, of 400 tons of tuna? That would be, if it is yellow fin tuna, a little better than \$160,000.

Senator STEVENS. Thank you.

Mr. FELANDO. Since January 1, 1961, Ecuador has seized 89 vessels and Peru 36 vessels.

Table II indicates that under the Fishermen's Protective Act of 1967, as amended, the sum of \$975,965.80 was paid by the Secretary of Treasury to vessel owners for reimbursement of fines paid to countries who wrongfully seized U.S.-flag vessels on the high seas as recognized by the United States. Table II covers the period 1955 through December 31, 1970.

With respect to section 7 of the Fishermen's Protective Act of 1967, as amended, we are advised that as of this date, the sum of about \$160,000 has been paid to vessel owners under the industry-Government

insurance program established by such section and made effective February 1968.

Table III indicates that under the provisions of the Fishermen's Protective Act of 1967, as amended, a vessel owner, on the average, must wait 431 days to obtain reimbursement of the fines and other direct charges he paid to the seizing country to obtain the release of his crew and vessel.

On the average, from the date of seizure to the date of certification by the Secretary of State, it takes about 250 days; from the date of certification to the date of payment, another 180 days.

During this entire period of time, the vessel owner sustains the loss of the use of his money, and, as is true in most if not all instances, he bears an interest cost of 9 percent.

Under existing law, the Department of Treasury must obtain an appropriation from Congress before the claims can be paid to the owners. The customary procedure is to make such claims part of the claims and judgments section of proposed supplemental appropriation requests by the President of the United States. Generally, there are two supplemental appropriation requests made during a calendar year—one in April and another in November.

In our opinion, it is clear that the primary cause of delays in reimbursement under the present act has been such requirement of an appropriation by the Congress. Such delay would be overcome by the establishment of the Fishermen's Protective Fund provided by H.R. 7117.

There is another serious problem that H.R. 7117 will assist to correct by its establishment of a revolving fund. Take the situations of the *Apollo* and the *Caribbean*, two tuna vessels.

The *Apollo* was seized on January 18, 1971 and on March 3; the *Caribbean* was seized January 23, and March 27.

On the first seizure, the owners of the *Apollo* paid \$86,650; on the second, \$155,340. The *Caribbean* paid \$41,200 on the first seizure and \$74,160 on the second seizure.

On the basis of existing law and in view of present experience in processing claims, it would be almost impossible for any vessel owner to recover reimbursement on both of such claims within a calendar year. Necessarily, the present law almost forces our vessel owners to be intimidated by a country that has a policy of seizing vessels as often as possible, and in increasing or doubling the amount of the fines on the second seizure.

I might depart again from the statement. The fact is there is a law in Ecuador that gives the navy 70 percent of all the fines and license fees that they can collect. There is another 20 percent that goes to a finder that assists in the seizure. We don't know exactly how that money is distributed.

Most, if not all, private vessel owners just cannot come up with the financial resources to pay the second fine within a couple of months after paying the first fine and then wait a year or so for complete reimbursement. Thus, some vessel owners cannot continue to assert the policy of the United States regarding the freedom of the high seas without more help from their government. Such help would be available under H.R. 7117.

The tremendous burdens and, obviously, unfair hardships created by the present procedure established by the existing law justifies the changes proposed by H.R. 7117.

Looking at H.R. 7117, it appears to us that :

1. The critical section is section 5, pages 4 and 5, wherein the Fishermen's Protective Act of 1967 is amended by adding a new section 8. A fund is established for use by the Secretary of Treasury to reimburse claims certified under section 3.

2. We are most appreciative of the retroactive features contained in section 6, and are of the opinion that such a provision will be of great assistance to the vessel owners who sustained seizure losses early this year. It is over \$1.3 million that are still out by the vessel owners.

3. We are especially in favor of the provisions contained in section 3, pages 3 and 4, which impose certain duties of notification upon the Secretary of State. We note that the Secretary of State still retains the power to determine when to file a claim. We are informed that the Secretary of State has not collected any moneys from any foreign country that has wrongfully seized a U.S.-flag vessel.

We are not informed on the question of whether claims have been prepared, made, or presented against such countries.

We also favor the approach of causing the Secretary of State to transfer amounts from any funds appropriated by Congress and programmed for the current fiscal year for assistance to the foreign country involved under the Foreign Assistance Act of 1961. We note that in section 5 of the existing law there is language as follows :

* * * an amount equal to such unpaid claims from any funds programmed for the current fiscal year for assistance to the government of such country (as shown in materials concerning such fiscal year presented to Congress in connection with its consideration of amendments to the Foreign Assistance Act of 1961).

This difference in approach and language we bring to your attention because we do not understand the significance of the change in language. The existing law seems to be drafted very carefully to include certain "materials" presented to Congress on the occasion when amendments to the Foreign Assistance Act of 1961 are considered. The proposed language of H.R. 7117 takes a very general language approach.

4. Section 2 of H.R. 7117 creates a 90-day maritime lien on the vessel for purposes of protecting the Government. We do not believe this provision is necessary but will defer our position on this point to the Government.

5. Nor do we have any objection to the provisions contained in section 1 of H.R. 7117. They merely establish a duty on the Secretary of State to take action to be immediately notified of the fine, fees or other direct charges which may be reimbursed under section 3(a) of the act.

In conclusion, our members hope that a proper amendment of the Fishermen's Protective Act of 1967 will provide a tool for our Government to use as it engages in every reasonable, peaceful effort to protect U.S.-flag vessels and their crews while they pursue their livelihood on the high seas as recognized by their Government.

To have an active U.S. fishing fleet on the high seas is a necessary ingredient in any treaty or convention that would be established by our Government and other countries in dealing with the freedom to

fish on the high seas. This is especially true in these days of preparation for the Law of the Sea Convention of 1973.

H.R. 7117 will allow U.S.-flag fishing vessels to exercise the freedom to fish on the high seas. It will not prevent seizures on the high seas. Nevertheless, it will allow U.S. citizens to continue their just and proper livelihood without bowing to those who use military force to intimidate, assault and harass innocent and unarmed fishermen aboard U.S.-flag vessels for purposes of forcing them to surrender their rights as U.S. citizens.

I might insert some additional facts. I did not go into detail in my statement illustrating the number of occasions during this year that our vessels have been shot at by planes, by former U.S. destroyers, and former U.S. Coast Guard vessels. This is because I feel such comments would be outside the requirements established for consideration of the proposed law.

But I don't want to minimize the fact that there is a safety problem out at sea, and this was especially manifested this year.

To conclude, we strongly support H.R. 7117 and are hopeful that this subcommittee will report it favorably for passage during this session of Congress.

Thank you very much.

Senator SPONG. Mr. Felando, we appreciate very much your testimony. It is very complete. I have no questions this morning.

Senator STEVENS, do you have any questions?

Senator STEVENS. No; I have no questions at this time. Thank you very much.

Mr. FELANDO. Thank you.

Senator SPONG. I would like to thank you and the other witnesses for your patience and cooperation in helping this committee build a useful record on the legislative proposals before us today.

(The tables referred to follow:)

TABLE 1.—STATISTICAL SUMMARY

	By year									
	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Total number of seizures.....	92	10	11	2	10	14	16	10	14	4
Total estimated fishing days lost from seizures.....	374	75	59	2	51	54	63	35	25	6
Total fines paid for release of vessel.....	\$2,500.00	\$17,427.90	\$20,688.00	0	\$19,312.00	\$80,636.00	\$105,768.00	\$288,960.00	\$67,478.00	\$154,252.00
Total licenses and matriculas paid for release of vessels.....	1 151,786.10	1 5,180.00	1 8,350.70	(1)	1 28,942.20	1 2,900.00	1 39,898.20	1 40,001.00	1 26,514.00	0
Total other costs.....	1 24,377.12	1 714.85	1 157.00	(1)	1 1,517.86	1 5,039.68	1 8,443.60	1 6,287.50	1 1,976.33	1 5,900.00
Total costs.....	933,185.12	3,214.85	29,195.70	0	49,772.06	88,575.68	154,109.80	335,248.50	95,968.33	160,152.00

1 Estimated.

1971 (PRELIMINARY)

Name of vessel	Official No.	Seizure date	Release date	Days not fishing	Foreign Country	Costs, fine, license, matricula etc.	General remarks
1. Lexington	249, 877	Jan. 11	Jan. 14	3	Ecuador	\$33,000	1. 02°40' S. Lat. 81°45' W. Long. Guayaquil (62 miles).
2. Bold Venture	513, 392	Jan. 15	Jan. 16	1	do	49, 950	2. 03°00' S. Lat. 81°28' W. Long. Guayaquil (55 miles).
3. Anna Maria	523, 633	do	do	1	do	52, 000	3. 02°58' S. Lat. 81°23' W. Long. Guayaquil (50 miles).
4. Apollo	529, 833	Jan. 17	Jan. 18	1	do	86, 650	4. 02°53' S. Lat. 81°31' W. Long. Guayaquil (52 miles).
5. Antonina C.	525, 457	Jan. 18	Jan. 19	1	do	39, 850	5. 02°49' S. Lat. 81°35' W. Long. 25 de Julio (50 miles).
6. Ocean Queen	527, 550	do	Jan. 20	1	do	69, 100	6. 02°38.5' S. Lat. 81°10' W. Long. 25 de Julio (27 miles).
7. Cape Cod	291, 488	do	do	1	do	44, 150	7. 03°08' S. Lat. 81°37' W. Long. Guayaquil (51 miles).
8. Captain Vincent Gann	527, 923	do	do	1	do	52, 550	8. 02°51' S. Lat. 81°21.5' W. Long. 25 de Julio (43 miles).
9. Blue Pacific	509, 115	do	do	1	do	65, 605	9. 02°48' S. Lat. 81°20' W. Long. 25 de Julio (40 miles).
10. Hornet	259, 761	Jan. 19	do	1	do	41, 200	10. 01°48' S. Lat. 82°08' W. Long. 25 de Julio (75 miles).
11. Quo Vadis	528, 822	do	do	1	do	48, 150	11. 03°20' S. Lat. 81°50' W. Long. Presidente Alfaro (64 miles).
12. Neptune	505, 674	Jan. 22	Jan. 23	1	do	42, 950	12. 03°04' S. Lat. 82°01' W. Long. LC-71 Quito (70 miles).
13. Day Island	288, 260	do	do	1	do	46, 500	13. 02°45' S. Lat. 81°30' W. Long. 25 de Julio (46 miles).
14. Caribbean	291, 814	Jan. 23	Jan. 24	1	do	41, 200	14. 03°27' S. Lat. 81°34' W. Long. Presidente Alfaro (71 miles).
15. Western King	273, 287	Jan. 27	Jan. 28	1	do	38, 050	15. 03°01' S. Lat. 81°21' W. Long. Presidente Alfaro (49 miles).
16. Coimbra	249, 531	do	Jan. 29	2	do	17, 750	16. 03°10' S. Lat. 81°16' W. Long. Presidente Alfaro (44 miles).
17. Jeannette C.	511, 483	do	Jan. 28	1	do	65, 550	17. 03°11' S. Lat. 81°49' W. Long. LC-71 Quito (46 miles).
18. John F. Kennedy	524, 862	Feb. 10	Feb. 10	1	do	45, 500	18. 02°15' S. Lat. 82°52' W. Long. Cayambe (100 miles).
19. Westport	271, 426	Feb. 20	Feb. 21	1	do	32, 150	19. 03°00' S. Lat. 81°20' W. Long. Guayaquil (47 miles).
20. Nautilus	285, 304	Feb. 24	Feb. 25	1	do	42, 950	20. 03°00' S. Lat. 82°00' W. Long. Guayaquil (60 miles).
21. Sun Europa	247, 979	Feb. 27	Feb. 28	1	do	23, 050	21. 03°07' S. Lat. 81°12' W. Long. Guayaquil (44 miles).
22. Concho	270, 585	do	do	1	do	41, 550	22. 02°55' S. Lat. 81°30' W. Long. Guayaquil (47 miles).
23. United States	273, 327	do	do	1	do	41, 550	23. 02°50' S. Lat. 81°30' W. Long. Guayaquil (49 miles).
24. Lois Seaver	277, 813	do	do	1	do	24, 750	24. 02°49' S. Lat. 81°32' W. Long. Guayaquil (48 miles).

1971 (PRELIMINARY)—Continued

Name of vessel	Official No.	Seizure date	Release date	Days not fishing	Foreign Country	Costs, fine, license, matricula, etc.	General remarks
25. Apollo	529 833	Mar. 3	Mar. 4	1	do.	158, 340	25. 03° 16' S. Lat; 82° 34' W. Long. Esmeraldas (130 miles).
26. Caribbean	291 814	Mar. 27	Mar. 28	1	do.	79, 160	26. 02° 53' S. Lat; 81° 20' W. Long. Calcutchima (48 miles).
27. Purituous	285 673	Mar. 30	Mar. 30	1/2	Peru	18, 204	27. 03° 09' S. Lat; 81° 09' W. Long. Sanchez Carrion (29 miles).
28. Venturous	535 149	Nov. 9	Nov. 11	2	Ecuador	59, 312	28. 03° 09' S. Lat; 81° 36' W. Long. Bae Quito-LC 61.
29. Trinidad	532 179	Nov. 10	do.	1	do.	27, 4 (1)	29. 03° 15' S. Lat; 81° 40' N. Long. Bae Quito-LC 61.
30. Denise Marie	534 504	do.	do.	1	do.	27, 4 (1)	30. do.
31. Blue Maridian	278 273	do.	do.	1	do.	27, 4 (1)	31. 02° 50' S. Lat; 81° 20' W. Long. Bae Quito-LC 61.
32. Cheryl Marie	519 417	Nov. 12	Nov. 13	1	do.	20, 960	32. Bae Quito (LC-61).
33. Mary S.	531 733	do.	do.	1	do.	45, 900	33. Bae Quito (LC-61).
34. Endeavor	248 022	do.	do.	1	do.	37, 150	34. Bae Quito (LC-61).
35. Eastern Pacific	500 096	do.	do.	1	do.	37, 450	35. Bae Quito (LC-61).
36. Royal Pacific	285 263	do.	do.	1	do.	24, 700	36. Bae Quito (LC-61).
37. A. K. Strom	539 476	Nov. 13	Nov. 14	1	do.	75, 850	37. Bae Nuevo Roca Fuerte (LT-93).
38. Lexington	245 879	do.	do.	1	do.	60, 840	38. Bae Nuevo Roca Fuerte (LT-93).
39. Cabrillo	514 267	do.	do.	1	do.	44, 850	39. Bae Nuevo Roca Fuerte (LT-93).
40. Elsinore	271 940	do.	do.	1	do.	17, 200	40. Bae-Nuevo Roca Fuerte (LT-93).
Total				44 1/2		1, 845, 021	

1 Not available.

NOTES

1. Intercepted and boarded on Nov. 12, 1971 (Trinidad).
2. Chased, shot at, and boarded on Nov. 13, 1971 (Trinidad) by LT-93.
3. LT-93 Threatened shooting if small boat not lowered by Denise Marie on Nov. 13, 1971.
4. All seizures occurred between 40 to 65 miles off coast.

TABLE 2

AMOUNTS PAID TO FOREIGN COUNTRIES UNDER THE ACT OF AUG. 27, 1954, AS AMENDED
Distribution of all claims by year of certification, Number, Country, and by Amounts—

Year	Number	Country	Amount
1955	2	Ecuador	\$55,481.20
1956	(1)		
1957	7	Mexico	8,400.00
1958	1	do	1,200.00
1958	1	Ecuador	5,881.10
1959	2	Mexico	2,400.00
1960	11	do	24,400.00
1961	3	do	6,400.00
1961	1	Ecuador	9,906.00
1961	1	Panama	2,500.00
1962	4	Mexico	10,400.00
1963	1	Colombia	2,277.90
1963	1	Ecuador	9,504.00
1963	2	Peru	15,000.00
1963	12	Mexico	33,600.00
1964	1	Ecuador	11,184.00
1964	5	Mexico	16,000.00
1965	1	Peru	7,128.00
1965	2	Mexico	6,400.00
1965	9	Honduras	45,000.00
1966	1	Colombia	5,000.00
1966	3	Mexico	5,600.00
1967	2	Panama	20,000.00
1967	5	Ecuador	59,904.00
1967	7	Peru	73,696.00
1968	5	Ecuador	211,664.00
1969	5	Peru	55,692.00
1969	2	Ecuador	122,575.00
1970	1	Peru	15,072.00
1970	2	Ecuador	133,700.00
Fines paid or certified			
Ecuador			\$619,799.90
Peru			166,588.00
Mexico			114,800.00
Honduras			45,000.00
Panama			22,500.00
Colombia			7,277.90
Total paid			975,965.80

1 None.

Note: Fines imposed upon and paid by owners but claims not filed as yet in connection with seizures by Ecuador of vessels determined (\$8,784) and paramount (\$21,700), for a total of \$30,484.

Source: American Tunaboat Association.

REPORT ON CLAIMS FILED BY TUNA VESSEL OWNERS UNDER THE FISHERMEN'S PROTECTIVE ACT AS AMENDED

Name of vessel	Amount recovered	Country	(a) Date of seizure	(b) Date of certification	(c) Date of payment	(a to c) Total days	(b to c) Total days
1. Sun Streak.....	\$1,200.00	Ecuador	Sept 4, 1954	May 20, 1955	Aug 26, 1955	356	97
2. Artic Maid.....	43,481.20	do	Mar 27, 1955	July 19, 1956	July 9, 1957	834	395
3. Santa Anna.....	5,861.10	do	do	Jan 29, 1958	Apr 16, 1958	1,115	77
4. Judy S.....	9,906.60	do	May 12, 1960	Apr 24, 1961	Oct 21, 1961	530	203
5. Shamrock.....	2,500.00	Panama	Mar 12, 1961	May 29, 1961	Oct 21, 1961	240	145
6. San Joaquin.....	2,277.90	Columbia	Feb 12, 1962	May 8, 1962	June 3, 1963	476	25
7. Chicken of the Sea	10,000.00	Peru	Oct 28, 1962	Sept 9, 1963	Jan 10, 1964	439	123
8. Western Ace.....	3,000.00	do	do	Sept 17, 1963	do	439	115
9. Ranger.....	9,504.00	Ecuador	May 25, 1963	Oct 18, 1963	do	229	84
10. White Star.....	1,184.00	do	do	Feb 20, 1964	June 24, 1964	389	124
11. Clipperton.....	7,128.00	Peru	June 4, 1965	Sept 21, 1965	Nov 16, 1965	165	77
12. Day Island.....	5,000.00	Colombia	Feb 3, 1966	Oct 27, 1966	June 6, 1967	488	222
13. Sun Europa.....	10,000.00	Panama	Mar 3, 1966	Mar 2, 1967	do	489	96
14. Day Island.....	10,000.00	do	May 12, 1966	do	June 6, 1968	785	461
15. Day Island.....	12,160.00	Peru	May 23, 1966	July 24, 1967	June 25, 1968	763	335
16. Pilgrim.....	1,512.00	do	do	July 17, 1967	do	763	343
17. Chicken of the Sea	7,900.00	do	do	Jan 15, 1969	July 24, 1969	827	190
18. Ronnie S.....	9,904.00	do	Oct 2, 1966	June 30, 1967	June 25, 1968	631	360
19. Eastern Pacific.....	8,064.00	do	Oct 5, 1966	Aug 1, 1967	do	630	328
20. Endeavor.....	8,443.00	Ecuador	Jan 7, 1967	Mar 31, 1967	June 6, 1967	150	67
21. Victoria.....	12,528.00	do	do	do	do	150	57
22. Sea-Preme.....	10,888.00	Peru	Jan. 20, 1967	Apr. 10, 1967	June 25, 1968	137	328
23. Caribbean.....	10,072.00	do	Jan. 26, 1967	Aug. 1, 1967	June 25, 1968	515	328
24. Hornet.....	9,504.00	Ecuador	do	do	do	515	32
25. Ranger.....	12,788.00	do	Feb. 15, 1967	Sept. 23, 1968	Oct. 25, 1968	487	362
26. Ronnie S.....	18,096.00	do	do	June 28, 1967	June 25, 1968	356	203
27. Western King.....	52,640.00	Peru	July 4, 1967	Dec. 4, 1967	do	350	260
28. Connie Jean.....	63,000.00	do	Aug. 8, 1968	Nov. 6, 1968	July 24, 1969	350	260
29. Pacific Queen.....	51,940.00	do	do	do	do	350	258
30. Eastern Pacific.....	34,580.00	do	do	Nov. 8, 1968	do	350	280
31. Royal Pacific.....	81,375.00	Ecuador	do	Dec. 10, 1968	do	350	280
32. Day Island.....	10,824.00	Peru	Feb. 14, 1969	Mar. 12, 1969	do	226	134
33. Mariner.....	18,164.00	do	Mar. 19, 1969	Sept. 18, 1969	Jan. 6, 1970	328	110
34. San Juan.....	8,732.00	do	do	do	do	293	110
35. Cape Ann.....	15,072.00	do	do	do	do	235	110
36. Western King.....	41,200.00	Ecuador	May 16, 1969	Oct. 31, 1969	do	202	67
37. Caribbean.....	49,650.00	do	June 18, 1969	Nov. 3, 1970	Jan. 18, 1971	338	79
38. City of Panama.....	15,072.00	do	Feb. 4, 1970	May 8, 1970	July 10, 1970	137	62
39. Western King.....	84,090.00	Peru	Feb. 23, 1970	June 12, 1970	Jan. 18, 1971	327	220
40. Day Island.....	84,090.00	Ecuador	Feb. 25, 1970	June 12, 1970	Jan. 18, 1971	327	220
Total.....	793,589.80					17,240	7,242

Note: Average number of days for recovery of claim from date of seizure to date of payment: 431. Source: ATA—May 19, 1971.

(The following information was subsequently received for the record:)

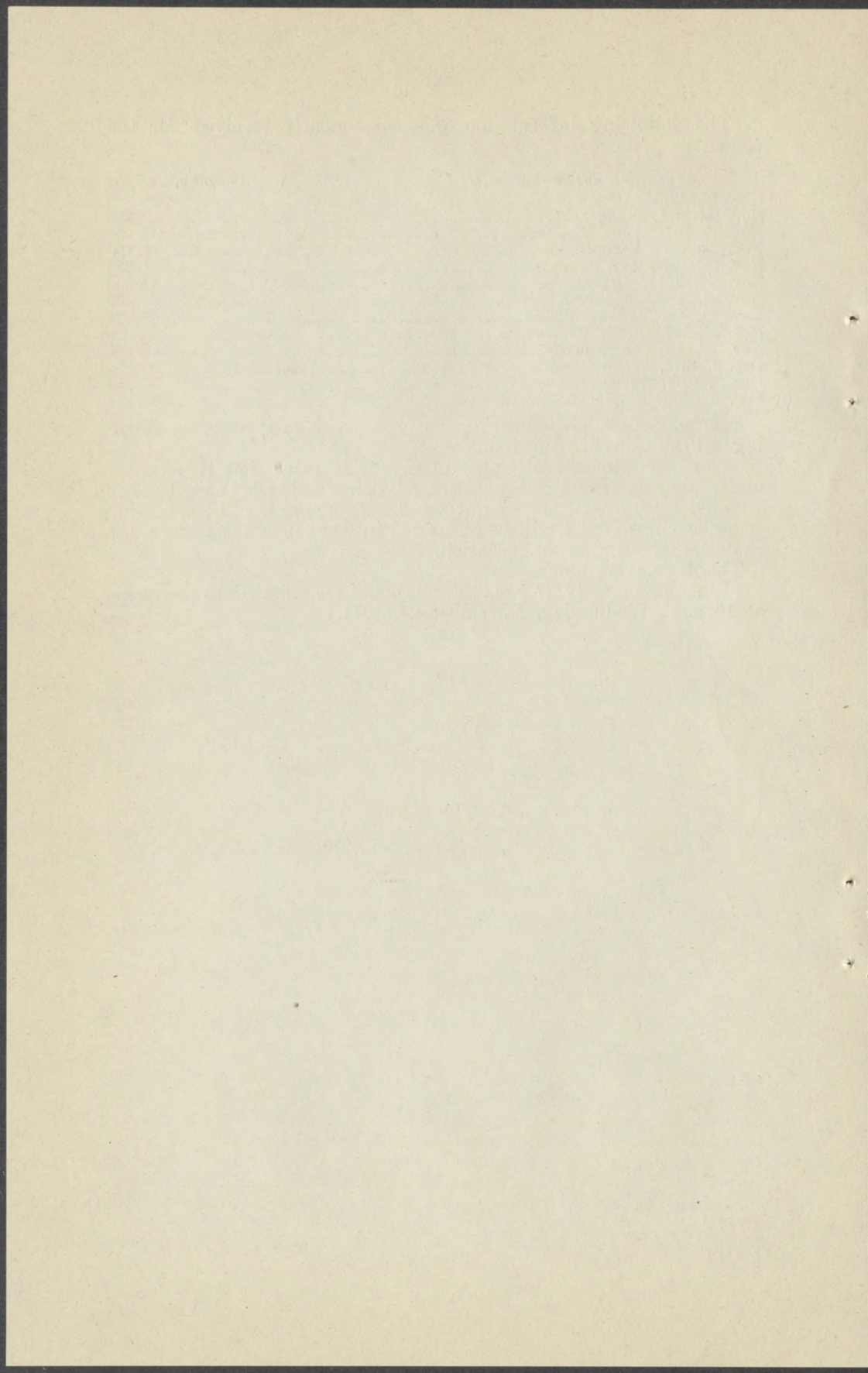
<i>Date of seizure and name of vessel</i>	<i>Amount of fine, etc.</i>
Nov. 18, 1971, <i>Wiley V.A.</i> -----	\$25,350
Nov. 18, 1971, <i>Ecuador</i> -----	22,250
Nov. 19, 1971, <i>Anne M.</i> -----	45,050
Nov. 23, 1971, <i>Vivian Ann</i> -----	37,700
Nov. 23, 1971, <i>Larry Roe</i> -----	41,250
Nov. 23, 1971, <i>Missouri</i> -----	41,200
Nov. 24, 1971, <i>John F. Kennedy</i> -----	80,460
Nov. 24, 1971, <i>Connie Jean</i> -----	68,030
Nov. 24, 1971, <i>J. M. Martinac</i> -----	38,350
Nov. 25, 1971, <i>Bernadette</i> -----	19,000
Dec. 4, 1971, <i>Ocean Queen</i> -----	124,380
Dec. 4, 1971, <i>Eileen M.</i> -----	74,150
Dec. 9, 1971, <i>Ronnie S.</i> -----	48,230

Senator SPONG. These hearings will reconvene on Wednesday morning at 10 a.m., in this same room.

Prior commitments will prevent my presence at that time, but I understand that Senator Stevens of Alaska, who is with us today and who has a very real interest in these fishery matters, will be chairing these hearings, and I will be interested in what he extracts from the State Department on that occasion.

Thank you very much.

(Whereupon, at 12:27 p.m., the subcommittee recessed, to reconvene at 10 a.m., Wednesday, November 24, 1971.)



FISHERY LEGISLATION

WEDNESDAY, NOVEMBER 24, 1971

U.S. SENATE,
COMMITTEE ON COMMERCE,
SUBCOMMITTEE ON OCEANS AND ATMOSPHERE,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10 a.m., in room 1114, New Senate Office Building, Hon. Ted Stevens, presiding.

Present: Senators Hatfield and Stevens.

OPENING STATEMENT BY SENATOR STEVENS

Senator STEVENS. Let me call this session to order, please.

Today we resume hearings on several bills relating to the protection of our commercial fishing industry and the valuable fishery resources upon which that industry and much of our Nation's economy must depend.

On Monday of this week we heard from several representatives of industrial and citizen organizations concerned with the preservation and protection of these resources and our access to them as a Nation. We also heard from the Department of the Interior with respect to one of the bills, as well as from Senator Moss, Senator Fong, and Congressman Pelly, who have introduced certain of the bills which are now pending before us.

I might add at this point that in addition to the seven bills which were listed on the committee press release announcing these hearings, we are also considering two additional bills which were introduced by me:

S. 874, which would authorize the Secretary of Commerce to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews; and

S. 875, which would provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government due to pollution.

The importance of each of the bills now before us cannot be over-emphasized. An example of the urgency in one of the areas we are addressing is provided by the fishing war which wages each year between nationals of the United States and certain Latin American countries which have laid claim to a 200-mile territorial sea. It is reported that within the last month alone a total of 19 vessels—16 American and three Canadian—have been seized off the coast of Ecuador. The impact of such seizures upon our commercial fishing

industry with the imposition of fines and the confiscation or loss or valuable catches demands remedial action.

We look forward to hearing from today's witnesses. I am sorry there are not more members of the committee present, but we have scheduled action on the floor, and I think I should tell you from the onset that the ocean dumping bill is due to be called up at any time. When that occurs, I am scheduled to be involved in that consideration on the floor and we will be forced to recess the hearing during the time that bill is considered, unless we can find someone else to chair the hearing.

Our first witness is my old friend Ambassador Donald McKernan, Special Assistant for Fisheries and Wildlife and Coordinator of Ocean Affairs for the Department of State.

Good morning, Don.

STATEMENT OF HON. DONALD L. MCKERNAN, SPECIAL ASSISTANT FOR FISHERIES AND WILDLIFE AND COORDINATOR OF OCEAN AFFAIRS, U.S. DEPARTMENT OF STATE; ACCOMPANIED BY HON. HERMAN KLEINE, DEPUTY U.S. COORDINATOR, ALLIANCE FOR PROGRESS, AGENCY FOR INTERNATIONAL DEVELOPMENT; WILLIAM L. SULLIVAN, JR., FOREIGN AFFAIRS OFFICER, OFFICE OF THE COORDINATOR FOR OCEAN AFFAIRS; AND WILVAN G. VAN CAMPEN, FOREIGN AFFAIRS OFFICER, OFFICE OF THE SPECIAL ASSISTANT FOR FISHERIES AND WILDLIFE

Mr. MCKERNAN. Good morning, Senator.

I am here to testify on two bills this morning for the Department of State.

Perhaps with your permission, Mr. Chairman, I will indicate the Department's position on H.R. 3304 first. It deals with the effectiveness of international fishery conservation programs.

I am pleased to be with you today to discuss the proposed legislation, H.R. 3304, to increase the effectiveness of international fishery conservation programs. The Department of State endorses the proposed legislation, subject to a number of clarifying amendments which I will suggest later.

The United States is faced with an ever increasing number of fishery conservation problems off its coasts and in areas where its fishermen operate or where fish of North American origin migrate and are subject to foreign fisheries. We are hopeful that the 1973 United Nations Law of the Sea Conference will establish a new legal base for the management of high seas fisheries. However, even if the Conference is as successful as we anticipate, it will take several more years before that agreement will take effect. In the meanwhile, we must cope with the actual or potential fisheries conservation problems which we now face.

The proposed legislation will not resolve all of these problems. It will add a useful tool, however, to our resources for developing and maintaining effective fishery conservation programs in cooperation with other nations. At the present time most of the nations cooperate fully with internationally agreed conservation regulations in effect, imperfect as some of them may be, and we expect that situation to con-

tinue. We do not anticipate that there would be any need to invoke the proposed legislation where conservation needs are effectively met by the agreement of all nations involved to an international conservation regime.

However, there are some situations where one or more nations have failed to agree to a program otherwise agreed among the involved nations, or having once agreed failed to abide by the agreement.

Under the proposed legislation, if the action of such countries diminished the effectiveness of the international fishery conservation program, consideration would need to be given to taking trade measures as necessary to support the conservation program.

We would hope to be able to reach agreement through negotiation even in these few situations where certain nations have failed to agree to widely observed international fishery conservation regulations. We would expect that in many situations the authority of the President to impose import measures would facilitate negotiated settlement of these problems.

Some situations in which certain countries have failed to join in international efforts to conserve particular species do, unfortunately, exist today. However, it is not my intent before this committee to point the finger of blame at any nation. Rather, it is my hope that through a firm resolve on the part of the United States, as reflected in part by H.R. 3304, we will be able to achieve better cooperation on the part of these nations in the future.

If the legislation were ever to be invoked, we would expect to proceed with the greatest discretion, so that the restrictions imposed support the internationally agreed conservation regime without imposing an unnecessary barrier to international trade or serving as a punitive measure against countries whose assessment of a particular conservation problem may be different from that of the United States.

Mr. Chairman, while the Department generally agrees with H.R. 3304 as passed by the House of Representatives, we would suggest that the following revisions be made in the proposed legislation:

(1) Subsection (a) to commence "When the President determines that nationals of a foreign country, directly or indirectly, are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program, he may direct the Secretary of the Treasury to prohibit * * *"

It would appear more appropriate for the President himself to make such a determination in view of the gravity of the possible action which might follow, than for the determination to be made by a subordinate officer. It is pointed out that subsections (a) and (b) as presently drafted would require the President to act under subsection (b) because of the action of the Secretary of Commerce under subsection (a), which does not seem appropriate.

However, if the committee feels that the initial determination should be made at the cabinet officer level the words "with the concurrence of the Secretary of State" should be added after the words "Secretary of Commerce" in subsection (a), since the determination would involve international obligations of the United States.

(2) Subsection (b) should read, if the first suggestion above is adopted: "Within sixty days following his determination, the Presi-

dent shall notify the Congress of any action taken by him pursuant to such determination."

(3) In subsection (a) it is suggested that "and to such extent" be inserted after "for such duration" as a matter of clarity.

(4) Delete the word "signatory" in subsection (g) (3) as a technical correction.

Senator STEVENS. Subsection (g) (3) did you say?

Mr. MCKERNAN. Yes.

Mr. Chairman, that is the extent of my statement. I do not know how you wish to proceed. I would be glad to move on to my statement on H.R. 7117, if you like, or I would be happy to respond to any questions or further clarification on H.R. 3304.

Senator STEVENS. What about the word "multilateral" on page 5, line 9, where it says "pursuant to a multilateral agreement to which the United States is a party," in terms of your suggestion? Is the word "multilateral" necessary there? It has been suggested that we include bilateral as well as multilateral agreements.

Mr. MCKERNAN. Generally I think we would prefer using the "multilateral" context, Mr. Chairman, because if that were excluded our bilateral agreements would be subject to this legislation. We only have two parties in the case of a bilateral agreement, of course, and it does seem to us that the President might be put in a difficult position simply if ourselves and one other nation did not agree on the interpretation of some conservation measure or some conservation move which we might propose. That is, essentially, we feel that the United States is not always omnipotent, and we might possibly be correct.

In terms of multilateral agreements, of course, we have conservation regulations which have been imposed broadly by a number of nations, at least three. It is not simply the United States' points of view against some other nation's point of view.

So I must say that while I personally do not feel strongly about this I do feel that in terms of action by the United States, it seems to me to be more preferable to deal with the multilateral context and to expect us to be able to convince our bilateral partners of the wisdom of any conservation measures that we want to espouse on a bilateral basis.

Senator STEVENS. We weren't looking at it solely on that basis. It seemed that there may be agreements between this country and Canada, for instance, whereby we have established conservation concepts for the North American fisheries which may be violated by nationals from countries that are not parties to that agreement, obviously, since it is a bilateral agreement, and if they had this sanction imposed by the President if he had the power to impose it, that it could be a useful tool to require compliance by members of the fishing industry or nationals of other countries.

Aren't there bilateral agreements between Canada and the United States concerning some of our fisheries?

Mr. MCKERNAN. Yes, there are. We have a large number of both formal conventions and some bilateral agreements between the United States and Canada.

Generally speaking, where third parties are involved, the United States has attempted to reach agreements with these states, either requesting them to join such bilateral arrangements, in which case, of

course, you would have a multilateral, or reaching a similar bilateral arrangement with them, in which case you have a multilateral context.

Senator STEVENS. As passed the House, this does not require that nationals of a foreign country be citizens of a country that would be signatory to an agreement.

Are we misinterpreting this?

Mr. MCKERNAN. No; I don't think so, Mr. Chairman, but I do think that under such circumstances our Department would feel that we would want to apply this against third parties very carefully and very cautiously indeed.

I think that in the field of fisheries, we have had rather good success in resolving the disputes without resorting to pressures where we have had some disagreements with nonmember countries to international agreements.

Senator STEVENS. I think the committee concurs with that, but it is our feeling that the House committee, which did broaden the language as compared to the original bill which Congressman Pelly and I introduced as S. 2191 indicated in their bill that it should apply to nationals of a foreign country without regard to whether they were signatory to the agreements which established the conservation practice.

If that is the case, it seemed it should apply to bilateral as well as multilateral agreements. And this point was made at our hearing on Monday.

Mr. MCKERNAN. Of course, it seems to me that that does not necessarily require a change in—"or other measures in enforce pursuant to a multilateral agreement." Mr. Chairman, I am reading from page 5, numbered section (3). It seems to me that if it is left as it is at the present time it does not avoid the responsibility of a nonmember country.

Your point is, however, that in the case of a bilateral, if the third party is violating a bilateral agreement, that they should be subject to the same terms as a third party violating a multilateral agreement. I agree.

Senator STEVENS. It was suggested to us that we should delete the word "multilateral" pursuant to an agreement to which the United States is a party.

Mr. MCKERNAN. Yes. In that case, of course, perhaps some clarifying language should be applied so that we would not be simply forcing a bilateral partner in an agreement to our particular will, because it seems to me—

Senator STEVENS. That was not the intent of the suggestion as I understood it. If you have any suggested language you would like to have in the report, we would very much like to have it.

Mr. MCKERNAN. I see your point. Let us consider that, Mr. Chairman.

Senator STEVENS. Incidentally, your reports of the Department of State will be printed in the record. We have reports on several of these bills.

Would you like to proceed to the other bills now?

Mr. MCKERNAN. I would appreciate reporting on H.R. 7117, Mr. Chairman.

The Department of State is in sympathy with one of the stated objectives of H.R. 7117, which is to expedite reimbursement to fishing vessel owners of losses for which claims have been certified under the provisions of the Fishermen's Protective Act of 1967. The Department would support appropriate legislation to achieve that objective, deferring to the judgment of the Department of the Treasury as to whether the fund envisaged by H.R. 7117 or some other procedure would be most appropriate.

The Department is opposed, however, to the enactment of H.R. 7117 in its present form for the following reasons:

1. H.R. 7117 appears to open up the possibility that the U.S. Government would be called upon to pay vessel seizure claims on the basis of preliminary information unsupported by a fully documented claim and to take a lien upon the claimant's vessel as security for the eventual disposition of the claim. This would be a grave departure from normal rules for the proper management of public funds in the absence of any compelling cause, since there are no present impediments to the expeditious submission and certification of properly documented and supported claims.

2. H.R. 7117 appears to open up the possibility that the Secretary of State would be called upon, within a fixed period of days after reimbursement of a seizure claim under the provisions of the act, to make a corresponding claim against the seizing government and to deduct the corresponding amount of money from assistance funds programmed for that government when the claim is not paid. Such a rigid requirement would impose an undesirable restriction on the flexibility which the Secretary must have for the conduct of foreign affairs and could have the effect of forcing him to take a punitive action against a foreign government at the very moment when our long continued effort to bring about a negotiated solution to the vessel seizure problem might be showing promise of progress.

3. The Department is strongly opposed as a matter of principle to the provision of H.R. 7117 which would require the transfer of monies deducted from assistance funds to the proposed revolving fund for expediting reimbursement of seizure claims. It is the Department's view that this would establish an undesirable precedent of automatically transferring funds appropriated for one purpose to finance entirely different purposes. The Department believes that funds for reimbursement of seizure losses should be specifically appropriated for that purpose. Any amount deducted should remain available for assistance purposes and not be diverted to uses other than those for which they were appropriated by the Congress.

In summary, it is the view of the Department of State that enactment of H.R. 7117 at this time would add an abrasive element to an already difficult situation without making any positive contribution to the solution of the basic problem underlying that situation.

Thank you, Mr. Chairman.

Senator STEVENS. But if we make progress at the Law of the Sea Conference, is there any indication that the principal country involved in the abrasive situation would agree to the results of that conference?

Mr. McKERNAN. I think if the Law of the Sea Conference brought out a convention which was along the lines of the proposal that has

been made by the United States, that there would be very strong pressure for all governments to accept such a resolution of the problem.

One of our difficulties, Mr. Chairman, is that unfortunately the 1958 and the 1960 conferences, neither of these Law of the Sea Conferences set a limit of jurisdiction, and nations have interpreted this as leaving them free to set their own seaward extension of jurisdiction, both with regard to fisheries, and in fact with respect to the territorial sea.

Now, we disagree with that. We think that these conventions, four conventions out of 1958, we believe, or we have interpreted them, as not permitting states to unilaterally extend jurisdiction beyond 12 miles. Unfortunately a number of nations in the world do not agree with us, but one can see in all fairness their point of view. Their point of view is since there was no agreement, we can look after our interest off our coast. As you and almost everybody else in the Senate knows, the United States is very actively engaged in trying to get worldwide agreement on the extent of national jurisdiction and in fact on the kinds of preferences which the coastal state would have over certain resources lying off their coasts beyond 12 miles.

We think this would have a very beneficial effect on the great fisheries of your home State of Alaska, and we also think this would clarify the situation that has led to the very unfortunate difficulties that our tuna fisheries have had off the west coast of South America.

Senator STEVENS. Senator Hatfield and I introduced a resolution yesterday to urge that fisheries representatives be members of that Law of the Sea delegation.

Has that delegation been firmly picked yet? Is it still possible that we might add fisheries representatives?

Mr. McKERNAN. That delegation has not been selected, and the question of whether or not nongovernment citizens will be members of that delegation is still under consideration by the Executive Department.

In fact, a number of departments are actively considering that, and I am sure we are going to be anxious to take into account your views as well as those of Senator Hatfield, Mr. Chairman.

Senator STEVENS. I noted with interest Monday that our Tuna Boat Association representatives indicated that the fines in the Ecuador situation are roughly equivalent to the value of the catch on a tonnage basis.

Have you ever considered a similar recommendation in connection with the Japanese or Korean vessels that are invading our waters?

Mr. McKERNAN. Well, we, of course, have been unhappy about the amounts of fines that have been applied against our tuna vessels. We think that they have been exorbitant. Of course, we have some other vessels, shrimp vessels that occasionally stray, inadvertently I am sure, into waters of foreign countries, and we have done our very best to try and have our fishermen treated in a reasonable manner.

Now, it seems that the policy that the courts have taken with respect to consistent violations in Alaska have been rather consistent with our general principles of justice, that is, for repeated violations the fines have gotten stiffer all the time.

The recent one was pretty stiff indeed. I think it added up to a total of \$115,000.

Senator STEVENS. That is right; 400 tons of salmon is worth a lot more than that.

Mr. McKERNAN. Black cod.

Senator STEVENS. Wasn't it salmon?

Mr. McKERNAN. No.

Senator STEVENS. You are talking about the Sitka seizure?

Mr. McKERNAN. Yes.

Senator STEVENS. There are a series of questions I have before me that the committee asked that I direct to you.

Is it correct that the Secretary of State has never given an official notice to a seizing country of any claim under the Fishermen's Protective Act of 1967?

Mr. McKERNAN. The amended Act of 1967. It is true that the Secretary of State has not imposed, or has not submitted a claim which would trigger the 120-day feature of the amended Fishermen's Protective Act.

Senator STEVENS. Then it is also correct that as a result of not giving official notice of the requirement of the existing law, it has not been brought into triggering effect of the deduction of the amounts from a foreign tax since the act was amended?

Mr. McKERNAN. That is correct. As you know, we have had active negotiations going on for a number of years.

Now, I am not at all pleased with our success, but I would point out that even at the present time Mr. Finch and Mr. Meyer—Mr. Finch, of course, is Presidential Adviser, and Mr. Meyer, Assistant Secretary for Latin American Affairs, have been discussing these matters in South America, and the United States continues to actively seek a negotiated solution to this problem.

We feel that certain aspects of the amended Fishermen's Protective Act would handicap us in those efforts.

Senator STEVENS. Thus, the reason that the Secretary of State has not given their notice to Ecuador and Peru, under the amended Fishermen's Protective Act, is because of a feeling that this might be abrasive as far as our relations with a friendly nation is concerned. Is that the position of State?

Mr. McKERNAN. If you would permit me, Mr. Chairman, I would put it in a different way. I think that the United States seeks a negotiated solution to the problem, and we have constantly tried to find a basis for a negotiated solution.

We have felt that the implementation of certain aspects of the amended Fishermen's Protective Act and other laws passed by Congress would inhibit us from finding such a negotiated solution, and, therefore, up until at least the present time, we felt that it was against our interest and the interest of our fishermen to apply these hoping to find some avenue, some path which would lead to a negotiated solution.

It has been a difficult route, but, of course, we have kept the dialog open for a number of years on this subject.

Senator STEVENS. You may want to file the answer to this, Ambassador, but could you tell us what investigation the present law requires the Secretary of State to perform in connection with a claim filed by a vessel owner and how you consider H.R. 7117 would change this procedure?

Mr. MCKERNAN. The answer to that is a little bit long and complicated, and perhaps it would be better if I submitted an answer.

Senator STEVENS. We would like to have that for the record.

Mr. MCKERNAN. Fine.

(The following information was subsequently received for the record:)

The Department of State's assistance in fishing vessel seizures begins with consular personnel being detailed to the scene to assist the seized vessel's captain and crew with the procedures of the local Governmental authorities, in order to expedite the release of the vessel and crew, and with any other problems that may be encountered. Once release of the crew and vessel has been achieved, the Department's principal activity is the carrying out of the statutory responsibilities of the Secretary of State in connection with a claim by the vessel owner, under the Fishermen's Protective Act. The filing of a claim is, of course, the responsibility of the owner and, as with all other claims the burden of proof rests upon the owner to establish by the evidence that his claim meets the requirements of the Act. However, the Department does what it can to assist the vessel owner, by advising him on the preparation and documentation of his claim and particularly by obtaining the relevant official documents from the seizing Government, through the contacts which our Consulates and Embassies usually have with that Government. Once the claim is submitted, legal officers of the Department examine it to determine whether it meets the requirements of the Act.

In part this determination is based on the documents furnished by the claimant, such as evidence that the vessel was in fact a documented vessel of the United States at the time of the seizure, that the claimant was the owner of the vessel, that the claimants are nationals of the U.S., and that payment was made to the seizing Government as a condition of release. Other necessary facts can best be and usually are established by reference to the official documents of the seizing Government, which the Department obtains through its Consulates and Embassies and has translated by the Department's translators. Such documents are made a part of the claim and they are used to determine that the vessel was seized on the basis of rights or claims to territorial waters or the high seas not recognized by the United States, that the vessel and its captain were subject to administrative or legal procedures by the seizing Government, and that specific amounts were required to be paid to that Government in order to secure the prompt release of the vessel and crew. Such basic facts as the dates of seizure and release and the location of the seizure, which are generally attested by the claimant, can also be corroborated by reference to the official documentation of the seizing Government.

The procedures and responsibilities described above would not be changed by enactment of H.R. 7117. Nor would they be expedited, since the procurement of documents and examination of the claims is already being done as expeditiously as possible. Only the payment of claims after certification would be speeded up by the provision of the proposed Fishermen's Protective Fund, as this would obviate the need for waiting upon enactment of a supplement appropriation by the Congress.

Mr. MCKERNAN. Incidentally, in connection with that, however, working with the tuna vessel owners we have done our very best to speed up the action on seizure claims.

We are in fact, of course, in favor of even more speedy action, but in an average of 25 claims processed this year the review and certification took 19 days only from the date of mailing of the claim, not the receipt of the claim into the Department, but the mailing of the claim, to the certification to the Treasury Department by the Department of State.

So that we have done our very best to try and shorten this time and ease the burden on the fishermen.

Senator STEVENS. They make quite a point about the length of time that money is outstanding. You don't have an interest provision, do you?

Mr. MCKERNAN. No.

Senator STEVENS. The interest is lost.

Would the Department of State object to a going rate of interest concept added to the amount of the fine? It seems that some of these people are suffering severely because of the current rates of interest?

Mr. MCKERNAN. I would want to consider that and the implications. For example, some of the days, Mr. Chairman, are brought about by delays in submissions of the claims.

Senator STEVENS. In terms of the time of certification, it would seem the interest would run certainly from that time on as an acknowledgement by the Government that an existing law gives rise to a reimbursement of claim.

Mr. MCKERNAN. Yes. The amendments to the Fishermen's Protective Act, the bill before this committee, would set up a fund, some \$3 million, out of which these claims would be paid very quickly, so I am not sure that you need anything in addition to that. But I would be happy to take a look at anything that you might suggest, Mr. Chairman.

I do think that the suggestion in the bill itself does handle that expeditiously, and I would leave it to the representatives of the boat-owners themselves to know whether this would be adequate. But it is my own feeling that it would help tremendously. The delay at the present time is from the time of certification to the Treasury until the time that the supplemental appropriation bills are considered by Congress and passed. This is the major delay. And therefore a fund set up for the Department of Treasury, would void that rather lengthy delay.

Senator STEVENS. This bill H.R. 7117 only directs the Secretary of State to make a certification as soon as possible. You don't have any objection to that provision in this bill, do you?

Mr. MCKERNAN. No. I take it that is in relation to certification of the claims.

We are very anxious to do that as soon as possible.

Senator STEVENS. Do you have an opinion as to whether this direction to certify as soon as possible would affect the requirement under the act concerning vessel location, activities, the amount certified, and whether the vessel is owned by a U.S. citizen? Is there any impediment there? Are these activities you have under current laws?

Mr. MCKERNAN. Right. We work very closely with the vessel owners. We put out instructions, and we have walked through the procedures with them and they have shortened these tremendously over the past 6 or 7 years trying to expedite certification, certification by our Department and certification to Treasury itself, and I think—it is my impression that the boat owners who are most involved have been generally satisfied with that aspect of the operation of the Fishermen's Protective Act.

Senator STEVENS. I am going to have to go make this vote. Mr. Ambassador. I note your report to the Department of State on S. 1242, and I would like to include that in the record here, too.

Do you have any additional reports or comments on the other bills that you would like to have filed?

Mr. MCKERNAN. I believe not, Mr. Chairman.

Senator STEVENS. I take it your opposition to H.R. 7117 is primarily based on the increased mechanism for automatic triggering of the deductions from foreign assistance; is that correct?

Mr. MCKERNAN. That is certainly one of our objections. We think this provision which would require the Government to pay vessel seizure claims without the information—without check on information being supplied is probably not really in our interest nor do we really want to take liens on boats and become the owner of tuna boats. This is not really our function.

We think that the present procedure is adequate in that respect, and that by working together with boat owners that we can shorten the time, and that the problem—and the problem would largely be solved if the fund were set up in the Department of Treasury so that as soon as certification took place payment would be made.

I believe that there would be a minimum of delay if that provision of the legislation before you were put into effect.

Senator STEVENS. I am going to have to go make that vote.

I assume that we will be back. So we will just stand in recess until then. Although, Mr. Ambassador, as far as I am concerned, I have no further questions, and I thank you very much for your appearance.

Mr. MCKERNAN. Thank you.

(Recess.)

Senator HATFIELD (presiding). The hearing will be resumed.

Ambassador McKernan, I am sorry that I was not able to join this hearing sooner. We have two other subcommittee hearings going on simultaneously and I have been involved in Amtrak before one Commerce subcommittee and duck stamps before another, so now I am going to be involved in fish.

I understand that Senator Stevens, who was presiding earlier at this hearing, has now had to go to another matter—we are sort of covering a number of bases this morning—referred to a resolution which Senator Magnuson, chairman of the Commerce Committee, and Senator Stevens and I introduced the day before yesterday, calling for a sense of the Senate resolution on this matter of representation by the fishery industry on the upcoming U.N. Law of the Sea Conference. The bills that we are considering today, of course, relate to some of the problems that are inherent in a situation where there is an absence of agreement or where there is a multiplicity of policies that are being practiced by various nations as it relates to resources.

My thinking has been that we must address ourselves sooner or later on the resource and the conservation practices revolving around that resource if we are going to solve these problems and get global agreements on them, and get uniformity of practice.

With that objective in mind, a number of us have not only written to various agencies of the Federal Government that are planning for the sea conference, but because of the type of answers which we received from some of these agencies, it then triggered our action yesterday in introducing this resolution. Mr. Ambassador, I would like to give you as an example, the letter response from the Department of State, a response signed by David M. Abshire, under the date of November 18, responding to my inquiry along this line.

He said in part, "Dear Senator Hatfield, The Secretary has asked me to reply to your letter in the Law of the Sea Conference. The executive branch is considering the question of fisheries industry representation of the U.S. Delegation."

Now, you contrast that to a statement of Robert White, the Administrator of NOAA: He said in part, "We intend to continue to make every effort to insure that our fishery industries have an opportunity to participate fully and directly in U.S. law of the sea activities."

My question to you, Mr. Ambassador, is simply what is your position on this matter of representation in this sea conference? If it's one in agreement with the context of our resolution, what are you doing to further that action by the Department of State?

Mr. MCKERNAN. Thank you, Senator Hatfield. It's a pleasure to appear before you this morning.

I have been active in the development of the Government's position on law of the sea and attended both preparatory conferences that have been held this year with respect to that Law of the Sea Conference scheduled in 1973.

The Department itself is anxious that the views of not only the fish industry but other industries who are going to be affected by such a conference, for example, the oil industry and the minerals industry, and in fact some others, perhaps some people generally from the public who, of course, use the edge of the sea, such places as your great State. And so we have for one thing set up an advisory, an ad hoc advisory group that is in the process of being formed at the present time and to be partially responsive to the views of the fishing industry leaders and others.

Now, we realize that this doesn't satisfy completely the needs with respect to getting an input from these people. And the various departments of Government right at this moment—I don't mean figuratively this instant, but I mean at this time—are consulting with one another trying to see exactly how we can get full participation by the interested public, an input into the formation of U.S. policy and U.S. positions at the Law of the Sea Conference.

Now, there are some problems. There are some highly classified questions with respect to our defense measures, for example. And there are some other aspects of the law of the sea problem which make simple resolution of the problem difficult. But I would simply like to say that the Department of State is very anxious to resolve the issue in such a way as to provide for full and adequate participation of all interested groups of the American public, interested in this extremely important subject, one that obviously will affect our fishing industry and in fact affect the lives and the future of our Nation for perhaps generations to come.

Senator HATFIELD. Do I understand your response to me to say that you are considering an advisory group to the official delegation, made up of the various interested areas? Would that be the structural arrangement? An advisory group to the official delegation?

Mr. MCKERNAN. That has been one of the suggestions. Let me be more explicit. We have been considering an advisory group to the interagency body which has been working on the U.S. position and

position papers. That would be essentially a national group that would meet before our positions were set in concrete and before we had completed the U.S. position.

And, of course, then we have been considering how to deal with perhaps a portion of that advisory body at the conference itself, so that we can have continuous input from this group. The fishing industry, for example, strongly believes that they have got to be part of the delegation, an integral part of the delegation, full partner in the delegation. Some people in Government believe that that might not be necessary, that if the delegation were to meet regularly with them, take into account their views at the conference itself, or at the preparatory conference, that perhaps that would be adequate. That question has not been resolved, Senator, and we are very anxious to take into account the views of our colleagues here in the Congress to this subject.

Senator HATFIELD. In the comments you made, you referred to the highly sensitive character of some of the material data with which you will be working as relates, particularly, I believe you mentioned, to the area of the defense, the military. But there would not be any problem, or this would not present any problem, would it, as far as members of the delegation representing the fishery industries having clearance and therefore being able to work with this material? Would this be just material that would be something that could be handled by some of the governmental agency people, and would not have to bring into a general conference with fishery representatives, if you had such representatives in your body?

Mr. McKERNAN. What you are really suggesting is one of the alternative solutions that we are looking at at the present time. There is some feeling, for example, that if public members were on the delegation, that they might require very high level clearances, which would be difficult, very expensive, and very time consuming indeed.

On the other hand, there is a view that is being expressed by some people, some departments that perhaps some of this very highly classified material might not need be considered. And this debate and consideration is being given at the present time, and I am not really saying it's a suggestion, but it amounts to that, that perhaps some of the more highly classified information need not be dealt with by public members who might not have a high clearance but a lower clearance in terms of material to be considered by them.

Senator HATFIELD. Could we count you as an advocate in the activities and discussions going on now for representation of the fishery industry for this conference without committing yourself to the particular format or structure it may take, but at least to have an input, some opportunity for input by the fishery industry?

Mr. McKERNAN. Yes. You can count my Department as a strong advocate of that.

Senator HATFIELD. I am sure you realize that we are dealing here with a renewable resource, one which transcends the questions of sovereignty and jurisdiction. In my opinion, we have been hung up too long in trying to consider these problems and solve them purely from a legalistic point of view of sovereignty and jurisdiction. I am sure the fish have no concept of this variation of political institution that they find themselves either administered by or governed by. It seems

to me that we should begin to get the various political entities and various political powers involved to see this as a global resource, and therefore that we all have a mutual interest in preserving and developing this resource.

With that, I had better run to vote. We will take a 10-minute recess.

Mr. McKERNAN. I simply say that I fully support the statement you just made.

(Recess.)

Senator HATFIELD. The hearing will please resume.

We would like to call next Mr. David H. Wallace, Associate Administrator for Marine Resources, U.S. Department of Commerce.

Good morning, Mr. Wallace.

STATEMENT OF DAVID H. WALLACE, ASSOCIATE ADMINISTRATOR FOR MARINE RESOURCES, U.S. DEPARTMENT OF COMMERCE; ACCOMPANIED BY LOUIS STRINGER, PROGRAM OFFICER, OFFICE OF RESOURCE RESEARCH; AND HERBERT BLATT, COUNSEL, NOAA

Mr. WALLACE. Good morning, sir.

Senator HATFIELD. I believe you have some gentlemen accompanying you?

Mr. WALLACE. Senator, to expedite our handling of this, I would like to ask permission if our attorney could sit with me and then I would like to request that the various specialists working in these areas join me under a particular specific testimony for a specific purpose.

Senator HATFIELD. That is quite acceptable.

Would you please identify and introduce your colleagues this morning, for the record?

Mr. WALLACE. Yes, I will.

On my right is Mr. Herbert Blatt, who is a counsel for NOAA. To my left is Mr. Louis Stringer, who is a marine resource specialist, who will be sitting with me.

Senator HATFIELD. Thank you.

You may proceed as you wish.

Mr. WALLACE. I would first like to comment on S. 2764.

The Department of Commerce supports S. 2764 with appropriate amendments as we shall indicate in this testimony.

This bill provides the mechanism for an effective, coordinated fish disease control program, and would combine in one statute fish disease control authorities and indemnification provisions not provided in any existing statutes.

We have a deep interest in this bill, as the subject matter seriously affects the commercial fishing industry, responsibility for which has been transferred to this Department under Reorganization Plan No. 4 of 1970. As this committee well remembers, in Reorganization Plan No. 4, the President recommended, and Congress agreed, that all activities of the Department of the Interior primarily relating to commercial fisheries and those activities related to the marine game fish research program of the Bureau of Sport Fisheries and Wildlife should become a part of the National Oceanic and Atmospheric Administration (NOAA). Further, NOAA has taken the lead for anadromous

fish programs, especially the extensive research and development programs for Pacific salmon.

Although the Department of Commerce can see considerable merit in the consolidation of responsibility of diseases of fish and shellfish, we believe the full intent of S. 2764 can best be met through the administration's broad reorganization proposal to establish a new Department of Natural Resources. Under existing authorities, the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce has primary responsibility and expertise in the field of diseases of marine fish and shellfish while the Bureau of Sport Fisheries and Wildlife of the Department of the Interior has expertise in the field of diseases of freshwater fish. We do not believe either Department should lose control on ongoing research programs on fish and shellfish diseases within its existing sphere of interest and jurisdiction. Ongoing programs on fish disease research in NOAA are an integral part of studies carried out on the Nation's living marine resources, as indeed they are an integral part of the freshwater fisheries activities in the Bureau of Sport Fisheries and Wildlife.

I am quite sure that most, if not all, biologists will agree that one cannot divorce disease research from other types of plant and animal studies. As an example, studies on the causes of declines in fish populations must also include an understanding of both natural and man-induced causes; disease is one of these natural factors.

Our studies on distribution and stock identity of fish populations is often supported by the presence or absence of certain disease organisms. These organisms can even be used as biological tags.

As an example, there is a parasite endemic to offshore lobster populations which has never been found in lobsters off Ireland nor in the Gulf of Maine. But, it has been found in lobsters taken by fishermen off Long Island beaches. Such information makes it possible to begin to delineate the distribution of various lobster stocks and to develop appropriate management programs for each of these stocks with other countries and between States. Similarly, NOAA's mariculture research, among other things, covers the causes of mortality, proper nutrition, water supply systems, and so forth. Such research just cannot exclude the factors that can be introduced by disease. And so, similarly, we recognize that the Bureau of Sport Fisheries and Wildlife would not wish to separate their disease research from other freshwater fishery research for exactly the same reasons.

Thus, rather than vest control of research on diseases of fish and shellfish with one agency, we believe it desirable for the Department of the Interior and the Department of Commerce to continue their efforts in fish disease research and control and closely coordinate these efforts. Upon the formation of the Department of Natural Resources, consolidation and direction of all fish disease work might best be accomplished within appropriate policy and administrative guidelines.

We recognize the merit of some immediate action to halt the spread of communicable diseases of fish and shellfish. This will require a program of inspection of fish and premises for the presence of diseases by State personnel, with the assistance of personnel of the Federal Government, plus the authority to provide indemnity payments to owners of any fish, fish products, or articles destroyed pursuant to the provisions of the act.

NOAA, through the former Bureau of Commercial Fisheries, has a long history of experience and expertise with diseases of fish and shellfish. Since 1927, it has been a participant with the U.S. Public Health service and the shellfish industry in the development of a cooperative program to control and eliminate diseases of oysters and clams.

In the 1940's, unexplained mortalities sharply reduced stocks of sea herring in New England. Research was undertaken by NOAA predecessor components which finally led to the determination that the cause was a disease. An inspection program was instituted, in cooperation with the sardine industry, to prevent diseased fish from being canned.

As the chairman can remember, extensive unexplained mortalities of oysters in 1956 and 1957 threatened to wipe out these important shellfish in Delaware and Chesapeake Bays, among the largest commercial oyster producing areas in the Nation. Bureau of Commercial Fisheries scientists, in cooperation with State and university experts, began a study of these mortalities.

This study determined the cause to be a disease, now commonly known as MSX. The causative organism, a haplosporidium known as *Minchinia nelsoni* was identified and its life history determined. Incidentally, the spread of this disease from its original appearance in Delaware Bay to Long Island Sound on the north and lower Chesapeake Bay on the south was due, in part, to the uncontrolled movement of seed oysters from one area to another. Through these cooperative studies, methods were adopted by the States and industry that have returned formerly destroyed oyster beds to production.

As the former director of the Division of Marine Coastal Resources of the New York State Department of Environmental Conservation, I was grateful at that time for this kind of service provided by NOAA scientists because it enabled me to take prompt action to prevent further spread of this disease in our waters.

In other areas, NOAA scientists have cooperated closely with State officials to determine the cause of blue crab mortalities along the Atlantic coast. At least some of these mortalities are due to disease; but, of equal importance, we were able to affirm that some of the mortality was not due to such causes as pesticide spraying or oil tanker pollution.

Studies on the Pacific coast also have confirmed that diseases play an important part in the success of salmon, oyster, and crab production. Programs involving NOAA scientists and scientists connected with the Sea Grant program have led to the determination of the causes of some of these diseases.

Disease studies by the states and some of the cooperative studies described above have been supported by NOAA through Public Law 88-309 "The Commercial Fisheries Research and Development Act" and, especially, through our Sea Grant programs, and we can supply examples of these for the record, if you should so desire.

The result of these examples of disease research by NOAA scientists or by support from NOAA-sponsored programs has been the development of an expert team of specialists familiar with diseases of living marine resources and an established working relationship with State, university, and foreign disease experts. For example, it is our Biological Laboratory in Oxford, Md., that has certified disease-free

oyster seed imported into Washington and Oregon from Taiwan and Formosa.

As we have suggested above, this familiarity with diseases of fish and shellfish has also led to the conclusion that disease is an important factor in determining the success with which stocks of valuable commercial fish and shellfish are maintained. Diseases do have great economic impact on commercial fishing industries, not to mention our recreational fisheries. As one example, the MSX disease mentioned above almost wiped out the commercial oyster industry of Delaware and lower Chesapeake Bays.

The migratory nature of many marine species and present procedures for transplantation of a variety of aquatic species makes the transmission of disease easy. Controlling natural migratory habits is virtually impossible. Controlling man's activities that augment the spread of disease is possible. NOAA has the experience and the scientific talent to undertake this control.

This disease expertise and the knowledge of the marine recreational and commercial fishing industries, available in various segments of NOAA, is already essentially present in the research and control program visualized in S. 2764. NOAA experts are familiar with the methods used by the commercial fishing industry, with the possible sources of disease transmission, and with the movements of fish and shellfish. NOAA has also had experience in operating an inspection service for quality control of fishery products. This experience would reduce the time and cost needed to get the proposed programs underway.

It is recognized that NOAA of the Department of Commerce has primary responsibility under Reorganization Plan No. 4 to handle these functions relating to marine recreational and commercial fisheries. With the increased impetus in mariculture, the possibilities of the introduction and dissemination of communicable disease of fish and shellfish has been increased tremendously. In the area of mariculture, NOAA has a broad mission of marine science and engineering to develop a total aquaculture system that begins with the selection of a species for man's use. Disease resistance is, of course, a prime requisite for such species, and our research considers this.

NOAA has many ongoing research programs that deal directly and indirectly with mariculture. Work directly related to mariculture is being conducted on mollusks, lobsters, and shrimp at three major laboratories. Projects on salmon are being pursued in the Columbia River and in Puget Sound. Under the Federal Aid Programs of NOAA, 29 projects are underway on mariculture and parasites and diseases of fish and shellfish. The Office of Sea Grant is financing research on aquaculture at nearly two dozen universities.

In regard to indemnity payments, NOAA has broad experience under section 4(b) of the Commercial Fisheries Research and Development Act. Under this program \$1.6 million has been made available to the States to alleviate resource disasters from causes such as hurricanes and fish diseases.

We understand that the Department of the Interior is proposing to the committee amendments that would vest the authority to deal with the diseases of fish and shellfish in the Secretaries of Interior

Commerce as respectively outlined in Reorganization Plan No. 4 of 1970.

Mr. Chairman, rather than take the time of this committee to discuss specific suggested changes in S. 2764, I would prefer, with your permission, to submit these for the record at a later time.¹

I thank you for the opportunity to testify and I shall be glad to attempt to answer any questions.

Senator HATFIELD. Mr. Wallace, do you wish to continue on with all of your testimony?

You have now separate testimony before us relating to H.R. 3304, S. 2191, and H.R. 7117. How did you plan to handle that? You have six pieces of testimony here.

Mr. WALLACE. Mr. Chairman, I am at your pleasure. Would you prefer to have questions on each individual piece of legislation, or would you prefer to—

Senator HATFIELD. I think what I would prefer, since we do have other witnesses and we are working under some time handicap today, that it would perhaps be better if the committee would submit to you, the committee's staff, a series of questions that you could then respond to in writing later.

As you have indicated in the last line of your testimony just concluded, that you would like to submit for the record at a later time your specific suggestions. I think when we get those specific suggestions it would be much more profitable for us to then be able to pose to you certain questions, get the completed testimony, along with your recommendations.

I would only have this one question at this point, one general question in this first part of your testimony.

You give us an excellent overview of your past involvement, or NOAA's past involvement in research and so forth and other agencies. What is the plan to relate these to the resources now created under the sea grant college program and the present established marine science laboratories that relate to a university? Are you reaching beyond the in-house research programs to relate and coordinate with these other ongoing research programs?

Mr. WALLACE. Well, in NOAA itself we have two major fisheries activities, as you know, carried on by the National Marine Fisheries Service and the Office of Sea Grant, through their granting program with our academic institutions. These activities are coordinated internally in several ways.

For example, all sea grant site visits to various universities have included at least one representative of the National Marine Fisheries Service so that they have direct participation in the evaluation of the programs that are being carried out by the university.

More than that, the sea grant program is coordinated by two vehicles, an advisory committee which meets periodically to review the overall programs which are involved, and the directors of the various academic institutions who are responsible for the sea grant program in their institution. They meet periodically to review the coordination between the projects which are being carried out. So we have two mechanisms whereby we are attempting to bring about this coordination.

¹The report referred to was not received at the time this hearing went to press.

Third, in NOAA itself, my office has been designated as the coordinating office to make certain that there is the kind of coordination between the National Marine Fisheries Service and the Sea Grant Office which we feel is so important.

Now, within the National Marine Fisheries Service itself, programs are done in-house, but also under the granting provisions or the matching fund provisions of several programs. One of these is one that I mentioned, Public Law 88-309, and another one is the Anadromous Fish Act. The third one is the so-called Jellyfish Act, which has brought about a granting program involving studies of species such as the jellyfish and other things in the marine environment. This is all contracting through arrangements with the various States who carry out these research activities, and we consider this a very important part of our program.

So that we have really three pieces: We have the Federal research activities, we have the working relationship with the States through these three Federal-aid programs, and then we have the sea grant program which acts and interacts with the university programs.

Senator HATFIELD. I appreciate your bringing this out for the record, because in my opinion this is a very exciting new frontier, this "wet frontier." The Federal Government, in coordination and cooperation with State and local agencies, universities, laboratories, has made a major contribution, not only in the resource area, but also in the general relationship of Government to the citizen. He feels an identification with these local areas, such as those analogous to the county agent program. You have the great resource of agriculture research in the Federal agencies, but at the same time it gets out to the people in the various counties.

Mr. WALLACE. Senator, I think that this is particularly apropos in your own State of Oregon where the sea grant program at Oregon State University, working with the fishing industry, with the State officials, with the academic communities, in the whole area, have put together almost a model of this kind of advisory service which is going right to the people and giving them an opportunity to have the latest technical information, and at the same time allowing a play-back from the fishermen to the academic community, and this must be a two-way street in order to obtain its maximum value.

Senator HATFIELD. That is the very reason that I wanted to bring that out in your testimony, because my home town of Newport is the site of the Marine Science Laboratory at Oregon State University. I am aware of how the average person with a small fishing boat feels about this identification. He has an input with those scientists who are working there with the fishing industry, as well as with the ecologists who are reviving an oyster industry in the Bay of Yaquina. Those oysters used to be featured at the Waldorf Astoria Restaurant in New York, but were totally lost, as you know. Now, through this research, we are seeing a whole new understanding of the ecology for Yaquina Bay and that whole region. It could become, I think, a model for many other estuaries along all parts of our coastline.

Now, do you wish to proceed then with your comments on the other, and then we will follow the procedure as I outlined of submitting to you certain questions that you can respond to later.

Mr. WALLACE. Thank you very much. I will go ahead then.

The next legislation that I wanted to comment upon was H.R. 3304 and S. 2191. Since they are so closely interrelated, we have combined our statement to include both of these pieces of legislation.

The proposals are designed in this legislation to protect U.S. fisheries interests, especially as these relate to our desires for stronger and more effective international fishery conservation measures.

The legislative proposal contained in H.R. 3304 would amend the Fishermen's Protective Act of 1967 by giving the President discretionary authority to prohibit the importation of fishery products from nations which conduct fishing operations in a manner that diminishes the effectiveness of international fishery conservation programs.

The proposal in S. 2191 would amend the Fishermen's Protective Act by authorizing the Secretary of the Treasury to prohibit the importation of fishery products from nations which the Secretary of Commerce finds are conducting fishing operations in certain specified ways that diminish the effectiveness of domestic programs designed to insure the conservation of U.S. fish resources.

We agree with the intent of these proposals insofar as they would establish some relation between market access and international cooperation in fisheries management. However, we would find it preferable to have any action taken in this regard relate to international rather than to domestic conservation programs. We also favor flexible procedures for applying embargo action, such as would be provided in the discretionary authority in H.R. 3304. We thus would recommend enactment of H.R. 3304.

There is precedent for authorizing an embargo on imports of fishery products from countries interfering with fisheries conservation programs related to international agreements. The Tuna Conventions Act of 1950 as amended authorized an embargo on imports of certain species of tuna from countries whose vessels act "in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations" of the Inter-American Tropical Tuna Commission.

The migratory nature of fishery resources and their existence in the high seas which are free for the use of all nations often requires that fisheries management programs be based on international agreement or internationally accepted practices. Thus, foreign fishermen who disregard international obligations should not have unqualified access to markets of those abiding by these obligations.

Efforts to provide an effective high seas salmon conservation program for Atlantic salmon illustrate the need for international cooperation in fisheries management, and H.R. 3304 was originally specifically related to salmon conservation although the scope of the bill has now been broadened, a change which we approve.

The International Commission for the Northwest Atlantic Fisheries (ICNAF) has authority to coordinate and develop high seas fisheries regulations for implementation by its 15-member nations, which include the principal countries fishing in the northwest Atlantic. At its 1969 Annual Meeting ICNAF proposed a ban on the taking of salmon in Northwest Atlantic waters outside national fishing limits. This measure was accepted and became binding on all ICNAF member countries except Denmark, Norway, and West Germany. These three

countries later accepted an ICNAF proposal adopted at the 1970 Annual Meeting of the Commission freezing high seas salmon catches or fishing effort in the North Atlantic at the 1969 level for these countries not accepting the complete ban. The actions of these countries in rejecting the complete ban on fishing for Atlantic salmon, but accepting the measure freezing catches at the 1969 level, were taken in accord with the provisions of the treaty establishing ICNAF. This treaty allows countries to reject ICNAF regulatory proposals.

We note that H.R. 3304 defines the term "international fishery conservation program" as "any ban, restriction, regulation, or other measure in force pursuant to a multilateral agreement to which the United States is a signatory party, the purpose of which is to conserve or protect the living resources of the sea." Under the terms of H.R. 3304 the President could, for example, impose sanctions against countries which do not accept the International Convention for the Northwest Atlantic Fisheries measures that have become effective for other countries, even if, as members of ICNAF, they have exercised their treaty right to reject specific measures. Some question may arise as to the extent to which such an interpretation of the statute would be consistent with the international law on treaties, but on this point we would defer to the Department of State.

I thank you for this opportunity to present our views and will be happy to try and answer any questions.

Senator HATFIELD. Well, I think that would be very dangerous, to refer it, just to give them an open-ended acceptance of whatever is printed.

I hope you don't just lie down and play dead, if you get into this type of thing.

Mr. WALLACE. As you know, Senator, the Department of Commerce, NOAA, and the fisheries people, have been deeply involved in these international fisheries agreements, and I am sure that we are not going to lay down and play dead.

Senator HATFIELD. Well, people sometimes oversimplify and try to separate the political from the economic or vice versa.

I think here the prime incentive which demonstrates it is the interdependency and interrelationship. Of course, we have to have the support of the State Department and their understanding, but I still feel that your agency and the Interior can keep the focus on the resource and let the State Department worry about the political aspects of it. Let's not let one automatically take precedence over the other.

Now, do you wish to move to the third part of your testimony?

Mr. WALLACE. If that is acceptable with you, sir, I would like to proceed now with H.R. 7117, and S. 1242. Again, they are interrelated.

Senator HATFIELD. Before you leave that, on the second part of your testimony, could you just underline a little bit for emphasis for us, Mr. Wallace, where you say the migratory relation of fisheries and industries on the high seas often requires that management and fishery management programs be based on international agreement and internationally accepted practices.

Would you just sort of expand on that a little bit, showing again the meaninglessness of having fishery management programs, if there is not some kind of agreement or regulation for high seas fishing. This

gets back to the interrelatedness of domestic fishery related programs with what is happening on the high seas.

Mr. WALLACE. Would you like me to address myself to this now?

Senator HATFIELD. Please.

Mr. WALLACE. Well, as you know, Senator, under our current laws, the authority for management of our fisheries, insofar as the States are concerned, is within the territorial limits of the United States, and this is the 3-mile limit.

We have recent legislation by Congress which established a fishing zone from the 3- to the 12-mile limit, and which this area was specifically reserved for Federal control.

Beyond the 12-mile limit, this has been considered the high seas, and fishing can be carried on there by any country in the world at any level that they see fit.

At this point in time, unless we have international agreements to cover those species which exist off our coast beyond the 12-mile limit, we have no conservation programs at all that would deal with these resources.

Furthermore, the species that migrate from inshore to offshore waters under those circumstances become extremely vulnerable to intensive high seas fishing. Within the past 20 years, we have been trying very hard to develop appropriate agreements which would provide as much protection as we could get for these species which exist off our respective coasts, and the mechanism for doing this has been the international agreement.

Senator HATFIELD. Would you agree with Secretary Reed of the Interior, who the other day, here before our committee, said that he would find it very difficult to recommend appropriation for large and specific projects of fish hatcheries, and so forth, until we could get certain controls and agreements on the high seas? He noted it made no sense to go to all that kind of expense within the area of a genesis of a certain number of fish, for example, and then have them totally harvested without any kind of conversation program on the high seas.

Mr. WALLACE. I think we would have to have a very strong program, although I would not want to say that we shouldn't have any hatchery effort.

Senator HATFIELD. I wouldn't want to imply that he indicated that, it was just a point that he was making as emphasis. It made no sense to him to spend huge sums of money at the fish hatcheries in the development area, if we did not move simultaneously to get this kind of a development.

Mr. WALLACE. I think this is specifically apropos in your home State and on the Pacific coast in general.

Senator HATFIELD. Please proceed.

Mr. WALLACE. We will now move to H.R. 7117 and S. 1242.

These bills would provide procedures designed to expedite reimbursement to owners of U.S.-flag fishing vessels under the Fishermen's Protective Act for certain losses incurred as a result of illegal seizures and would amend the provisions for seeking collection of such reimbursed amounts from the foreign countries involved in such seizures.

S. 1242 would also expand coverage under the act to provide reimbursement for attempted as well as actual seizures.

Before proceeding, I wish to point out that the Department is aware of the foreign policy implications in the bill and wishes to defer to the Department of State on those matters related to this area.

We are in agreement with the general intent of the proposed legislation. A fundamental dispute has arisen between the United States and various South American countries regarding their claims of sovereignty and exclusive jurisdiction over the sea within 200 miles off their coasts.

Such claims are in conflict with principles of international law adhered to by the United States. Nevertheless, for two decades certain South American countries have been seizing U.S.-flag fishing vessels in international waters on the basis of jurisdictional claims not recognized by the United States.

Ecuador and Peru have been the most persistent and flagrant violators of the rights of U.S.-flag vessels on the high seas.

The United States has repeatedly asked the Governments of Ecuador and Peru to submit the dispute over fisheries jurisdiction to international arbitration or to adjudication in the International Court of Justice. These efforts have been uniformly rebuffed.

The United States has also sought practical solutions to the fisheries dispute which would not alter the jurisdictional position of either side.

The U.S. initiatives in this direction led to a Quadripartite Conference on Fisheries which met August 1-19, 1969, and September 9-23, 1970, in Buenos Aires, with delegations present from Chile, Ecuador, Peru, and the United States.

A joint communique issued at the end of the September session proposed a third meeting of the Conference before July 31, 1971, to continue the search for practical solutions. However, this third meeting was not held.

In spite of these intensive diplomatic efforts, Ecuador between January 11, and March 27, 1971, seized 26 American tuna vessels. The amounts exacted in penalties by Ecuador for the release of these 26 vessels total approximately \$1.3 million.

On January 18, 1971, the United States suspended military sales to Ecuador under provisions of the Foreign Military Sales Act (22 U.S.C. 2753), approved October 22, 1968.

However, 17 of the 26 vessels seized were taken after this response by the United States. Further, since November 9, Ecuador seized 12 American tuna vessels carrying out commercial fishing operations on the high seas.

Fines and penalties imposed on these vessels totaled about a half million dollars. Thus, it is clear that previous actions have not deterred these Latin American countries from seizing U.S. tuna vessels.

The bills under consideration seek to lessen the economic burden caused by delays inherent in the present procedures for reimbursing owners of seized U.S.-flag vessels for certain losses.

At present, claims for reimbursement of fines and fees paid to secure the release of the vessel and crew is possible only after the enactment of supplemental legislation covering the specific claim.

Under the proposed bills, such claims, after appropriate certification, could be paid from special funds established in the Department of the Treasury.

Such improved procedures are very desirable. They can reduce the need for vessel owners to borrow funds to continue operations while awaiting reimbursement.

While we recognize the problems that can be caused for vessel owners by attempted seizures, we doubt that practical procedures can be developed for reimbursement of losses associated with attempted seizures.

The forced detention of a U.S. vessel is a self-evident act of seizure, which simplifies verification of the facts of the case.

Attempted seizures, however, present no such self-evident information, and we foresee serious difficulties in establishing a statutory definition of "attempted seizure," with reasonable standards of evidence that an attempted seizure has occurred. Thus, on technical grounds we doubt the advisability of seeking to deal with attempted seizure.

We would emphasize, however, that we support the general intent of these bills to further reduce the hardships associated with seizures of U.S.-flag fishing vessels.

We would defer to the Departments of State and the Treasury as to the best way of achieving more prompt reimbursement.

Senator HATFIELD. All right, thank you very much.

Please proceed with your fourth statement.

Mr. WALLACE. The next bill is S. 2437.

S. 2437 would authorize a program for the development of fishery resources in the Central, Western, and South Pacific Ocean.

It would also authorize the Secretary of Commerce to contract with the Pacific Islands Development Commission to undertake a 3-year program for the development of the tuna resources of the Central, Western, and South Pacific Ocean.

Included in the program would be tuna stock assessment, improvement of harvesting techniques, gear development, biological resource monitoring, and an economical evaluation of the potential for a tuna fishery in such areas.

During the first year, the program would include exploration by large, modern purse seiners and various size bait boats and the use of aircraft to assist in spotting fish schools.

The results of these explorations would be reviewed and reported by the Secretary and used to develop the program for the second and third years.

The sum of \$4 million would be authorized to carry out the purposes of this act and would remain available until expended.

The Department of Commerce agrees with the general objectives of the bill but recommends certain amendments.

S. 2437 limits the Secretary solely to contract with the Pacific Islands Development Commission.

We feel that the Secretary of Commerce should be given some degree of flexibility in conducting and contracting the research provided for in S. 2437 and that the Secretary's authority to contract should include other potential contractors.

We believe the bill would provide the necessary administrative flexibility if amended to authorize the work to be done directly or by contract in consultation and cooperation with the four jurisdictions concerned with that area of the Pacific.

These are the State of Hawaii, the Government of American Samoa and Guam, and the Office of the High Commissioner of the Trust Territory of the Pacific Islands.

In the course of the research provided for in S. 2437, we expect that in addition to tuna, other underdeveloped fishery resources of the area will come to our attention.

In view of this, we believe the bill should be amended to authorize the Secretary to undertake a program for the development of the significant, latent fishery resources of the Central, Western, and South Pacific Ocean and not be restricted solely to tuna.

In order that the committee can examine the authority contained in S. 2437 in light of what we are now doing, a brief description of that work may be helpful.

We are presently authorized to conduct a similar fishery development program under the so-called Farrington Act. It should be noted, however, that the Farrington Act does not name the Trust Territories as cooperator.

The "Farrington Act" provides a stated U.S. policy for the exploration, investigation, development, and maintenance of the fishing resources and development of the high seas fishing industry of the United States and its island possessions in the tropical and subtropical Pacific Ocean for the benefit of the people of those island communities and the people of the United States.

Under this policy the Secretary is authorized and directed to conduct fishing explorations and such necessary related work as oceanographic, biological, technological, statistical, and economic studies.

Under this authority and the Fish and Wildlife Act of 1956, we have undertaken research based at the National Marine Fisheries Service Honolulu Biological Laboratory in fisheries and oceanographic investigations leading toward the ultimate development of fisheries in the oceanic areas of the Central and Western Pacific.

Currently, we are expending funds at a level of \$1.3 million, employing about 65 people, of whom 30 are scientists and technicians, and keeping active the research vessel *Townsend Cromwell*.

In June of this year, the *Cromwell* was used to investigate the island areas of the Western Pacific for the distribution and extent of bait fish resources, subpopulations of the skipjack tuna, and the distribution and character of the skipjack stocks.

Additional Western Pacific trips are planned in other seasons in forthcoming years.

The *Townsend Cromwell* has recently been modified to make it more capable of investigating the distribution of juvenile tunas from which we can attempt to determine the distribution of the adult breeding stocks.

In recent years, we have expended extensive effort on the improvement of the local Hawaiian fishery for skipjack. We have analyzed Japanese catch data on the distribution and abundance of skipjack and other tuna species.

We participated last year with west coast industry in purse seine trials in the Hawaiian Island waters. We have made extensive bait-fish surveys in many of the island areas of the Central, Western, and South Pacific.

Current plans for the immediate future call for the chartering of a small purse seiner to study the feasibility of this harvesting technique in Hawaiian waters.

We will continue to test the threadfin shad for suitability as bait in a commercial-scale venture. This will be coordinated cooperatively with State and industry.

We are in the midst of an extensive resource assessment on a broad scale for many pelagic fish stocks, among which are the tunas.

Our behavior studies using sonic tagging techniques on skipjack tuna are enabling us to interpret the time of day which these fish will be available to the purse seine technology.

We are using sonar as an investigative tool on school size and schooling behavior with regard to the possibility for purse seining and other techniques of harvest.

These are examples of current research and research plans for the immediate future devoted to basic and applied studies of the tuna resources of the Central, Western, and South Pacific.

S. 2437 would, therefore, supplement work now being pursued at the Honolulu Laboratory.

Senator HATFIELD. Thank you very much.

Please proceed with your fifth statement.

Mr. WALLACE. All right.

I would like to comment now on S. 1322, which is: "to provide excess storm loss reinsurance for commercial fishing fleets."

S. 1322 is an attempt to provide a means to lower, or at least halt the rise in the costs of insurance for commercial fishing vessels.

We agree with the underlying objective of the bill, which we read as being a measure of relief for what has become a critical problem for the fishing industry.

However, there is an additional troublesome aspect we see in S. 1322. The bill is unclear as to the level of insurance subsidy intended.

No guidelines are provided to define "excess" storm loss—where there would be no premium charges—and "probably" storm loss—for which a premium fee would be charged.

For some time now, the Department of Commerce has been actively concerned with rising insurance costs to fishermen.

A comprehensive study into the fishing vessel insurance problem was recently completed by the National Marine Fisheries Service, and this study is currently under review.

As a result, we have gained considerable insight into the insurance problem. Our study, for example, identified two major problem areas that are contributing to high premium costs for both hull insurance, and protection and indemnity insurance—P & I—for fishing vessels.

These are: (1) Poor safety conditions for the fishing operations; and

(2) Lack of sufficient knowledge to predict risk loss.

The Department is studying safety programs involving both vessel and crewmen practices.

Although the problems are less severe in some fisheries, standards of safety are badly needed for fishing vessels, generally.

The U.S. Coast Guard is considering the establishment of more rigorous safety standards, and we have held discussions with the Coast Guard to explore areas of mutual cooperation.

In another program area, we are examining the feasibility of a risk evaluation service which would disseminate information that would be useful to private insurance carriers in establishing premium rates.

A major benefit from this service would be encouragement for additional carriers to enter the fishing vessel insurance market. This is a type of service that is too costly, relative to the prospective market, for individual carriers to perform.

Also, we are considering a detailed study of problems related to the institutional framework within which P.&I. claims are handled.

For example, the study would probe the merits and disadvantages of covering fishermen under workmen's compensation programs.

I would also like to point out that we have given serious study to the establishment of a reinsurance mechanism.

Excess loss insurance of the type that appears to be anticipated by S. 1322 has been examined within this system. However, such a system basically should be designed to encourage an expansion of the total market for all types of vessel insurance.

Also, in our view, any federally initiated reinsurance system must be operated on a self-sustaining basis. Premium charges on reinsurance, and excess loss insurance as well, would reflect the level of risk involved.

Recognizing that increased use of cooperatives can provide broader and lower cost insurance coverage in some areas, the Department additionally is encouraging the establishment of fishermen's cooperatives.

I have attempted in this discussion to demonstrate a comprehensive approach toward the vessel insurance problem.

The Department believes that the most effective way to handle the problem is through a comprehensive self-supporting program.

In our view, S. 1322 attempts to go only part of the way and therefore we are unable to support the bill.

Senator HATFIELD. Thank you very much, Mr. Wallace.

I think what we will do is to place your sixth statement into the record without asking you to read. We appreciate your responding to Senator Stevens for your comments to this particular bill, and it will be placed in the record, and I will provide Senator Stevens a copy of it.

Mr. WALLACE. Thank you, sir.

Senator HATFIELD. Again, we appreciate very much your very studious and scholarly efforts here this morning.

Mr. WALLACE. Thank you very much.

Senator HATFIELD. Mr. Wallace, just one brief question.

That is, in your last statement, you referred to a comprehensive study that has been completed and now under review.¹

Do you have any estimated date of release of that study?

Mr. WALLACE. Mr. Chairman, I think the study at this moment, at least, in the preliminary draft, could be made available to the committee for their use, even though it is not in final form and ready for official release.

Senator HATFIELD. About how long do you think it will take to put it into final form?

¹ The report referred to was not received at the time this hearing went to press.

Mr. WALLACE. I am told, Mr. Chairman, that this would be probably just a couple of weeks. But I think if it would be a matter of urgency, we could make the preliminary draft available to you.

Senator HATFIELD. I was just interested in knowing how soon it would be.

Mr. WALLACE. It is quite close. We have practically finished this.

Senator HATFIELD. I think as this committee seeks to consider some of these bills that relate to this whole question of insurance, that this type of study would be very helpful to the committee. If it is only a matter of a couple of weeks, it would be quite within our time schedule, but if it is possible, perhaps a rough draft, or whatever you have now under review, would be helpful.

Mr. WALLACE. This is a matter of great concern to the fishing industry, and we are anxious to move it as rapidly as possible. We hope that the committee will have the opportunity to study it in its overall aspects.

Senator HATFIELD. I would only reiterate what you have just said, that the fishing industry has many problems to deal with, and this is one area which could be very helpful, and I am sure the committee will want to take some kind of action.

Your study could be very helpful to us.

Thank you very much, Mr. Wallace.

Mr. WALLACE. Thank you, sir.

(The statement follows:)

STATEMENT OF DAVID H. WALLACE, ASSOCIATE ADMINISTRATOR FOR MARINE RESOURCES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

Mr. Chairman and members of the committee; I appreciate this opportunity to make a statement concerning S. 875, a bill which would provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government.

S. 875 provides machinery for the Federal Government to indemnify commercial fishermen for losses sustained as a result of prohibitive Federal and State restrictions "related to a deterioration of the aquatic environment."

This would mean, for example, that if the owner of a fishing vessel is prohibited from fishing or marketing his catch because of some restriction due to water pollution, he could be given a Federal grant not to exceed 70 percent of the annual gross earnings lost as a result of the restrictions. Presumably, fishermen's losses resulting from restrictive conservation measures would likewise be indemnified.

The Department of Commerce does not support this bill.

We agree with the principle that Government assistance may be appropriate when individuals or businesses are injured by a Government regulation or restriction adopted in the interest of the general welfare. However, commercial fishing is but one of many industrial and commercial activities which could be severely affected by Government restrictions made necessary because of environmental problems. Since resolution of this broad National issue involves consideration of a great many problems and programs, we are not inclined to support a piecemeal approach to what is obviously a much broader issue.

We would also point out that the relief possible under S. 875 would provide only a partial solution to the impact of restrictive measures on the fishing industry itself. The potential losses to commercial fishermen, as far as we have been able to determine, go well beyond the authorized appropriations in S. 875. For example, the loss of a single year's catch for species that are potentially threatened by heavy metals contamination could cost fishermen as much as \$100 million. Added to this would be losses incurred in the processing and distributing sectors of the fishing industry which are excluded from S. 875.

Another potentially troublesome aspect to S. 875 is that eligibility for grant aid might be construed to extend to cases involving resource conservation measures imposed by State or Federal authorities.

Measures designed to assure continued resource availability ultimately rebound to the immediate benefit of the fishermen affected and should not therefore be included within the scope of the bill. Moreover, it cannot be overlooked that the need to impose such measures could stem from the action of fishermen who engage in fishing the resource beyond its point of natural replenishment.

Other types of financial assistance have been made available to the fishing industry in the case of a natural disaster (see: 16 USC 779b(b) and 16 USC 742c(e)). The fact remains, however, that the concept of this proposed legislation represents a new thrust toward financial assistance programs. It would tend to establish a precedent wherein the Federal Government assumes the obligation of assisting individuals or industries which have suffered as a result of the degradation of the environment on a large scale.

Since resolution of the broad national issues involves consideration of problems and programs far beyond the scope of fisheries activities, we believe that the situation calls for a more comprehensive approach to be taken following a thorough going study to determine the desirability, need for, and feasibility of a much larger assistance program.

Senator HATFIELD. Dr. Linduska, Associate Director of the Bureau of Sport Fisheries and Wildlife, U.S. Department of Interior. I think, Dr. Linduska, you have some colleagues with you. If you would like to present them to the committee, we would be happy to hear from you.

STATEMENT OF DR. JOSEPH LINDUSKA, ASSOCIATE DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE, DEPARTMENT OF INTERIOR; ACCOMPANIED BY HOWARD LARSEN, ASSISTANT CHIEF, DIVISION OF FISH HATCHERIES, BUREAU OF SPORT FISHERIES AND WILDLIFE; AND JAMES T. BOWEN, STAFF SPECIALIST, DIVISION OF FISH HATCHERIES, BUREAU OF SPORT FISHERIES AND WILDLIFE

Dr. LINDUSKA. Thank you, Mr. Chairman.

I am Joseph Linduska, Associate Director of the Bureau of Sport Fisheries and Wildlife, the Department of Interior.

Accompanying me this morning is Mr. Howard Larsen, Assistant Chief of our Division of Hatcheries, and Mr. James Bowen.

Senator HATFIELD. Dr. Linduska, you may proceed as you wish. You may summarize or read your statement, whichever you prefer.

Dr. LINDUSKA. I have a relatively short statement, Mr. Chairman. I will read it, if you don't mind.

Senator HATFIELD. All right.

Dr. LINDUSKA. Mr. Chairman, I am pleased to appear before your committee in support of S. 2764, if amended as suggested.

S. 2764 provides for the establishment of a program to protect the fishery resources of the United States against dissemination of serious diseases.

Approval of this bill is essential to the development of a national fish health protection program and to the growth and protection of our increasing valuable fishery resources.

We have reached the point of no return with regard to the threat that serious fish diseases have created for our fishery resources. Unless unprecedented action is taken now to stem the spread of certain diseases through a united program as authorized by S. 2764, the continu-

ing efforts of the small but diligent group of Federal, State, and private fish disease workers will be swept away by the massive increases in fish production.

Our highly mobile sports fishermen, traveling in campers by the thousands in the summer and by snowmobiles in the winter, place heavy pressures on our fishery resources. Fish production is rising to meet this challenge, but we must do much more than merely produce millions of fish for the creel; we must produce fish of the finest possible quality.

In order to do this, we initiated in 1969 an unparalleled disease control program for our trout hatcheries. This program, though built from existing funds, is beginning to pay dividends through improved fish health and increased production.

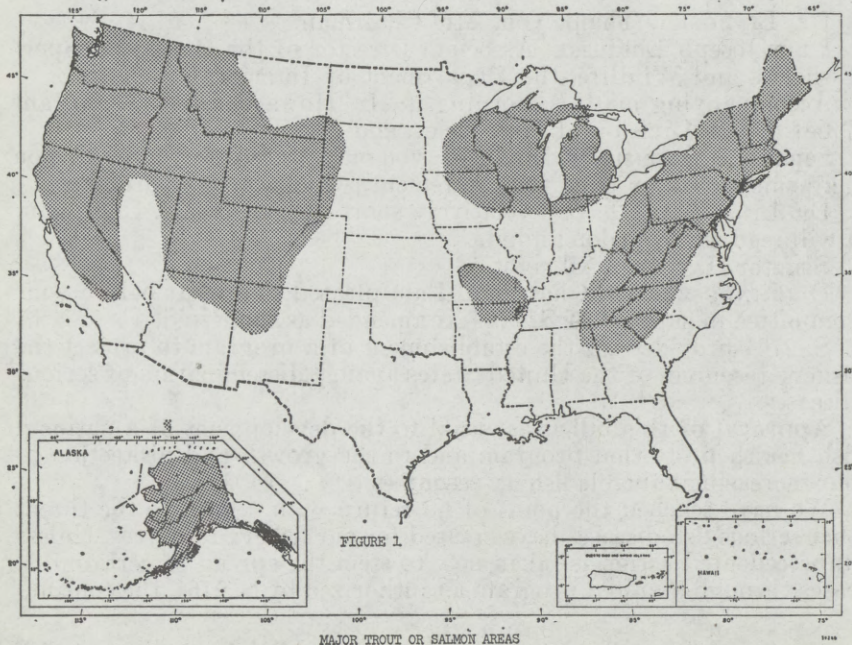
The problem confronting us today is that sport and commercial fish cultural activities have been coupled with rapid transportation facilities leading to the movement of tremendous volumes of live fish and shellfish from watershed and from continent to continent.

These booming new enterprises are overburdening the existing capabilities of Federal, State, and private laboratory personnel to provide the required disease control and inspection services. Consider, for example, the salmon industry and the trout industry.

At this point, Mr. Chairman, we have a chart which I believe will help illustrate what we are talking about.

Mr. BOWEN. We have here basically a salmon industry in the West, in the intermountain region a trout fishery, and in Alaska a salmon and trout fishing industry. In the Great Lakes a trout and salmon industry, and in the Eastern part of the United States, in the mountainous areas, another trout program.

(The chart follows:)



Senator HATFIELD. Whirling disease has been spotted—

Mr. BOWEN. In these nine States.

Senator HATFIELD. What species are subject to this type of disease?

Mr. BOWEN. Trout and salmon.

Senator HATFIELD. All trout and salmon?

Mr. BOWEN. You are correct.

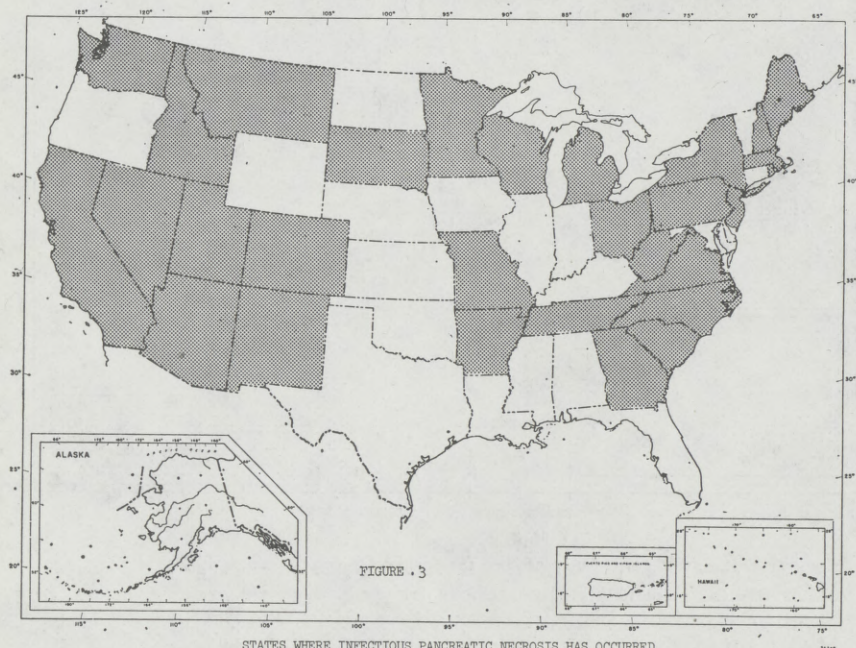
Dr. LINDUSKA. Another serious disease of salmonids is viral hemorrhagic septicemia (VHS). This disease has not been found in North America but has been rampant in European trout culture for over 30 years. This disease could be the fisheries parallel of hoof and mouth disease of cattle. It is exotic to the United States and would create an emergency in the trout and salmon industry if it were introduced. This disease attacks large fish as well as fingerlings, thereby jeopardizing all fish at an infected hatchery simultaneously.

To combat the threat of both Whirling disease and VHS from Europe, the Lacey Act was amended in 1967 to prohibit the shipment of salmonid eggs and fish into the United States that have not been inspected and found free of these diseases. I must point out, however, that no Federal authority presently exists to control the spread of these or other diseases within the United States.

There are a number of other important viral diseases of salmonids which should be considered serious, and foremost among them is infectious pancreatic necrosis (IPN). The geographical distribution of IPN is illustrated in the chart which we will now show you.

Mr. BOWEN. This shows the States in which IPN has occurred. In most instances, it is active.

(The chart follows:)



Senator HATFIELD. How do you account for the fact that you have all those Western States except Oregon?

Mr. BOWEN. The disease was introduced in many of the States before its significance was recognized and sources of contamination were located. States not only had to be alert but also lucky.

Senator HATFIELD. Pardon me?

Mr. BOWEN. Yes; an element of luck was involved.

Senator HATFIELD. Well, I am very appreciative of whatever it is.

Mr. LARSEN. I think it is only fair to state that Oregon has a very good organization that deals with research of fish diseases on a State basis, and has good control of some of the problems within the State.

Senator HATFIELD. I knew we had an excellent fish commission in our State, but I didn't know it would be able to exclude these diseases.

Dr. LINDUSKA. I am sorry to report that since 1970, when we presented information on IPN before this subcommittee in our testimony in S. 1151, this viral disease has been identified in eight additional States and three additional foreign countries.

This increasing problem stems from the fact that adult carriers of IPN produce eggs carrying the virus, making the disease easily transportable with the eggs. Fortunately, this disease has not been found in the large hatchery populations of steelhead and salmon in the West. If IPN becomes established in these populations, the results could be disastrous.

There are a number of other important viral diseases of salmonids which could be mentioned. However, these diseases have been previously discussed before this subcommittee. I would like to move on, therefore, to our important "warmwater" fisheries including consideration of the massive numbers of tropical fish introduced annually into this country in literally millions of gallons of potentially contaminated water.

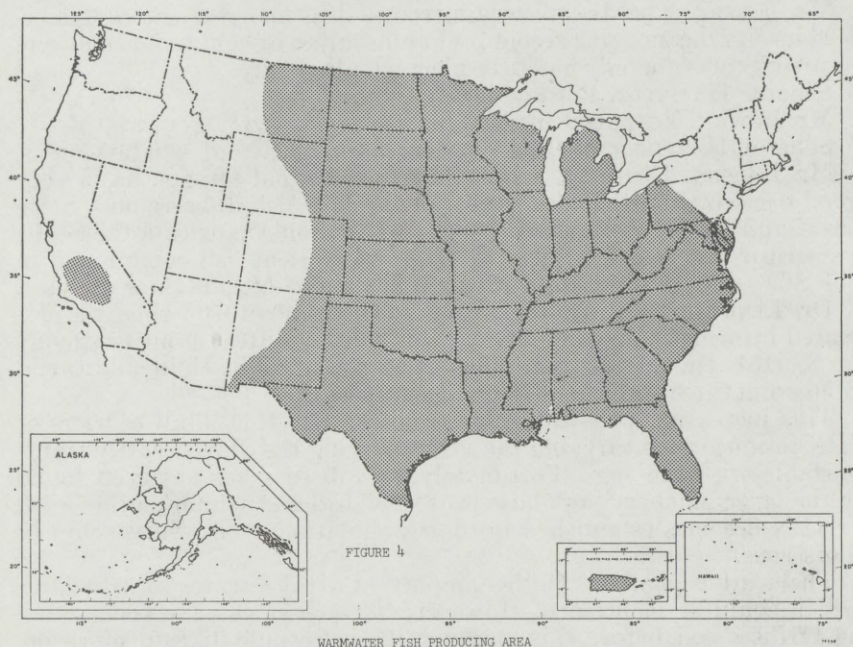
I don't bring this matter up as an item of irrational concern, but as an important fact to consider. The tropical fish industry has also greatly benefited from the miracles of modern transportation.

Under the authority of S. 2764, the disease problems of this gigantic industry could be methodically researched and specific diseases of economic importance to the producers and dealers could be effectively controlled through cooperative programs. This would be a new role for our fish disease specialists and the payoff for the industry could offset the costs many times over.

The bulk of our warmwater fish is produced in the Midwest and South as is shown in the figure Mr. Bowen is holding.

Mr. BOWEN. In this chart, primarily the whole central part of the United States is a warmwater fish producing area, but in general the Southern States, from Arkansas east to Mississippi, is where the large catfish industry is. And there is a new catfish industry just starting in California.

(The chart follows:)



Dr. LINDUSKA. In the South Central States the channel catfish industry is booming and new production records are being set each year. During 1971, some 90 million pounds of catfish worth some \$31 million were produced for the table. This industry is faced with the threat of channel catfish virus disease which was first detected on four farms in 1968.

By 1971, this disease had been disseminated, largely by the shipment of infected fish, into nine States with losses running as high as 98 percent. Catastrophic financial losses may well result as evidenced by the fact that one channel catfish farmer lost nearly 10 million fish worth a minimum of \$500,000. This one outbreak alone justifies every possible effort to minimize the future impact of channel catfish virus disease on this young growing industry.

From these brief but significant examples, it is clear that this nation's fishery resources are threatened. Over 100 years ago disease specialists working in the livestock industry sought and obtained the first legislation necessary to initiate the highly effective animal health programs of today.

Now, though we are 100 years late, it is inconceivable that we should not try to similarly protect our fisheries resources. S. 2764 would be a good companion, speaking as it does directly to the problem of fish disease control for our other fisheries acts. These acts included amended versions of the Lacey Act, the Black Bass Act, the Fish and Wildlife Coordination Act, and several others. None of these acts were specifically written or intended to provide for the protection of fish health,

and are collectively inadequate for this purpose. S. 2764, on the other hand, is designed specifically for the control of fish diseases through the establishment of an affective coordinated program.

The bill if amended as suggested in our report would recognize the program responsibilities vested in the Departments of Commerce and Interior by Reorganization Plan No. 4. The bill, if amended, would authorize the Secretaries to:

(1) Negotiate cooperative agreements with State agencies, commercial organizations, or individuals for the control of fish disease.

(2) Develop agreements to provide for the required diagnostic and inspection work needed to control the diseases decided upon in the cooperative agreement.

(3) Train and provide personnel as needed.

(4) Coordinate interstate disease control efforts.

(5) Exclude from consideration those species of fish products which do not threaten our fishery resources with disease.

(6) Determine which diseases are important to control.

(7) Cooperate in the indemnification of losses resulting from disease eradication measures based on cost sharing arrangements negotiated in cooperative agreement.

Under the authority granted by S. 2764, I believe we can establish effective fish health protection programs which will mark the turning point in our battle to protect our fishery resources from the ravages of uncontrolled diseases.

We urge early enactment of this legislation if amended as suggested in our report, so that we may get on with the job of protecting endangered fish species and insuring the production of quality sport and food fish for future generations. Our amendments are suggested to clarify the applicability of indemnification provisions.

Thank you, Mr. Chairman, for this opportunity to testify in behalf of this important legislation.

If the committee has questions, my colleagues and I will be pleased to respond.

Senator HATFIELD. Well, Dr. Linduska, we will have questions which we will submit to you in writing that you may respond to at a later time in order to meet some of our time schedule problem today.

I must say that your testimony is very alarming and also it offers hope in that you not only point out the problem, but you indicate a solution.

I followed you word for word, when you discussed this VHS, and the Whirling disease, and then you point out that there is no Federal authority that presently exists to control the spread of these or other diseases within the United States.

It is almost incomprehensible to me that we should have been able to move along in so many areas of development of the fishery resource in this country and so much technology and yet we have seemingly left this particularly vital part of program authority unattended.

I can assure you that I will personally give every bit of boost I can to S. 2764, which I assume, as in your later statement and testimony, would correct this particular void that you referred to.

Dr. LINDUSKA. Hopefully it would take care of many of our over-sights, Senator; yes.

Senator HATFIELD. Let me get sort of an overview. We know the way to handle these diseases if we once identify them and find them.

Do we have the technology and skills with which to deal with them?

Dr. LINDUSKA. There are some about which we know relatively little at this point. Unhappily, in many situations the only remedy is to destroy infected stocks.

Senator HATFIELD. Destroy them?

Dr. LINDUSKA. Yes. But here again we would seek means for utilizing these fish in some way, rather than simply burying them; but chemical or pharmaceutical cures are not the answer in many cases.

Senator HATFIELD. Now, as I understand your statement, we have taken certain preventive steps that border on terms of restricting imports of certain types of eggs and so forth, but this is not enough. We have to take a look at this purely from within our country. We have had too many of these States already infected by—

Dr. LINDUSKA. Precisely. I think it is this oversight that explains the rapid dissemination of many diseases.

Senator HATFIELD. I hope that we can have copies of these charts, because when the full committee sits down to look at this bill, I want them to have the benefit of seeing just how graphically you have presented this, this morning.

Dr. LINDUSKA. Very well. We have them prepared.

Senator HATFIELD. Thank you very much.

Dr. LINDUSKA. Thank you.

(The questions and answers thereto follow:)

Question 1. What are the major sport and commercial fisheries that would be protected by this program?

In general, all sport and commercial fisheries which are associated with fish hatcheries. These include:

(1) The Pacific salmon and steelhead trout fisheries which consists of the commercial salmon fishery, valued at 90 million dollars, and the rapidly expanding salmon and steelhead sport fishery valued at 15 million dollars. Over 50% of the fish caught in these Pacific fisheries originate as hatchery fish.

(2) The combined trout and catfish production of private, State and Federal hatcheries, valued at 124 million dollars.

(3) The bait minnow industry, worth 60 million dollars.

(4) The Great Lakes salmon and lake trout fishery, which is worth over 13 million dollars to the State of Michigan alone.

(5) The trout stocking programs carried out by State agencies and the Federal government, which provide over 50 million man-days of sport fishing.

By eradicating serious diseases from producing hatcheries two immediate benefits would be realized. The costs of production would be reduced an estimated 20 to 30% and the survival of the fish stocked would be improved.

Question 2. What diseases threatening these fisheries would require the attention of a National program for their control?

The Fish Disease Committee of the American Fisheries Society recommends that the infectious diseases of fish be separated into three categories depending on the seriousness of the threat to the fisheries resource and the state of our knowledge of the disease in question.

Category I. Infectious diseases for which there is no known cure and which are a serious threat to the fisheries resources of North America. The confirmed diagnosis of any one of these diseases in North America must lead to strict quarantine and positive control. Viral hemorrhagic septicemia (VHS or Egtved) of salmonids. Whirling disease (*Myxosoma cerebralis*) of salmonids.

Category II. Serious infectious diseases which may be controlled or are already widely distributed, but constitute a potential threat to the fisheries resource. These diseases should be contained, but eradication or quarantine must be made

on the basis of individual cases. Infectious pancreatic necrosis (IPN) of salmonids. Infectious hematopoietic necrosis (IHN) of salmonids. Channel catfish viral disease syndrome (CCVD). Minchinia disease (*Minchinia nelsoni* and *Minchinia costalis* of oysters.

Plistophora ovariae infection of golden shiners.

Category III. Potentially serious infectious diseases which require more research effort before judgment can be made to determine their threat to the fishery resource. However, an awareness of the possible threat of the diseases listed below should also be realized.

Ceratomyxa shasta infection of salmonids. "Microcell" disease of oysters. French mycelial disease of oysters. Hematopoietic neoplastic disease of molluscs. European gill rot (*Branchiomyces sanguinis*) of striped and largemouth bass.

Plistophora salmonae infection of salmonids.

We concur with this recommendation and our program to control disease in the National Fish Hatchery system includes the following six diseases.

- (1) Whirling disease.
- (2) Viral hemorrhagic septicemia.
- (3) Infectious pancreatic necrosis.
- (4) Infectious hematopoietic necrosis.
- (5) Furunculosis.
- (6) Corynebacterial kidney disease.

Question 3. What would happen if a fish disease control program is not initiated?

Fish cultural programs would continue to operate and serious diseases would continue to spread. All programs, public and private, would continue to be handicapped by the shortage of fish disease specialists able to perform the services required for compliance with existing State importation regulations.

Question 4. The program to control livestock diseases is administered by the Department of Agriculture. Why should this program be administered by the Department of the Interior?

Historically, the fishery functions of the Federal government were carried out by an independent agency, the U.S. Commission of Fish and Fisheries which was created in 1871. The Commission was transferred to the newly created Department of Commerce and Labor in 1903 as the Bureau of Fisheries. The Bureau was transferred to the Department of the Interior in 1939 and became part of the Fish and Wildlife Service in 1940.

The Fish and Wildlife Act of 1956 reorganized the Service into the Bureau of Sport Fisheries and Wildlife and the Bureau of Commercial Fisheries. This Act also transferred to the Department of the Interior all functions of the Department of Agriculture that pertain to fish and shellfish products under the Agriculture Marketing Act of 1946.

The intent of Congress was further clarified by the Act of March 15, 1958 which authorized the Secretary of the Interior to establish fish farming experimental stations to promote the fish farming industry.

From a technical standpoint, the control of fish diseases differs in several respects from the control of livestock diseases. The most notable difference is the necessity of an understanding of the variability and complexity of the aquatic environment. The environment plays a key role in both the transmission and the control of fish diseases. It is most desirable to develop the fish disease control program in the agency where a small but highly trained cadre of specialists with fish disease control expertise presently exists.

Question 5. A significant proportion of our trout and catfish are produced in commercial hatcheries. Why would it be necessary to enact S. 2764 when P.L. 88-309 already seems to allow the National Marine Fisheries Service to take action in certain cases of indemnification?

According to Section 4(b) of P.L. 88-309 the Secretary of Commerce "shall give preference to those States in which he determines there is a commercial fishery failure due to a resource disaster arising from natural or undetermined causes, . . ." It is our view that while some disease outbreaks may indeed be natural disasters, the intentional destruction of infected stocks is not. Many disease outbreaks are clearly the result of management or judgement failures. In 1969, some 65,000 dollars was granted to a Michigan commercial dealer whose fish had been confiscated and destroyed by the State of Michigan after the fish had been found to be infected with Whirling Disease. Agency administrators were advised at that time that cases of this kind could only vaguely be construed

as "natural" disasters and that further requests for the use of P.L. 88-309 funds for this purpose would not be acceptable. A later request for 400,000 dollars to assist the State of California with a somewhat similar problem was rejected.

S. 2764 would do much to complement the provisions of P.L. 88-309 as it is specifically designed as a fish disease control measure whereas P.L. 88-309 might have only occasional application and pertinence.

Question 6. How would the disease control program operate?

Under cooperative agreements, as authorized by S. 2764, State programs would be developed with Federal assistance to identify which diseases are present in the State and then evaluate the most effective means of control. Next we would control the movement of diseased fish to protect disease-free areas, and at the same time make a concerted effort to eradicate serious diseases from broodstock hatcheries. Finally, when disease-free stocks are available, we would concentrate on improving production hatcheries. If, in the course of this methodical reduction of disease, it becomes essential, as a last resort, to destroy unmarketable fish stocks, the owner would be indemnified as provided by this bill. Costs of disease eradication and indemnification will be shared by the parties participating in the cooperative agreement under which the eradication has been authorized.

Question 7. How would indemnities be determined for losses incurred by commercial operators whose fish are destroyed as a result of fish disease control programs?

First of all, suitable methods of marketing the fish would be fully exploited. Should the marketing and salvaging of these stocks result in a hardship for the owner, the owner would be paid the difference between the salvage value and the market value, or perhaps a portion of the difference. Where unmarketable and unsalvageable fish had to be destroyed as a final step in the eradication of a disease problem, the owner would be indemnified at a pre-established rate based upon the appraised market value of the fish at the time of their destruction.

Question 8. How would the States participate?

S. 2764 provides for cooperative programs and this would likely be a cost sharing program. We would like the States to provide inspection personnel. The Department of the Interior would provide technical assistance in the form of laboratory examination and diagnosis in addition to inspection personnel.

The cooperating States would be encouraged to formulate disease control programs which would be enforced under the cooperative agreement. The bill also allows cooperative agreements with fish farming associations and individuals.

The contributions of the participants in these cooperative agreements will vary from State to State because of differing disease problems, funding situations, and the scope of existing and developing State programs.

Question 9. What if a State chose not to participate?

Each situation would have to be examined in light of the circumstances under which it occurs, but it is probable that interstate shipments of fish and eggs from that State would be curtailed if the neighboring States were co-operators. However, we could use Federal personnel to assist the producers in complying with the requirements of other States and in obtaining disease-free stocks of fish.

Question 10. It has been suggested that an advisory committee composed of experts representing the various segments of the fishery field be set up to assist in organizing and directing this program. How would this work?

We welcome guidance in program development from all fisheries interests in order to maximize the effectiveness of our fish disease control efforts. Section 3. (a) of S. 2764 specifies that the provisions of the Federal Register Act must be followed. It is anticipated that the initial regulations established under the Fish Disease Control Act would contain provisions for the establishment of an advisory board to assist with the identification of disease problems and the development of suitable indemnification procedures as authorized by Sections 2 and 3 of this Act. In addition, the negotiations required for each cooperative agreement would provide a unique opportunity for local interests to be accommodated.

Question 11. How would the disease control regulations be enforced?

There will be largely voluntary compliance with the regulations, but the States would control their intrastate traffic, and the interstate traffic would be controlled both by the importation regulations of other States and by Federal regulations.

The Division of Management and Enforcement of the Bureau of Sport Fisheries and Wildlife has arrest powers, if it becomes necessary to prosecute under the law.

Question 12. What will be your source of professionally trained people to operate this program?

Most of the first disease biologists in the Bureau received their training at the Eastern Fish Disease Laboratory of the Bureau of Sport Fisheries and Wildlife. The school now operates on alternate years, but we could offer the course every year for 2 or 3 years. This training is also available to State and private biologists, 9 of which have attended the course. At the present time few colleges and universities offer training in fish disease but the number is increasing.

Question 13. How many new positions will the program require?

The first year, 16 personnel will be required. This would increase to 65 personnel in the fifth year of operation as planned now, but the number would depend upon the extent at which the States would participate.

Question 14. What is the estimated cost of implementing this program?

The first year costs are estimated at 560,000 dollars not including indemnification funds. Second year costs are estimated at 1.15 million dollars which includes 200,000 dollars for indemnification. The costs for the first five years are estimated at a total of 8.6 million dollars.

Question 15. Concern has been expressed about adequate funds for fish disease research. Does S. 2764 provide for the funding of research?

Yes. Section 9 specifically provides authority for the appropriation of funds for fish disease control research. In addition, research work could also be funded from the operational funds of the specific fish disease control programs authorized by Section 2 of this bill. We feel that research holds the key to effective fish disease control and that the Fish Disease Control Act would do much to support badly needed research and development studies.

Senator HATFIELD. We had expected to recess the committee hearing at this time and return at 2 o'clock to complete the list of witnesses, but I understand that the remaining two witnesses have a plane to catch, and since that is what all the Senators are trying to do this afternoon, too, with Thanksgiving tomorrow, I think we will just take a little longer at this time and finish up the hearing.

If the two gentlemen wish to summarize their statement, we will have their full printed comments placed in the record as if delivered. So I would like to call at this time, if that is a satisfactory arrangement, Mr. Irving Usen of the O'Donnell-Usen Fisheries of Boston, Mass.

Mr. Usen, would that be a satisfactory arrangement?

STATEMENT OF IRVING USEN, PRESIDENT OF O'DONNELL-USEN FISHERIES, BOSTON, MASS.; MAIN FISHERIES CORP. OF PORTLAND, MAINE; QUICK FREEZE CORP. OF GLOUCESTER, MASS.; SEAFOOD KITCHENS, INC., OF GLOUCESTER, MASS.; AND MEMBER OF THE DANISH AMERICAN TRADE COUNCIL IN NEW YORK

Mr. USEN. Well, I have got too important a brief here to rush it through. I will read it as fast as I can.

Senator HATFIELD. That is fine. You may read it, but let me point out, though, that there are a number more members of this committee who are obviously not present this morning, who will depend upon the written record, so the whole matter will be printed in full.

Please have a chair, and handle it any way you wish. I have a 12:30 meeting that I will just have to be a little bit late to in order to accommodate you, but I am happy to have you here and happy to do this.

Mr. USEN. Thank you very much, Mr. Chairman. It's a privilege and distinct pleasure for me to be here today and appear before your committee to give testimony on S. 2191.

The Danish-American Trade Council consists of approximately 100 members engaged in a two-way trade between the United States and Denmark. It is the only organization in the United States whose principal purpose is promoting a two-way trade.

I am Irving Usen of Boston, Mass., representing the Danish American Trade Council in New York. I am a pioneer in the fishing industry and have been in the industry all my life and I know that I am able to make a contribution to the subject at hand.

The bill in its essence is primarily a conservation bill, and on the conservation aspect there can be no disagreement whatsoever. We all work for the protection of the environment. It is the duty of responsible citizens and government agencies alike to assist in the protection of the air, the land, and the seas. Your bill is most certainly in defense of conservation.

My objection is not directed against the bill as such, but against the way in which a certain clause may be interpreted and later on applied. Mr. Chairman, I ask you to direct your attention to page 1, section 8(a) of the Senate bill.

The heart of the matter, in my opinion, are the two words "determine" and "certify" at the end of the paragraph. How do you interpret the meanings of "determine" and "certify" and on what basis is such determination and certification made?

Does it empower the Secretary of Commerce to determine and certify his arbitrary findings to the Secretary of the Treasury, who then shall investigate and possibly place an embargo on the importation of all fish products from a friendly country? Or does "determine" mean that factual proof must be submitted that a country is conducting fishing operations in an undesirable way before any action is taken?

I think, Mr. Chairman, that we all agree that we must be absolutely certain that we act within the framework of the law and only upon biological evidence as produced by a recognized international body representing experts within marine biology.

The bill itself does not mention Denmark nor the Atlantic salmon. On introducing his bill in the Senate and during the Monday hearing before this committee, Congressman Pelly made it clear that Danish salmon fishing off the coast of Greenland in recent years has caught the attention of certain groups of sports fishermen. We also know that these influential circles have made great efforts to restrict the Danish fishing operations. Our good friends, the Danes, Mr. Chairman, have certainly been as concerned of the conservation aspect and have been cooperative in attempting to find a solution through international agreements.

Limitations on salmon fishing have been adopted with Danish support by the International Commission for the Northwest Atlantic Fisheries. Furthermore, the Commission this year, besides prolonging the present restrictions for another 2 years by more than the necessary two-thirds majority, authorized a multinational large-scale tagging experiment to take place in the areas off west Greenland in 1972.

The important data expected from this survey should provide better answers to the question of the actual relationship between catches on the high seas and catches elsewhere. With your permission, Mr. Chairman, I would like to submit to your committee a copy of an article by

the well-known Danish marine biologist, Mr. Sv. AA. Horsted, who is also a Commissioner for Denmark on the joint working party of ICES (International Commission Exploration of the Seas) and ICNAF. It is within these two bodies that 15 countries try to solve these problems through negotiations.

They are the right groups to discuss and decide measures to be taken to protect the Atlantic salmon. Unilateral action by the U.S. Government of the nature suggested by S. 2191 will only disrupt the orderly process of negotiations, not to mention the unfortunate effect on international trade agreements.

Mr. Chairman, I will conclude this portion of my testimony by repeating that the words "determine" and "certify" must be clearly defined to mean that the Secretary of Commerce will act on biological evidence only, and not be prompted by emotional motives.

My presence today is also due to the fact that I am an old hand in the American fishing industry. I am probably the oldest fisherman in the country.

Senator HATFIELD. When is your birthday?

Mr. USEN. March 4, 1897.

Senator HATFIELD. That is a pretty good date.

Mr. USEN. We all know that the supply of ocean fish has great difficulty in meeting the ever rising demand, with the result that we have seen prices on seafood products up year by year. If an embargo were to be placed on products from Denmark, or any other country, it would entail rising prices for the American consumer of fish products and threaten the employment of American labor in the important fish processing industry. Furthermore, my experience in business in this country tells me that an embargo would not be a serious threat to the Danes, who would be able to market their fish products elsewhere. The United States needs foreign fish.

Our fishing grounds on the east coast and west coast are being depleted by foreign factory ships. Gentlemen, as I view this bill, the final loser would be the American consumer and the American fishing industry, and the object of the bill—protection of the Atlantic salmon—would not come any closer to its achievement.

Mr. Chairman, permit me to thank you for allowing me to be here and to give you my views as I see them. Thank you. I am sorry I had to rush it through.

Senator HATFIELD. I appreciate your testimony. You do it very well. You had an article that you wanted to submit to the committee by Mr. Sv. AA. Horsted.

Oh, we have that. Thank you.¹

You raised some very pertinent questions on the definitions here of the legislation that we are considering, and especially on the words "determine" and "certify," and I am sure the committee will benefit a great deal from your comments.

Thank you very much.

Mr. USEN. Thank you very much.

(The statement follows:)

¹ See p. 186.

STATEMENT OF IRVING USEN, PRESIDENT, O'DONNELL-USEN FISHERIES OF BOSTON, MASSACHUSETTS; MAINE FISHERIES CORPORATION OF PORTLAND, MAINE; QUICK FREEZE CORPORATION OF GLOUCESTER, MASSACHUSETTS; AND SEAFOOD KITCHENS, INC. OF GLOUCESTER, MASSACHUSETTS; AND MEMBER OF THE DANISH AMERICAN TRADE COUNCIL IN NEW YORK

Mr. Chairman, it is a privilege and a distinct pleasure for me to be here today and appear before your Committee to give testimony on S. 2101.

The Danish American Trade Council consists of approximately 100 members engaged in a two-way trade between the United States and Denmark. It is the only organization in the United States whose principal purpose is promoting a two way trade.

I am Irving Usen of Boston, Massachusetts, representing the Danish American Trade Council in New York. I am a pioneer in the Fishing Industry and have been in the Industry all my life and I know that I am able to make a contribution to the subject at hand.

The Bill is in its essence primarily a conservation Bill and on the conservation aspect there can be no disagreement whatsoever. We all work for the protection of the environment. It is the duty of responsible citizens and Government agencies alike to assist in the protection of the air, the land, and the seas. Your Bill is most certainly in defense of conservation.

My objection is not directed against the Bill as such, but against the way in which a certain clause may be interpreted and later on applied. Mr. Chairman, I ask you to direct your attention to Page 1, Sec. 8 (a) of the Senate Bill. The heart of the matter in my opinion are the two words "determine" and "certify" at the end of the paragraph. How do you interpret the meanings of "determine" and "certify" and on what basis is such determination and certification made? Does it empower the Secretary of Commerce to determine and certify his arbitrary findings to the Secretary of the Treasury, who then shall investigate and possibly place an embargo on the importation of all fish products from a friendly country? Or does "determine" mean that factual proof must be submitted that a country is conducting fishing operations in an undesirable way before any action is taken?

I think, Mr. Chairman, that we all agree that we must be absolutely certain that we act within the frame work of the law and only upon biological evidence as produced by a recognized international body, representing experts within marine biology.

The Bill itself does not mention Denmark nor the Atlantic Salmon. However, we all know that Danish Salmon fishing off the coast of Greenland in recent years has caught the attention of *certain* groups of sports fishermen. *We also know that these influential circles have made great efforts to restrict the Danish fishing operations.* Our good friends, the Danes, Mr. Chairman, have certainly been as concerned of the conservation aspect and have been cooperative in attempting to find a solution through international agreements. The following limitations on Salmon fishing have been adopted with Danish support by the International Commission for the Northwest Atlantic Fisheries (ICNAF):

1. *Quantitative Limitation:* Either the same tonnage used or the same catch taken in 1969 outside the three-mile limit.
2. *Closed Season:* Prohibition on fishing before July 31 and after November 30 outside national fishery limits (12 miles).
3. *Fishing Gear:* Prohibition on the use of nylon net acquired after July 1, 1970, and prohibited on the trawl-fishing.

Furthermore, the Commission this year besides prolonging the present restrictions for another two years by more than the necessary two thirds majority authorized a multi-national large-scale tagging experiment to take place in the areas off West Greenland in 1972. The important data expected from this survey should provide better answers to the question of the actual relationship between catches on the high seas and catches elsewhere. With your permission, Mr. Chairman, I would like to submit to your Committee a copy of an article by the well-known Danish Marine Biologist, Mr. S. A. Horsted, who is also a Commissioner for Denmark on the joint working party of ICES (International Commission Exploitation of the Seas) and ICNAF. It is within these two bodies that 15 countries try to solve these problems through negotiations.

They are the right groups to discuss and decide measures to be taken to protect the Atlantic Salmon. Unilateral action by the United States Government of the

nature suggested by S. 2191 will only disrupt the orderly process of negotiations, not to mention the unfortunate effect on international trade agreements.

Mr. Chairman, I will conclude this portion of my testimony by repeating that the words "determine" and "certify" must be clearly defined to mean that the Secretary of Commerce will act on biological evidence *only*, and not be prompted by emotional motives.

My presence today is also due to the fact that I am an old hand in the American Fishing Industry. I am probably the oldest fisherman in the country. We all know that the supply of ocean fish has great difficulty in meeting the ever rising demand, with the result that we have seen prices on seafood products up year by year. *If* an embargo were to be placed upon products from Denmark, or any other country, it would entail rising prices for the American consumer of fish products and threaten the employment of American labor in the important fish processing industry. Furthermore, my experience in business in this country tells me that an embargo would not be a serious threat to the Danes, who would be able to market their fish products elsewhere. *The United States needs foreign fish.*

Gentlemen: As I view this Bill, the final loser would be the *American* consumer and the *American* fishing industry, and the object of the Bill—protection of the Atlantic Salmon—would not come any closer to its achievement.

Mr. Chairman, permit me to thank you for allowing me to be here and to give you my views as I see them.

Thank you.

Senator HATFIELD. Mr. Charles E. Carry, of the Tuna Research Foundation.

STATEMENT OF CHARLES E. CARRY, TUNA RESEARCH FOUNDATION, TERMINAL ISLAND, CALIF.

Mr. CARRY. Mr. Chairman, I won't even sit down, because I won't take more than 30 seconds, sir, because I know you are in a hurry and I am too—I have to catch a plane tonight.

My name is Charles E. Carry, representing the Tuna Research Foundation, speaking in behalf of all of the tuna industry in connection with Mr. Fong's bill, S. 2437.

We strongly support it, and I would like permission to file a detailed and extensive statement for the record at a future date, within the next 2 to 3 weeks, if possible.

Senator HATFIELD. Mr. Carry, the record will be kept open and we will be most happy to receive the testimony or statement, because I am sure we would benefit a great deal from your own involvement in this resource and the organization which you represent. We appreciate very much your presence here today. I am sorry the time schedule got away from us.

Mr. CARRY. I am, too, sir.

I have one more point. I also support the presentation made in connection with H.R. 7117.

Thank you, sir, that completes my statement.

Senator HATFIELD. Thank you. It is very helpful. Thank you.

(The statement follows:)

STATEMENT OF CHAS. R. CARRY, REPRESENTING THE TUNA RESEARCH FOUNDATION

My name is Charles R. Carry. I am Executive Director of the Tuna Research Foundation, 215 Cannery Street, Terminal Island, Calif.

This testimony is being presented not only on behalf of the members of the Tuna Research Foundation who process in excess of 75% of all of the tuna

canned in the United States, its territories and possessions, but also on behalf of Bumble Bee Seafoods, Astoria, Oregon; a company which operates plants in Astoria, Oregon and Honolulu, Hawaii. Additionally this testimony is presented on behalf of the American Tunaboat Association, 1 Tuna Lane, San Diego, California and the Western Fish Boat Owners Association, 4904 North Harbor Drive, San Diego, California.

All of the foregoing strongly support the enactment of Senator Hiram L. Fong's bill, S. 2437.

Although time did not permit representatives of the political subdivisions in the Pacific area that are part of the United States or are under the trusteeship of the United States, to present testimony to the Senate Commerce Committee, the Committee should be made aware that the Honorable John Haydon, Governor of American Samoa; the Honorable Carlos Camacho, Governor of Guam; the Honorable Edward E. Johnston, High Commissioner of the Trust Territories of the Pacific Islands; and the Honorable Andrew Gerakas, representing the Governor of the State of Hawaii; all testified strongly in favor of similar legislation before the House Committee on Merchant Marine and Fisheries on June 16, 1971. The transcripts of their testimony can be found in Serial #92-6, Fish & Wildlife Legislation. Hearings before the Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries, House of Representatives, 92nd Congress, 1st Session.

This statement will not attempt to repeat the testimony given by the respective Executives at that time.

In order that the Committee may be aware of the importance with which the industry views this program, I should like to inform the Committee that the industry itself has agreed to contribute in excess of \$200,000 as a portion of the cost of conducting the necessary exploratory fishing and other necessary research programs in the area. This pledge, however, is conditioned on the provision of funds from other sources—from the federal government and from the budgets of the respective political subdivisions.

Attached hereto as Appendix I is a brochure entitled "An American Fisheries Opportunity in the Central and Western Pacific", dated April, 1971. While this program could be slightly revised and updated, it does provide a comprehensive view of the needs for the area and the way these needs can be satisfied. We request that this brochure be made a part of the transcript.

Incidentally, since S. 2437 refers to the "Central, Western and South Pacific Ocean" without setting any geographic boundaries for such areas, it is our opinion, based on the actual location of the political subdivisions involved and on the fact that fish are highly migratory, the area encompassed would be the area bounded roughly by 140° W. longitude to 130° E. and from 30° S. latitude to 20° N.

It is not contemplated this program will extend to those areas of the Eastern Pacific where there now exists a substantial tuna fishery.

We strongly support the idea of the creation of the Pacific Islands Development Commission and the implementation by that Commission of a program of exploratory fishing and gear research to permit the harvesting of the several stocks of tuna species known to be available in the Central, Western, and South Pacific Ocean. The biological and oceanographic research conducted over the past twenty years has indicated that there are vast resources of tuna throughout the area. The scientists estimate there are approximately 800,000 tons of skipjack which can be harvested annually on a sustainable yield basis. It is known, additionally, that there are very substantial stocks of yellowfin tuna and of albacore in certain regions throughout the entire area. The harvesting of these resources would be not only for the benefit of the Trust Territories and of the Island possessions—American Samoa, Guam, etc., but for the benefit of the State of Hawaii and for the benefit of the mainland industry.

The harvesting and utilization of these vast resources will additionally have significant impact on the total U.S. economy.

The utilization of these resources will, among other things, reduce the burden the government now bears in supporting those areas. Governor John Haydon of American Samoa testified last June as to the importance of the presently very small tuna operation in American Samoa. He pointed out, for example, that of a *total population* of 28,000, 1,200 people are now working in the two canneries and the small manufacturing plant which supplies cans for the canneries. He also pointed out that about 100 people are working at the Marine Rail-

way, which is in existence primarily to service the fleet of vessels now delivering fish to American Samoa. These vessels, by the way, are all foreign flag vessels and one of the principal aims of the program envisaged by S. 2437 is to encourage American flag vessels to operate in the area and deliver fish to, among other places, American Samoa. Governor Haydon also pointed out that of approximately 37 million dollars of total exports, more than 36 million dollars is provided by the tuna industry now functioning in American Samoa; that of a total of corporate and private income taxes in the territory of 7.2 million dollars, approximately 5 million dollars originates from the tuna industry.

In our view similar and perhaps even greater benefits can accrue to the State of Hawaii, to Guam, and to the Trust Territories of the Pacific Islands if our program proves successful as we are certain it will.

Some of the principal reasons for the strong interest of the mainland industry in the successful development of this program include the difficulties we have been having in the Eastern Pacific off the coast of Latin America—difficulties with which your Committee is all too familiar. There presently is in effect a conservation program for yellowfin tuna in the Eastern Pacific which necessarily and properly restricts our activities in that area. The tuna market in the United States continues to grow significantly and additional supplies of raw material are necessary. We have a fleet of vessels capable of operating in any area of the world ocean. We have the expertise to operate in any area of the world ocean. We have the expertise to operate these large vessels, as well as smaller vessels in areas where conditions dictate that smaller vessels must be used.

While it may be inappropriate for the industry to discuss U.S. Government responsibilities for the administration of the Trust Territory of the Pacific Islands, it is a matter of public record that the Trusteeship Council of the United Nations has frequently considered what is being done to exploit the fishery resources of the area. Several representatives of other governments have been critical of the failure of the United States to pursue more actively the development of the fishery resources of the area. In this connection see Provisional Verbatim Records of the 1374, 1375, 1376, 1380 Meetings of the Trusteeship Council—T/PV 1374, T/PV 1375, T/PV 1376, T/PV 1380, T/PV 1380/Add.1—May-June 1971.

The program envisaged by S. 2734 would go far in meeting the criticisms leveled against the U.S., of failure to develop the local economy. There now are other strategic and humanitarian considerations involved which probably can best be presented by more qualified witnesses.

To summarize, substantially the entire mainland, Samoa and Hawaiian tuna processing industry and two very large and important segments of tunaboat owners, strongly support S. 2437 as introduced by Senator Fong and urge its passage.

Enclosure.

AN AMERICAN FISHERIES OPPORTUNITY IN THE CENTRAL AND WESTERN PACIFIC



APRIL, 1971

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INTRODUCTION

This report has been prepared on behalf of the Pacific Islands Development Commission and the U.S. Tuna Industry. It reviews the serious problems facing the tuna industry in obtaining an adequate supply of tuna, the great potential of this resource in the Central and Western Pacific and presents a program to develop this resource. The report summarizes the need for diversified development of the Pacific Island Territories and Hawaii and indicates the considerable economic benefits that would result to these areas if the tuna resources are developed.

Contributing information which was assimilated in this report were: The Governments of Guam, American Samoa and the Trust Territory, the Tuna Research Foundation, the Western Fishboat Owners Association and the American Tunaboat Association.

Andrew Gerakas
Executive Secretary
Pacific Islands Development
Commission
and
Head, Economic Development Division
Department of Planning and
Economic Development
State of Hawaii



Addressing the Pacific Islands Development Commission meeting on February 18, 1971 is Governor John M. Haydon of American Samoa. The other Commission members from left to right are: High Commissioner Edward E. Johnston, Trust Territory of the Pacific Islands; Governor Carlos G. Camacho, Guam; and Governor John A. Burns, Hawaii.

A COOPERATIVE PROGRAM

Hawaii and the Pacific Territories realizing the importance of cooperative economic development effort formed the Pacific Islands Development Commission in February 1970. The Commission consists of the Chief Executives of the Governments of Hawaii, American Samoa, Guam and the Trust Territory of the Pacific. PIDC's first priority has been to stimulate the development of the considerable, latent Skipjack fisheries resources of the Central and Western Pacific. The PIDC has sponsored three meetings in this respect which involved the four governments, the U.S. Tuna Industry, Federal officials and the United Nations. From these meetings has been developed a \$4,410,000 program to develop the Pacific fisheries resources.

The U.S. Tuna Industry cognizant of the importance of this effort, has thus far pledged \$212,500 toward this program. On April 15, 1971, the Hawaii State Legislature passed a bill, a bill appropriating \$100,000, to be matched by the Pacific Territories as a group, for cooperative economic development efforts. It is expected that a nominal contribution from this fund will be made toward this development program.

The U.S. Tuna Industry program, Hawaii and the Pacific Territories are pledging earnest money toward the development of Central and Western Pacific fisheries resources. A project of the magnitude of \$4.4 million must largely be funded by the Federal Government.

The Federal Administration and the Congress are requested to support a grant of \$4 million in a special bill to the Pacific Islands Development Commission. The Commission will ask its Marine Research Development Committee (MRDC) to administer this project. The MRDC which is made up of fisheries experts from Hawaii, the Pacific Territories and the U.S. Tuna Industry is best qualified to administer this project under the policy direction of the PIDC.

THE BASIC PROBLEMS1. LIMITS IMPOSED ON THE U.S. TUNA INDUSTRY IN THE EASTERN PACIFIC

The regulatory program applicable to the yellow-fin tuna resource within the Inter-American Tropical Tuna Commission Regulatory Area (CRA) has considerably reduced the opportunity for the U.S. tuna fleet to fish this resource and is threatening the economic existence of this fleet unless it finds other resources.

2. ECONOMIC DEVELOPMENT NEEDS OF THE PACIFIC TERRITORIES AND HAWAII

The Trust Territory of the Pacific, American Samoa, Guam and the State of Hawaii are in need of diversified economic development and look to the development of fisheries resources as a way to improve and diversify their basic economies.

3. FOREIGN COMPETITION

Foreign governments are giving considerable assistance to their fisheries industries in the development of the resources in the Central and Western Pacific while the U.S. Government has lagged considerably in this area, giving foreign fleets the advantage in this development. Further, the U.S. Tuna Industry believes that most of the ocean fisheries will be covered by international treaties and that allocations of fish catch to participating nations will be based in great part on past development and catches.

4. FOREIGN SEIZURES OF U.S. TUNA VESSELS

A number of South American Countries which claim a 200-mile territorial ocean jurisdiction are forcibly seizing U.S. Tuna clippers requiring payment of heavy fines before releasing them. This action further limits the opportunities for fish catch in the Eastern Pacific and emphasizes the need to develop additional fisheries resources for the U.S. Pacific tuna fleet.

POTENTIALS1. TUNA RESOURCE

Estimates vary on the extent of the tuna resources in the Central and Western Pacific but range upward to a total of one million tons. The exact size of the resource will not be known until the fisheries based upon it are well developed. Of the potential increase in production of tuna from world oceans of about 1.38 million short tons, some 880,000 short tons (all Skipjack) can come from the Pacific Ocean. At \$250 per ton, 800,000 tons of skipjack tuna would be worth about \$200 million to the fisherman, \$500 million to the processor and some \$800 million at the retail level. Even if only half of this resource is developed in the next decade, it would be a significant contribution.

2. WORLD TUNA CONSUMPTION PROJECTIONS

World tuna consumption demand is expected to increase from some 1.7 million short tons in 1970 to some 5.5 million tons in 1990 based on projected population and per capita income increases. However, the maximum sustainable yield from the world's oceans is estimated at approximately 2.9 million short tons and based on increasing costs and changes in demand, it is estimated that the demand and supply for tuna will be equated at about 2.2 million tons.^{a/}

3. U.S. OPPORTUNITY FOR DEVELOPMENT OF THE PACIFIC ISLANDS

Government employment in American Samoa is about 58 per cent of those employed, on Guam 62 per cent, in the Trust Territory some 64 per cent and even in Hawaii, it is over 20 per cent. The national average of government (Federal, State and local) to the total employed population is only 11 per cent. There is a clear need for economic diversification and a build up of basic industry to support the growing population of these areas. The U.S. has both national and international responsibilities for the Pacific Territories with the eyes of the world closely watching the U.S. performance in this area of the world. The U.S. has a great opportunity to develop the fisheries resources of the Central and Western Pacific and at the same time make significant contributions in the economic development of the Pacific Islands under its jurisdiction.

^{a/} Economic Projections of the World Demand and Supply of Tuna, 1970-90, by Frederick W. Bell, Chief, Division of Economic Research, Working Paper No. 18, June 1969, Bureau of Commercial Fisheries (National Marine Fisheries Service). Note: Metric tons converted to short tons.

U.S. EASTERN PACIFIC TUNA INDUSTRY

Until 1956, the United States was one of the world's leading producers of fishery products ranking second only to Japan in size of catch. By 1960, the U.S. dropped to fifth among the fishing nations of the world. Among the nations passing the U.S. in fish catch (in addition to Japan) are Mainland China, Peru, Russia and Norway.

The U.S. tuna fleet developed the tuna fishery in the Eastern Pacific. Before the regulatory program was established, relative to Yellowfin Tuna, the U.S. tuna fleet caught almost all the tuna in the Eastern Pacific. In 1966, a quota system was established in order to conserve the Yellowfin Tuna resource in the Eastern Tropical Pacific under the Inter-American Tropical Tuna Commission. Members of the IATTC include: the United States, Canada, Mexico, Japan, Costa Rica and Panama.

The present regulatory scheme reduces the opportunity of the new, modern U.S. Tuna Clippers to catch the regulated yellowfin and non-regulated tunas during the closed season. Estimates of the loss in catch have ranged from a high of 50,000 tons to a low of about 20,000 tons.

The regulatory program within the Commission regulatory area (CRA) has limited total tuna fishing effort by the U.S. tuna fleet so as to force this fleet to divert to limited non-regulated tuna resources and to seek non-regulated resources away from the Eastern Pacific in order to survive. It has been clearly determined over the past five years' experience that there is little economic relief that can be expected in diverting to non-regulated tuna resources or to non-tuna fishery resources. Based upon present information, the best alternative is to develop new fishing grounds outside of the regulatory area, particularly in the Central and Western Pacific. At stake is a modern tuna purse seining fleet valued at more than \$200 million. Unless new fishing grounds are developed, the loss of revenue resulting from the regulatory program could well bankrupt many vessel owners. The economic implications of dealing such a severe blow to the Nation's greatest ocean fishery are obvious.

Table I shows the problems faced by U.S. Pacific Tuna fleet since the quota system. It will be noted that when the quota system was instituted in 1966, the open season was eight and one-half months long, while in 1971 the season lasted less than three and one-half months. The importance of Yellowfin is indicated by the fact that more than 60 per cent of the total tropical tuna catch consisted of Yellowfin in 1970.

TABLE I.

YELLOWFIN QUOTA,
U.S. TUNA FLEET SIZE & TOTAL TROPICAL TUNA CATCH
1966 - 1971

Regulation Year	Closure Date	YF Quota Tonnage (Short Tons)	U.S. Fleet Size Capacity, Dec. 31 (Short Tons)	Total Catch Tropical Tunas (Short Tons)
1966	15 Sept	79,300	40,700	157.7
1967	24 June	84,500	41,400	222.1
1968	18 June	106,000	46,385	192.5
1969	15 April	120,000	52,085	189.9
1970	23 March	120,000	57,242	194.5
1971	9 April	140,000	65,000 est.	---

Source: American Tunaboat Association

Although the Yellowfin quota has been increased considerably since 1966, the fishing season has been continuously shortened. The trend is for less of the total quota to be made available to the U.S. tuna fleet and more to foreign countries. The quota system has crept up on the U.S. tuna fleet at a time when it was increasing in capacity. It will be noted that the U.S. fleet has grown from some 40,700 tons in 1966 to an estimated 65,000 tons in 1971. This consists of more than 130 tuna clippers (100 tons or more frozen capacity) -- of probably the most modern, efficient fishing fleet in the world.

In addition to the increase in the U.S. fleet frozen tuna carrying capacity, the foreign flag tuna fleet is increasing in number and carrying capacity. According to the Inter-American Tropical Tuna Commission (IATTC) the international tuna fleet operating within the CRA numbered about 313 vessels with a total carrying capacity of about 72,048 short tons. Further, the IATTC reported that at the present time at least 40 tuna purse seiners are under construction comprising about 38,000 tons carrying capacity. Most of this capacity tonnage will operate within the CRA.

In 1968, for the first time during a regulated fishing year, three U.S. flag seiners operated in areas west of the CRA boundary. In 1970, 45 U.S. vessels, or about 36% of the international Eastern Tropical Pacific (ETP) fleet's capacity,

reported fishing west of the CRA boundary. Seven of these vessels made exploratory fishing voyages to the Central and Western Tropical Pacific. As in the case of prior years, there were U.S. flag tuna seiners operating in the South Atlantic; 26 seiners representing 27.8% of the international ETP fleet operated both in the Eastern Pacific and the Atlantic. It appears that the Yellowfin stocks in the Atlantic may also soon be under regulation. In 1970, the IATTC reported that 63.3% of the total U.S. fleet was active in the CRA.

The trend is established for fishing activity outside the CRA for the U.S. fleet, what is now required is more deliberate and planned direction on development and exploration of the areas in the Central and Western Pacific.

The potential tuna stocks that await development in the Western Pacific are comprised of surface fish, primarily skipjack, but also including Yellowfin and Bigeye, and some Albacore. Skipjack, however, has the greatest potential ranging in the hundreds of thousands of tons.

Surface tunas may be either taken by live bait fishing, purse seining or trolling. Therefore, the thrust into the area would be threefold: (1) by large purse seiners, (2) bait boats based at appropriate locations, and (3) investigate the possibility of establishing a viable troll fishery in certain locations.

With respect to purse seiners, the techniques currently utilized in the Eastern Pacific and Eastern Atlantic require modifications. These are required because the mixed layer is much deeper, the water much clearer, and school behavior much more erratic in the Western Pacific, making purse seine fishing with techniques developed for other areas difficult.

In respect to bait boat fishing in the area, proven bait sources must be developed along with the proper techniques for taking bait. Those areas that have sufficient bait of the proper species must be determined. On the basis of current knowledge, the best areas in the Trust Territory appear to be Truk, Ponape, Jaluit and other islands in the Marshall chain. American Samoa and Guam also offer potential in this area.

The possibility of developing troll fisheries around islands lacking bait should also be investigated.

Guam is uniquely located so that purse seiners operating from this location can not only fish the tropical grounds to the south, but also the tuna grounds to the north of the island. Here the mixed layer is seasonally shallow offering conditions much like that encountered in both of the traditional U.S. grounds, the eastern Pacific and the eastern Atlantic.

SOURCE OF U.S. CANNED TUNA

Although the demand for tuna is increasing rapidly, the U.S. tuna fleet -- the most modern in the world -- is providing a decreasing proportion of the supply. This is primarily due to the restrictions placed upon it reviewed in the foregoing.

Demand is increasing rapidly, the U.S. tuna fleet is increasing in capacity and is the most modern and efficient in the world -- yet is not only unable to provide the supply it is able to catch, but is facing severe reduction in capacity or even extinction.

Table II shows the sources of supply for canned tuna consumed in the United States over a nine year period. It will be noted that the domestic catch contribution to the U.S. pack has had a relative decrease over the period 1961 to 1969. In 1969, for example, imported fresh and frozen tuna for the U.S. pack and imported canned tuna accounted for 61.7% of the total supply of U.S. canned tuna. The U.S. pack from the domestic catch decreased from 44.4% in 1961 to 38.3% in 1969 while the U.S. pack from imported fresh and frozen tuna increased from 39.7% to 46.1% during the same period.

Of the some 100 million pounds increase in the U.S. supply of canned tuna from 1961 to 1969, only about 17 million pounds came from U.S. tuna boats -- the rest came from foreign imports. This despite the fact the U.S. tuna fleet is far ranging and able to compete without subsidy, with any fishing fleet in the world.

TABLE II.
U.S. SUPPLY OF CANNED TUNA, 1961-69

Year	U.S. pack from domestic catch ^{1/}		U.S. pack from imported fresh and frozen tuna ^{2/}		Total		Imported canned		Total supply
	Thousand pounds	Percent	Thousand pounds	Percent	Thousand pounds	Percent	Thousand pounds	Percent	Thousand pounds
1961 ..	163,853	44.4	146,759	39.7	310,612		58,663	15.9	369,275
1962 ..	147,586	37.6	187,920	47.9	335,506		56,719	14.5	392,225
1963 ..	160,822	41.8	165,890	43.2	326,712		57,494	15.0	384,206
1964 ..	154,208	38.1	195,626	48.4	349,834		54,647	13.5	404,481
1965 ..	161,515	39.5	196,890	48.1	358,405		50,961	12.4	409,366
1966 ..	153,231	33.6	*241,037	52.9	394,268		61,560	13.5	455,828
1967 ..	*183,236	40.3	205,609	45.3	388,845		65,321	14.4	454,166
1968 ..	175,691	37.9	220,266	47.6	395,957		67,173	14.5	463,130
1969 ..	179,806	38.3	216,242	46.1	*396,048		*73,116	15.6	*469,164

^{1/}Includes pack from the U.S. catch landed in Puerto Rico. ^{2/}Includes tuna canned in American Samoa. *Record.

Source--Fisheries of the U.S. 1969," U.S. Fish and Wildlife Service, Current Fishery Statistics.

FOREIGN SEIZURES OF U.S. TUNA VESSELS

A number of Central American and South American countries claim that their jurisdiction and sovereignty extends to at least 200 miles off their coasts. These include, Ecuador, Peru, Chile, Argentina, Uruguay, Brazil, Panama, El Salvador and Nicaragua. The U.S. position is that it has a territorial sea jurisdiction of three nautical miles and a contiguous fishery zone of nine nautical miles. Of the 105 maritime countries in the United Nations, 93 recognize a territorial sea of 12 miles or less and all other nations outside the United Nations accept a territorial jurisdiction of 12 miles or less.

The U.S. flag tuna fleet has sustained considerable economic hardship and high risks of injury to the men and vessels of the fleet as a result of forcible seizures by naval forces of the governments of Peru and Ecuador in the enforcement of their claims of a territorial sea of 200 miles.

During the 10 year period 1961 through 1970, there have been 92 seizures of U.S. flag tuna boats with total costs estimated at \$933,184. This does not include any estimate of losses resulting from the detention of the seized vessels totalling 374 days. Preliminary figures for 1971 indicate an acceleration of vessel seizures, all by Ecuador totalling 25 seizures through March 30. Costs resulting from fines, licenses, etc., totalled \$1,241,044.

The seizure of U.S. flag fishing vessels by nations claiming jurisdiction over 200 mile territorial sea is clearly illegal under international law. This report is not the place to analyze the equity of such seizures. The point to be made here is that the development of new fishing grounds in the Central and Western Pacific would reduce such economic hardships and risks by providing new areas for catching tuna.

FOREIGN COMPETITION

The skipjack tuna resources in the Trust Territory are estimated at a minimum of 70,000 short tons per year. Japanese fishing vessels have caught an average of about 30,000 tons per year and were estimated to have taken some 50,000 - 60,000 short tons from the immediate area in 1970. The U.S. tuna fishery at Palau takes only about 5,000 tons per year.

The entire catch of some 30,000 to 40,000 short tons canned in American Samoa have been caught by Korean, Taiwanese and Japanese fishing vessels.

Potentially, the greatest competition in the catch of skipjack tuna with advance techniques such as purse seining, etc., is expected to come from Japan. The Japanese Government's Fisheries Agency and the tuna industry are increasingly directing their attention to the skipjack fishery since fishing for other tuna types has reached the level of maximum production. The government's Fisheries Agency is working together with industry organizations such as the Federation of Japan Tuna Fisheries Cooperative Associations, the Purse Seine Fishery Cooperative Association and the Japan Fishery Resource Conservation Association for a full-scale, systematic development of the skipjack resources. The Tuna Council of the Fishery Resource Conservation Association is the coordinating body for industry and was expected to have completed a general guideline for the development of the skipjack resource by April 1971.

The Fisheries Agency estimates there will be a 2.7 million metric ton shortage of fish supply in Japan in the next five years and is looking to the skipjack resource as having the greatest potential for supplying that demand for expanding Japan's fishery production.

The Conservation Association estimates that the skipjack resource can support 2.2 million short tons of catch. This coincides with a similar estimate made by the (U.S.) National Marine Fisheries Service. Japan now catches about 220,000 short tons of skipjack annually.

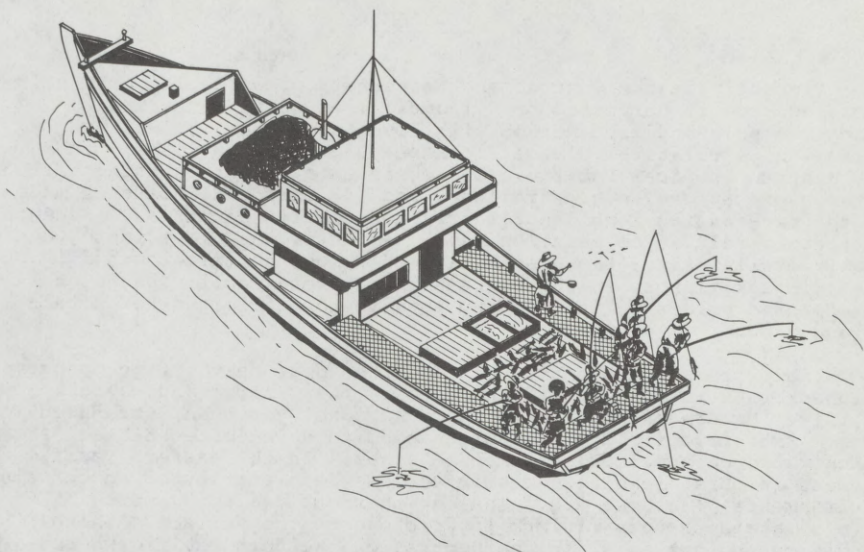
Japanese scientists strongly support the theory that the skipjack caught off Japan and those found in the Western Pacific (South of 24° N. Latitude) belong to the same population. Fear is being expressed that increased fishing activity in the southern waters will affect the skipjack resource off Japan and jeopardize the small boat operators who fish off the home coasts.

Progress is being made in gear improvement and several manufacturers have developed automatic poling machines. The emphasis by the Japanese fishing industry is on bait fishing, at which they are perhaps the best, as an effective way of catching skipjack. Efforts are being made to solve the bait fish problem for distant-water fishing. The Japanese, however, realize they must make advances in long-distant purse seine fishing. The opportunities in the Central and Western Pacific and the need for developing new purse seining methods (as opposed to Eastern Pacific practices) for this area could quickly place the Japanese in a good competitive position in

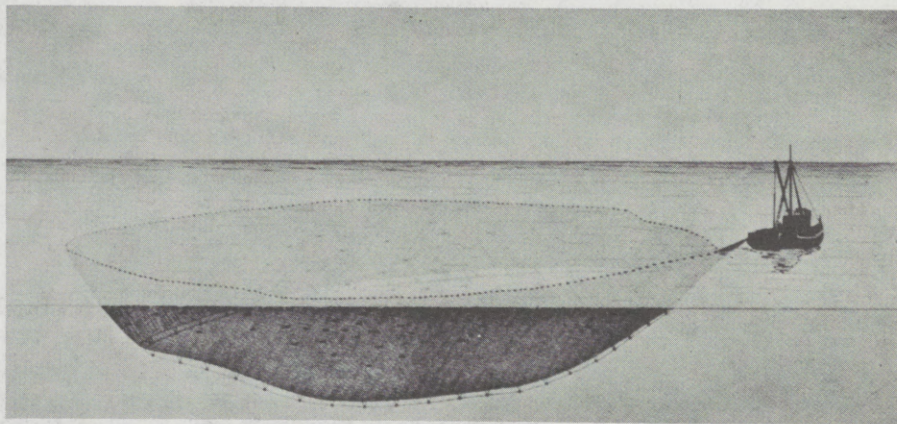
purse seining.

A Marine Resource Development Center is scheduled to be established this year. The Japanese fishing industry is looking to the Center for some effective work in the skipjack resource development program.

In addition to Japan, Korea and Taiwan are moving ahead to develop their distant skipjack fisheries. The governments of these countries are giving their fishing industries substantial assistance. The Eastern Pacific fishing fleet is efficient and competitive but sorely needs U.S. Government assistance to develop the fisheries resources in the Central and Western Pacific. In a strong sense, the national government which gives the most effective assistance to its industry will reap the rewards of the development of the skipjack resource in the Central and Western Pacific.



In live-bait fishing, tunas are attracted to the stern of the vessel (and the surface of the water) by casting overboard small baitfish.



Pole-and-line fishermen catch only a portion of a skipjack tuna school; the purse seine encircles a school and catches all or most of it.

PROGRAM

Presently in the Central and Western tropical Pacific the skipjack resource is harvested by (1) small commercial fisheries using the pole-and-line method with live bait, e.g., Hawaii and Palau, (2) a relatively large Japanese pole-and-line fishery in the Western tropical Pacific, (3) subsistence fisheries using various methods of capture, e.g., trolling, and (4) incidental catches made by the far-ranging longline fisheries of foreign countries. Because of factors related to baitfish, e.g., effectiveness, hardiness, and mostly availability, the possibility of a substantial growth in the skipjack fishery in the Central and Western Pacific based on an expanded pole-and-line fishery appears to be limited to certain island groups.

The purse seine seems to be the other gear best suited to harvest skipjack tuna in commercial abundance in the Central and Western Pacific. Modern purse seine methods have not yet been introduced here. Extensive field trials are needed to develop techniques which would be applicable for these areas. In the eastern Pacific success in purse seining for skipjack has been attributed to certain environmental factors, e.g., shallow thermocline depth, murky waters, and an oxygen minimum layer close to the surface. These conditions do not exist in the Central and Western Pacific where the thermocline is generally deep (300 feet is not uncommon), the water is very clear, and for the most part oxygen does not appear to be a limiting factor.

In developing this program, the Pacific was divided in two at the International Dateline. That area from the Dateline to the Americas includes Hawaii and American Samoa. This region is generally islandless and most suited for development by large, high seas tuna purse seiners.

To the west of the Dateline lies the Trust Territory of the Pacific and Guam. This area, being island and bait-rich, is more suited for island based bait boats and small seiners. Second, the economic needs of the Trust Territory requires jobs for the people. Because tariff regulations discourage cannery development, sea-going employment is particularly desirable. Small, labor intensive vessels are acceptable here.

For this reason, the proposed program calls for conducting high seas purse seine operations in the Hawaii/Samoa area with medium and small seiners and bait boats in the Trust Territory and Guam area.

In order to optimize the chances for success, this is envisaged as a three-year program. After the first year, the operation will be reviewed and the second year's program developed according to the findings during the first. Some of the vessel types and sizes may be changed, seasonal operations and localities may be shifted and gear may be modified.

Because of the remoteness of the area, all boats will operate in pairs.

First Year

Central Pacific - 140E to 170W Longitude. Two large, fast, modern purse seiners will spend three months exploring for tunas. Two medium West Coast bait boats will spend six months exploring for bait and tunas near American Samoa, the Line Islands and the Hawaiian Chain. These types of vessels were selected since they have the range and seakeeping ability for the open ocean and since the area's proximity to the Eastern Pacific grounds makes it the most likely for immediate expansion of that fishery by West Coast boats.

Western Pacific -Trust Territory and Guam. Two medium purse seiners for six months and 8 bait boats, 6 for one year and 2 for six months. The smaller seiners were chosen since the goal for this area is to develop island based fisheries. These types of vessels are large enough to be efficient and seaworthy, yet are less costly to operate than their bigger sisters. The bait boats will be of three types to test various methods of baiting and fishing. The West Coast style is capable of ranging further offshore and hold more bait and fish, the Hawaiian style requires less crew and the Okinawan style is cheapest and use less bait. Any or all types may be well suited to the area but all three should be tried.

All of these vessels will be operated by commercial fishermen-- the best money can hire. Scientific observers will accompany each vessel but the masters will be free to fish the best they know how. No money is requested for administration, this being handled by the PIDC. Gear expenses and modifications will be borne by the vessels. The only additional expense requested in this proposal is for aircraft scouting as needed.

The Fisheries Development Program will be administrated by the Pacific Islands Development Commission through its Marine Research Development Committee. This Committee is most uniquely qualified to undertake the administration of such a program under the policy direction of the Pacific Islands Development Commission.

The makeup of the PIDC and the MRDC are included as addenda to this report.

BUDGET SUMMARY

2 large modern Class VI purse seiners for a 3-Month Period
in the Central Pacific - \$1,600K

2 medium (Class IV & V) purse seiners for a 6-Month Period,
plus 60 days running time in the Western Pacific - \$1,200K

Bait Boats

2 U.S. West Coast style boats for one year in the Western
Pacific - \$ 500K

2 U.S. West Coast style boats for six months in the
Central Pacific - 250K

2 U.S. West Coast style boats for a six months period in
the Western Pacific 250K

2 Hawaiian style boats for one year in the Western
Pacific 300K

2 Okinawan style boats for 1 year in Western Pacific 260K

Aerial Surveys 50K

T O T A L \$4,410K

ECONOMIC DEVELOPMENT OF HAWAII
AND THE PACIFIC TERRITORIES

In addition to assisting the U.S. flag tuna fleet, reducing imports of tuna, and expanding the U.S. tuna canning industry, one of the greatest benefits that would result from the development of the fisheries resource in the Central and Western Pacific would be the contribution to be made to the development of Pacific Island economies.

The United States has both national and international responsibilities in the Trust Territory of the Pacific. Although it does not have a direct international political responsibility with Guam and American Samoa, those areas have, along with the Trust Territory, yet to choose their form of government and the kind of affiliation, if any, with the United States. The eyes of the world are on the United States in respect to the extent and quality of the effort it exerts in the social, political and economic development of these areas. Perhaps the most important of these is economic development as success in this area will provide the basis for success in the social and political areas as well.

The job options offered the citizen of American Samoa are starkly few: he can work for government or he can work for the fish canneries and associated businesses. The latter employ about 1,500 persons. There are few other job opportunities in American Samoa. Nearly two-thirds of Guam's 24,500 civilian labor force is employed by government and the majority of the remaining 9,313 workers are indirectly supported by government generated monies (except for the small watch assembly and the growing visitor industry).

The citizen of Micronesia faces equally limited choices. About two-thirds of the 8,000 jobs available are with the government. Small business and services provide the rest.

In contrast, citizens of the Pacific State, Hawaii, have many options. Yet even in that diverse community, the economy is narrowly based. Government, tourism, sugar cane, and pineapple provide most of the jobs. A cut in government expenditures, a decline in the number of tourists, a poor year for crops and Hawaii faces pressing problems.

Thus, all of the island areas must seek new or further sources of income for their peoples.

Programs for the Island Areas

In the following sections, the problems of each island area will be discussed in turn and solutions sought that would allow each to profit--in the basic human terms of jobs and opportunities for independent businesses--from them.

Trust Territory

In the Western Pacific, the United States, through the Department of Interior, has the responsibility of administering the area and seeing to the welfare of the 100,000 people of the Trust Territory of the Pacific Islands. Also, one of the islands in the region, Guam, has long been a U.S. possession.

On the matter of the economic development of the Trust Territory, the Trusteeship Agreement with the U.N. Security Council is explicit:

"Article 6

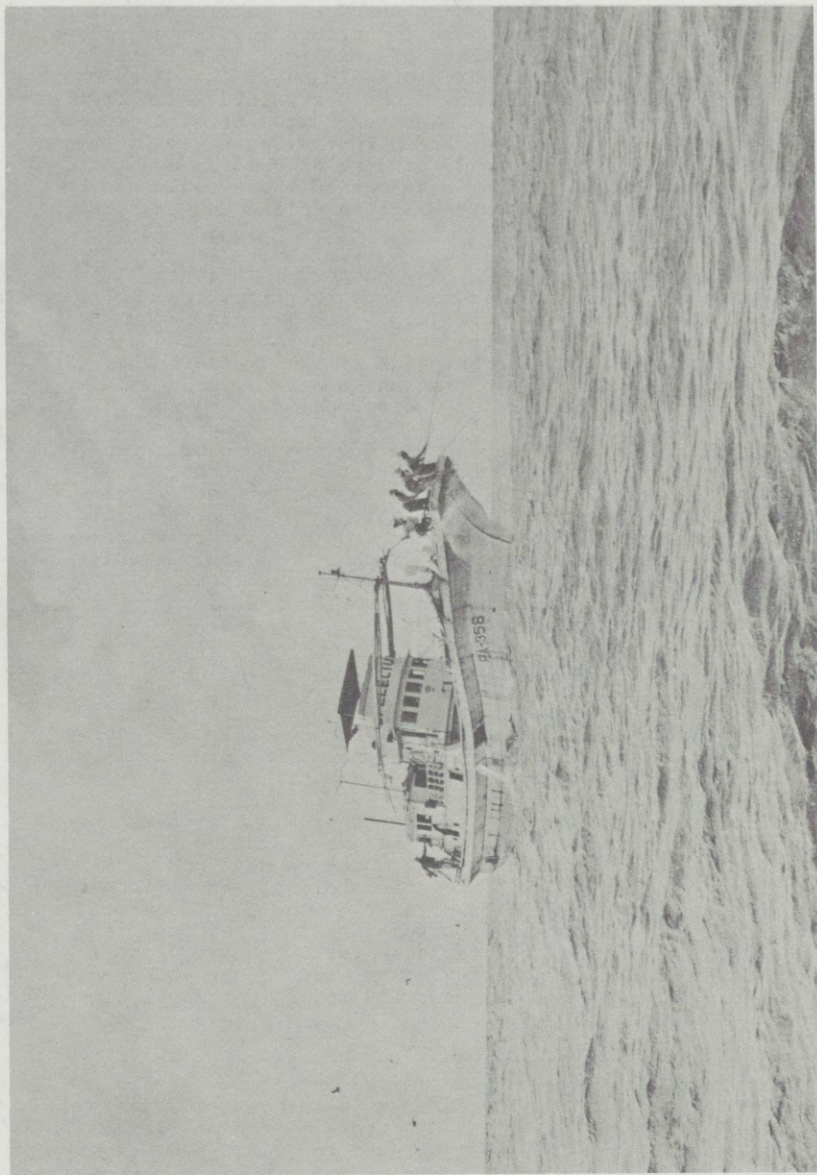
"In discharging its obligations under Article 76(b) of the Charter, the administering authority shall:

"1....

"2. Promote the economic advancement of the inhabitants and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss of their land and resources;...."

The economic structure of the Trust Territory of the Pacific Islands is primarily based upon subsistence farming and fishing. The possible avenues of economic development are few. Land is scarce (2,100 islands cover 700 square miles in an oceanic area of 3 million square miles) and its relatively low productivity limits land-oriented commerce. Although the present economy is based largely on agriculture, the potential value of agriculture has been estimated at only about \$12 million. Tourism is just beginning to enter the picture. By far the greatest immediate potential source of economic growth appears to lie in the sea and its resources, of which the skipjack tuna resource holds the greatest promise.

Unlike American Samoa, where the skipjack tuna fishery is prosecuted on a subsistence level, the skipjack tuna resource in and adjacent to the waters of the Trust Territory is presently being fished by Japan at a level of about 40,000 tons per year. In addition to the Japanese fishery, there is a U.S.-sponsored skipjack tuna fishery in Palau which takes about 5,000 tons of fish per year. This fishery is prosecuted by a fleet of eight small boats manned by Okinawan and Micronesian fishermen. The landings are less than 20 percent of those taken by the Japanese in these same waters before World War II. Thus, the potentials of the skipjack tuna resource in the Trust Territory are obviously great. A recent estimate places the potential of the skipjack tuna resource at a minimum of 70,000 tons per year, valued at about \$14 million to the fishermen.



Fishing by pole and line in Trust Territory Waters (Official Trust Territory Government photograph).

If the tuna can be canned in the Trust Territory, rather than frozen and shipped elsewhere for processing, as at present, the value would increase to about \$35 million. There are, however, various constraints which put a cannery out of reach at the present time. Chief among the constraints is the tariff barrier to the movement into the United States of tuna canned in the Trust Territory. Tuna canned in the Trust Territory is subject to a duty of up to 35 percent ad valorem upon entry into the United States. Thus, tuna canned there could not be profitably marketed in the United States unless the existing tariff barrier is removed.

Notwithstanding the lack of a cannery in the near future, the skipjack tuna harvested in the Trust Territory can be transhipped to processors elsewhere (e.g., to American Samoa as is done presently but could be done on a much larger scale), or processed locally into dried skipjack sticks (katsuobushi) and exported to Japan and other Asian countries, or possibly canned on a small scale for local consumption.

Before the War, the Japanese processed much of their catch into sticks. The product is durable; when the process is finally completed, the sticks can be held without refrigeration for months. The processing plants need not be centralized; they can be scattered throughout the Trust Territory wherever vessels can unload their catches. Such plants would require relatively little in the way of investment. Packaging is simple, as it is only necessary to wrap the individual sticks in paper and ship them in wooden barrels or boxes.

In 1941 the Japanese produced 1,334 metric tons of skipjack sticks and 67 metric tons of tuna sticks valued at about \$1.1 million at plants located in Saipan, Palau, Truk, Ponape, and Jaluit. (No data are available for 1937 when record landings of skipjack tuna were made by the Japanese, but presumably even more skipjack sticks were exported to Japan.)

In addition to skipjack sticks, there is also the possibility for the Trust Territory to operate a small experimental tuna cannery which at first might produce canned tuna for local consumption. As the product acceptance grows, and as income level increases, there will be greater demand for the product. Eventually, there may be an export market in other Pacific Islands. As an example, the Japanese in 1939 built a small cannery in Palau with a capacity of only 500 cases a day, but was able to operate it at capacity for only a short time before the outbreak of war.

Although the dollar value of exports and imports in the Trust Territory have both increased in recent years, the volume of imports has increased at a far faster rate than has volume of exports. In 1967 exports amounted to \$2,321,671 (chiefly copra), while imports amounted to \$9,819,480. About 90 percent of the total money income received by the Micronesians is derived either directly or indirectly from government

spending. Clearly a dynamic fishery for skipjack tuna will bring about a balance in trade, and at the same time generate new income for the Government of the Trust Territory. While about two-thirds of the 8,222 Micronesians employed today are employed by the government, a growth in the fishing industry would increase employment in the private sector and foster a healthier economy for the island community of the Trust Territory.

With the exception of the Palau fishery, the tonnage of tuna which is harvested in Trust Territory waters is of no economic benefit to the people of the islands, for it is taken directly back to Japan. Even the fish which are landed in Palau are only stored there and shipped to canneries in Samoa and the United States, thus depriving the islanders of the much greater economic benefits which are derived from processing the product in the islands with island labor.

While the live-bait supplies in Palau are ample for the existing fishery, they are not extensive enough for a large expansion of the fishing fleet. In addition, live-bait supplies in Truk, Ponape, Saipan, and the Marshall Islands are limited and unable to support fisheries of the magnitude that could be developed if baitfish were not required for harvesting skipjack in commercial quantities.

While there is no question as to the availability of suitable quantities of skipjack tuna, the question as to how these enormous stocks of available fish can be taken by U.S. and Micronesian fishermen has yet to be resolved. The most promising method appears to be by developing a new rapid sinking and closing purse seine capable of capturing skipjack in tropical waters. The high cost of a suitable net and vessel and crew capable of handling it have precluded any unilateral efforts by island governments to develop such a technique on their own.

Therefore, it appears essential for the various Pacific island groups to work together, pooling their technological know-how, finances, and support facilities to overcome the problem of harvesting the skipjack tuna of the Central and Western Pacific.

With the exception of Palau, fresh fish consumption is limited, owing to the fact that the people in each district cannot even produce enough fish to feed themselves, much less export fish in any quantity. This obvious deficiency must be corrected by providing the essential infrastructure and programs required to make the islands more aware of their natural resources and means by which they can be developed and utilized to the benefit of the people.

Opportunities for significant economic development are restricted in the tropical Pacific, being in most

instances limited to the lagoons and sea which surrounds the islands. It is recognized that the world's last major tuna resource is located in the tropical Central and Western Pacific and that the rapidly growing world tuna demand will more than treble.

As the Trust Territory tuna are actually located in international waters and therefore available to fishermen of all nations, the only way by which the Pacific islanders, with their limited capital and small labor force, can hope to participate in a meaningful way in the development and utilization of this resource is in cooperation with the U.S. tuna fishery, which is the most efficient and advanced in the world. Therefore, if the United States is to meet its obligations to the people of the Pacific Islands, it is absolutely essential to embark on a high priority program adequately financed and with the specific objective of developing a new method of harvesting tropical skipjack tuna which does not require the use of live bait.

The objectives of developing the skipjack fisheries of the Trust Territory of the Pacific Islands are:

(1) To promote the commercial exploitation of the stocks of skipjack tuna by Micronesian fishermen and the development of freezing, canning, and processing operations at suitable locations throughout the Trust Territory.

(2) The removal of the U.S. tariff restrictions on Trust Territory exports such as canned tuna if such tuna is caught by U.S. or Micronesian fishermen.

(3) Provide the necessary infrastructure such as ice and cold storage plants, docks, slipways, etc., either by constructing them with government funds or by inducing private capital and experienced commercial fishing companies to provide the funds and technical supervision necessary for the development of commercial fishing operations.

(4) The improvement of the island economy by the creation of new jobs for men and women, in shoreside plants as well as on the commercial fishing vessels.

(5) The development of a large export fishery which would reduce the high ratio of imports to exports.

(6) The creation of additional jobs in supporting industries such as shipyards, farms, supply houses, etc.

The need for the United States tuna industry to expand its fishing areas has been apparent for several years. U.S. seiners

now fish the Atlantic stocks of tuna after the eastern Pacific limit on yellowfin tuna has been met. If an improved technique can be developed which will make it possible for these seiners to harvest the skipjack and yellowfin tunas of the Central and Western Pacific, it should mean a significant increase in American tuna production.

Such an expansion by American tuna seiners into the Central and Western Pacific would result in a great increase in badly needed job opportunities within the Trust Territory as a large variety of support functions would be required just to service and provision any vessel of this size calling in an island port. Fuel sales would increase substantially as would sales of fresh, frozen and canned foods. Ship repair activities and other ancillary businesses will be needed. In all probability, new cold storage plants would have to be built. The removal of the tariff for U.S. and Micronesian caught fish would make possible the establishment of tuna canneries which would employ 300 to 400 people per district. By-products from canning operations could be used to increase the development of chicken and egg farms, pig farms, etc. As the islands are so widespread in the Trust Territory, it is probable that canneries would spring up in each of the district centers.

In summary, the development of skipjack seining and its related support operations would make possible the extensive development of a tremendous resource which is large enough to provide a suitable base for the immediate economic development of the islands of the Trust Territory. It will also provide to the people of the islands the means whereby they can develop themselves and their islands utilizing their natural resources and without having to be dependent on the development of industries which are smaller in magnitude and based on economic conditions outside of the Trust Territory.

Guam

Guam is a tiny speck of U.S. territory sitting amidst vast stretches of ocean. Its 220 square miles of land area, populated by 102,000 people, have no readily available raw material which can be used to develop an industry. On the other hand, the island is surrounded by thousands of miles of ocean that potentially could yield much valuable raw material.

Guam is presently dependent almost exclusively upon Federal (basically military) spending to sustain her economy. The present economic structure can be maintained in the long run only by expanding Federal spending to parallel the island's population growth rate, which incidentally increased by 5.8 percent during 1969 (military and dependents not included).

How long can we count on the military expanding or even maintaining the present level of spending should the situation in Southeast Asia ease off?

The present goal is to develop on Guam an economy having maximum viability should military expenditures level off or decline. A small watch assembly industry and a tourist industry aimed at the nearby Japanese market have been started. A petroleum refining plant utilizing imported oil is now in operation.

Nevertheless, the only developable raw material presently available in substantial quantity on or near Guam is the potentially tremendous skipjack tuna resource that the Japanese are now harvesting by the live-bait pole-and-line method.

Guam lacks the live-bait resource to harvest the skipjack tuna that the Japanese are now harvesting. Presently, the island's only hope of utilizing this vast resource is to develop a purse seine technique that will work in the clear tropical waters of the Pacific Islands.

The Japanese have had some success purse seining for skipjack in this area. A Russian purse seiner was also sighted in the area between Yap and Guam in March of 1968.

Skipjack tuna are available in the tropical Western Pacific all year round but there appears to be a major peak in abundance during February-March and another minor peak during July-September.

In order to test the feasibility of commercially purse seining for skipjack tuna in the clear tropical waters of the Western Pacific, fishing trials by the top boats of the U.S. West Coast tuna purse seine fleet are needed. Either the presently utilized purse seine of the top boats or the U.S. National Marine Fisheries Service fast sinking net should be tested. A trial period of at least 2 years during the various seasons of the year should be planned.

Owing to the lack of an adequate live-bait supply in Guam and the questionable resiliency of bait supplies that may be available in some of the other islands of this area, adequate purse seine tests should be made without the use of live bait to hold the skipjack tuna schools. Owing to the clarity of the waters of this area, night sets of the purse seines should also be considered. This will require the development of electronic gear that can locate skipjack schools at night.

If the purse seine technique of harvesting the skipjack tuna resource proves to be economically feasible, Guam would gain the economic benefits of a raw material-based industry with its multiplier effect. It is estimated that for every six jobs created in basic industry on Guam, about four more jobs will be generated in local service industries. The operation of two 50-ton per day capacity tuna canneries will employ 700 people directly and an estimated 230 more indirectly. Also this will require a minimum of five large purse seiners with a total crew of 70 men. A part of the crew eventually could be replaced by local fishermen. A service industry based on providing the purse seiners with food, fuel, recreation and repair work will also generate jobs.

American Samoa

The tuna fishing industry is the only important private enterprise in American Samoa. With the exception of a single bottom-fishing operation, the present commercial fishing industry in American Samoa consists solely of foreign longline vessels which supply the two local canneries with large deep-swimming tunas. Fresh fish occur in the markets only sporadically and in small volumes, yet preliminary evidence indicates large stocks of pelagic and inshore fishes in Samoan waters. The untapped resource with the greatest potential appears to be skipjack tuna.

Further development of a Samoan-based fishery is necessary to alleviate two of American Samoa's more pressing problems: insufficient tax revenue income and shortage of employment opportunities.

The two canning operations provide full-time employment for almost 1,000 Samoans. Several direct support industries have developed. The American Can Company established a plant adjacent to the canneries in 1964 and employs an average of 43 Samoans. The Marine Railway, whose main source of income is repair and maintenance of the fishing vessels, employs 156 Samoan laborers. There are three stevedoring companies which derive an important part of their income from unloading supplies for the tuna canneries and the American Can Company, and loading out canned fish items and byproducts of the canning industry. These companies employ 381 Samoans.

Thus, the tuna canning activity is largely responsible for 1,558 jobs for the Samoans. This represents 83 percent of the 1,880 Samoans employed in gainful occupation outside of the Government of American Samoa. Furthermore, the economic activity which provides employment for the remaining 322 jobs outside the government is indirectly dependent on tuna canning.

The canneries are the principal source of taxes and are the major users of water and electricity; the fuel requirements of the fleet of longline vessels require the operation of a large oil bulk storage system. In short, the tuna canneries have been a major motive force behind the recent rise of the American Samoa economy.

In 1967, exports of fishery products resulting from the tuna canning industry totaled \$27,158,346 out of a total export of \$27,243,586 (99.7%). Thus, the economy of the island community is virtually dependent upon this industry. It is the basis of a monetary economy which has gradually evolved under American administration. Since fully three-fourths of the corporate tax revenue of the Government of American Samoa is derived directly from the fishing industry, a cessation of tuna canning would devastate the economy of the island, requiring additional Federal funds to replace the tax revenue lost in order to enable the government to operate.

Although the fishery (largely for albacore) has expanded considerably since its inception in 1953, the catches in recent years have declined noticeably. Most of the Japanese longline vessels have left Samoa to fish elsewhere. Vessels from the Republic of Korea and the Republic of China have replaced the Japanese. The peak in landings was reached in 1967 when about 38,000 tons of tuna were landed; the catch provided about \$28 million worth of canned tuna for export from American Samoa to the United States.

While labor costs are lower in Samoa than in California, successive increases in the Samoan minimum wages have brought them closer with those obtaining in the United States. The original tax exemptions enjoyed by the canneries have expired.

The decline in catch has created concern among members of the fishing industry and the Government of American Samoa. While this decline may be a transitory phenomenon, alternatively it may reflect the state of the resource, since scientists are becoming more and more convinced that many of the tuna resources are being harvested at or near the level that is maximal. To broaden the fishing base of the industry in American Samoa it is urgent to seek an alternate resource, one which can provide a significant supplementary source of raw material for the canneries, in order to maintain the industry at the level needed to keep an important segment of the economy of American Samoa viable. The resource is surface-caught skipjack tuna. Already the industry has canned skipjack tuna caught in the eastern Pacific (about 5,000 miles away) and the Trust Territory (about 2,000 miles away).

Yet, skipjack tuna are known to occur in waters far closer to American Samoa--almost offshore; thus it is logical that efforts be made to exploit this resource. Further, the tropical waters in which skipjack tuna occur also contain an unknown quantity of surface-swimming yellowfin tuna which would supplement the catch of skipjack tuna. The purse seine appears to be the gear with the greatest potential for successful application in harvesting skipjack tuna from waters around American Samoa.

Purse seining for skipjack tuna should be tried in American Samoa for the following reasons:

(1) Skipjack tuna are known to occur in waters around Samoa. Reports of large schools have been received from time to time. In February 1970, the National Marine Fisheries Service research vessel Charles H. Gilbert encountered numerous large schools near Samōa.

(2) Since cannery and shipyard facilities are available, skipjack and yellowfin tuna catches resulting from an exploratory field trial can be processed immediately and the project need not be hindered by problems related to the processing of the catch.

(3) Industry in American Samoa faces a potentially critical problem in operating the tuna canneries. The deep-swimming tuna resources on which they are presently based appear to be declining. The development of a purse seine fishery for surface-swimming skipjack tuna based in American Samoa would certainly solve the need for an alternate resource. Further, this fishery can be fully a U.S. fishery involving U.S. flag fishing boats.

A yield of 20,000 tons of skipjack tuna per year would have a value of \$5 million to the fishermen, \$12 million to the processors, and \$20 million at the retail level. Cannery employment of 300 to 500 additional Samoans would result, as well as a substantial increase in support facilities.

Hawaii

The harvesting segment of the Hawaiian skipjack tuna fishery is moribund. The number of boats has declined steadily from a high of 28 in 1951 to a low of 12 in 1971. As boats sink or become unserviceable, they are not replaced. The boats that are still fishing average 28 years in age, with a range of 15 to 44 years. The number of fishermen has decreased by 38 percent from a high of 260 in 1948. The decrease would be even more drastic were it not for the importation of fishermen-trainees from the U.S. Trust Territory, Okinawa, and more recently, from Japan. Very few young men from Hawaii are entering the fishery. Apparently, the irregular and often low earnings, long working hours, and primitive working conditions on the local boats account for much of this decline. In spite of all these declining trends, the skipjack tuna catch has remained at nearly a steady level, admittedly with large fluctuations. This means that the remaining boats have increased their productivity by approximately 37 percent through increased efficiency and increased fishing effort.

While some advances have been made to increase productivity, the financial returns from the pole-and-line method of fishing in Hawaii have not been able to keep pace with the economic growth achieved by land-oriented industries.

Considerable information is available on the biology, behavior, and life history of the skipjack tuna occurring in Hawaiian waters. Studies of the skipjack tuna schools around Hawaiian waters show that fishermen using solely the pole-and-line method catch a very small proportion of fish in the schools they encounter. Furthermore, the fishing method is entirely dependent upon live bait whose supply is not always reliable, thus causing fishermen to spend considerable amount of time in obtaining a sufficient amount for skipjack tuna fishing. Some other method, therefore, must be devised to capture a greater proportion of each school contacted by the fishermen, and also one that is not entirely dependent upon live bait. To triple or quadruple the catch now taken by the present pole-and-line method would provide sufficient stimulation to bring the Hawaiian fishery back into the competitive labor market.

Authorities in research and industry agree that netting the skipjack tuna school appears to be the best way to increase the catch: the problem, of course, is how to do this in Hawaiian waters. The purse seine appears to be the most likely netting device to experiment with in Hawaii. Modern tuna purse seiners, because of their size and operational range, have the potential capability of changing the local fishery from an "inshore" fishery to a wide-ranging one, moving up and down the entire Hawaiian Island chain in response to the movements of the skipjack tuna. Such mobility would tend to alleviate the erratic yearly fluctuations which the local fishery presently experiences. This stabilization of the catch would be reflected in the earnings of the boat and the wages of the crew. Job security and steady income should improve the attractiveness of the fishery to young men in Hawaii.

If purse seine fishing is successful, the development of a fishery landing 20 to 25 thousand tons of skipjack tuna annually from waters immediately adjacent to the Hawaiian Islands is not unreasonable. The catch could be further increased if the purse seiners ranged farther afield during the off-season in Hawaii. The landings of skipjack tuna, particularly during Hawaii's off-season, would relieve the local cannery of its dependence upon foreign imports. A purse seine fishery would also broaden the base of operation of the U.S. tuna fishery by permitting a part of the eastern Pacific fleet to fish in the Central Pacific after the closure of the yellowfin season.

In outline, we see that the development of skipjack tuna resources in the Central and Western Pacific might have the following basic sequence:

(1) After the pinpointing of the location of the resources, the Eastern Pacific American tuna fleet would begin to fish the waters of the Central and Western Pacific using Hawaii and other Pacific areas as the base for operations.

(2) As the economics of this newly-developed fishery prove out, some of the Eastern Pacific-based fishing vessels may use Hawaii as their major base, supplemented by new fishing vessels financed by Hawaii entrepreneurs.

(3) Additional fish canning operations will be established in Hawaii and other Pacific territories to process and can the skipjack tuna.

If the fishery is successfully developed, Hawaii will not only revive a dying fishing industry but will inject new and diversified employment and income into its economy. In summary, the basic benefits to Hawaii would be as follows:

(1) Diversification of economic base

Hawaii has too many of its economic eggs in the tourism basket. In 1970, Hawaii had some 1,595,00 visitors resulting in visitor expenditures of some \$589 million. The slowing down of the national economy has already had its effect on visitor arrivals in Hawaii. For 1971, the months of February and March have shown a decrease in the number of visitor arrivals over the same months in 1970. This, coupled with an expanding visitor plant on construction commitments made before the current visitor downturn, means that many hotels will face a serious situation should this trend continue. The visitor industry is very sensitively responsive to downturns in the general economy and overemphasis on the development of this industry, as has occurred in the last 10 years, could lead to a serious economic situation for Hawaii, the beginnings of which we may be experiencing now.

Another major egg in Hawaii's economic basket is defense expenditures which total \$700 million in 1970. The current drive against inflation by the President and the resulting cuts in civilian defense jobs is directly affecting Hawaii.

The construction industry which registered some \$700 million in construction completed in 1970 is expected to take a sharp drop in 1971.

Sugar and pineapple, long the mainstays of Hawaii's economy until the 1960's, have had a history of reduced labor input and a relatively stable income ranging between \$350 million and \$400 million a year.

The only major basic economic activity showing growth potential is manufacturing with sales of some \$420 million in 1969 expecting to increase to some \$440 million in 1971.

It can readily be seen that Hawaii needs new basic economic activity to diversify its economy and to provide employment for its rapidly growing population.

(2) Diversified employment opportunities

Hawaii's high school and university graduates located in an insular community do not have the variety of employment opportunities offered their counterparts in similar mainland urban areas. The visitor industry, the fastest growing of Hawaii's industries, offers jobs which are limited in their scope and in income and caters primarily to particular groups. There are certain segments of Hawaii's population which are not readily employable in retail trade, transportation and the visitor industry but which would be attracted to the fishing industry and cannery operations.

(3) Potential benefits to less developed areas

Cannery operations could very well be located in rural Oahu (Campbell Industrial Park when the harbor is developed) or the Neighbor Islands. These are areas which are considerably less developed than the immediate Honolulu area and would provide a considerable boost to the economies of those areas.

(4) Opportunities for local investment

A growing amount of Hawaii's available investment funds are being directed outside the State. Hawaii's major firms are investing in retailing, manufacturing, recreational, office and agricultural developments on the mainland and in foreign areas. Opportunities for investing in new fishing vessels to harvest skipjack tuna resources and to invest in new cannery operations could very well come in a major degree from Hawaii.

(5) Economic impact of new jobs

The economic impact of new factory jobs varies from community to community but certain rule-of-thumb measurements can be used to give reasonable estimates of the impact of such jobs on the economy.

If we assume that a thousand new jobs would be created as a result of new fish cannery operations, we can assume the following economic impact:

New Payroll	\$6 million plus
New Households	1,150
Increase in retail sales	\$4 million
Increase in bank deposits	\$3 million
Increase in retail establishments	40

In addition to these basic jobs, this new cannery employment would stimulate the creation of an additional 750 new jobs in a variety of activities. The multiplier effect takes place in terms of income expenditures as well. For example, the U.S. Department of Commerce publication "The future of tourism in the Pacific and Far East" estimates a multiplier effect of 3.27 for every visitor dollar spent. If we assume a conservative multiplier effect of 2.0, there would be an additional \$10 million to \$12 million injected into the economy as a result of the turnover or a total of between \$15 million and \$18 million injected into the economy.

In summary, Hawaii needs diversified economic activity and diversified employment opportunities. There are few eggs in Hawaii's economic basket and downturns in the economy have an immediate effect on a vulnerable industry such as tourism. The establishment of major fishing and fish canning activity in Hawaii would strengthen and diversify the economic base allowing Hawaii to better overcome downturns in the economic cycle.

ADDENDUM

ORGANIZATION OF
MARINE RESOURCES DEVELOPMENT COMMITTEE
AS AGREED TO AT LONG BEACH, CALIFORNIA
MARCH 21, APRIL 1 & 2

The Pacific Islands Development Commission at its meeting in Honolulu on February 18 and 19 accepted the recommendation for the establishment of a Marine Resources Development Committee.

The purposes of the MRDC are to:

1. Develop as first priority the tuna and baitfish resources of the Central and Western Pacific Ocean;
2. As second priority, assess the other living marine resources of the area;
3. Provide a mechanism for continued coordination of fisheries research and development;
4. Encourage and fund special fishery projects of mutual interest to PIDC; and
5. Act as spokesman for the needs of the fishery community to PIDC.

The MRDC consists of:

1. A member from each participating unit of the PIDC.
2. One member of the scientific community appointed initially by the Pacific Islands Development Commission and thereafter to be nominated by the MRDC and appointed by the PIDC.
3. One member from each voluntary contributor from industry - the PIDC to determine what constitutes a minimum contribution for membership.
4. An Executive Secretary with a fisheries background; the Executive Secretary preferably to be a full-time employee of MRDC or, lacking sufficient funds, to be provided by a participating agency on an "additional duty" basis. The Executive Secretary of the PIDC to act as secretary of the MRDC until a permanent Executive Secretary is appointed.

Funds to operate MRDC, which is estimated to be \$50,000 per year, be raised as follows:

1. A minimum annual contribution of \$5,000 from each PIDC member;
2. The balance of \$30,000 to be contributed by industry in such manner as industry may determine.

Such funds collected will be disbursed by MRDC to defray expenses of MRDC, provide contractual monies for special projects, and provide the basis for matching fund projects.

A scientific advisory group to the MRDC consisting of one representative from each interested research body in the area concerned with fisheries. The advisory group will be steered by a seven-man panel representing American Samoa, Hawaii, Guam, Trust Territory of the Pacific Islands, National Marine Fisheries Service, University of Hawaii, and the Sea Grant Program of the University of Hawaii.

The Executive Secretary of MRDC will act ex officio as Chairman of the Scientific Advisory Group.

ADDENDUM

ORGANIZATION OF PACIFIC ISLANDS DEVELOPMENT COMMISSION

Members

Governor John A. Burns, Hawaii

Governor Carlos G. Camacho, Guam

Governor John M. Haydon, American Samoa

High Commissioner Edward E. Johnston, Trust Territory of the Pacific Islands

Executive Secretary

Andrew Gerakas, Hawaii

[From the Reader's Digest, December 1971]

MICRONESIA: AMERICA'S TROUBLED ISLAND WARD

AS GUARDIANS OF THESE LOVELIEST ISLANDS ON EARTH, WE HAVE ACHIEVED INDIFFERENT SUCCESS. NOW THERE ARE PROBLEMS IN PARADISE—AND THE UNEASY ISLANDERS MUST SOON DETERMINE THE SHAPE OF THEIR FUTURE

(By P. F. Kluge)

At the close of World War II, many Americans found themselves in odd corners of the world, administering liberated areas, among them the more than 2,000 Pacific islands which constitute Micronesia. A motley legacy of challenges, responsibilities and headaches bequeathed from conquered Japan to a victorious—and puzzled—America, Micronesia has been administered by the United States as a Trust Territory for the United Nations since 1947. Now the winds of change are stirring once again.

Scattered across three million square miles of ocean, the islands boast a bewildering variety of tall volcanic peaks, tiny coral atolls, and some of the lushest forests and thickest mangrove swamps in the Pacific. From the black-sand beaches of the Marianas to the weirdly sculptured limestone rock islands of Palau, there is enough beauty to exhaust the palettes of a dozen Gauguins—and enough in the way of problems to bankrupt the resources of the most dedicated administrators.

The bitter fighting in the Pacific bypassed most of Micronesia, but not all. Saipan, in the Marianas, still looks more like a battlefield than the Trust Territory's provisional capital. After 27 years, concrete bunkers and shattered, rusting tanks still face one another, as if interrupted in the middle of a deadly conversation. Hundreds of miles south, on Peleliu, a stone obelisk erected by America's 323rd Infantry warns, "Lest We Forget Those Who Died." But the "R" is missing from infantry.

Those missing letters speak volumes about Micronesia's postwar fate. When the war ended, what had been some of the world's most valuable real estate became, overnight, a cut-rate collection of small sleepy islands. The fewer than 100,000 people we found ourselves administering were as varied as the islands themselves, with a jumble of cultures and nine languages. The Ponapeans and Kusaiens, Marshallese, and Palauans, Trukese, Yapese and Chamorros had little more in common than the fact that they were at the mercy of whatever foreign administration the tides of war and peace washed up on their islands.

Micronesia existed on maps and in history books, but it did not yet live as a union in the minds of the islanders. Overwhelming distances, negligible economic resources, barriers of language and culture—all worked against union. And there was the added disadvantage that Americans proved to be undistinguished colonial administrators.

For one thing, our purpose in Micronesia was far from clear. The ruling philosophy was: "Don't disturb the residents of these idyllic islands." Before long, the six district centers of Micronesia became overcrowded, semi-modern slums, hammered out of wood and metal, with dusty, deteriorating Japanese roads, unreliable power and water, rickety bars with high-decibel jukeboxes, bewildered elders and loitering youths—a pointless landscape of change without progress.

Fortunately, this landscape was confined to the six district centers. The huge expanse of ocean that had protected most Micronesians from the holocaust of war also spared them the mixed blessings of peace. In hundreds of villages, Micronesians lived the life they had always known—a world of beaches and lagoons, thatched roofs and stone paths, fish and copra. But now, even in the scattered villages, the times are changing.

Recent years have witnessed increased concern in Washington for the future of Micronesia. The sleepy decades are gone, and so are most of the sleepy administrators. Within ten years, the Trust Territory's budget has quadrupled to almost \$60 million. Almost 300 Peace Corps volunteers are serving in the islands, 75 percent of them teaching Micronesian teachers to teach English as a second language. Until 1961, there were only a few private schools and one public high school in the territory. Today there are 11 public high schools and 10 private schools, uprooting and changing, producing a Micronesian generation more restless, more concerned than the islands have ever known.

On the lonely atoll of Ulithi, one finds Outer Islands High School students from islands as far as 500 miles away, brawny youths in loincloths, mature young women. On a hot summer afternoon they sit in a windless classroom groping through the maddening quirks of an alien tongue—"Victor is from Lamotrek isn't he?" or "He isn't from Ifalik, is he?"—when in any other decade their only work would have been to gather food and bear children.

American education, good and bad, and American popular culture, mostly bad, have accomplished what three earlier colonial powers—Spain, Germany, Japan—and a great war failed to do: broken the pattern of island living. Chances are that Victor will not return to Ifalik, or Lamotrek, or any of the other coral atolls. He will head for the district centers, where he'll become the first of his family to work for a wage, to buy a fish rather than to catch it. Slowly, sadly, many old ways are dying: the hewing of graceful outrigger canoes; the virtually automatic offer of food to strangers; the giving of gifts; the dancing that on some islands lasted for days and nights; the myths and dramas passed orally from one generation to another.

And yet there are moments when one takes pride in the American performance in Micronesia. U.S. education has disturbed many of the people there, but it has produced some compelling leaders. Micronesia is entering its years of decision, and these leaders are scrutinizing America's performance on other islands—Samoa, Puerto Rico, the Virgin Islands, Hawaii and Guam. They are pondering whether to approach the challenges and headaches of a separate, sovereign Micronesia or to seek assimilation within the boundaries of their powerful but often distracted guardian—America. Soon, the islanders will choose one of these courses, thereby finally determining the shape of their future.

[From the Reader's Digest, December 1971]

"KEY TO THE PACIFIC"

(By Hanson W. Baldwin)

For a number of reasons, the islands of Micronesia are absolutely vital to the long-range security of the United States. They extend the potential range of U.S. sea and air power by thousands of miles, yet are not close enough to the continent of Asia to be militarily vulnerable or politically provocative. Except for Guam, they are the only islands in the western Pacific that fly the American flag, and the only forward-base sites in the Pacific that might substitute in part for Okinawa, the Philippines and Japan. They provide potential early-warning sites for electronics installations to monitor trans-Pacific aircraft and communications. Long-range patrol aircraft, based on these islands, could track Soviet submarines bound for the shipping lanes of the central Pacific. Some of the islands form part of our Pacific missile test range and also offer sites for monitoring Russian missile tests in the Pacific.

In a potential enemy's hands, Micronesia would be a strategic nightmare to U.S. defense planners. In World War II, the United States paid a huge price in lives and treasure to break through this island barrier to reach the Philippines and Okinawa and finally to defeat Japan. Clearly, these tiny dots of land are, indeed, "keys to the Pacific."

Recognition of the strategic importance of Micronesia was the basic reason for the creation of the United Nations Strategic Trusteeship, under U.S. administration, after World War II. That trust was, in effect, confirmation by all U.N. members of the military importance of these islands to the United States. This is the primary—indeed, the indispensable—value of the islands, not only to the United States but to the world and to the people of Micronesia themselves. Under the U.S. flag, the islands have a stabilizing value; they help to keep the peace. The phasing-down of the Vietnam war, the reduction of U.S. forces on the Asian mainland and in the western Pacific, the impending reversion of Okinawa to Japanese civil administration, the possible future loss of Japanese and Philippine bases—all these factors have combined to emphasize once again the vital importance of Micronesia to U.S. security.

Will we retain the islands? Many in the military today are pessimistic. They feel that past neglect, and the resulting erosion of our position in the islands, have gone too far; that, ultimately, psychological and political pressures will force us out. (Russia, in fact, has repeatedly used the U.N. Trusteeship Council as a forum for attacks on U.S. "colonialism" in Micronesia.)

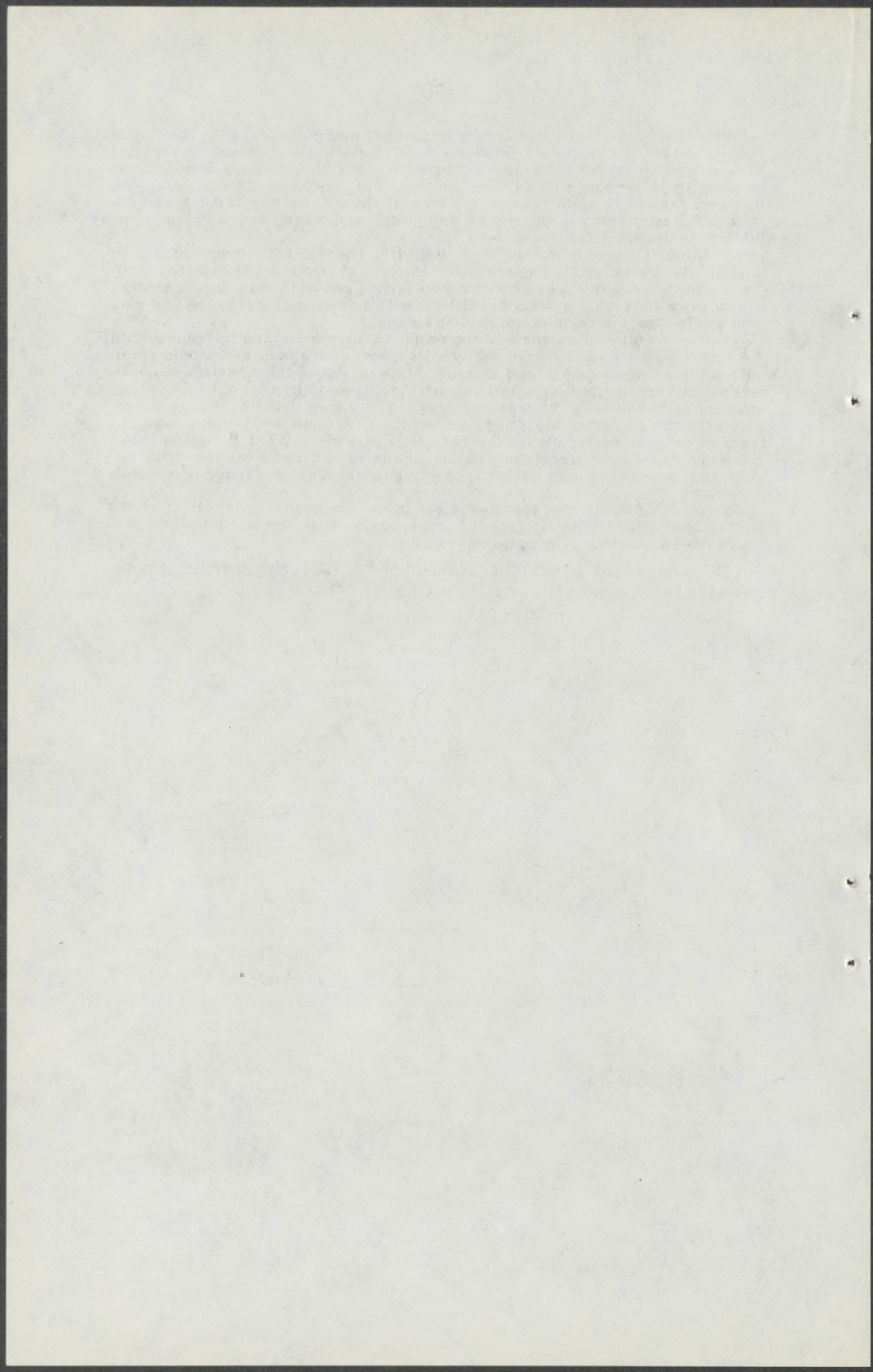
Indeed, the hour *is* late. But despite the neglect and mistakes of the past, there is still time for us to solve our problems in Micronesia. The Marianas group, tied to American Guam by kinship and proximity, want U.S. military installations. In fact, their peoples consider themselves more American than Micronesian. But such sentiment could change tomorrow if there is continued delay and uncertainty. And in much of the rest of Micronesia, particularly in the Palau group, pro-U.S. sentiment is far less evident.

One thing *is* clear, however: these beautiful islands, with their handful of inhabitants, are too small, too weak, too scattered to stand alone; their resources are inadequate—without external aid—to permit self-sufficiency in the modern world. They have only a fragile political unity and cohesiveness; the one common bond is the U.S. flag and the English language.

What is essential, in fairness to the people of Micronesia and in keeping with the future security of the United States, is a long-range plan that would entail *both* military development and encouragement of the local economy—fisheries and agriculture, marine biological research facilities, tourism. Political development as such has been too much emphasized; we have tried to impose a self-governing system, after the American model, upon disparate peoples, many of them used to the paternalistic autocracy of tribal chiefs. What is vital is *better* government, *stronger* leadership, and an influx of American capital—both private and government—to meet the growing challenges of Japanese economic penetration.

Thousands of Americans lost their lives in the Marshalls, the Palaus and the Marianas in World War II. Lest it happen again, these tropical pinpoints that guard the Pacific *must* remain under the American flag.

(Whereupon, at 12:40 p.m., November 24, 1971, the hearing was recessed to reconvene at the call of the Chair.)



ADDITIONAL ARTICLES, LETTERS, AND STATEMENTS

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., February 3, 1972.

HON. WARREN G. MAGNUSON,
*Chairman, Senate Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: In a statement submitted to the Subcommittee on Oceans and Atmosphere of your Committee on November 22, 1971, Mr. David H. Wallace, Associate Administrator for Marine Resources, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, stated that the Department of Commerce agrees with the general objectives of S. 2437 but recommends certain amendments.

S. 2437 is a bill I authored and sponsored which would authorize the Secretary of Commerce to contract with the Pacific Islands Development Commission to undertake a three-year program for the development of the tuna resources of the Central, Western, and South Pacific Ocean.

Mr. Wallace noted that while S. 2437 limits the Secretary (of Commerce) solely to contract with the Pacific Islands Development Commission, "We feel that the Secretary of Commerce should be given some degree of flexibility in conducting and contracting the research provided for in S. 2437 and that the Secretary's authority to contract should include other potential contractors."

In addition, Mr. Wallace's statement recommends that the bill be amended to authorize the Secretary of Commerce to undertake a program for the development of fishery resources not restricted solely to tuna.

I strenuously oppose both recommendations of NOAA. The Pacific Islands Development Commission, composed of the Governors of Hawaii, American Samoa, and Guam, and the High Commissioner of the Trust Territory, similarly oppose these recommendations.

In response to my request for comment on NOAA's testimony on my bill, Governor John A. Burns of Hawaii and Governor John M. Haydon of American Samoa have given cogent and persuasive reasons for their objection to NOAA's recommended changes.

So that your Committee and others may have the benefit of the opinion of the PIDC on this matter, I request that the letter I received from Governor Burns and Governor Haydon be made a part of the hearing record of S. 2437.

Sincerely yours,

HIRAM L. FONG.

Enclosure.

EXECUTIVE CHAMBERS,
Honolulu, Hawaii, December 29, 1971.

HON. HIRAM L. FONG,
*U.S. Senate,
New Senate Office Building, Washington, D.C.*

DEAR HIRAM: Thank you very much for your letter of December 6, 1971, enclosing a copy of NOAA's statement on S. 2437.

If the advice given by the National Marine Fisheries Service of the NOAA is adopted by the Senate, the entire exploration program as envisioned will be taken out of the hands of the Pacific Islands Development Commission. The PIDC feels strongly that it should have the responsibility for undertaking this project through its Marine Resources Development Committee. Our emphasis is on the economic development of the PIDC areas with a concentrated effort on exploratory fishing by commercial vessels. The NMFS, by the nature of its make-up and activity, emphasizes the research approach, and we are concerned that despite the best intentions, funds appropriated for tuna development would get tied up in the operational organization of the NMFS.

The NMFS recommendation that fisheries other than tuna also be included would further serve to nullify the development effort. Of the potential increase of tuna from world oceans of about 1.38 million (short) tons, some 880,000 tons (all skipjack) can come from the Pacific Ocean. There is no other fish species that can approach this resource. We are convinced that our best chances for economic development are in the development of tuna resources and in particular, the skipjack tuna. The U.S. tuna industry, the Marine Resources Development Committee and our own fisheries officers all agree that this is the area of opportunity which should be pursued.

We have a strong and cooperative approach within the PIDC which would be considerably weakened by the fractured contractual approach recommended by the National Marine Fisheries Service. Under the approach suggested, each PIDC area would be competing against the other for program emphasis and funds.

The foregoing are some of the reasons why the PIDC had suggested the Department of Interior as the action agency. We are hopeful that when the House and Senate bills are passed, the questions of jurisdiction and emphasis on the development of PIDC areas are satisfactorily resolved.

We are indeed grateful to you for your efforts on the part of the Territories and Hawaii.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS, *Governor.*

GOVERNMENT OF AMERICAN SAMOA,
OFFICE OF THE GOVERNOR,
Pago Pago, American Samoa, December 27, 1971.

HON. HIRAM L. FONG,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR FONG: In your letter of December 6 to Governor John Burns of Hawaii, you asked for comments regarding the testimony from the National Oceanic and Atmospheric Administration in relation to your Bill S. 2437.

I believe Governor Burns has written you a letter similar to this, but I would like to state, as one of the four Commission members of the Pacific Islands Development Commission, that I am strongly in favor of not amending the proposed Bill in any way which would divert its funding away from the Pacific Islands Development Commission into the administrative jurisdiction of the National Marine Fisheries Service. We appreciate very much the work done in the past by NMFS and their present cooperation with PIDC. However, NMFS is basically a Federal bureau concentrating primarily on pure research and our program, through PIDC, is an action, implementation program to develop—as you have so often testified—the last great remaining fishery in the world, the skipjack tuna.

I believe the following points should be given consideration:

1. The PIDC strongly feels that it should have the responsibility for undertaking this project through its Marine Resources Development Committee.

2. If the advice given by the NMFS is adopted by the Senate, the entire exploration program as envisioned will be taken out of the hands of the PIDC. The NMFS is essentially a research oriented organization and if it receives the 4 million appropriation, I fear it will largely be siphoned away into the mire of civil service salaries, basic research, and general bureaucracy.

3. If the Secretary of Commerce is given the flexibility which is asked to contract with other potential contractors and with the individual members of the PIDC, we will be faced with a competitive struggle on the part of the individual areas and private industry all competing for funds. We now have a strong and cooperative approach within the PIDC which would be considerably weakened by the fractured approach recommended by the National Marine Fisheries Service.

4. NMFS wants to include other undeveloped fisheries resources in the program. NMFS, industry, the Territories, and all research done to date point to tuna as the large undeveloped resource with a great potential for development. The funds appropriated should not be dispersed among other fisheries resources but should concentrate on tuna. Other fisheries resources development could be a part of the regular NMFS program but not as a part of the development program envisioned by PIDC.

5. Much is made in the testimony of work already underway. Other than the proposed ANELA bait boat exploratory effort, the work is largely basic research with a long term view. It is presented as if the NMFS has really undertaken a strong program in this area which it has not done to date.

6. We are concerned that if funds were appropriated on the basis recommended by NMFS, they will be used to run the Honolulu laboratory as well as other activities in respect to the normal basic research responsibility of the NMFS and will have little positive contribution to the overall objectives of the PIDC in developing the basic tuna resource.

7. In conclusion, as a Commission member of PIDC, I do not agree with the NMFS testimony and this is one of the basic reasons why we wish to contract with the Department of the Interior where we would be better assured that the concentration of efforts would be for the development of the Territories rather than in long term research efforts.

Best personal regards.

Sincerely yours,

JOHN M. HAYDON, *Governor.*

STATEMENT OF HON. DANIEL INOUE, U.S. SENATOR FROM HAWAII

IN SUPPORT OF THE CENTRAL, WESTERN, AND SOUTH PACIFIC FISHERY
DEVELOPMENT ACT

Mr. Chairman: I wish to add my voice in support of S. 2437, the "Central, Western, and South Pacific Fishery Development Act." This Act, designed to support the development of the tuna resources of that part of the world, is a matter of vital importance to that industry and to the people of these far flung areas of the Pacific. We have a responsibility for these people and they are deserving of our help.

It is the nature of the tuna industry that the boats go where they know they can catch fish. Little effort is made to explore new resources and develop new methods for other fishermen would immediately cash-in on any explorations which prove fruitful. There is no added advantage to having been first on the scene. As a consequence little exploration occurs on the part of the American industry in these far flung areas where the shipping fleets of other nations do venture and which they may come to dominate.

To prevent this occurrence, and to provide opportunity for the development of an under utilized resource to the advantage of the peoples of Guam, American Samoa, the Trust Territory of the Pacific Islands, and Hawaii, the Pacific Islands Development Commission was formed. This Commission, made up of the Governors of Hawaii, American Samoa, Guam, and the High Commissioner of the Trust Territory of the Pacific Islands, has as its purpose the development of the latent skipjack resources of the region in question. In meeting this responsibility they have been meeting with representatives and leaders of the American tuna fishing industry. The purpose of this measure is to authorize the funds necessary to permit their achievement of the desired goals. The industry, and the government of Hawaii, participate in it's funding.

America has a legitimate and natural interest in the economic development of the Pacific. Frankly, we have not adequately met our responsibilities. The Trust Territory, American Samoa, and Guam are in dire need of economic assistance and a broadened economic base. Development of their natural economic resources must take first priority in any legitimate effort to improve their standard of living and make them self-sufficient. Fishing is such a resource.

Today, most of the fish caught in this area are caught by Korean, Taiwanese and Japanese fishing vessels. As other tuna resources are increasingly being harvested at maximum levels these nations are increasingly turning their attention to the relatively untapped skipjack resources of the areas in question. It is time that we also gave this matter our attention and support.

The governments of competing nations give their fishing fleets substantial assistance. We should do no less.

The program which this act is designed to promote would not only include exploration and assessment of tuna stocks, but encourage improved harvesting techniques, gear development, and economic evaluation as well. The \$4 million authorized by this act can reap a rich harvest. I, therefore, urge your serious consideration and support.

STATEMENT OF HON. JOHN V. TUNNEY, U.S. SENATOR FROM CALIFORNIA

Mr. Chairman, I submit these remarks at a very appropriate time. The serious nature of the seizure of American fishing vessels has been highlighted again during the past two weeks by the seizure of more than a dozen American tuna boats by Ecuador. If this shocking piracy continues unabated, the existence of our tuna boat operators and their industry may be threatened. Congress must act now to provide relief to our fishermen.

The need for the type of legislation which I have proposed or which the House has passed has had a long history. Since 1961, over 130 U.S. fishing vessels have been seized by Latin American governments with resulting costs exceeding \$2.7 million. The seizures by the Latin American governments, most notably by Ecuador and Peru, have been precipitated by claims of sovereignty over waters extending two hundred miles from their coasts. The United States does not feel obligated to recognize such claims under international law and has in the past opposed any extension of territorial water claims beyond a limit of twelve miles. As a result, the U.S. is committed to reimburse our fishing vessel operators for the costs and losses which they incur as a result of these illegal seizures on the high seas.

It is important to remember that when we speak of tuna boat operators, we are not speaking of big businessmen with unlimited supplies of capital. Generally, these operators have minimal financial resources, barely sufficient to maintain their vessels; and when one of these men is forced to pay a large fine to recover one of his ships, his resources are severely depleted. And at present, the reimbursement procedure for these costs is not a swift one.

After certification of loss, fine, damage, etc. by the Secretary of State, the owners of the fishing vessels must wait for a special appropriation to be authorized by the Congress. The entire process now takes an average of 431 days from the date of seizure to the date of reimbursement. This delay can severely hamper the activity of any individual operator; and a second seizure prior to reimbursement, an event which has occurred in the past and which is likely to occur again with increasing frequency, can be catastrophic. We owe it to our fishermen to handle their claims promptly to insure that their livelihood is protected.

Hopefully, the controversy surrounding these territorial claims of sovereignty will be resolved at the International Law of the Sea Conference in 1973. But, in the meantime, our most pressing concern is to insure that our fishermen are treated fairly.

Either my bill, S. 1242, or the House passed measure, H.R. 7117, will accomplish the necessary objective of speeding payments to the owners of seized vessels.

My bill would make reimbursement funds available immediately from the general Treasury. It would also extend the U.S. guarantee for reimbursement to cover the costs resulting from attempted seizures by foreign governments. Injuries to crewmen would also be covered under my bill.

H.R. 7117 would set up a revolving fund to be used by the Secretary of State to reimburse certified claims. It also requires the Secretary to officially notify the seizing country of the reimbursements. Such amounts would be transferred from that country's foreign aid allowance to the revolving fund if 120 days pass following the notice without the foreign government reimbursing the U.S. The bill would also allow claims certified since Dec. 31, 1970 to be reimbursed retroactively from the revolving fund.

I realize that since H.R. 7117 has already passed the House, this committee may find it more expeditious to report that bill out in its entirety. I find that measure completely acceptable; and, if such action is necessary to insure quick action, I would gladly support it.

However, there are two areas which my proposal handles that H.R. 7117 does not. First, it extends the U.S. obligation for reimbursement to costs resulting from injuries sustained by the crew members of the fishing vessels. Secondly, my proposal extends U.S. coverage to loss and damage claims that arise as a result of attempted seizures of our fishing vessels. At present, unless the foreign government actually seizes the fishing vessels, such claims are not covered by United States reimbursement procedures. This policy leads to the ludicrous result that a premium is placed on being captured. There has already been at least one case where severe injuries were sustained during an attempted seizure and compensation was not recoverable due to this innocuous exclusion.

My bill would eliminate this difficulty, and I feel that this provision would constitute an important addition to our present law.

There is also one provision of H.R. 7117 which should be particularly noted. The provision requires the Secretary of State to notify the seizing country of reimbursement and provides for the automatic deduction of funds from the foreign aid allocation to such a government unless it repays the United States within 120 days from such notice. In the past, despite having had the authority, the Secretary of State has not taken such action. The Secretary's position has been that while it is mandatory that he take such action, it is discretionary as to the timing of that action. Ten years is more than enough time for him to have exercised his discretion and to have acted. Such an obsequious attitude on the part of the Executive is an indefensible pandering to thieves. H.R. 7117 will put an end to it.

In conclusion, I feel that it is extremely important to stress the need for quick action on this legislation. We have already been given a strong indication through Ecuador's action that this will be another year of attempts to humiliate and eliminate the United States tuna industry. Congress must act now to provide the necessary financial aid to our harrassed fishing fleet; and we must continue our efforts to protect our fishermen from these untenable seizures.

THE GREENLAND SALMON FISHERY
AND THE DEBATE

A BIOLOGICAL VIEWPOINT

BY

SV. AA. HORSTED,

FISHERIES BIOLOGIST

(Translated from Danish)

The international commission for the North-West Atlantic Fisheries (ICNAF) passed a resolution last year to the effect that certain regulations should be adopted for salmon fishing off Greenland in 1971 and that this fishing should be taken up for further consideration in the course of 1971. At this year's annual meeting, held in Halifax, Canada, in early June it was agreed to keep the regulations in force for another two years.

Before this meeting, international pressure on Denmark had been mounting, both from individuals and from private organizations, this time chiefly from the Committee on the Atlantic Salmon Emergency and other circles in the U.S.A. Many of those taking part in the public debate have expressed wishes to hear the views of biologists. It is true enough that biologists try to avoid getting involved in futile polemical and political discussions but it is sometimes suggested that their views are not available to the public, and that is not true.

International working party of biologists.

After salmon fishing off Greenland began in earnest in 1964 and caused an international stir, the countries involved discussed the problems in organizations established by the interested nations for that purpose. Fisheries in the North West Atlantic are covered by ICNAF which has its own scientific advisory committee.

For North East Atlantic fisheries there is an equivalent commission, NEAFC, which receives scientific advice via The International Council for the Exploration of The Sea (ICES). In 1965, ICES and ICNAF set up a joint working party to investigate the salmon question (in this article referred to as the working party; its official name is the ICES/ICNAF Joint Working Party on North Atlantic Salmon). This working party has members from the research institutions of all the countries concerned. Since 1965 the working party has presented annual reports to the two above mentioned fisheries commissions. The most important of these reports are published and thus available to everybody. The report submitted to the commissions during the talks in 1970 has recently been published in full. A new report was presented in 1971, but as a member of the working party I can obviously not include this report in the present paper before it has been presented to the commission. From the above it will be realized that the views of the biologists are not withheld from the public although they are not available to the general public until some time after their presentation to the commission.

In this article I have tried to give what I hope is a readily understandable summary of the biological aspects of the salmon problem and of the facts and conclusions contained in the working party's published reports, and last but by no means least, a summary of the questions

which still remain open.

Misgivings in other countries.

Three factors have induced other countries to involve themselves in Greenland salmon fishing to such an extent that their misgivings have actually resulted in exchanges of notes between heads of governments and threats of boycotting Danish goods:

- (1) All salmon caught in Greenland waters have been born in rivers outside Greenland except a few salmon from the Kapisigdlit River in the Godthaab Fjord;
- (2) the sudden expansion of the fishery during the 1960's and, in particular, anxiety that this expansion may become even more explosive;
- (3) the biology of the salmon's breeding habits in general.

If we take a closer look at these three factors it may be helpful to consider them in the reverse order.

Biology of the salmon.

It is well-known that salmon spawn in fresh water where the young fish spend some years - in most countries 2 - 3 years - before making for the sea in the spring-time as small silvery fish about 15 centimetres (6 inches) in length. At this stage they are called "SMOLTS".

In the sea it grows very quickly except during the winter months; after just one year in the sea some fish are capable of breeding and then return to fresh water to spawn. The spawning generally takes place in the stream from which the salmon came as a smolt.

Salmon which spawn after only one winter in the sea are called "GRILSE". Other salmon do not return to their native rivers until after two or more years in the sea, and these are the ones called "SALMON". Most salmon die after spawning but survivors again go out to sea; during their new passage to the coast they are called "KELTS".

Salmon in the sea are grouped according to the length of time spent in salt water. A 1 + salmon, for example, is one which has spent one winter at sea and is now some way into its second year there, (its second period of growth). If at this point it returned to fresh water to spawn it would, as mentioned above, be called a "GRILSE".

A.2 salmon is a salmon which has spent two winters in the sea and is about to enter its third period of growth there or is possibly about to return to its home waters to spawn as a "SALMON". The duration of its stay at sea can be read clearly in the formation of its scales, from which in a similar fashion, although

less easily, one can see the length of its stay in fresh water. The duration of its stay in fresh water is given before its stay in salt water. E.G. 2.1+ is a salmon which has gone to sea as a smolt two years after hatching and is now some way into its second summer at sea.

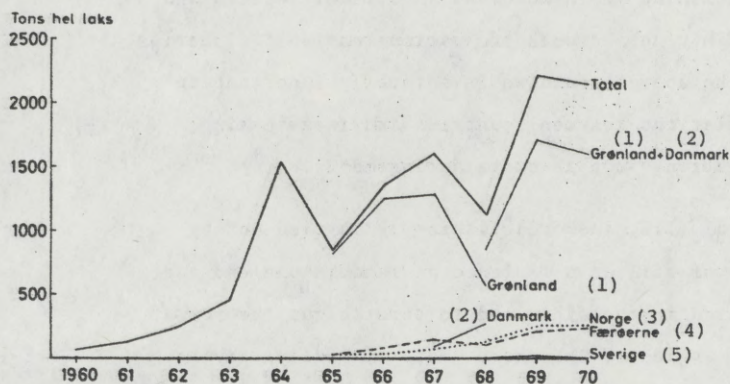
Schematic outline of the salmon:

- SMOLT Young fish on its way out to sea approx.
15 cm. (6 inches) long.
- GRILSE Fish spawning after one winter at sea
weight up to approx. 9 lbs.
- SALMON Fish spawning after two or more winters at sea
.... weight approx. 9 lbs. or more.
- KELT A fish surviving spawning and on its way out
to sea weight less than on its return
to spawning ground.

Developments and methods of Greenland salmon fishery.

Developments in Greenland salmon fishery can be seen from fig.1. The break down by size of the various catches and the dispersal of tagged fish along the coast show that it is the same mixed stock which is taken in the inshore fixed gill nets and the offshore drift nets, **at least so long as the latter are to be**

Metric tons round weight



1. Greenland
2. Denmark
3. Norway
4. Faroe Islands
5. Sweden

Development of salmon catches off Greenland. Before 1964 only native Greenlanders participated, until 1968 fishing almost exclusively in sheltered waters, applying set net. Other participating nations operate in open waters using drift net only. During 1969/70 it was not possible statistically to separate the Danish and native Greenland catches. While Greenland catches were the larger of the two, it should be borne in mind, however, that the 1969/70 figures comprise drift netting which was applied to some extent.

found (as they are now) fairly close to Greenland. Biologically, there is no reason to distinguish between nets fishing in inshore and in offshore waters and certainly not between the various nations' fisheries, but the above breakdown is naturally important in negotiations between countries and in assessing regulations such as quota arrangements.

Coastal (I.E. inshore) fishing is carried out by means of gill nets fastened on land in one end and anchored in the other end to stretch out the net at right angles to the shore. Nets of widely varying sizes are used, the most usual probably being about 80 yards long and 6 - 9 yards deep. The nets are now generally made of multifilament synthetic fibres; previously they were of cotton. Single-threaded nets (monofilament nets) of nylon are also used but not very much, perhaps especially because the material is so stiff that they take up too much room in the small coastal vessels which are often just dinghies. This type of fishing goes on especially along the coast from Nanortalik to Disko Bay, but also to a small extent as far north as Upernavik. Some years the salmon seem to stay away from certain coastal stretches, especially in the Julianehaab area, while the waters around Arsuk-Frederikshaab, near Fiske-naeset and by Napassoq-Sukkertoppen are important fishing grounds every year, (see enclosed map, fig.2).

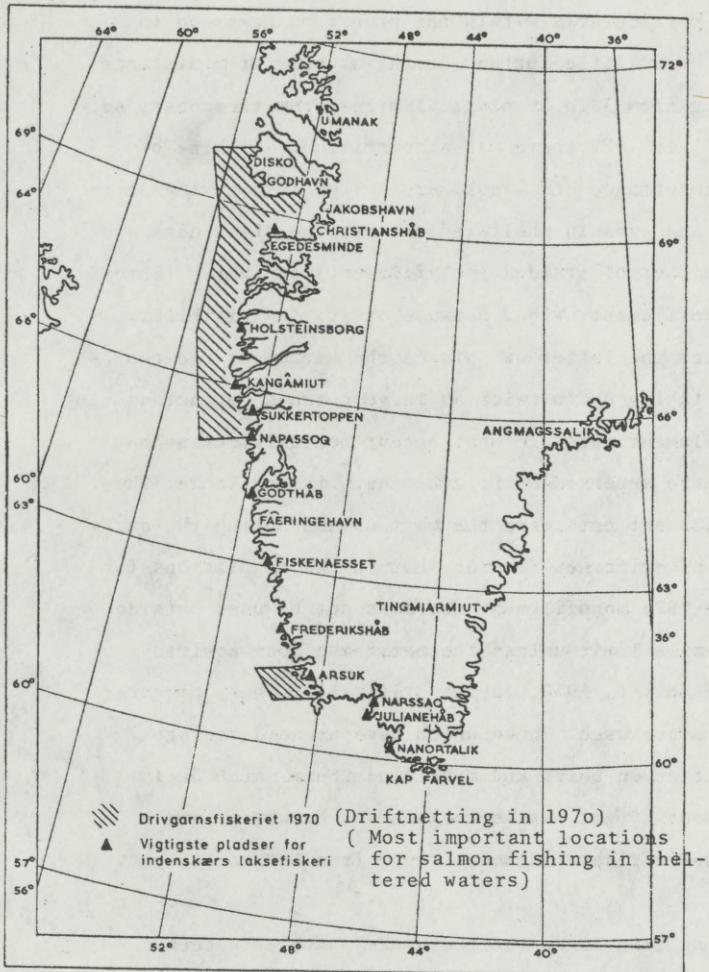


Fig. 2.

Offshore drift net fishing (in open waters) takes place particularly within the area from Napassoq to Disko or a little further north, usually at a distance ranging from 3 to 30 nautical miles from the coast, see fig. 3. In 1970 there was also drift net fishing of some importance off Arsuk here quite close to the shore line, and even in sheltered waters. The drift nets are made either of braided (polyfilament) synthetic fibres or monofilament nylon. Because of its low visibility in water the latter has proved the better of the two - often taking up to twice as large catches per net as polyfilament nets. To what extent monofilament nylon nets have superseded the other nets is not known. The polyfilament nets were the most common during the early years of drift net fishing, but in the regulations for 1971 - 1973 monofilament net must not be used outside the 3-mile limit unless the nets have been acquired before July 1, 1970. In the drift net fishery bigger cutters are used. Those which have no cold storage facilities on board and must land their catch daily are about 20 grt, while the Danish, Norwegian and Faroese refrigerated boats range from 100 to 400 grt.

Floating long-lines (baited hooks) have also been tried in open waters but have only proved reasonably effective towards the end of the season. This method has until now been less significant. Otherwise, the biologists would have assigned more importance to a break-down of catches according to types of gear used,

because big, older salmon occur relatively more frequently in hook fishing than in net fishing.

The salmon season off Greenland begins at the end of July, culminates in September and fades out during November. During the season the salmon grow pretty quickly gaining perhaps up to 50 percent in weight, and the average size of salmon is generally biggest in the northern districts; the average weight of all salmon caught is between 6 and 7 lbs. A catch of 2,000 tons is thus roughly the equivalent of 600,000 fish.

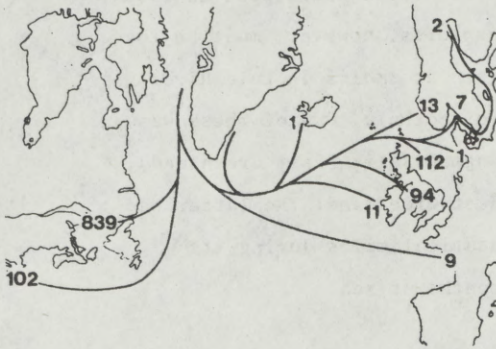
During the first months of both 1969 and 1970 a few boats practised fishing with drifting long-lines (hooks) in the area half-way between Cape Farewell and Labrador, apparently with good results per unit of gear, but the weather at this time of the year (with dangers of icing up) makes this type of fishing even more risky than normal. The potential of this high-seas fishery is difficult to estimate, but it is in any case forbidden in the regulations adopted for 1971-1973. In sheltered waters experiments have been made with other gear than nets, also because of the biologists' attempts to catch live salmon for tagging. The Norwegian "Kilenot" (wedge-shaped trap with a leader) and British "T-nets" which are extremely effective in their homelands proved disappointing in

Greenland. Very few salmon were caught in pound nets set for cod in the summer. Such nets are not used as salmon gear and would hardly yield good results because their operation is similar to that of the Norwegian KILENOT and the British T-NET. Trolling and angling gear have not proved effective either.

Migration of salmon to and from Greenland.

Although salmon of foreign origin has previously been known to appear off Greenland in the autumn, it was nevertheless an international sensation when the first tagged salmon was caught in 1956 off Eqaluk, Sukkertoppen. It was a salmon tagged the previous year as a Smolt in a Scottish stream. Since then it has been followed by many hundred recaptured fish from North American and European salmon tagging experiments - see Fig. 4 - which simply sums up the number of fish known to have been recaptured by the close of 1970.

Every year since 1964 recaptured fish have been reported from Canadian and British tagging experiments, while salmon tagged in other countries have not been reported every year off Greenland. The latest addition to countries of origin noted is France, which joined the list in 1970. When this article was being prepared notification was received of a salmon tagged off Greenland in 1970 which has been recaptured in Northern Spain in 1971. One single Danish tagged salmon has



Total number of recovered tagged salmon up till 1970 broken down by country of origin. The number of salmon tagged by each country varies greatly. The figures, therefore, are no immediate indication of the share of each national stock in the mixed stock of salmon taken in the waters off Greenland.

been caught off Greenland (tagged as a Smolt in Ribe River in 1968 and recaptured off Sukkertoppen in 1969). The most sensational recaptures, however, must be the two which were first tagged as smolts in Lule River at the head of the Gulf of Bothnia. One of these was caught on a jigger off Angmagssalik (East Greenland), the other in a net off West Greenland. The latter had covered at least 2,800 nautical miles during its approximately eighteen months at sea.

The figures for recaptured salmon do not of course reflect the proportions in which salmon from each country occur in Greenland. Such proportions must be ascertained by relating the number of fish recaptured to the number of fish tagged and to the size of the salmon stocks of the countries involved.

The working party has tried to do this but soon had to abandon the attempts because the tagging experiments of the various countries showed wide, inexplicable variations in percentages of recaptures both between years and between types of tagging as well as between individual rivers. Now the same type of tag is used in nearly all experiments. Another source of error was found when hatchery - reared Smolts proved much less able to survive the tagging procedure than wild Smolts. Summaries of the copious tables in the report are given

in table 1. Inexplicable variations still occur and the working party is still unable to say how the Greenland stock is distributed over the various countries of origin and river systems in the home-waters. The working party has only been able to state very generally that the proportions of salmon originating in North America and in Europe are about equal, and that by far the largest components are Canadian and British.

Other methods have also been adopted to determine the distribution of salmon according to country of origin. In recent years the Greenland fisheries research has asked fishermen to supply the whole fish, not merely the tag, when salmon are recaptured (against payment, of course). These whole salmon have been sent to a Canadian and a British expert in the hope that parasites could be found which are typical of a specific country's salmon. Thus far, this procedure has not been successful but the degree of infection by certain parasites seems to vary between salmon from North America and salmon of European origin.

Blood analyses have proved very promising. Further controls are still required on certain analyses, but provisional results indicate a fairly even distribution of salmon from North America and Europe in West Greenland.

It has been attempted to find out where the salmon go after their stay in Greenland by tagging them there. During the years 1965-69 in all 1818 salmon have been tagged, 1438 of these through Danish-British co-operation, the remainder by the Canadian research vessel "A.T. Cameron". By the close of 1970 a total of 78 of these salmon had been recaptured, 56 of them in Greenland, 10 in Canada and 12 in the British Isles. With the exception of one, which was recaptured in Canada in the tagging year, those recaptured outside Greenland waters were taken in the following year, while those recaptured off Greenland were nearly all taken in the tagging year. This material,^{too} points to a fairly equal representation of North American and European salmon, assuming that migrations to North America and Europe are not at random but are actual returns to home-waters.

The percentage of fish recaptured from amongst those tagged off Greenland is very small indeed. Considering, however, that many salmon die from tagging and especially from the preceding catching, the percentage must not be taken as a direct measure of the extent to which salmon find their way back to their home-waters or die a natural death before. In the tagging experiments in 1969 on board the "A.T.Cameron" the tagged salmon were divided into three categories

according to suitability for tagging. The percentage recaptured off Greenland for all three categories together was 3.2% while that of the most suitable category was 6.0%. Moreover, it is not known how many of those recaptured were actually reported back as such by the fishermen. Seeing that some salmon evidently return to North America, respectively Europe, it must be admitted that the Greenland fishery does exercise a certain influence not only on the total North Atlantic salmon catch but also on stocks and fisheries in those countries to which the salmon migrate after their stay off Greenland. One of the crucial issues in the international debate is naturally the extent and effect of this influence.

Influence on fisheries and stocks by the Greenland fishery.

The working party has divided up this issue in three questions:

- (1) What is the influence of fishing off Greenland on the total yield of Atlantic salmon?
- (2) How does the Greenland fishery affect stocks and catches in the home-waters?
- (3) How does it affect the continued recruitment of salmon (i.e. the production of Smolts)?

The first question is the easiest to answer, but in view of the lack of exact knowledge about several of the decisive factors only probable upper and lower limits can be given. As the question stands, it is a matter of finding out what a certain weight of salmon caught off Greenland would have yielded elsewhere if the salmon had not been caught off Greenland.

First of all, it is assumed that each country's salmon would have grown during the period between their occurrence in Greenland and their possible appearance in North American or European catches. In its most recent report the working party assessed this increase in weight to be 50% but the latest material suggests that this increase in weight may be too high and must therefore now be considered an upper limit. A given weight, say 100 tons, caught off Greenland, would thus - ~~had it not been caught there - have grown to not~~ more than 150 tons, provided there had been no natural mortality on the way to North America or Europe. But such natural mortality does occur. So the working party, for want of more exact knowledge, has estimated this mortality at a minimum of 18% and a maximum of 63%, but the lower limit may perhaps be even lower (10%). A minimum mortality of 18% will reduce the 150 tons to AT MOST 123 tons. If 100 tons of these (the same catch as off Greenland) are to be caught, then

AT LEAST 80% of the remaining salmon must be caught in North America or Europe (0.80 x 123 tons = 98 tons) in order to get a catch which is equivalent to the catch off Greenland. Since this 80% exploitation rate is hardly achieved in many places - at least in Europe - the working party concludes that as far as salmon of European origin are concerned, Greenland fishing results in increased yields of the stock. This is true also of salmon from the majority of North American rivers, perhaps with the exception of salmon from the Canadian river Miramichi where the exploitation rate is possibly above 80%. But the conclusion that the Greenland fishery has resulted in increased weight yield is, of course, that this fishery does not reduce the production of Smolts - see question 3 above to which I shall revert later.

The influence of Greenland fishery on stocks and catches in the home-water countries is more difficult to judge: We have to know exactly the exploitation rate in the home-waters, and if we want an answer for any particular country we have to know also the percentage of the Greenlandstock that comes from this country. As noted above this is not yet accurately known for any particular country. The working party has, therefore, merely estimated an average of 60% exploitation rate for alle home-water countries taken together. The sum of the

influence exercised by the Greenland fishery (2,000 tons) will thus be 2,000 multiplied by 1.5 for increase in weight, and the resulting 3,000 tons must be reduced by a mortality rate of 10-63 percent. It is estimated that the total stock of salmon in all countries of origin taken together is reduced by between 1,100 and 2,700 tons, while total reduction of catch in the home-water countries will be approximately 60% of this or, roughly speaking, between 650 tons and 1,600 tons - as stated in the working party's latest published report. The greater part of this effect is divided between Canada and Great Britain.

It is of course a matter of opinion whether this influence is considered great or small, depending largely on whether one prefers to believe in the upper or the lower limit of the scale. But it is at any rate possible to evaluate objectively the volumes caught in home-waters despite this influence, and to compare these with the catches from the period before Greenland fishing became of any importance - see table 2.

SALMON CATCHES OF THE MOST IMPORTANT COUNTRIES FROM WHICH SALMON MIGRATE TO WEST GREENLAND WATERS.

Ar	a)		b)		c)		d)	
	Canada	Scotland	England-Wales	Ireland	Norway	grilse+salmon	grilse+salmon	grilse+salmon
1960	1635	476	960	283	882	1659		
1961	1580	376	820	232	839	1533		
1962	1717	725	1015	318	1815	1935		
1963	1848	412	1286	325	1764	1786		
1964	2066	698	1216	307	1994	2147		
1965	2113	560	1042	320	1738	2000		
1966	2356	555	1069	387	1525	1863		
1967	2859	888	1245	420	1919	2052		
1968	2104	543	1020	282	1725	1593		
1969	1957	954	987	377	1997	1383		
1970	2253	541	719	510	2084	1170		

+) Preliminary figures a) Catches of sportsfishermen not included but estimated to add another 10%.

b) 10-40% (of figure above) cover grilse c) 80-90% (of figure above) or 70-80% (of weight) cover grilse

d) approx. 15% (of weight) cover grilse

It may further be noted that Iceland's catches amount to 100-200 tons, those of France 50-100 tons, Sweden up to 40 tons, and the U.S.A. below 2 tons.x)

The alleged drastic reduction in the salmon catches of these countries, so often claimed by the press, is not borne out by the official statistics, except perhaps for Scotland and Norway in 1970. There have always been and will always be fluctuations in the various countries' annual catches, but in the period during which Greenland fishing has existed, the fluctuations have been no greater than previously. Statistics as such cannot measure the influence of the Greenland fishery on fisheries in the home-water countries but only put the effect (the 650-1600 tons) in relation to the countries' fisheries. But at this point another factor - in many ways a significant one - must be brought into the picture.

It has proved that all salmon caught off Greenland (apart from salmon from Kapisigdlit) have a sea-life of at least .1+ (approximately 90% .1+, the remainder .2+ or more). As they are caught in the autumn and as their gonads are not well developed there is

x) Under U.S. legislation netting of salmon is prohibited. The figure for the U.S.A. thus represents catches made by sports fishermen only.

absolutely no chance that they can become spawning fish during the year they occur in Greenland. Those of them which manage to spawn will, at spawning, have a sea-age of at least .2+, that is to say: They will be "Salmon". That part of the home-water stocks which consists of Grilse has never been off Greenland. Greenland fishery thus exerts a direct influence only on the stock of SALMON. The working party has therefore requested the countries to record their statistics in Grilse and Salmon separately. Scotland has tried to do this for several years. The other countries are now trying to do so but have as yet only very rough estimates of the relative numbers of salmon and grilse.

In certain countries the "Salmon" stock appears to have been decreasing somewhat in the last few years, so one can no doubt find handsome statistics of catches which seem to point to Greenland fishery as the cause of the shift in stocks from salmon towards grilse. Various private circles have published this sort of statistics which may appear superficially convincing but can seldom stand up to a critical examination. As the question is one of the most important issues in the debate I quote below - unfortunately, for reasons of space, only in extract - what the working party's latest published report (1970) says about fisheries in the countries

of origin:

"Information presented to the working party on the Seasonal break-down of home-water catches indicated that, in England and Wales, Scotland and Ireland catches have decreased in the spring fishery (to May), when the catch is composed almost exclusively of salmon, and have increased in the summer fishery (after May) when the main component is grilse. In Scotland the decline in catch in the spring fishery has taken place steadily from about 500 tons in the early 1950's, (i.e. long before the Greenland fishery got under way. Author's comment) to around 180 tons in 1967-68, while in England and Wales and Ireland it has taken place more recently, mainly since 1965. Scottish data for the summer fishery, on the other hand, indicate a marked increase in both salmon and grilse catches during the 1960's and the increase in the salmon catch in this season resulted in the maintenance of a relatively high salmon catch throughout the 1960's. These data point, in fact, to a change in the timing of the main salmon runs in Scottish rivers during this period."

Thereafter the working party points out that the change gives rise to an uncertainty in the statistics' break-down into "Grilse" and "Salmon", in so far as this break-down in practise goes according to weight not according to a reading of the sea-age in the

scales. The tendency to return later results in the "Grilse" having grown so much that some will come under the weight classification used for "Salmon". The Scottish figures for "Salmon" will, therefore, on average be a little too high and for grilse correspondingly too low. The working party also says that " ..data presented from Canada, Scotland and the Irish Republic indicated that the salmon component of the catch in 1968 and 1969 was lower than the average of the previous five years. However, it should be noted that the salmon catches in 1968 and 1969 fell within the long-term range in years before the high seas fisheries developed ..". Moreover, the most recent statistical data (still provisional), which were not known when the last published report was prepared, show that catches in 1970 have again increased in Canada, England and Wales but decreased in Scotland. English-Scottish fishing ought, however, to be considered as a whole to a greater extent than previously since salmon from both areas contribute to the British coastal fishing which has increased in recent years.

In the absence of sufficient knowledge of the causal relationship between the above-mentioned shifts, the working party has confined itself to the above findings and observations, but for my own part I would add that

the possibility of Greenland fishing having an influence on the shift in the salmon/grilse relationship cannot be discounted. Possible regulations concerning mesh sizes and minimum sizes of salmon in the home-water countries may also influence the shift because such regulations may expose "salmon" to heavier fishing than "grilse". However, it is no doubt first and foremost hitherto unexplored physical conditions (such as variation in monthly precipitation) and/or biological conditions that account for the shift. One question which the working party has raised in connection with the shifts is whether grilse on the whole breed grilse and salmon breed salmon, or in other words, whether a genetic factor enters into the picture. It appears, therefore, that Greenland fishing results in increases in total yields from the North Atlantic salmon stocks and in some ^{reverse/}effect on "salmon" catches in the home-water countries - an effect which, however, in terms of weights and numbers, is considerably less than the catches made off Greenland. From a biological point of view this is in itself merely a new sharing of a greater total yield between the countries. Biologically, the important question is whether the start of fishing in Greenland has meant that the total salmon catches reduce the production of smolts.

In its latest report the working party points out that the statement on the contribution of Greenland fishery towards increased yields from the salmon stock is based on the assumption that these catches have not reduced the spawning stock to an extent that reduces the production of smolts. The working party also says that insufficient data are available about the correlation between the spawning stock and the production of smolts and between the production of smolts and the resulting recruitment of grilse and salmon for this assumption to be tested.

The working party therefore strongly urges that these subjects be studied in depth. In previously published reports the working party has expressed further opinions on the problem, pointing out for instance in the 1966 report that that part of the spawn stock which consists of grilse is unaffected by Greenland fishery and that continued production of smolts is ensured through this alone, but also as mentioned above, that genetic factors may be responsible for the shift in the ratio between grilse and salmon. In particular the working party pointed out that experience from various other salmonids suggests that the smolt production is proportional to the spawning stock only when the latter has reached a very low level. When the spawning stock is increasing the smolt production is not increased proportionately, and a constant increase in spawning stock may even cause a decline in

smolt production, partly because of the competition for spawning grounds which results in destruction of eggs. These factors, viewed in combination with a statement made in the 1968 report to the effect that in recent years recruitment to the stock has been above average so that the total stock has increased, thus give no grounds for anxiety that Greenland fishing may endanger the salmon stock. In this connection it may also be worth noting the statement in the 1966 report to the effect that "...the reduction in spawning due to the Greenland fishery is in no way different to the reduction that would occur following an increase in the exploitation rate for large fish in home-waters by an equivalent amount. If the exploitation rate is high, quite small changes in it can cause big changes in the spawning escapement. For instance a reduction in 10% in spawning stock (of the order of the effect of the Greenland fishery) would be caused by a change in home exploitation rate from 80% to 82% (a reduction in escapement from 20% to 18%)".

Salmon fishing in the North East Atlantic.

About the time when salmon fishing began in Greenland salmon fishing in the sea off Northern Norway increased substantially. In these fisheries Norway and Denmark

are the most important nations, but Germany and Sweden also take part in the fishing operations there, though to a lesser extent. This fishery chiefly by long-lines (hooks) yielded 964 tons in 1970, about 140 boats taking part in it.

The salmon on these fishing grounds seem to come chiefly from Norway, from where evidently few salmon find their way to Greenland. Also salmon from Iceland, Sweden and Denmark have been caught off Norway and there are indications that also salmon from the Soviet Union and to a certain extent also from Scotland contribute to the fishery. On the other hand, salmon of North America origin have not so far been caught east of Cape Farewell.

In 1971 and 1972 fishing off Norway were and will be subject to fairly strict regulations adopted by NEAFC.

There has been a little salmon fishing off the Faroe Islands in recent years (less than 10 tons). Salmon from Great Britain and Iceland are known to occur here.

In view of the origin of stocks and for other reasons, it is biologically justifiable to treat the Greenland fishery independently of fisheries in the North East Atlantic. I have therefore merely pointed out the existence of North East Atlantic fishing and must refer interested readers to the working party's report about

the fisheries in these areas and their effect on stocks and catches.

Future research projects in connection with the Greenland fishery.

Since the working party was set up our knowledge of salmon off Greenland has increased enormously. Many scientists have taken an active part in the field work both in Greenland and in North America/Europe. Several hundred scientific reports have been presented to the working party, and several hundred more are expected, but several significant questions still remain open. The question of the correlation between the size of the spawning stock and the subsequent smolt production has been discussed above and so has the question of genetic factors and their impact on the grilse/salmon ratio. It will be of great importance to the assessment of the direct influence of the Greenland fishery on stocks and on other fisheries to find answers to problems such as:

- How many of the salmon occurring off Greenland are caught there?
- How many of the survivors die a natural death after having left Greenland?
- What are the exact proportions of the North American/European stocks that go to Greenland?

We know that grilse do not go to Greenland, but what proportion of the salmon goes there - it is known that salmon occur also in areas outside those which are fished off Greenland.

The answers to these questions will no doubt occupy most of the working party's time in the coming years. It would be helpful if a large number of really suitable salmon were tagged off Greenland. The working party has therefore, through ICNAF and ICES, appealed to all member countries to co-operate in a big international tagging experiment off Greenland in 1972. The aim is to tag 3000 salmon capable of surviving. This project requires great efforts both by research vessels and by fishermen on commercial cutters. At the working party's meeting in March 1971 more detailed plans for this international tagging experiment were discussed and it will also be on the agenda for the meetings of ICNAF and ICES in 1971. Whether the experiment will be successful depends, of course, on the support received from the countries involved. There is reason to expect that sufficient support will be given, because - as this article shows - alongside the often heated negotiations a very considerable amount of smooth co-operation in research is in progress between countries involved. Another positive feature of the salmon debate is that the countries involved have agreed to publishing the reports of their joint working party.

STATEMENT OF THE AMERICAN SEAFOOD DISTRIBUTOR'S ASSOCIATION

The American Seafood Distributor's Association wishes to comment on HR3304 and S2191, proposals which would provide for prohibition of fishery product imports from countries determined to be diminishing the effectiveness of an international fishery conservation program.

The American Seafood Distributor's Association (ASDA) is an organization of 200 U.S. firms engaged in international seafood trade. It is the only association representing seafood importers. The Association believes HR3304 and S2191 are contrary to the interests of the United States because their policy 1) contradicts longer range efforts to achieve effective resource management; and 2) invites the potential of trade wars which will be damaging economically to the entire nation.

There can be absolutely no dispute with the need to manage the world's fishery resources so that they will continue to provide food and recreation year after year. The greatest value of the world marine food resources is their renewability and it is recognized that this characteristic can be destroyed without effective management.

However, the nation's international trade policy is of such a fundamental character and is so important to our overall economic well-being and to our security that it should never be subverted for the sake of temporary goals in other areas. The risks are too great.

Reasonable men recognize that protectionist moves by this nation invite retaliation. In the case of Denmark, which is a party to the dispute that has fostered these proposals, it is important to note that the U.S.-Danish trade balance is favorable to the U.S. In this case, by using trade threats as a means to achieve disputed conservation aims, we would jeopardize annual sales to Denmark of more than \$325-million. In turn, we buy about \$250-million in goods from Denmark, including \$9-million worth of fish. Thus, Denmark is a very valuable trading partner, especially in this period of time when our overall negative balance of payments has caused so many problems. Looking into the type of product we sell to Denmark, we see major sales of transportation equipment such as commercial airliners, tobacco and other agricultural products machinery, electrical machinery, plastics and chemicals. A listing of U.S. sales to Denmark is made an Appendix to this Statement. These are products coming from U.S. agriculture and industry from many states. We seriously question the wisdom of even considering placing in jeopardy the well-being of so many industries and their employees to settle disputes that have no bearing on trade policy.

The views as to the danger of trade barriers are shared by others, including the Commission on International Trade and Investment Policy, which concluded that selective import restrictions distort the U.S. and the world economy and that such restrictions are self-defeating to the extent that foreign countries retaliate. (See the Commission's Report of July 1971, "United States International Economic Policy in an Interdependent World")

In addition to the potential economic damage caused by retaliatory trade restrictions, another problem results from the action proposed in HR3304. Very simply, the United States needs seafood imports to satisfy market demands. Literally, thousands of U.S. jobs in seafood processing plants are dependent upon continued supply of raw material from overseas. The entire \$155-million fish stick and portion industry, employing several thousand persons, is dependent on imported blocks. The 4,000 persons working in shrimp processing plants depend on imported raw material for half of their output. The canned tuna industry utilizes imported raw material for more than 50% of its output.

The supply of fish products generally is quite short worldwide. Any reduction in supply means a reduction in employment and higher prices for the consumer. In the fish stick and portion industry, world shortages of cod blocks drove the price from less than 30¢ to about 45¢ a pound in a year and a half. Finished product prices have risen as much as 33% at the wholesale level to reflect this raw material cost increase. Cutting off any source of raw material in a period of short supply will cause severe hardship for fish processors, their employees, and the fish eating public.

Also, we must ask whether import restrictions on fish products could even have the intended effect. There is no lack of market for fish products. The U.S. already has a difficult time obtaining enough fish. Other nations need not sell

their products to us. European, Asian, African markets are available and are competitive with us. It is very likely that action as proposed by HR3304 would end up diverting fish to other markets at little economic loss to the selling nation, but with resulting retaliatory measures aimed at U.S. exporters and losses to the fish processing industry and the public.

We have cited reasons why the protectionist actions of HR3304 and S2191 are damaging economically. ASDA also believes the proposals contradict longer range efforts to achieve effective resource management.

Since the marine stocks are shared by many nations, effective management can be achieved only through international cooperation. Essential is not only concerted effort in adhering to good management and conservation practices but also, and more important, prior agreement as to what these practices should be.

While world fishery scientists may occasionally disagree as to proper resource management techniques, there is much greater disagreement among the various governments as to jurisdiction over high seas' living resources. Hopefully, a basis for settling these disputes will be worked out at the pending 1973 Law of the Sea Conference.

The need for formal debate and international decision making via the diplomatic route has been foretold by unilateral actions on the part of various nations in the past. This Nation has decried and resisted the unilateral declarations of extended jurisdiction on the part of various nations in the past. The Association believes that passage of HR3304 or S2191 is in basic contradiction to all other efforts at harmonious use of the high seas in that it advances unilateral threatening action, rather than working for truly effective international organizations. Action such as this defeats the very basis on which the Nation is attempting to build a successful Law of the Sea Treaty. For this reason alone, HR3304 and S2191 should be discarded.

STATEMENT OF DR. RALPH A. MACMULLAN, DIRECTOR, MICHIGAN DEPARTMENT OF NATURAL RESOURCES

My name is Dr. Ralph A. MacMullan, and I am the Director of the Michigan Department of Natural Resources. My purpose in presenting this statement is to here recommend the enactment of Senate Bill 2764, which would authorize the Secretary of the Interior to establish a program for the control of serious fish diseases.

Since it is assumed the Committee has or will be hearing testimony from representatives of the commercial trout rearing industry, my comments will reflect the need for this legislation as it relates to State fisheries programs.

The production of hatchery fish is of vital importance to Michigan's fish management program. Currently, Michigan hatcheries are producing approximately 32,000,000 fish annually toward accomplishment of this management program. The recreational and economic impact of the fisheries created by the release of these hatchery fish has been enormous. This production has been a major contributor to a sport fishery in Michigan with an estimated net value of \$135,000,000.

The programmed production of such hatchery fish is continually threatened by the spread of insidious fish diseases. Certain serious fish diseases have been demonstrated to be capable of causing mortalities as high as 95 percent among affected fish stocks. The impact of such mortalities on precariously balanced cost-benefit programs could be disastrous. The effect upon the public fishery and the economy of Michigan should such a mortality occur at a large modern hatchery like Michigan's Platte River Anadromous Fish Hatchery, which is programmed to produce 7,500,000 salmon annually, is obvious.

Insight into the problems of a state attempting to control the outbreak of a serious fish disease without legislation such as that proposed in Senate Bill 2764, may perhaps be gained by examining the record of Michigan's attempt to control "whirling disease".

In August of 1968, an outbreak of "whirling disease" was detected in one of Michigan's larger commercial fish hatcheries. Due to the fact that American fish disease experts considered "whirling disease" to be a devastating disease in hatcheries, it was decided that the State would mount a concerted effort to either contain or eradicate the disease prior to its spread throughout the State.

Approximately two years lapsed before adequate control measures could be taken due to the fact that lengthy litigation was required. To date, approximately \$250,000 in both State and Federal funds have been expended in our efforts to control "whirling disease" in Michigan. Further, additional expenditures will be required in the future in order to prevent the recurrence of this serious disease.

Had Senate Bill 2764 been law in August of 1968, the original infection in Michigan might possibly have been prevented, or if not prevented, promptly dealt with and almost assuredly controlled by now at a substantially lower cost. Litigation in such a situation most likely could have been avoided.

With our experience in hand, we strongly urge that Senate Bill 2764 be enacted. We believe fish disease control legislation is long overdue and is badly needed to prevent potential resource disasters.

STATEMENT OF STANISLAS F. SNIESZKO, EASTERN FISH DISEASE LABORATORY,
KEARNEYSVILLE, W. VA.

Dr. Herbert R. Axelrod informed me, by telephone, on November 17, 1971 that because of his absence from the United States at the time hearings will be held on the above bill he has recommended that I testify on his behalf. He also said that he is not giving me any instructions and asked me to testify, if asked to do so, according to the best of my knowledge and ability.

My comments are very brief. First of all, I wish to state that I am in support of the bill with some modifications. These are listed below:

1. I would prefer to have the name of the Act changed from the negative "Fish Disease Control Act" to the positive "Fish Health Protection Act."

2. As a member, and chairman, of The Fish Disease Committee of the American Fisheries Society for five (5) consecutive years (1965-1970) I was in support of national fish health protection legislation. I have also very emphatically stressed that The Fish Protection Health Act should be enacted in the form of a *broad authorization* for a Federal Government agency to carry out steps necessary to protect fish health. The details of such program should be worked out, and modified when conditions warrant, by a permanent (or a standing) committee composed of experts in the field of fish health, and representatives of Federal Government, States Government and private industry to insure that the administration of the program is based on the best scientific knowledge as well as practical aspects of fish and shellfish culture and industry. I should like to add here that The National Academy of Sciences has committees of experts on the health and diseases of aquatic animals, freshwater and marine. Therefore, the activities of the standing committee on Fish Health of the Federal Government should be coordinated with the activities of the committees of The National Academy. In fact, The National Academy of Sciences has been established to advise the government on technical and scientific matters.

My additional comments are as follows:

Page 2, lines 10-14

Amphibians and reptiles are used on a very large scale for research and for diagnostic purposes in medicine. They are collected and cultured. Any proposed health protection rules and regulations pertaining to these animals should be discussed and coordinated with persons best qualified in this field as for example: Dr. George W. Nace, Director Amphibian Facility, University of Michigan, Ann Arbor, Michigan 48104.

Page 4, line 2

Following the words . . . "fish disease control program" add as follows: "Details of the control program to be prepared and modified when needed by the standing advisory committee."

Page 4, lines 10-14

If shellfish, amphibians and reptiles are included in the provisions of this Act, the standing advisory committee should include experts representing users, suppliers and producers of these animals. Consultations with corresponding committees of The National Academy of Sciences are recommended.

QUALIFICATIONS OF STANISLAS F. SNIESZKO

1. Director of the Eastern Fish Disease Laboratory, Leetown, Route No. 1, Box 17, Kearneysville, W. Va. 25430, since 1948.
2. Member and chairman of the Fish Disease Committee of the American Fisheries Society for five (5) consecutive years (1965-1970).
3. Member of the committees of The National Academy of Sciences dealing with the health of aquatic and laboratory animals; chairman of the Subcommittee on Fish Standards.

SPORT FISHING INSTITUTE—BOARD OF DIRECTORS RESOLUTION

(Revising Corresponding Resolution Adopted May 16, 1970)

EXTENSION OF U.S. ZONE OF EXCLUSIVE JURISDICTION OVER FISHERIES RESOURCES

Whereas, several nations have already established or are presently seeking to establish, beyond the narrow limits of their traditional Territorial Seas, broad zones of exclusive jurisdiction over fisheries resources that occur in adjacent coastal waters for distances up to several hundred nautical miles offshore; and

Whereas, the establishment of a similar broad zone around the continental United States seaward beyond the Territorial Seas to the outer or seaward boundaries of the Continental Shelf, as delineated by the 200-meter-deep ocean bottom contour, would contribute materially to eventual practical management of major coastal fisheries resources, whose welfare is closely bound to the environment of the Continental Shelf and its inward extensions within estuaries; now, therefore, be it

Resolved, That the Board of Directors of the Sport Fishing Institute, assembled in regular semi-annual session this sixth day of November, 1971, at Key Biscayne, Miami, Florida, do herewith urge the Congress to adopt legislation that would establish a Contiguous Fisheries Zone extending beyond the adjacent Territorial Seas of the United States to the outer edge of the subjacent Continental Shelf, as indicated by a depth of 200 meters, or to a distance of 200 nautical miles, whichever is farther offshore, in order to effect improved long-term management and conservation of the related living aquatic resources that occur in those waters; and be it further

Resolved, That the Administration is urged to propose and to actively seek adoption at the 1973 United Nations Law of the Sea Conference of a corresponding convention for similarly-extended jurisdictional zone over the living marine resources of the Continental Shelf, applicable throughout the world, without prejudice to any other principle of "free" or "innocent" passage of vessels through restricted straits, etc., as now presently practiced or may become adopted irrespective of the final disposition of the question of increased or uniform breadth of the Territorial Seas.

TACOMA, WASH., November 11, 1971.

Re H.R. 7117.

Senator WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: I have been advised that the above Bill is scheduled for hearing before your committee on November 22 of this year. I strongly urge that you use every effort available to you to secure the passage of this legislation. I do not feel that the passage of this Bill is a complete solution to the citizens who are subjected to the harassment and blackmail obtained upon the high seas by small foreign countries who use the equipment that this country has loaned to them to seize the vessels of our citizens. However, I feel that it is absolutely necessary that a Bill of this kind be passed as a partial remedy to the great hardship placed upon our citizens by the actions of these foreign countries.

I can recall the time when no nation would dare have attacked an American

ship upon the high seas as is presently being done off the coast of South America. I am shocked by the fact that the lives and limbs of so many of our young men have been layed upon the battlefields of the world in World War II, Korea, and Vietnam for the protection of other peoples rights and yet at this point our country will not raise a hand to aid our own citizens from the attacks of these countries.

I respectfully request that in addition to your passage of H.R. 7117 that you further consider the possibility of sending naval protection into the areas of our fish boats to guard against future attacks.

Respectfully submitted,

ELLEN E. DAVIES.

Enclosure.

[From the Seattle Post-Intelligencer, Nov. 13, 1971]

UNITED STATES AND PERU SIGN PACTS FOR LOANS

LIMA, Peru—(AP)—Presidential Adviser Robert H. Finch signed agreements yesterday providing for U.S. loans of \$31 million to finance low-cost housing and community development for survivors of Peru's devastating earthquake of May 1970.

Gen. Edgardo Mercado, the Peruvian foreign minister, signed the agreements for his country, which has had strained relations with the United States because of disputes over fishing rights and other issues.

The agreements "provide another example of the continuing cooperation between Peru and the United States," Finch said in the signing ceremony. He arrived in Lima Thursday on the start of a 14-day fact-finding tour of six Latin American nations.

Finch will report back to President Nixon on his findings in Peru, Ecuador, Argentina, Brazil, Honduras and Mexico.

[From the Tacoma News Tribune, Nov. 13, 1971]

ECUADOR GRABS 5 MORE U.S. BOATS

SAN DIEGO, Calif.—Five more U.S. tuna boats were captured Friday by Ecuador in the second such incident this week—the first outbreak of the "fishing rights war" since March—the American Tunaboat Association said.

"This is just extortion on the high seas," declared August Felando, general manager of the owners' association.

The latest, like those seized Tuesday night and released Thursday with payment of \$137,800, were described in radio messages as occurring 65 miles south of the Ecuadorian port of Salinas.

Felando said the Cheryl Marie and the Mary S were seized shortly after dawn and within two hours an Ecuadorian gunboat also had captured the Endeavor, the East Pacific and the Royal Pacific, all of San Diego.

The boats normally carry 14 crewmen each.

The Ecuadorian government confirmed earlier that shots had been fired in the seizure of five tuna boats Tuesday night in the renewal of a long territorial fishing rights dispute. After payment of fines and penalties, that South American nation released the Venturous, the Trinidad and the Blue Meridian, all based in California.

The Denise Marie, another U.S. vessel, and the Canadian-flag vessel Atlantic Patton also were captured but not held when it was learned that both carried Ecuadorian fishing licenses.

PACIFIC NATIONAL BANK OF WASHINGTON,
Tacoma Wash., November 11, 1971.

Senator WARREN G. MAGNUSON,
*Chairman, Committee on Commerce, U.S. Senate,
Washington, D.C.*

DEAR SENATOR MAGNUSON: As you are aware, you have scheduled for hearing before your committee on November 22, 1971, H.R. 7117, a bill to create a revolving fund for reimbursement of fines paid in connection with the piracy upon the high seas of U.S. vessels by foreign countries. I strongly urge the passing of H.R. 7117 as a partial remedy for the unjust treatment received by U.S. citizens resulting from the failure of our country to protect our citizens on the high seas.

I further urge that Congress give urgent consideration to the effect upon international law of allowing a few countries to openly violate international law by claiming an extraordinary amount of territorial waters contrary to the existing custom of nations throughout history. Our failure to remedy this situation just leads to the establishment of a new law claiming large territorial limits contrary to the benefit of the United States and other countries of the world.

Yours very truly,

HAROLD M. WILSON, Jr.,
Assistant Vice President and Trust Officer.

NEW YORK, N.Y., November 16, 1971.

HON. WARREN G. MAGNUSON,
*U.S. Senate, Old Senate Office Building,
Washington, D.C.*

DEAR SENATOR MAGNUSON: This letter is sent to you in behalf of H.R. 3304, now known as the Atlantic Salmon bill.

The main purpose of this bill is to strengthen the hand of the United States in dealing with the problems relating to the dramatic drop in the world population of the Atlantic Salmon.

This drop, which if not checked, will place the Atlantic Salmon on the endangered species list, is caused by a combination of excessive netting on the high seas and excessive taking of Atlantic Salmon for food purposes. The breeding stocks of this most desirable game and food fish are being decimated.

As a member of the Executive Committee of the International Atlantic Salmon Foundation and the Executive Committee of the Committee on the Atlantic Salmon Emergency, I urge that you act favorably on this Bill when it reaches your Committee.

Sincerely,

JOSEPH F. CULLMAN III.

THE COMMONWEALTH OF MASSACHUSETTS,
DIVISION OF FISHERIES AND GAME,
Boston, Mass., November 18, 1971.

Senator WARREN G. MAGNUSON,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR MAGNUSON: It is my understanding that your committee will be considering H.R. 3304, a bill to amend the Fishermen's Protection Act of 1954, this next week. My agency is extremely interested in this particular amendment and would like to be recorded as favoring this bill.

The Massachusetts Division of Fisheries and Game has signed a compact with the states of Connecticut, Vermont and New Hampshire for the restoration of anadromous fisheries on the Connecticut River. This includes plans for a run of adult Atlantic salmon numbering in the vicinity of 38,000. Our states, the federal government and industry along the River have spent hundreds of thousands of dollars in planning and now move into the construction phase for fish passage facilities. The estimated total expenditures will be well in excess of \$12-\$14,000,000. In addition to the work on the Connecticut River, we are working cooperatively for the restoration of Atlantic salmon on the Merrimac River with the state of New Hampshire and the State of Maine has an ongoing program for Atlantic salmon in several of their rivers.

The exploitive and non-selective type fishing that is taking place on the high seas for Atlantic salmon and being primarily carried out by fishermen of Danish origin is having serious consequences on existing programs in the Northeast. For this reason, this agency feels that the Danish government should seriously consider drastic conservation efforts regarding its salmon fishery or other measures should be taken.

Thanking you in advance for any consideration that you may give this letter.

Sincerely yours,

JAMES M. SHEPARD, *Director.*

CENTRAL SEAWAY COMPANY, INC.,
Chicago, Ill., November 19, 1971.

Senator WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: We would like to express our strong opposition to S. 2191, an amendment to the Fisherman's Protective Act.

We are having difficulty understanding what motivated this bill. As a conservation bill, it is vague and open to arbitrary enforcement. There is no demonstrated record of violations which would warrant such a response and, in any event, to put an embargo on the importation of fish products from a foreign country in reaction to an infraction by a single fisherman is a move designed to further destroy American ability to engage in amicable international trade. Since 78 percent of all fish consumed in the United States is imported, the usual detriments to consumers resulting from protectionist policies are magnified.

It seems that a serious conservation bill would have spent some space providing specific criteria by which the Secretary of Commerce would determine whether a foreign fisherman was diminishing the effectiveness of domestic conservation programs (but cf. Sec 8a), and would not have allowed the possibility of arbitrary enforcement. A bill that preserved any interest in maintaining friendly trade relationships would have provided for a consideration of the international scientific work being done in the area of fish conservation.

As it stands, the bill looks like another chauvinistic move designed to destroy international trade. Perhaps you can tell us what the intent of this bill is, because we are hard pressed to explain it.

We understand there is a hearing on this bill at 10 a.m. Wednesday, November 24th, and would appreciate it if you would take the opportunity to oppose it.

Sincerely yours,

GERSHON J. FEIGON, *President.*

WARREN, N.J., November 21, 1971.

HON. HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.

DEAR SIR: It has recently come to my attention that a bill entitled H.R. 3304 is now in the Senate Commerce Committee. The bill pertains to our international anadromous fish species and, in particular, would help to protect our profitable and precious Atlantic Salmon fishery.

As you most probably know the Danes are selfishly exploiting an international resource by the taking of Atlantic Salmon on the high seas near the coast of Greenland. Evidently all efforts to appeal to their conscience have failed and it now appears that more drastic steps must be taken to awaken them. We must somehow show them that it would be less expensive and more profitable, in the long run, to rehabilitate their fouled salmon streams so that they may use their own resources instead of infringing upon the resources of others. I believe this bill will serve to help deflect the energies of the Danes into more realistic and constructive channels.

The taking of salmon on the high seas is an unwise and detrimental procedure. First of all they are in violation of a north Atlantic agreement. Secondly, they are harvesting immature fish and therefore losing money in dollars per fish taken. If we wait until the salmon return to their native rivers they are more mature, larger, and less of them must be taken to supply our needs leaving that many more to spawn and insure survival of the species. Thirdly, by the indiscriminate harvest on the high seas an inadvertent catastrophe could occur—all, or most, of the salmon from one river system could be wiped out in a period of several days fishing, thus leaving the native stream quite barren for commercial and sporting purposes.

I would urge you to give your full support to this bill and make any amendments and/or changes necessary to attempt to convince the Danes of our sincerity concerned with the protection of this most valuable species.

Thank you very much.

Sincerely,

GEORGE P. NIMMO.

NOVEMBER 22, 1971.

HON. CLIFFORD P. CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: We urge you to support Bill H.R. 3304 providing the President with the power to declare an embargo upon the importation of fish products from any country whose nationals conduct high seas fishing for any fish in a manner which "diminishes the effectiveness" of accepted conservation measures.

Sincerely,

JOHN P. MINERLY,
CATHERINE C. MINERLY.

STERLING H. NELSON & SONS, INC.,
MURRAY ELEVATOR DIVISION,
Murray, Utah, November 23, 1971.

CLAY M. ROBISON,
Executive Manager, U.S. Trout Farmers Association,
Sandy, Utah.

DEAR CLAY: I agree wholeheartedly on the four pertinent provisions of assurance listed in your letter dated November 17, 1971 to Senator Frank E. Moss. It is my opinion that these assurances should be part of the bill before the U.S. Trout Farmers Association would endorse same as being fair and workable for all concerned.

Sincerely,

DON S. NELSON, *President.*

AMERICAN FISH FARMERS FEDERATION,
Lonoke, Ark, December 6, 1971.

U.S. SENATE COMMITTEE ON COMMERCE.

GENTLEMEN: S. 2764 is a bill which can seriously hamper, even throttle, the growing fish farming industry which contributes significantly to the national economy at this time and will be needed even more in the future. For sound biological reasons this bill cannot achieve its purported objective of "protection of the fishery resources—against the dissemination of serious diseases of fish and shellfish." Therefore, this bill is not only unnecessary, but if passed would prove suppressive to fish farming and costly to the public. It would, of course, provide increased employment in the Bureau of Sports Fisheries and Wildlife and elsewhere for the growing horde of expensively educated fishery scientists who seem to consider themselves entitled to public support. Even though a fishery scientist myself, I cannot regard this as a worthwhile objective.

As the production manager for a concern producing and *selling* over 100 million *live* fish annually, I certainly have some knowledge of fish diseases. I know that the diseases causing us economic loss are ubiquitous in natural waters and are introduced to our livestock thru many natural, normal and uncontrollable means. Some of the enclosed material corroborates the fact that fish diseases are a normal widespread part of the biota and that the course of disease transmission having impact is from the wild to the cultured and not the reverse. In short, wild fish populations are *not* endangered by fish cultural operations although fish culture is affected by transmission of diseases from the wild environment. There is no way to prevent such transmission. Our national emblem is a probable vector of fish diseases—should we kill all the eagles? Many other fish eating birds are known to be carriers of fish diseases—can we stop their movements by law?

In some known cases severe economic loss has been caused by the capricious and arrogant actions of certain officials and not by effects of the disease which supposedly provoked the actions. As an instance, the State of California reportedly forced a private grower to destroy 200,000 pounds of trout because this trout farm had infectious pancreatic necrosis on the premises. Yet the Norfolk, Ark. federal trout hatchery has had this disease evidenced for several months and continues to distribute trout from it. A Bureau of Sport Fisheries spokesman says that they no longer consider IPN to be a "serious disease" if that will be any consolation to the California man. The BSF man is of course correct in saying that IPN poses no threat to the downstream fishery. More pertinent however would be the answers to these questions: Has the disease been there all

along and only recently diagnosed or if not how did it get there? Surely not thru any means which this bill could control, not in the taut ship run by the people seeking this bill.

Some other comments, and I believe valid ones, are in my letter to Senator Moss. The Federal statute referred to is as follows:

"When used in this chapter, the term 'agricultural products' includes agricultural, horticultural, viticultural, and dairy products, livestock and poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof." (August 14, 1946 ch. 966 Title II, Sec. 207, 60 Stat. 1091). (7 USC, Sec. 1626). The Department of Labor and the Treasury Department have also recognized fish farming as an agricultural pursuit and cultured fish as farm products.

Thank you for accepting this testimony. In reviewing other testimony it would be well to realize that the public employee is subject to just as much if not more, bias and self-interest than the private citizen. He does not become a member of an intellectual elite by virtue of his employment. The public employee, government or academic, is no less fallible, or better informed than the smarter or better informed, no less prone to error than the private citizen may be. In fact, he may be where he is thru lack of competence to make it in the competitive world. In any event, his experience and communication, subjection to departmental "unithink", tend to give him a much narrower outlook than the man who hasn't taken the soft security of government employment. Furthermore, his whole mental orientation is toward more government, regulation, restriction, curtailment of right and privilege. This is the road to socialism.

STANTON HUDSON,
First Vice President.

EAST COAST SEA PORT CORP.,
Great Neck, N.Y., December 9, 1971.

HON. WARREN MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: We should like to go on record that we are strictly opposed to Bills H.R. 3304 and S. 2191, as in our opinion, they are not designed to solve an international marine conservation problem.

These bills only tend to contribute to trade wars as they are not based on international agreements but they are just unilateral.

These are tactics which we cannot condone in international trade.

Very truly yours,

HENRY R. STERNAU.

FULTON FISH MARKET, INC.,
Louisville, Ky., December 10, 1971.

HON. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLINGS: Two bills are before the Senate, Bills Nos. H.R. 3304 and S. 2191, which we understand were formed to solve International Marine Conservation problems. As a member of the American Seafood Distributor's Association, I, with other members, earnestly oppose these bills because of the extreme damage they would do to the consuming American public, the distributors of seafoods and also the unhappy conditions that would exist between our country and our foreign friends.

At the present time, due to limited imports to better economic conditions of Japan, Canada, Norway and all European countries who now are consuming vast quantities of fish and seafood products and also because of the scare of mercury, prices have risen as in some cases more than 50 per cent. For example, the Japanese are now invading the markets and purchasing Shrimp at 20 to 30 cents a pound above the American market price. Iceland has jumped prices of Cod in many cases in recent months over 50 per cent. They are now selling the product at a premium on the European market.

Items such as Cod, Haddock Blocks and Pollock Blocks are being consumed on the European market and employment has cut down materially in our market

due to the loss of these imports. Should we lose imports from Denmark, which is frankly one of our largest producers of ground fish, this would again cause a tremendous rise. This year the scarcity has been one of the greatest in imports of all varieties; such as, Halibut which cannot be imported if the fish is over a hundred pounds. Due to the mercury scare, Swordfish is not coming into the country which was a very important food item. In fact, wholesalers like ourselves doing between \$5 to \$6,000,000 employing 60 to 70 people would be forced out of business.

We feel sure that there must be some other answer than the one proposed, and we ask you to assist in defeating these bills which are being considered in the Senate Commerce Committee. We will be glad to be of assistance to see that these bills are defeated.

Respectfully,

LEO WEIL, *President.*

GOVERNMENT OF AMERICAN SAMOA,
OFFICE OF THE GOVERNOR,
Pago Pago, American Samoa, January 7, 1972.

HON. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: I attach a copy of a current bulletin just sent to me by Dr. Frank Hester, Regional Director, National Marine Fisheries Service in Hawaii.

A reading of this material shows the tremendous increase in Japanese activity in the skipjack fishery and underlines the urgency for action on legislation to provide entry of American tuna vessels into the Western, Central and South Pacific to develop the skipjack fishery.

Please note that several of the articles in this bulletin indicate the disappointing performance of the Japanese purse seiners. I would suspect that the disappointing catches are due to the inability of the Japanese to utilize this type of fishing, which has been perfected so beautifully by the American fleet.

Anything that can be done to push the legislation which you have supported so energetically and, which has been pushed by the Pacific Islands Development Commission, will be much appreciated.

Very sincerely yours,

JOHN M. HAYDON, *Governor.*

Enclosure:

U.S. DEPARTMENT OF COMMERCE, NOAA, NMF, SOUTHWEST REGION
(Foreign Fishery Information: Fishery Market News Report)

FISHERIES AGENCY EYING DEVELOPMENT OF SKIPJACK RESOURCES

The Japanese Fisheries Agency is focusing attention on the development of the skipjack resources and is presently formulating survey plans. Despite the opinion among scientists that there is an overabundance of skipjack, the quantity taken annually by the Japanese fishery is only around 200,000 metric tons. The rising Japanese fishery production, which in 1969 is believed to have reached the 9 million ton mark, is due primarily to increased landings of the Alaskan pollack. However, since the catch of Alaskan pollack cannot be expected to continue increasing in the future, the Agency is eying the skipjack as a resource which can be exploited to further boost Japan's fishery production. Therefore, exploratory purse seine cruises are being scheduled for this year in the southwest Pacific north of New Zealand and in the mid-eastern Pacific with a budget of approximately 310 million yen (US\$861,000) allocated for fiscal year 1970 (April 1970-March 1971). The Agency is considering conducting the initial surveys off Palau (U.S. Trust Territory of the Pacific Islands) and off northwest Australia. (*Shin Suisan Shimbum Sokuho*, March 10, 1970.)

FISHERIES AGENCY DEVELOPING LARGE-SCALE SKIPJACK RESOURCE DEVELOPMENT PLAN

The Japanese Fisheries Agency is presently working out an ambitious plan for the development of the skipjack resource in line with its ocean development program. In view of the increasing utilization of marine fish as a source of ani-

mal protein, particularly the medium and high priced fish which are being subjected to heavy fishing pressure with indications of overfishing, the Agency in developing its fish production and supply measures, is turning its attention to the widely distributed skipjack resource which remains underexploited and underutilized. The Agency has formed a working group, consisting of industry members and government researchers, to conduct a comprehensive study of the production, distribution, sales, and even bait problems, associated with skipjack fishing, and hopes to put together a resource development plan as soon as possible for inclusion in the fiscal year 1971 (April 1971-March 1972) program, for which the budgetary work begins in June this year. The first meeting of the working group was held on May 14 to study the plan worked out mainly by the Agency's Second Ocean Section but which after May will be handled by the First Research Section. The Agency is hopeful that Japan's skipjack production can be doubled or trebled above the present output of around 200,000 metric tons a year.

At the present stage of Japanese research on skipjack resource development, which is still limited in scope, the pole-and-line gear is considered to be more suitable than purse seine, and as for the area of development, the region off New Guinea and West Iran are believed to be suitable. Among the ideas advanced regarding fishing methods, a combination of poling and seining reportedly has been suggested whereby skipjack chummed by a bait boat would be wrapped up by a purse seiner. Heretofore, several exploratory skipjack cruises have been made to the southwestern Pacific, but none has resulted in full-scale commercial operations. At present, the joint Japanese-American Kyobuyo-Gollin Fishing Company is conducting skipjack fishing off West Irian with good results, averaging five tons of catch per day of operation. (*Shin Suisan Shimbun Sokuho*, May 15 and *Suisan Keizai Shimbun*, April 29, 1970.)

JAPANESE REPORT STEADY SKIPJACK FISHING OFF NEW GUINEA IN THE SOUTH PACIFIC

The Japanese Overseas Fishing Company, which began conducting exploratory pole-and-line skipjack fishing off Papua New Guinea from late December 1970 report steady fishing, with catches per vessel averaging close to 4 tons per day of fishing. That firm is operating a fleet of five 39-gross-ton Okinawan skipjack vessels supported by the mothership *Kaisei Maru No. 1* (451 gross tons) which are operating out of a fishing base at Rabaul, New Britain Island. The problem being encountered by the fleet is the difficulty of obtaining a constant supply of live bait in that region. Three other Japanese firms — Kyokuyo, Hokoku Suisan and Nihon Suisan—are also conducting exploratory skipjack fishing in that region. (*Katsuo-maguro Tsushin*, February 4, 1971 and other sources).

TUNA MOTHERSHIPS PROHIBITED ENTRY INTO PALAUAN WATERS

The Japanese fishing firm Nihon Hogeï, which has been conducting skipjack fishing in the western Pacific off Palau Island since November 1970 with four 20-gross-ton Okinawan vessels accompanied by two motherships (750-ton *Kinryu Maru* and 1,200-ton *Sumiyeshi Maru No. 3*), recently sent home the motherships due to difficulty of securing clearance for their entry into Palauan waters. Entry was denied owing to recent revision of the Island ordinance governing operation of fishing vessels. Tuna motherships belonging to the Japanese Kyokuyo and a U.S. tuna packer, which were previously authorized entry into Balau, are reported continuing operations in the local waters. Nihon Hogeï shortly intends to negotiate with the Palauan authorities to obtain formal entry approval for its motherships. Meanwhile, its four fishing vessels, whose entry clearances were obtained earlier, are expected to sell their catches to the cold storage in Palau operated by the U.S. packer. Fishing by those vessels is slow due to the seasonal slack in the fishery. (*Suisan Keizai Shimbun*, February 9, 1971.)

JAPANESE PURSE SEINERS HAVING POOR SKIPJACK FISHING IN EQUATORIAL PACIFIC

Three Japanese purse seiners which began conducting exploratory skipjack fishing in the equatorial western Pacific from mid-January 1971 on a government-subsidized fishing cruise are experiencing poor fishing. The seiners ("*Hayabusa Maru No. 3*," 275 gross tons; "*Nissho Maru*," 253 gross tons; "*Taikei Maru*

No. 23," 210 gross tons), which are seeking skipjack schools and conducting studies on water temperatures and current flow, report that, despite the prevailing good weather, fish schools are difficult to locate, and even if spotted, the skipjack are sparsely-schooled small fish or jumpers which frequently escape from the net when circled. The poor performance of the seiners has greatly disappointed the Japanese fishery circles as well as the Fisheries Agency which is focusing attention on the development of the distant-water purse seine fishery.

Radio reports from the vessels recently received by the wireless station at Ishinomaki (northwestern Honshu) describe their positions and fishing conditions as shown below. The seiners are later scheduled to move in an easterly direction and then travel southward off the northeastern coast of New Guinea. ("Suisan Keizai Shimbun" February 15, 1971.)

Name of vessel	Date	Noontime position	Water temperature (centigrade)	Fishing condition
Hayabusa Maru No. 3.....	Jan. 25	0.03S/140.2E	29.4	No sighting.
	Jan. 26	0.17S/141.47E	28.6	6 sets, no catch.
	Jan. 27	2.54N/141.5E	29.6	Large skipjack sighted but fishing impossible.
Nissho Maru.....	Jan. 28	Near equator		No fishing.
	Jan. 25	1.42N/140.38E	29.3	No sighting.
	Jan. 26	6N/141.1E	28.8	Do.
Taikei Maru No. 23.....	Jan. 27	4.5N/136.29E	29.7	Jumpers, 1 to 2 schools, fast diving, fishing impossible.
	Jan. 28	4.5N/136.29	29.7	Continuing survey.
	Jan. 25	0.03S/140.2E	29.4	No fishing.
	Jan. 26	0.0S/141.1E	28.8	No sighting.
	Jan. 27	0.27S/142.24E	28.8	Small schools sighted.
	Jan. 28	0.77S/143.37E	29.6	Continuing survey.

JAPANESE POLE-AND-LINE SKIPJACK FISHING IN SOUTHERN WATERS

In late January 1971, about 130 Japanese pole-and-line vessels were fishing for skipjack in the equatorial western Pacific. In January, they discovered skipjack concentrations in the vicinity of 8°-9°N. latitudes and 137°-138°E. longitudes off Ngulu and Yap islands, and near 1°-3°N. latitudes and 147°-151°E. longitudes. Good catches were made in both areas between January 18 and 20 but thereafter fishing became spotty. In the former area (surface temperature: 28°C) the fish sizes in the catch ran from 2.5-6 kilograms (5.5-13.2 pounds) and in the latter area (surface temperature: 28.7°-29°C) they ranged 2-5 kilograms (4.4-11 pounds). The vessels were catching 70-140 tons of fish on 25-day trips. On the banks near the Bonin Islands southward to the Marianas, the vessels used handlines to fish for small yellowfin (11- to 44-pound fish but mostly 15-17 pounders), Yellowfin catches by this method ran 10-15 tons per trip. ("Suisancho Nippo," February 20, 1971.)

JAPANESE TO EXPLORE FOR SKIPJACK OFF HALMAHERA, INDONESIA

The Japanese fishery firm Nichiro Gyogyo is scheduled to conduct exploratory skipjack fishing in the Malucca Sea off Halmahera, Indonesia from April until September 1971. Based on the results of the six-month survey, Nichiro and the Japanese trading firm Mitsubishi Shoji will decide whether to form a fishing venture jointly with the Indonesian Government. In 1970 Nichiro, under the FAO-sponsored 12-month resource survey cruise, began exploring the region off Sorong, West Irian, New Guinea, but the results have not been satisfactory. Since the agreement with FAO expires on March 15, 1971, the Japanese firm has decided to start another survey in waters off Indonesia ("Suisancho Nippo," March 11, 1971.)

OUTLOOK FOR JOINT SKIPJACK FISHING VENTURE IN NEW GUINEA STILL UNCERTAIN

The Japanese fishery firm Hokoku Suisan, which is conducting experimental skipjack fishing in the Bismark Sea off Papua-New Guinea in preparation for establishing a joint fishing venture with Australian interests in 1972, reports that the outlook for joint operations is not yet promising. Hokoku Suisan's Executive Director Ueda, who recently returned from a fact-finding trip to Papua-New Guinea, stated that several months of exploratory fishing heretofore con-

ducted by that firm's vessels has shown that the catches are not steady and therefore the survey should be continued for a full year to understand the seasonal fluctuations of the fishery. The skipjack in that area are of good size, ranging 3-5 kilograms (6.6-11 pounds) a fish. Bait fish, including small mackerel and anchovy, which are caught by means of driving-in net, dip net and surrounding net, are sufficiently available at present but it is not yet known whether they are obtainable year round. Twenty native New Guinean crewmen employed aboard the firm's tuna mothership are performing their work satisfactorily despite the language barrier. ("Suisan Keizai Shimbun," March 26, 1971.)

FAO TO CONDUCT SKIPJACK RESOURCE SURVEY OFF FIJI ISLANDS

The Food and Agriculture Organization of the United Nations, in accordance with its industrial development program for developing nations, is scheduled to conduct a skipjack resource survey off the Fiji Islands in the South Pacific from June 1971 for a one-year period. The survey, in which native Fijians will participate as trainees, will be conducted out of Suva, Viti Levu Island. The Japanese Taiyo Fisheries Company has been commissioned by FAO to undertake the survey and technical training of local fishermen. For that purpose, Taiyo has chartered the tuna long-liner "Sasano Maru" (99 gross tons), which is now being remodeled and equipped with bait fishing gear for the survey. About 10 Japanese technicians to be provided by Taiyo and five Fijians will accompany the vessel. ("Suisan Keizai Shimbun," April 1, 1971.)

JAPANESE SEINERS EXPERIENCE DISAPPOINTING CATCH IN EQUATORIAL WESTERN PACIFIC

The Japanese purse seiners "Taikei Maru No. 23" (210 gross tons) and "Tokiwa Maru No. 58" (357 gross tons), which had been exploring for skipjack in the equatorial western Pacific off New Guinea since late January 1971 on a government-subsidized cruise, returned to Japan on March 25 from their second trip to that region. Both vessels, which primarily fished the grounds between 6°N. and 3°S. latitudes north of New Guinea, experienced poor fishing, making only sporadic catches in few scattered areas. Fishing conditions reported by the two seiners are summarized below. ("Minato Shimbun," March 23 and "Katsuo-maguro Tsushin," March 26, 1971.)

Name of Vessel	Date	Noontime position	Fishing condition
Taikei Maru No. 23.....	Feb. 3	3°S/148°E	Skipjack (SJ) schools sighted unaccompanied by birds. Catch: SJ 2 tons, fish size 2 to 3 kg. (4.4-6.6 lbs.)
	Feb. 5	3°S/142°E	Small SJ school sighted. Catch: 15 tons, fish size 3 kg. (6.6 lbs.)
	Feb. 10	2°S/142°E	Catch: SJ 1 ton.
	Feb. 13	2°S/142°E	SJ jumpers sighted. Catch: SJ 5 tons.
	Mar. 5	3°N/139°E	Logs sighted. Catch: yellowfin (YF) 1 ton.
	Mar. 7	3°N/135°E	Log-associated jumpers sighted. Catch: YF and yellowtail 1 ton.
	Mar. 11	5°N/140°E	Bird-associated YF sighted. Catch: 9 fish.
Tokiwa Maru No. 58.....	Mar. 13	5°N/140°E	Floating logs detected by fish finder. Catch: YF 6 tons, SF 4 tons.
	Mar. 15	5°N/140°E	Catch: young YF 5 tons, SJ 10 tons.
	Jan. 25	0.6°N/139°E	Bird-associated SJ sighted; no catch.
	Feb. 8	0°/146°E	Log sighted but no fish catch.
	Feb. 23	0°/141°E	Log-associated SJ jumpers sighted. Catch: SJ and young YF 1 ton.
	Mar. 13	5°N/140°E	Log-associated SJ detected by fish finder. Catch: SJ 20 tons.
	Mar. 15	6°N/140°E	Log-associated SJ detected by fish finder. Catch: SJ and YF 7 tons.

FISHERIES AGENCY TO STUDY FEASIBILITY OF PROCESSING CANNED TUNA IN NEW GUINEA

The Japanese Fisheries Agency in June 1971 is scheduled to send a survey team to Papua and New Guinea to study the feasibility of establishing a tuna packing plant at Madang. The study is a follow-up of an earlier request made by the Australian Government pursuant to the bilateral fishery agreement renegotiated in late 1970. The Australian Government reportedly is interested in having the cannery process the skipjack tuna now being taken experimentally off New Guinea by Kyokuyo, Hokoku Suisan and the Overseas Fisheries Company. Some Japanese feel it is impractical at this time to build a cannery at Madang because of unfavorable local conditions and the unstable skipjack fish-

ery in that area. The Japanese survey team will include three members from the Agency and possibly representatives from the Federation of Japan Tuna Fisheries Cooperative Associations and Kyokuyo. ("Katsuo-maguro Tsushin," April 28, 1971.)

JAPANESE FIRM TO ESTABLISH SKIPJACK PROCESSING PLANT IN PAPUA-NEW GUINEA

The Japanese fishery firm Kyokuyo, which is conducting exploratory skipjack fishing off Papua-New Guinea in preparation for forming a joint fishing venture with Australian interests, is scheduled to complete the exploratory phase of fishing in June this year. The firm is now building a pilot processing plant on a 15-acre lot in Nago (phonetic) Island, where it appears likely that production of "arabushi" (sun-dried skipjack loins) will be started (presumably for export to Japan). When the joint venture plan firms up, Kyokuyo plans to add two more vessels to the fleet of four bait boats now engaged in skipjack fishing. Recent fishing conditions for the bait boats are reported to be good, with each vessel believed to be catching over 5 tons of skipjack per day of fishing. ("Katsuo-maguro Tsushin," May 14, 1971.)

JAPANESE TO FORM JOINT SKIPJACK TUNA FISHING VENTURE WITH AUSTRALIANS

The Japanese fishing firm Kyokuyo recently disclosed its plan to form a joint skipjack tuna fishing venture with the Australian Gollin Company in July 1971. The new company will be set up in Port Moresby, Papua-New Guinea, with Kyokuyo putting up 55 percent and Gollin 45 percent of the capital. Plans are in progress to build a canned tuna and "arabushi" (sun-dried skipjack loins) processing plant in Kavieng, New Ireland Island. A cold storage plant is also planned for construction in the future. At present Kyokuyo has four pole-and-line vessels conducting exploratory skipjack fishing out of the base at Kavieng in preparation for the joint venture. Those vessels are reported landing an average of 5 tons of catch, and as much as 20 tons when fishing is good, per vessel per day of fishing. In June two more vessels will join the fleet. By 1974 the fleet is scheduled to be increased to 15-16 vessels, including purse seiners, and annual landings are expected to reach 50,000 tons.

In 1966, the Japanese and Australian firms jointly formed the Gollin Kyokuyo Fishing Company to conduct shrimp fishing in the Gulf of Carpentaria. The joint venture is making steady progress and in June 1970 the Company distributed dividends of 15 percent to shareholders. An increase in capital from the present \$56,000 to \$400,000 reportedly is scheduled this June, and in two years the shrimp fleet will be expanded from 10 to 15 vessels, with annual landings estimated to reach 1,000 tons. ("Suisan Keizei Shimbun," May 31, 1971 and other sources.)

MICRONESIAN AGREEMENT AWAITING RATIFICATION

The Micronesian Agreement, concluded between Japan and the United States, provides for the two nations to each extend US\$5 million to the U.S. Trust Territory of the Micronesian Islands in the Pacific over a 3-year period for promotion of industrial development and improvement of facilities. Ratification by the United States reportedly will likely be after the end of the current fiscal year, or in July or thereafter. (According to a previous Japanese press report, Japan had ratified the agreement in 1969.) Indications are that payment of shares to Micronesia may not begin until around the end of this year. The tuna industry of Japan is hopeful that, when the agreement is ratified, it will allow Japanese fishing vessels to enter the island ports for supply and will also help vessel owners to establish definite plans regarding bases of operations and bait procurement for skipjack fishing in that region ("Suisan Keizai Shimbun," June 1, 1971.)

JAPANESE STUDYING FEASIBILITY OF SKIPJACK FISHING OFF PONAPE, U.S. TRUST TERRITORY

The Japanese Overseas Fishery Company is conducting a study to determine the feasibility of starting a skipjack tuna fishery off Ponape, U.S. Trust Territory of the Pacific Islands. The firm, which is experimentally fishing for skipjack off New Guinea with eight vessels operating out of Rabaul, hopes to establish another base at Ponape because of good fishing being experienced in New

Guinean waters. However, the proposed venture involves difficulties because of the strict licensing conditions established by the government of Ponape, which basically does not permit foreign investment unless it advances the interests of local inhabitants. In Ponape there is already one Japanese trading firm, Mitsui Bussan, and the Okinawan fishery firm Sanyo Gyogyo, which, in partnership with local Ponape interests, are getting ready to fish for skipjack with one mothership and three fishing vessels. ("Katsuo maguro Tsushin," July 28, 1971.)

JAPANESE PLAN TO FISH FOR SKIPJACK IN INDONESIAN WATERS

The Japanese fishery firm Hoko Suisan, in partnership with the trading firm Toyomenka, in proceeding with plans to establish a skipjack tuna fishing base at Butung Island (Indonesia) in the Banda Sea. In mid-August 1971, the firm's mothership accompanied by three skipjack vessels were scheduled to depart Japan for the Banda Sea. They will fish approximately in the same area presently being worked by the skipjack vessels operated jointly by Nichiro and Mitsubishi Shoji (trading firm). In May 1971, Niehiro obtained a fishing license from the Indonesian government. ("Katsuo-maguro Tsushin," August 12, 1971.)

MECHANICAL SKIPJACK POLING MACHINE DEMONSTRATES REMARKABLE PERFORMANCE

The Japanese mechanical fish poling gear "Tokatsu-shiki Automatic Skipjack Fishing Machine" (commonly called "Roback"), developed in the summer of 1970 by Suzuki Ironworks Company, Miyagi Prefecture, is reported to be performing remarkably. Its feasibility in albacore fishing was also demonstrated in the trial operations conducted this year during the summer albacore season. As a result, plans are being made by some shipyards to build new-type skipjack vessels fully equipped with the labor-saving "Roback" machines. During the tests, it was found that the gear could be operated even by men too old for the strenuous pole-and-line fishing, thus, the fear held among the aged that mechanized fishing would force them out of jobs may eventually be solved. However, the problem of pay increase demanded by the crew to compensate for the added workload accompanying mechanization of operation remains to be worked out. ("Suisan Keizai Shimbum," July 28, 1971.)

SKIPJACK FISHERY GAINING INTEREST IN JAPAN

Interest in the pole-and-line skipjack fishery is increasing in the Japanese fishing industry. Skipjack fishery operators in Ishinomaki and Onagawa (in northeastern Honshu) are building new vessels of modern design, and longliner owners are considering switching to pole fishing for that species. Major fishery firms are also entering into the skipjack fishery in overseas areas. Recent resource surveys and fishing ground development cruises indicate that skipjack is very promising, particularly at this time when other competing tuna species are declining in abundance. The development of mechanical poling devices to reduce manpower aboard the vessels and the sharply rising market prices are also making the skipjack fishery increasingly attractive.

Skipjack vessels of recent construction and those now being built in the northern Japanese fishing ports are larger in size, ranging from 192 to 284 gross tons, and are intended for trips of around 30 days but no longer than 40 days because of fuel and bait considerations. They will be used for year-round fishing off the Sanriku district (northeastern Japan) and in the southern areas extending to the Territory of the Pacific Islands. ("Suisan Keizai Shimbum," September 22, 1971.)

JAPANESE STUDYING PROCUREMENT OF BAITFISH FOR SKIPJACK FISHERY

The Federation of Japan Tuna Fisheries Cooperative Associations (NIKKATSUREN), whose major programs this year include the procurement of bait for the skipjack fishery, in late August investigated the availability of supply in South Korea. The study revealed that anchovy, which forms the mainstay of the fishery in Chinhai Bay (south of Pusan), could be used as bait fish. The problem is how to transport the live fish to Japan and then to the southern fishing grounds. Because of the long distance to the fishing grounds and the sudden warming up of water in the tropical area, heavy die-off occurs, at time resulting in a complete loss of live bait. Thus, NIKKATSUREN is now seeking a solution to the transportation problem in order to utilize the fish available in South Korea.

In mid-September, NIKKATSUREN will send a baitfish survey team to Taiwan on a one-week trip. Unlike South Korea, Taiwan has dealers specializing in baitfish supply. The survey team will primarily contact those dealers regarding the quantity available, season for the supply, sizes and prices. ("Suisan Tsushin," September 9 & 11, 1971.)

SKIPJACK SURVEY VESSEL TO DEPART FOR SOUTH PACIFIC

The Japanese Nichiro-owned "Kuroshio Maru No. 72" (239 gross tons), chartered by the semi-government Marine Fisheries Resources Development Center, is scheduled to depart Japan around October 20, 1971 on a 5-month skipjack survey cruise to the South Pacific. The survey will cover three areas—Nauru Island (1°S. and 168°E.), Esiritu Santo (New Hebrides) and Noumea (New Caledonia). In addition to skipjack survey, the cruise objective includes investigations of baiting grounds and feasibility of livebait storage aboard ship as well as on land. ("Suisan Tsushin," September 8, 1971.)

JAPANESE PURSE SEINERS TO EXPLORE FOR TUNA IN THE SOUTHWEST PACIFIC

Two purse seiners are scheduled to depart Japan shortly on a government-subsidized exploratory tuna fishing cruise to the southwestern Pacific. Their names and scheduled departure dates are: *Taikei Maru No. 23* (210 gross tons), October 15, and *Tokiwa Maru No. 53* (357 gross tons), November 17, 1970. The vessels will survey two areas: One off Palau and the other off northern New Guinea. That region is where earlier this year seven U.S. seiners conducted experimental fishing without success due to the deep thermocline of the waters. (*Minato Shimbun*, September 27, 1970.)

JAPANESE ABANDON SKIPJACK SURVEY PLAN IN U.S. TRUST TERRITORY

The Japanese semi-government Marine Fisheries Resources Development Center (Director: Takashi Hisamune), which had originally planned to have the chartered "Kuroshio Maru No. 72" (239 gross tons) survey the skipjack resource in the U.S. Trust Territory of the Pacific off Palau and Truk, relinquished that plan because of notification received from the U.S. Government that entry into the three-mile territorial sea would not be permitted. In conducting skipjack surveys in the South Pacific, entry into waters near the islands is necessary to investigate the availability of baitfish which usually are found in abundance around the reefs. The Japanese believe the existence of U.S. fishing operations based at Palau was a factor in denying entry to the survey vessel. The Center changed its plan and in early October was reported negotiating with British and French authorities for permission to enter into the territorial waters off the Melanesian islands of Nauru (British), Espiritu Santo (British-French) and New Caledonia (French). The "Kuroshio Maru" on October 20 departed Japan on a 5-month skipjack and baitfish investigation cruise to that region. ("Suisan-cho Nippo," October 25 and "Suisan Keizai Shimbun," October 1, 1971.)

JAPANESE TUNA LONGLINER SEIZED BY U.S. NAVY OFF SAIPAN

Information received by the Japanese Maritime Safety Agency on October 16, 1971 indicates that the tuna longliner "Ryosei Maru" (39 gross tons) was seized off Saipan Island by a U.S. Navy vessel on charges of illegal entry into territorial waters of the U.S. Trust Territory of the Pacific. The vessel reportedly was making fishing preparations at the time of seizure.

Earlier, an Okinawan fishing vessel, the "Hosen Maru," seized September 16 on suspected illegal entry into trust territorial waters north of Koror, was reportedly released after the owners paid a fine of US\$9,000. The vessel is now enroute back to Okinawa. ("Shin Suisan Shimbun Sokuhō," October 29, 1971 and other sources.)

JAPANESE PUSHING FORWARD SKIPJACK SURVEYS IN SOUTHWESTERN PACIFIC

The Fisheries Agency and private fishing firms in Japan are steadily pushing forward exploratory skipjack surveys in the southwestern Pacific. In 1968, the Agency dispatched its research vessel *Toshitaka Maru* (186 gross tons) to the southwestern Pacific off the Papua and New Guinea territories on a three-month skipjack resource survey to assist in establishing joint Japanese-

Australian fishing ventures in that region. Since then, that vessel has conducted three 2-3 month surveys. In 1969, the Shizuoka Prefectural Fisheries Experimental Station sent the research vessels *Fuji Maru* (332 gross tons) and *Suruga Maru* (186 gross tons) to the southwestern Pacific. *Suruga Maru* is presently conducting further investigations in that region. In 1969 and 1970, the Japan Fisheries Association conducted a government-subsidized survey of land facilities in the New Guinea area to determine the feasibility of establishing in that locality foreign-affiliated fishing ventures.

Based on the Agency's resource data obtained from surveys in the southwestern Pacific, Japanese fishery firms are showing active interest in developing the skipjack resource in that region. Kyokuyo Hoge, in partnership with Australian interests with which it has formed the joint company Gollin Kyokuyo (presently engaged in shrimp fishing in the Gulf of Carpentaria), has been conducting exploratory pole-and-line skipjack fishing off New Ireland Island since March 1970 with the 1,000-gross-ton mothership *Akitsu Maru No. 5* and three 39-ton Okinawan vessels. In view of the good results being obtained by those vessels, with catches of 4-5 tons being taken per vessel per day of fishing, the joint company plans to commence full-scale commercial operations from 1971, and for that purpose is planning to build a cold storage in Cabieng (phonetic), New Ireland. Two other Japanese firms—Hokoku Suisan and Nihon Suisan—are scheduled to start exploratory skipjack fishing from Manus (phonetic) in northern New Guinea, and the Japanese Overseas Fishery Company at Penang, Malaysia also shortly plans to start similar fishing operations in that region from the base at Rabaul, New Britain Island. (*Katsuo-maguro Tsushin*, November 2 and *Suisan Tsushin*, October 31, 1970.)

JAPANESE SKIPJACK FISHING IN THE WESTERN EQUATORIAL PACIFIC

In October 1971, about 115 Japanese pole-and-line vessels were fishing for skipjack tuna off the islands of the U.S. Trust Territory of the Pacific and five in the Coral Sea. Skipjack schools in the Trust Territory were encountered in the three areas mentioned below:

1. In early October, the main fishing ground was located near 0°-8° N. latitudes and 150°-160° E. longitudes, extending from Truk to Greenwich Island south of Ponape. Surface temperature was 29.5° C. Catch per day per vessel was between 3-6 tons of skipjack, mostly ranging 3-6 kilograms (6.6-13.2 pounds) in body size.

2. From the middle to the latter part of October, fishing grounds were formed near 14°-20° N. latitudes and 142°-148° E. longitudes between Guam and Uracas islands in the Marianas. Surface temperature was around 29.0° C. Catch per day per vessel ran between 4-8 tons of skipjack, mostly ranging 3-5 kilograms (6.6-11 pounds) each.

3. From the middle to the latter part of October, skipjack concentrations were also found near 4°-8° N. latitudes and 142°-147° E. longitudes on the east side of Eauripik Island. Surface temperature was 29.2°-29.5° C. The fish were small, mostly weighing between 0.5-2 kilograms (1.1-4.4 pounds). One-third of the catch was small yellowfin, measuring about 40 centimeters in length. ("Suisancho Nippo," November 9, 1971.)

JAPANESE WITHDRAW TRAWL OPERATIONS FROM MIDWAY ISLAND AREA

Two of the three Japanese trawlers fishing for "kusakari tsubodai" (*Pseudopentaceros richardsoni*) and "kimmedai" (*Beryx splendens*) in the central North Pacific off Midway Island have recently terminated that operation owing to the U.S.S.R. announcement that the area would be used as firing range for Soviet rocket tests during October 26-November 30, 1970. One of the two departing trawlers, the 3,200-gross-ton *Akebono Maru No. 71*, owned by Nichiro, produced approximately 2,300 metric tons of processed fish (55 percent dressed "tsubodai" and 45 percent round "kimmedai") during two months of fishing off Midway Island. The vessel hopes to return to that area later when sea conditions improve. The second withdrawn vessel, a 2,500-ton trawler owned by Nihon Suisan, is now proceeding toward the northern waters. (*Suisan Tsushin*, November 9, 1970.)

JAPANESE SKIPJACK POLE-AND-LINE VESSEL CONSTRUCTION REGISTERS SHARP INCREASE

The construction of skipjack pole-and-line vessels in Japan in 1971 has registered a sharp increase over 1970. As of mid-September this year, 54 vessels have

been built, compared with 60 during the 12 months in 1970. At the present rate, construction in 1971 is likely to reach 100 vessels. Noteworthy is the increase in large-size vessels, numbering 13 in the 299-gross-ton class. The largest size built this year is 404 tons, compared with 299 tons in 1970. The "skipjack vessel construction boom" is primarily attributed to the skipjack fishing ground development surveys being undertaken in the equatorial western Pacific, stable market price, and the possibility of year round operations in the skipjack pole-and-line fishery. ("Suisancho Nippo," November 18, 1971.)

[Fishery Market News Report No. P-141]

JAPANESE PURSE SEINER DOING POORLY IN WESTERN TROPICAL PACIFIC SKIPJACK FISHERY

The Japanese purse seiner *Taikei Maru No. 23* (210 gross tons), presently conducting exploratory skipjack fishing in the western tropical Pacific on a government-subsidized cruise, is experiencing poor fishing. On November 14, the vessel caught 3 tons of skipjack in the vicinity of 6°N. latitude and 150°E. longitude and on November 15 it made 5 tons of catch in that area. Small quantities of yellowfin were also caught. On November 17, another seiner, *Tokiwa Maru No. 58* (357 gross tons) was scheduled to leave Japan on a government-financed trip to the western tropical Pacific. The vessel will explore for skipjack in the vicinity of Palau and northern New Guinea. (*Katsuo-maguro Tsushin*, November 16 and 19, 1970.)

[Fishery Information Bulletin, National Canners Association]

JAPAN TO STEP UP SKIPJACK RESOURCE DEVELOPMENT PROGRAM

The Japanese Fisheries Agency is asking for \$325,000,000 for its skipjack tuna resource development program for fiscal year 1971. The Agency is stepping up its effort to increase the production of skipjack since there is a growing demand in Japan for higher-priced fish. Japan catches annually around 200,000 metric tons of skipjack, but the catch in the Pacific Ocean could be increased to 1.5 million tons if three problems could be solved: procurement of live bait, labor shortage and expansion of market. Starting in 1971 the Agency plans to assess the abundance of bait fish in the waters around the South Pacific islands and to determine whether the fish can be kept in the bait wells for an extended period of time. To reduce manpower aboard vessels, the Agency is experimenting with various mechanical fishing devices. In an effort to expand the market, the Japanese Fisheries Associations have started selling tuna directly to the retailers.

JAPANESE TUNA FISHERMEN AWAIT RATIFICATION OF MICRONESIAN AGREEMENT WITH UNITED STATES

The "Micronesian" Agreement, concluded between Japan and the United States, provides for the 2 nations to each extend US\$5 million to the U.S. Trust Territory of the Pacific Islands over a 3-year period for promotion of industrial development and improvement of facilities. Ratification by the United States reportedly will likely be after the end of the current fiscal year in July or thereafter. (According to a previous Japanese press report, Japan had ratified the agreement in 1969.) Indications are that payments to Micronesia may not begin until around the end of 1971.

The tuna industry of Japan is hopeful that, when the agreement is ratified, it will allow Japanese fishing vessels to enter the island ports for supply and will also help vessel owners to establish definite plans regarding bases of operations and bait procurement for skipjack fishing in that region. ("Suisan Keizai Shim-bun," June 1, 1971.)

JAPANESE TO FORM JOINT SKIPJACK TUNA FISHING VENTURE WITH AUSTRALIANS

The Japanese fishing firm Kyokuyo recently disclosed a plan to form a joint skipjack tuna fishing venture with the Australian Gollin Company in July 1971. The new company will be set up in Port Moresby, Papua-New Guinea, with Kyokuyo putting up 55 percent and Gollin 45 percent of the capital. Plans are in progress to build a canned tuna and "arabushi" (sun-dried skipjack loin) processing plant in Kavieng, New Ireland Island. A cold-storage plant is also planned for construction in the future.

At present, Kyokuyo has 4 pole-and-line vessels conducting "exploratory" skipjack fishing out of the base at Kavieng in preparation for the joint venture. Those vessels are reported landing an average of 5 tons of catch, and as much as 20 metric tons (when fishing is good), per vessel per day of fishing. In June, 2 more vessels will join the fleet. By 1974 the fleet is scheduled to be increased to 15-16 vessels, including purse seiners, and annual landings are expected to reach 50,000 tons.

In 1966, the Japanese and Australian firms jointly formed the Gollin Kyokuyo Fishing Co. to conduct shrimp fishing in the Gulf of Carpentaria. The joint venture is making steady progress and in June 1970 the firm distributed dividends of 15 percent to shareholders. An increase in capital from the present \$56,000 to \$400,000 reportedly as scheduled this June, and in 2 years the Gulf of Carpentaria shrimp fleet will be expanded from 10 to 15 vessels, with annual landings estimated to reach 1,000 tons. ("Suisan Keizai Shimbun," May 31, 1971, and other sources.)

JAPANESE TO EXPLORE FOR SKIPJACK TUNA OFF SOLOMON ISLANDS

The Japanese Taiyo Fishing Co. recently sent 2 tuna motherships to the Solomon Islands area in the South Pacific on a skipjack resource development cruise. They are "Satsu Maru No. 18" (500 tons and 450-ton carrying capacity) and "Kairyu Maru" (450 gross tons and 300-ton carrying capacity). Taiyo's plan is to establish in Guadalcanal and other islands in the Solomons, 2-3 bases of operations for these motherships, which will purchase skipjack from 39-ton Okinawan vessels. Taiyo is also exploring for skipjack off the Fiji Islands for FAO.

Among the major Japanese fishery firms, Taiyo is a late comer in the South Pacific skipjack fishery, where the Kyokuyo, Hokoku Suisan, and the Overseas Fishery companies are already conducting "exploratory" fishing off Papua-New Guinea and Nichiro off Halmahera Island near the Malucca Sea. ("Katsuo-magure Tsushin," June 3, 1971.)

[Telegram]

SAN PEDRO, CALIF.

Senator WARREN MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.:

The Seine and Line Fishermens Union of San Pedro affiliated with Siuna, AFL-CIO is in full support of H.R. 7117. On behalf of the members of this union I strongly urge your full cooperation and support of this bill scheduled for hearing November 22.

MICHAEL MATTERA,
Secretary, Business Agent.

[Telegram]

VAN CAMP SEA FOOD CO.,
DIVISION RALSTON PURINA, CO.,
Terminal Island, Calif., November 16, 1971.

Senator WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.:

We strongly urge support of bill H.R. 7117 at next hearing November 22.

GLENN H. COPELAND, *Chairman.*

[Telegram]

SAN FRANCISCO, CALIF.

WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.:

For protection and safety of our tuna fishermen members strongly urge you to take leadership in the passage of H.R. 7117. The history of seizures this year, involving 53 vessels and crews and prospects of dangerous times ahead require urgent action this December. Your support now as always in the past in our behalf is critically needed.

HARRY BRIDGES,
President ILWU.

[Telegram]

SEATTLE, WASH., *December 8, 1971.*

Senator WARREN MAGNUSON,
Washington, D.C.:

H.R. 7117 establishing revolving funds for U.S. fish boats seized by foreign countries passed House and now Senate Commerce Committee. Urge its Senate passage before adjournment so pending seizure claims will not be delayed 1 year.

WALT YONKER,
Association of Pacific Fisheries.

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