

SJR

24

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

SENATE RESOURCES COMMITTEE

// "

5/1/85, 1:35
5/3/85, 1:35

Bradley
5/2/85✓✓

Original sponsor: Resources Committee

1
2 IN THE SENATE BY THE RESOURCES COMMITTEE
3 CS FOR SENATE JOINT RESOLUTION NO. 24 (Resources)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 Relating to the Americanization of the
7 fishery off the coast of Alaska.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS the fishery off Alaska's coast is greater than that of the
10 rest of the United States combined, and this resource is tremendously
11 important to the long range future of Alaska; and

12 WHEREAS there exists an excellent opportunity for American harvesters
13 and processors to take advantage of the more than 4,000,000,000 pounds of
14 fish currently being taken by foreign fishing interests within America's
15 200-mile zone; and

16 WHEREAS Americanization of the fishery will benefit Alaskan coastal
17 communities by providing jobs for harvesters, processing workers, and
18 transporters on a continuing basis; and

19 WHEREAS Americanization of the fishery will increase American
20 participation in the fishing and processing industries, provide employment
21 opportunities for Americans, stimulate economic growth and foster economic
22 stability in Alaska's coastal communities, and generate tax revenue for
23 Alaska's municipalities, the State of Alaska, other coastal states, and the
24 United States Government; and

25 WHEREAS over 99.5 percent of Alaska's harvesters currently have no
26 involvement in the catching and processing of fishery resources by foreign
27 fishing interests; and

28 WHEREAS joint ventures were originally intended as an interim step in
29 the Americanization of the fishery, to be phased-out as quickly as
possible; and

1
2 WHEREAS a planned phase-out is crucial to enable the American fishing
3 and processing industry to provide for an orderly transfer of the fishery
4 to domestic interests; and

5 WHEREAS establishing a time certain for the phasing-out of foreign
6 fishing interests will encourage the financial community to support
7 capitalization of American harvesters and processors; and

8 WHEREAS the Governor's authority to permit joint ventures in Alaska's
9 internal waters, to provide additional processing capacity according to
10 provisions of the Magnuson Fishery Conservation and Management Act, is in
11 no way affected by this resolution;

12 BE IT RESOLVED that the Alaska State Legislature respectfully requests
13 the United States Congress to phase out all foreign fishing in American
14 waters by 1988; and be it

15 FURTHER RESOLVED that sales of American-harvested fish to foreign
16 floating processors be limited to current levels until foreign processors
17 are replaced by American processors in 1990.

18 COPIES of this resolution shall be sent to the Honorable Ronald
19 Reagan, President of the United States, to the Honorable George P. Shultz,
20 Secretary of State, to the Honorable Malcolm Baldrige, Secretary of
21 Commerce, to the Honorable James O. Campbell, Chairman, North Pacific
22 Fisheries Management Council, and to the Honorable Ted Stevens and the
23 Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S.
24 Representative, members of the Alaska delegation in Congress.

25
26 Respl. resp NP. MC to
27 actually
28
29

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
JUNEAU, ALASKA. 99811
(907) 465-4907

Senate Committee on Resources

MEMORANDUM

April 30, 1985

TO: All Members
Senate Resources Committee

FROM: Staff *A*
Senate Resources Committee

RE: SJR 24 Relating to the Americanization of the fishery off the coast of Alaska.

SJR 24 requests that the Magnuson Fisheries and Conservation Act be amended to phase out foreign fishing within the 200 mile Fisheries Conservation Zone (FCZ) by a fixed date. Funding under the Magnuson Act expires on September 30, 1985 and Congress will have to address the issue of continued funding this summer. Supporters of "Americanization" hope to include a time certain phase out provision.

This phase out would be accomplished by the following stipulations:

1. Provide for a phase out of all foreign fishing in FCZ by 1988.
2. Provide that sales of American harvested fish to foreign floating processors be limited to current levels and eliminated in 1990 when American processors can replace foreign processors.

The USA Coalition comprised of commercial fisheries, sports fishermen, seafood processors, labor organizations and transportation companies as well as a number of coastal communities support this resolution.

Enclosures:

1. USA Coalition Position
2. Governor's News Release
3. Governor's letter to Ambassador Ed Wolfe
4. Resolutions supporting SJR 24 from Kodiak, Sand Point, Aleutian/Pribilof Islands Association, Seward and Sitka
5. News articles regarding 200 mile limit

USA COALITION

UNITED SEAFOOD AMERICANIZATION

USA COALITION POSITION SUMMARY

* What is the USA Coalition?

The USA Coalition is a group of seafood processors, commercial fishermen, sportfishermen, labor organizations, transport companies, and citizens from every walk of life. The Coalition was organized to bring America one step closer to gaining control of fishery resources within the 200-mile FCZ.

* What is the USA Coalition's goal?

The Coalition's goal is to have the Magnuson Fisheries and Conservation Act amended to: 1) provide for a phase-out of all foreign fishing in American waters by 1988; and 2) limit sales of American-harvested fish to foreign floating processors to current levels until foreign processors are replaced by domestic processors in 1990.

* How much fish is taken by foreign fishing interests?

Foreign fishing interests are currently taking more than four billion pounds of fish annually from within 200 miles of Alaska. That's 80% of the total seafood harvest in Alaskan waters.

* Shouldn't Americans be getting the benefit of this valuable resource?

YES! Americanization of the fishery will increase domestic participation in the fishing and processing industries, provide employment opportunities for Americans, stimulate economic growth and foster economic stability in Alaska's coastal communities.



*** Is it really necessary to establish a "time-certain" for the phase-out?**

A planned phase-out is crucial to enable the American fishing and processing industry provide for an orderly transfer of the fishery to domestic interests. Establishing a date for phasing-out of foreign fishing interests will encourage the financial community to support capitalization of the American fishing and processing industries.

*** Will a phase-out of foreign fishing within the 200-mile limit affect the "incidental catch" of halibut, salmon, and herring by foreign-directed high-seas fishing vessels ?**

A phase-out of foreign fishing will drastically reduce the incidence of interceptions of halibut, salmon, and herring by the foreign-directed high-seas fishing fleet by keeping foreign fishing vessels outside the 200-mile limit.

*** Does the USA Coalition need my help?**

YES! The USA Coalition believes that the time has come for a large group of citizens to demand Americanization of the fishery. If we don't act now, that resource may never benefit the people of Alaska's communities. We need your support, and the support of all Alaskans. Sign a USA Coalition petition supporting a phase-out of foreign fishing, write your Congressmen and state legislators. If you want to become more involved, contact the USA Coalition directly. Thanks for your help. Let's fish for America!

USA COALITION

UNITED SEAFOOD AMERICANIZATION

USA COALITION COMMITTEE

Ron Jolin
Commercial fisherman

Bix Bonney
Sportfisherman

Larry Cotter
International Longshoremen's and
Warehousemen's Union

Rick Barber
Pacific Seafood Processors Association

John Cleveland
Sea-Land Services



STATE OF ALASKA

OFFICE OF THE GOVERNOR

JUNEAU

BILL SHEFFIELD
GOVERNOR

NEWS RELEASE



FOR INFORMATION CONTACT:

John Greeley
Press Secretary

Molly McCammon
Deputy Press Secretary
Office of the Governor
Pouch A, Juneau, AK 99811
Bus. Phone: (907) 465-3500

GOVERNOR SHEFFIELD OBJECTS TO STATE DEPARTMENT DECISION REGARDING JAPANESE GROUND FISH ALLOCATION

April 23, 1985

No. 85-61

FOR IMMEDIATE RELEASE

JUNEAU--Governor Bill Sheffield today criticized a State Department decision to grant Japan its full allocation of groundfish from U.S. waters for the second quarter of 1985.

In a letter to the State Department's Ambassador Ed Wolfe, deputy assistant secretary for fisheries, Sheffield said, "I am extremely disappointed that your action failed to support the efforts of the State of Alaska, the North Pacific Fisheries Management Council, and the seafood industry to 'Americanize' the groundfish resources off Alaska."

Last December the North Pacific Fisheries Management Council decided to eliminate foreign fishing in the Gulf of Alaska and to restrict it severely in the Aleutian Islands. Sheffield said that decision was prompted by U.S. concerns over the incidental catch of salmon and other fish, and the desire to encourage U.S. processing of bottomfish.

Based on subsequent agreements between U.S. and Japanese fishing companies, the Council in February reversed its decision and agreed to reopen portions of the Gulf of Alaska to limited foreign fishing. In return, the Japanese agreed to enter into purchase contracts for U.S. processed surimi by the end of March as a first step in establishing an Import Quota in Japan. According to the terms of that agreement, 7,700 metric tons of U.S. surimi were to be purchased by Japan in 1985, and 20,000 tons in 1986.

-MORE-

Sheffield noted that the Council's decision recognized foreign fishing would still result in significant by-catches of halibut, sablefish, perch, and salmon, which are already fully utilized by Alaska fishermen and processors. "We were able to justify these costs to the existing Alaskan seafood industry because of the obvious long-range benefits associated with the successful penetration of the Japanese surimi market," the Governor said.

"Although some negotiations are currently underway, my information is that no purchase contracts and no Japanese Import Quota have to date been established," Sheffield said.

The federal decision to give Japan its full quota of fish for the second quarter, in spite of Japan's failure to abide by its agreements, "raises serious doubts as to whether or not any real long-term benefits will, in fact, be forthcoming from the agreement," Sheffield added.

The Governor emphasized the benefits of Americanizing groundfish resources off Alaska to developing an Alaska surimi industry and bringing jobs to Alaska coastal communities. "But as the federal government expounds on the merits of free trade and continues in its unrestricted releases of groundfish, Japanese kamaboko processors and trading companies have this year exported \$200 million worth of surimi products into U.S. markets. Frankly, I have a very real concern that while the Japanese stonewall, we are losing the major share of our own marketplace.

"Although I recognize that the second quarter release is now a 'fait accompli' and that it is likely that at least some of your decision was unrelated to fisheries issues, I hope that I have succeeded in conveying my frustration with the way in which such decisions are made by your agency," concluded Sheffield.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 23, 1985

Ambassador Ed Wolfe
Department of State
OES-O, Room 7831
Main State Building
Washington, DC 20510

Dear Ambassador Wolfe:

I have recently been advised that late last week the U.S. Department of State made a release of the full second quarter allocation of groundfish to the Government of Japan. Although there apparently were some conditions attached regarding the third quarter release, it is my understanding that this most recent release in no way responded to the failure of the Japanese to perform under the 1985 U.S./Japan Industry to Industry agreement. Needless to say, I am extremely disappointed that your action failed to support the efforts of the State of Alaska, the North Pacific Fisheries Management Council and the seafood industry to "Americanize" the groundfish resources off Alaska.

Although I am certain that you are well aware of recent events regarding this situation, a review of those events from Alaska's perspective may be of some value to you in future decisions. In December, 1984, Alaska representatives to the North Pacific Fisheries Management Council faced the difficult decision of apportioning to TALFF, DAH, DAP, JVP, and Reserves various amounts of groundfish in the Gulf of Alaska and Bering Sea/Aleutian Islands. In response to concerns regarding by-catches of fully utilized species, resource conditions in the target fisheries, and the need to provide U.S. processors access to raw material, the Council chose to reduce TALFF in the Gulf to zero and to prohibit bottom trawling inside twenty miles in the Aleutian Island area. Subsequently, the U.S./Japan Industry to Industry negotiations occurred and, as result of the terms of that arrangement, participating U.S. industry representatives strongly urged the Council to reverse its zero TALFF decision in the Gulf and give other consideration to the Japanese. Based upon strong assurances that the Japanese parties to the negotiations would meet their commitments, Alaska representatives supported the Council's action to reinstate moderate levels of TALFF in the Gulf and to recommend an allocation to the Japanese of some 900,000 mt in the Bering Sea. It is important to note

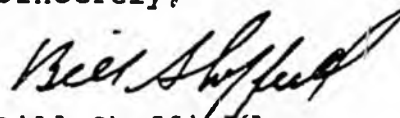
April 23, 1985

here that even the moderate levels of TALFF established in the Gulf were certain to result in significant by-catches of fully utilized species such as halibut, sablefish, Pacific Ocean perch, and salmon which are of importance to Alaskan fishermen, processors, and coastal communities some of whom stand to benefit only minimally from the joint venture and surimi purchases outlined in the 1985 U.S./Japan agreement. We were able to justify these costs to the existing Alaskan seafood industry because of the obvious long range benefits associated with the successful penetration of the Japanese surimi market. However, your recent decision, apparently made without regard for the Japanese failure to perform, raises serious doubts as to whether or not any real long-term benefits will, in fact, be forthcoming from the agreement.

Clearly, we in Alaska are very interested in the development of a surimi and secondary products industry which will provide jobs and diversification for our processors and fishermen. It is equally clear that as long as major export markets for our products remain closed and extensive foreign fishing continues, our ability to achieve this fisheries development goal will be severely limited. There is a sense of urgency in this matter for as the federal government expounds on the merits of free trade and continues in its unrestricted releases of groundfish, Japanese kamaboko processors and trading companies have this year exported \$200 million worth of surimi products into U.S. markets. Frankly, I have a very real concern that while the Japanese stonewall we are losing the major share of our own marketplace.

Although I recognize that the second quarter release is now a "fait accompli" and that it is likely that at least some of your decision was unrelated to fisheries issues, I hope that I have succeeded in conveying my frustration with the way in which such decisions are made by your agency. We have reached a crucial point in the development of an industry important to Alaska and the nation and only through a coordinated, consistent application of public policy will we be able to succeed. Rest assured we will watch the Japanese performance and the upcoming third quarter release with great interest. Please feel free to contact me if I can be of any assistance in your deliberations.

Sincerely,



Bill Sheffield
Governor

the
Kodiak
daily mirror



VOL.45 NO.76

WEDNESDAY, APRIL 17, 1985

KODIAK, ALASKA

12 PAGES 35 CENTS

Council resolution eyes foreign fishing phaseout

By GORDON WEEKS
Staff Writer

The City Council last night passed a resolution urging that the phaseout of foreign fishing and processing in the U.S. Fishery Conservation zone off Alaska be addressed.

The resolution, introduced at a reconvening of the April 11 regular meeting, states that U.S. and Alaskan economies derive very little benefit from foreign fishing and processing operations off the coast of Alaska. The document states that the council "feels that nine years after the establishment of the Fishery Conservation and Management Act, the time has come to aggressively address the issue of phaseout of foreign fishing and processing."

The resolution points out that a million metric tons of Alaska bottomfish were caught by foreign nations, and that approximately 800,000 metric tons of bottomfish were apportioned to foreign processors last year.

"The level of investment necessary for U.S. fishing industry to develop bottomfish off Alaska will not take place as long as foreign fishing and joint operations remain at current levels, and as long as there is no definite program for phasing out foreign fishing and processing," the resolution states.

The council also passed a resolution supporting full funding

for the Legislative Information and Teleconference offices in Alaska.

The resolution states that the service "provides a vital communication link between constituents and their legislators" and that "many state agencies actively solicit input to policy via the Legislative Teleconference Network, the most advanced and innovative system in use in the (Please turn to Page 4)

council

(Continued from Page 1)

United States today."

The resolution states that the "remote location of the state capitol precludes active participation by most Alaskans."

The council awarded L.G. Schneider and Sons Inc. a \$6,500 contract to repair the leaking roof of the Harbormaster Office. A resolution accepting the Hillside Drive right-of-way was also passed.

CITY OF KODIAK
RESOLUTION NUMBER 28-85

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK URGING THAT PHASE-OUT OF FOREIGN FISHING AND PROCESSING IN THE UNITED STATES FISHERY CONSERVATION ZONE OFF ALASKA BE ADDRESSED

WHEREAS, the Kodiak Community is primarily a fishing economy; and

WHEREAS, many of our merchants, seafood processors, fishermen, labor force, and support industries depend heavily on the ability of our fishing industry to harvest, process, and market the fishery resources of the U.S. Fishery Conservation Zone (FCZ) off Alaska; and

WHEREAS, the Fishery Conservation and Management Act (FCMA) was established nine years ago by Congress; and

WHEREAS, Congress declared in the FCMA that "A national program for the development of fisheries which are under utilized or not utilized by the United States fishing industry, including bottomfish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby..."; and

WHEREAS, foreign nations in 1985 were apportioned approximately one million metric tons of Alaskan bottomfish for directed fishing and processing; and

WHEREAS, foreign processors in 1985 were apportioned approximately 900,000 metric tons of Alaskan bottomfish for joint venture operations; and

WHEREAS, joint venture operations in the U.S. FCZ off Alaska have grown from approximately 33,000 metric tons in 1983 to a projected 900,000 metric tons in 1985; and

WHEREAS, THE U.S. processed harvest of bottomfish in the U.S. FCZ off Alaska has grown from 46,000 metric tons in 1983 to only 141,617 metric tons in 1984; and

WHEREAS, the U.S. and Alaskan economies derive very little relative benefit from foreign fishing and processing operations in the U.S. FCZ off Alaska; and

WHEREAS, the level of investment necessary for the U.S. fishing industry to develop bottomfish off Alaska will not take place as long as foreign fishing and joint venture operations remain at current levels; and as long as there is not a definitive program for phasing-out foreign fishing and processing,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Kodiak, Alaska, feels that nine years after the establishment of the FCMA the time has come to aggressively implement phase-out of foreign fishing and processing.

BE IT FURTHER RESOLVED that the United States Congress is respectfully requested to implement a date-specific phase-out of foreign fishing and joint venture processing in the 1985 reauthorization of the FCMA.

AND, BE IT FURTHER RESOLVED that copies of this resolution be sent to the following individuals:

Senator John C. Danforth, Chairman, Senate Committee on Commerce, Science, and Transportation

Senator Frank Murkowski

Senator Theodore F. Stevens

Congressman John Breaux, Subcommittee on Fisheries and Wildlife Conservation, House Merchant Marine and Fisheries Commission

Malcolm Baldrige, U.S. Secretary of Commerce

James Branson, North Pacific Fishery Management Council

Governor Bill Sheffield,

Senator Fred Zharoff

Representative David Thompson

PASSED AND APPROVED this 16TH day of APRIL, 1985.

CITY OF KODIAK


MAYOR

ATTEST:


CITY CLERK

City of Sand Point

P.O. Box 177
Sand Point, Alaska 99661
(907) 383-2696

RESOLUTION NO. 85-20

A RESOLUTION OF THE CITY COUNCIL OF SAND POINT SUPPORTING AMERICANIZATION OF FISHING.

WHEREAS, reauthorization of the Fisheries Conservation Management Act is being considered by Congress; and

WHEREAS, the only intent of the FCMA was for americanization of the U.S. fisheries; and

WHEREAS, in Alaska, the majority of bottomfish is caught and/or processed by foreign nations; and

WHEREAS, coastal communities in Alaska are presently being excluded in the most part from any benefits associated with the huge bottomfish resource off of Alaska, and presently these communities are in economical hardships; and

WHEREAS, coastal communities could immensely benefit from phase-out of foreign fishing and processing; and

WHEREAS, the goal of the U.S. fishing industry, the communities of Alaska, and the people of the U.S. should be to catch, process, and market American fish with American equipment, by American people, in American communities.

NOW THEREFORE BE IT RESOLVED that the Sand Point City Council supports phase-out of directed foreign fishing by 1988 and a cap on existing levels of foreign fishing.

AND BE IT FURTHER RESOLVED that the Sand Point City Council supports replacement of foreign processing with American processing by 1990.

PASSED AND ADOPTED by a duly constituted quorum of the Sand Point City Council this 15th day of April, 1985.

Jack H. Foster, Sr.
MAYOR

ATTEST:

Debra K. Rushton
CITY CLERK

FISHERIES CONSERVATION MANAGEMENT ACT

RESOLUTION NO. 85-12

WHEREAS, reauthorization of the U.S. Fisheries Conservation Management Act (FCMA) is being considered by Congress; and,

WHEREAS, the original intent of the FCMA was for "Americanization" of the U.S. Fisheries; and,

WHEREAS, in Alaska the majority of the bottomfish is caught and/or processed by foreign nations; and,

WHEREAS, coastal communities in Alaska are presently being excluded in the most part from any benefits associated with the huge bottomfish resource of Alaska; and presently these communities are in economic hardship; and,

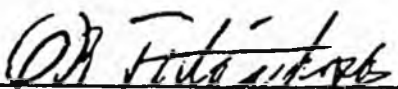
WHEREAS, coastal communities could immensely benefit from phase-out of foreign fishing and processing; and,

WHEREAS, the goal of the U.S. fishing industry, the communities of Alaska, and the people of the United States should be to catch, process, and market American fish with American equipment, by American people, in American communities,

NOW THEREFORE BE IT RESOLVED, that the Aleutian/Pribilof Islands Association, Inc. supports phaseout of directed foreign fishing by 1988 and a cap on existing levels of fishing; and,

BE IT FURTHER RESOLVED, that the Aleutian/Pribilof Islands Association, Inc. supports replacement of foreign processing with American processing by 1990.

Passed and approved on this 3rd day of April, 1985.


PHILEMON TUTIAKEFF, CHAIRMAN
A/PIA BOARD OF DIRECTORS

ATTEST:


SECRETARY

APR 25 1985

CITY OF SEWARD

P.O. BOX 167
SEWARD, ALASKA 99664



- Main Office (907) 224-3331
- Police (907) 224-3338
- Harbor (907) 224-3341
- Telecopier (907) 224-3248

April 19, 1985

THE HONORABLE ARLISS STURGULEWSKI
ALASKA STATE SENATE
Pouch V
Juneau, AK 99811

JOINT VENTURE FISHERIES WITHIN THE 200-MILE ZONE

It has come to my attention that your Committee will be holding a hearing regarding fisheries resources. The attached Resolution was recently passed by the City Council of the city of Seward, supporting the continued control of fisheries within the 200-mile zone. Although copies of the Resolution have been sent to the Governor, I am sending a copy directly to you as input in your hearings.

Thank you for your consideration.

CITY OF SEWARD, ALASKA

Kerry T. Martin
KERRY T. MARTIN
ADMINISTRATIVE ASSISTANT

KTM:am

Enclosure

THE HONORABLE ARLISS STURGULEWSKI
ALASKA STATE SENATE
Pouch V
Juneau, AK 99811

CITY OF SEWARD, ALASKA
RESOLUTION NO. 85-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SEWARD, ALASKA, IN SUPPORT OF CONTINUED CONTROL OF
FISHERIES WITHIN THE 200 MILE ZONE

WHEREAS, the City Council endorses the concept of joint venture fisheries structured between Alaska fishermen, West Coast fishermen and foreign processors; and

WHEREAS, the City Council recognizes that it is not sound policy to permit any foreign fleet access to our fisheries without a corresponding return to our economy; and

WHEREAS, many foreign processors are not utilizing services offered in coastal communities, but are resupplying themselves on the high seas with products from their homeland or other foreign ports; and

WHEREAS, the Soviet Union's recent decision to reprovision and bunker on the high seas will result in an estimated loss of \$100-150 Thousand per vessel to the shore-based suppliers of the state of Oregon; and

WHEREAS, similar losses can be expected in other West Coast communities including Alaskan coastal towns if steps are not taken to alleviate this problem; and

WHEREAS, it is imperative that those agencies responsible for issuing permits to harvest fish within our 200 mile zone require that those companies receiving permits utilize available Alaskan provisions and/or services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, that:

Section 1. The City Council strongly supports a time extension to the Magnuson Act and continued control of our fisheries within the 200 mile zone.

Section 2. The City Council further urges that permitting agencies require a showing of economic benefit to the area being fished prior to the issuance of any permit to fish within the 200 mile zone.


Section 3. A certified copy of this resolution shall be forwarded to the Honorable Governor Bill Sheffield, the City's legislative and congressional representatives, the North Pacific Fisheries Management Council, the Alaska Railroad and other affected coastal and interior cities.

Section 4. This resolution shall take effect immediately upon its adoption.

CITY OF SEWARD, ALASKA
RESOLUTION NO. 85-37

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEWARD,
ALASKA, this 8 day of April, 1985.

THE CITY OF SEWARD, ALASKA



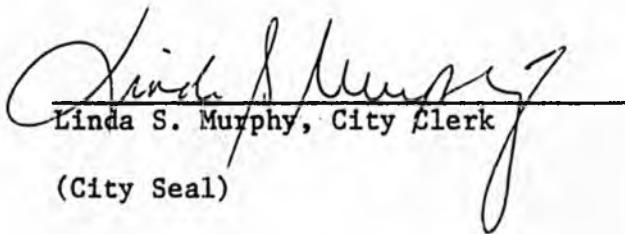
John F. Gillespie
Acting Mayor

AYES: GILLESPIE, HILTON, SCHOLL, SIMUTIS & WILLIAMS
NOES: NONE
ABSENT: CRIPPS & MEEHAN
ABSTAIN: NONE

ATTEST:

APPROVED AS TO FORM:

HUGHES, THORSNESS, GANTZ, POWELL
AND BRUNDIN, Attorneys for the
City of Seward, Alaska

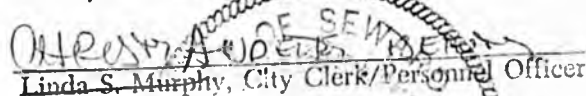


Linda S. Murphy, City Clerk
(City Seal)

Fred B. Arvidson, City Attorney

~~CHRISTY AUDETTE, DEPUTY~~
I, ~~Linda S. Murphy~~, City Clerk/Personnel Officer of
the City of Seward, Alaska, do hereby certify that this
is a true and correct copy of the document as it appears
of record in my office

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the Seal of the City of Seward, Alaska,
this 19th day of APRIL, 1985



Linda S. Murphy, City Clerk/Personnel Officer



CITY OF SEWARD

P.O. BOX 167
SEWARD, ALASKA 99664



- Main Office (907) 224-3331
- Police (907) 224-3338
- Harbor (907) 224-3341
- Telecopier (907) 224-3248

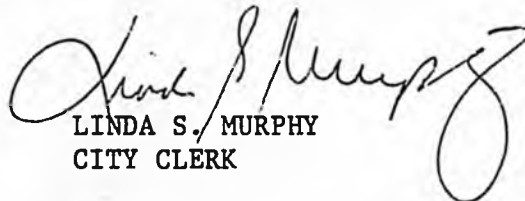
NOTICE OF PASSAGE OF RESOLUTIONS

April 8, 1985

NOTICE IS HEREBY GIVEN that at its regular meeting of April 8, 1985, the Seward City Council approved the following resolutions:

<u>NUMBER</u>	<u>TITLE</u>
85-35	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, APPROPRIATING SALES TAX RECEIPTS TO SEWARD GENERAL HOSPITAL
85-36	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, AMENDING <u>RESOLUTION NO. 85-32</u> BY APPROVING A PURCHASE ORDER TO DYNA-MED, INC. FOR THE PURCHASE OF MEDICAL EQUIPMENT
85-37	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, IN SUPPORT OF CONTINUED CONTROL OF FISHERIES WITHIN THE 200 MILE ZONE
85-38	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, AUTHORIZING A SHORT-TERM LEASE OF THE MIC SHIPLIFT PLATFORM TO JOEL STEELMAN, DBA SEWARD STEEL WORKS

All resolutions take effect immediately. Copies of these resolutions are posted on the City Hall bulletin board and are available in the Clerk's office for public review.


LINDA S. MURPHY
CITY CLERK

Notice to Publisher--Seward Phoenix Log--Publish one (1) time on 04/11/85

POSTED: (04/09/85)

MAILED OR DELIVERED: (04/09/85)

City Hall
U.S. Post Office
Harbormaster's Building

Councilmembers
City Manager
City Attorney
Department Heads
KRXA Radio

NOTICE OF PASSAGE OF RESOLUTIONS

Page 2

MAILED OR DELIVERED: (04/09/85)

Seward Phoenix Log

SGH (85-38)

(85-37):

Honorable Bill Sheffield, Govenor
Honorable Bette Cato, State House
Honorable Jalmar Kerdtula, State Senate
Honorable Edna Armstrong DeVries, State
Senate

Honorable Ted Stevens, U.S. Senate
Honorable Frank Murkowski, U.S. Senate
Honorable Don Young, U.S. House
North Pacific Fisheries Management
Council

Alaska Railroad
City of Kodiak
City of Ketchikan
City of Sitka
City of Dutch Harbor
City of Cordova
City of Yakutat
City of Anchorage
City of Fairbanks
City of Homer
City of Petersburg

Bristol Bay Borough
Fairbanks North Star Borough
City and Borough of Juneau
Kodiak Island Borough
Sitka Borough
City of Homer
City of Unalaska
City of Yakutat
Mary Louise Faunce



City and Borough of Sitka

304 LAKE STREET. SITKA, ALASKA. 99835

April 24, 1985

Honorable Ted Stevens
United States Senate
522 Hart Building
Washington, D. C. 20510

Honorable Frank Murkowski
United States Senate
317 Hart Building
Washington, D. C. 20510

Representative Don Young
House of Representatives
2331 Rayburn House Office Building
Washington, D. C. 20515

Gentlemen:

Sitka supports the phaseout of directed foreign fishing by 1988 and also supports replacement of foreign processing with American processing and urges you to support the "Americanization" of the United States fisheries also. A copy of the a resulation adopting this stand is enclosed for your information.

Sincerely yours,

Richard Anderson
Administrator

enclosure

cc: USA Coalition
Eric Eckholm
175 South Franklin, Suite 314
Juneau, Alaska 99801

City of Seward

C I T Y A N D B O R O U G H O F S I T K A

Resolution No. 85-278

A RESOLUTION OF THE ASSEMBLY OF THE
CITY AND BOROUGH OF SITKA SUPPORTING
PHASEOUT OF DIRECTED FOREIGN FISHING
BY 1988 AND A CAP ON EXISTING LEVELS
OF FISHING, ALSO SUPPORTING REPLACEMENT
OF FOREIGN PROCESSING WITH AMERICAN
PROCESSING BY 1990

WHEREAS, reauthorization of the U.S. Fisheries
Conservation Management Act (FCMA) is being considered by
Congress; and

WHEREAS, the original intent of the FCMA was for
"Americanization" of the U. S. fisheries; and

WHEREAS, in Alaska the majority of the bottomfish
is caught and/or processed by foreign nations; and

WHEREAS, coastal communities in Alaska are
presently being excluded in the most part from any benefits
associated with the huge bottomfish resource off Alaska, and
presently these communities are in economic hardship; and

WHEREAS, coastal communities could immensely benefit
from phaseout of foreign fishing and processing; and

WHEREAS, the goal of the U.S. fishing industry, the
communities of Alaska, and the people of the United States
should be to catch, process, and market American fish with
American equipment, by American people, in American communities,

NOW, THEREFORE, BE IT RESOLVED by the Assembly of the
City and Borough of Sitka that it supports phaseout of
directed foreign fishing by 1988 and a cap on existing levels
of fishing, and

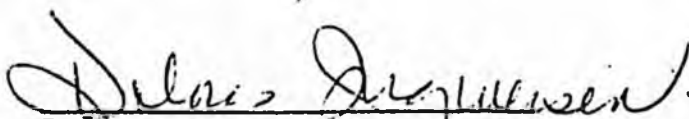
BE IT FURTHER RESOLVED, that the Assembly of the
City and Borough of Sitka supports replacement of foreign
processing with American processing by 1990.

PASSED, APPROVED, AND ADOPTED by the Assembly of
the City and Borough of Sitka this 22nd day of APRIL, 1985.



Earl Richards,
Deputy Mayor

ATTEST:


Dolores Ingwersen,
Municipal Clerk

PETITION IN SUPPORT OF AMERICANIZATION OF THE U.S. FISHERY

More than four billion pounds of the fish harvested and/or processed within the 200-mile zone off Alaska's coast is taken by foreign fishing interests. This is eighty percent of the total harvest in those waters.

This valuable resource could bring thousands of new jobs to Alaska and be of tremendous benefit to the economic health and stability of our many coastal communities and the State.

We, the undersigned do endorse and support the phasing out of all foreign fishing in U.S. waters by 1988, limiting joint ventures to their current harvest levels and the phasing out of all foreign processing by 1990.

<u>Signature</u>	<u>Name (Print)</u>	<u>Address</u>
1)		
2)		
3)		
4)		
5)		
6)		
7)		
8)		
9)		
10)		
11)		
12)		
13)		
14)		
15)		

Please mail signed petitions to USA Coalition, Suite 312, 175 S. Franklin St., Juneau, Alaska, 99801. For more information, call (907)586-3105.



Daily News art department

Shaded area indicates general range of American 200-mile zone, which Congress approved nine years ago

Congress reviews 200-mile limit

Alaska lawmakers split on whether to force foreign fishermen out

By BETTY MILLS
Daily News correspondent

WASHINGTON — As Congress takes a second look at the law extending U.S. territory from three to 200 miles offshore, the Alaska fishing industry and the state's congressmen are divided over how to change the law.

The law was enacted nine years ago. It expires on Sept. 30, unless Congress renews it.

After years of debate, the law was enacted to reduce overfishing by foreign fishermen and open opportunities to Americans. That effort to "Americanize" the fishery is at the heart of the debate to reauthorize and amend the law.

The all-Republican Alaska congressional delegation is divided in its feelings on the law.

Sens. Ted Stevens and Frank Murkowski support a cutoff date for all foreign fishing in the 200-mile zone.

Rep. Don Young opposes the idea. Murkowski favors a cutoff date of 1990. "It is inevitable. By about 1990, or thereabouts, we will have it Americanized," he said.

Stevens has not settled on a deadline.

Young argues that setting a date to banish foreigners from the U.S. zone could backfire against Alaskans.

Stevens serves on the Senate Commerce Committee, which will write the new fishing bill. He hopes

to introduce legislation later this month, he said.

"There is no consensus from the people who come in here," Stevens said.

"Some want a time frame for phasing out foreign fishermen ... others say foreign fishermen are not the problem.

"There is not a consensus in Alaska. The Northwest fishermen want foreign processors within the 200-mile limit, and the Southeast fishermen don't. My job is to ask the federal government to assure the availability of the resource.

"That is why we are backing the foreign fishermen out of the zone. That was my position before. It was in my bill last year, and I intend to put it back in."

But Young says it's premature to set a deadline.

"Don does not favor legislative termination," said Rod Moore, an aide. "We may not have a market."

Japan buys 40 percent of the salmon caught in Alaska. And the Japanese legislature is considering a bill that would ban importation of American fish products if the Japanese allocation is cut, he said.

"Japan could shut down our fishing industry in Alaska if we arbitrarily terminate them. If we do it abruptly and arbitrarily, it will be bad for Alaska. We must do it on a step-by-step basis."

Hugh Takagi, the Washington agent for the Japan Fisheries Asso-

ciation, said his group could not accept a termination date for fishing in the 200-mile zone.

"We believe the way we have been doing it for the past three to four years, through an industry-to-industry arrangement and joint ventures, has been working very well," Takagi said.

Fishing groups in Bristol Bay and Norton Sound that have supplied their catches to foreign processors also oppose a cutoff date.

Takagi indicated the Japanese are keeping a low profile as Congress begins work on reauthorizing the 200-mile limit law, formally known as the Magnuson Fishery Conservation and Management Act after former Washington Democratic Sen. Warren Magnuson.

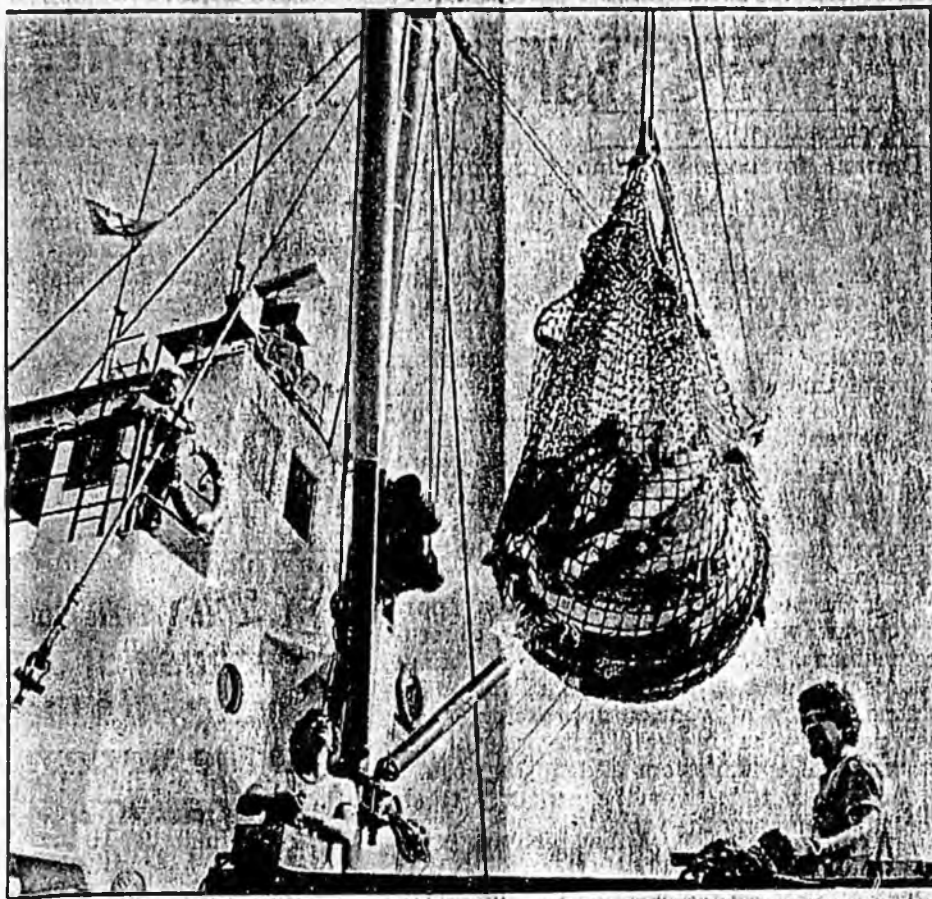
"We don't have any major problems with the bill," Takagi said of a package of amendments introduced by Young and Rep. John Breaux, D-La. "We have actually done no lobbying."

Breaux is chairman of the House Subcommittee on Fisheries and Wildlife Conservation. Young is the ranking minority member on the panel.

The subcommittee staff in January wrote a draft bill calling for an end to foreign fishing.

But this section was deleted in a revision by Breaux and Young.

The House panel is moving quickly on the bill. A drafting session is scheduled for May 2, and action by



Daily News file photo

Japan still buys 40 percent of the salmon caught off the Alaska coast.

the House is likely in June.

Senate hearings are expected to begin later this month. Stevens said he hopes to take the committee to Alaska this summer.

At House hearings last month, Reagan administration officials skirted the issue of a deadline for ending foreign fishing.

But they favored continuing the so-called "fish and chips" policy. Under this policy, foreign fishing allocations are used as trading stock for other administration objectives.

"We believe it is important that this provision (known as the "basket clause") be retained," said Edward Wolfe Jr., deputy assistant secretary of state for oceans and fisheries affairs.

"Deletion of this clause would unquestionably undermine the administration's ability to carry out a consistent foreign policy."

The provision has been used to deny or limit allocations three times since 1977.

The U.S. denied Soviet allocations in response to the Russian invasion of Afghanistan; the U.S. denied Polish allocations after martial law was imposed in Poland; and the U.S. cut Japanese allocations due to their non-compliance with a ban on commercial whaling.

But Young and the United Fishermen of Alaska charge the "basket clause" has served only to hurt domestic fishing.

"When Russian fishing was sus-

pended in 1980 as a result of their invasion of Afghanistan, the only result was that Japan got more fish," Young said.

"This, in spite of the fact that Japan had the worst enforcement record of any nation fishing in our 200-mile zone that year.

"Suspension of fishing privileges has not moved the Soviets out of Afghanistan, did not bring an end to martial law in Poland, and did not stop Japanese whaling. All it did was force our fishermen to suffer," he added.

Henry Mitchell, treasurer of the 8,000-member UFA, said his group wants the "basket clause" eliminated.

"Regional councils and annual industry negotiations are the appropriate approach."

The state of Alaska also has not endorsed a cutoff date for ending foreign fishing within the 200-mile zone.

Don Collinsworth, fish and game commissioner, said the state supports making the fishery all Alaskan but stops short of endorsing a specific date for phasing out foreigners.

Taking the same position as UFA, Collinsworth said, "The regional councils, through annual industry negotiations, are the best forum to maximize benefits to the industry and the nation. Economic conditions are rapidly changing and a good deal today may be a bad deal several years hence."

4/11/85

4

Editorial

Keeping gains

For years before the 200-mile fishing limit went into effect in 1976, Alaskans rightfully complained that the U.S. federal government traded away Alaska fisheries to obtain diplomatic goals. Alaska's fishery was last priority to federal negotiators.

Alaskans must watch that the same thing doesn't reoccur. It could. The 200-mile limit law expires Sept. 30. Congress is holding hearings now on renewal and modifications to the law. Alaska Sens. Ted Stevens and Frank Murkowski are urging that the new law completely Americanize the fishery by banning all foreign vessels from inside the 200-mile limit after 1990. Congressman Don Young disagrees and has support of many Alaska fishermen who have been fishing for foreign processors within the 200-mile limit in joint operations.

The major problem is that the U.S. is on the losing side in a trade war with Japan on such things as automobiles, agricultural products, textiles and electronic devices. Autos and electronics are more important to the majority of the people in the U.S., meaning also the majority in Congress, than Alaska fishing. It's going to take all of the efforts of Alaskans, and agreement among our congressional delegation, to assure that Alaskans keep what they gained with the 200-mile limit concept.

It's possible that U.S. trade negotiators may offer to give foreign fleets greater fish quotas within the 200-mile zone in exchange for dropping the Japanese ban on import of U.S. goods, or in exchange for Japan limiting auto exports to the U.S.

It's a shame. Alaska has so much to offer in natural resources — oil, gas, coal, hard rock minerals, timber and fish — that could be exported to improve the balance of payments for the U.S. but faces restrictions by its own government that inhibits that help.

No one in Washington is looking at what Alaska has to offer unless it is how Alaska's fishery resources can be traded away to foreign fishermen to reduce the number of autos shipped from Japan.

Delegation, industry split

U.S. wading in 200-mile zone

By BETTY MILLS

Daily News Washington Bureau

WASHINGTON — Congress has launched its review of the historic law which extended the U.S. fishing zone to 200 miles, with segments of the Alaska fishing industry and the delegation split about what changes are needed.

The law, enacted in 1976, expires on Sept. 30. In addition to extending the fishery conservation zone to 200 miles, the law created eight regional management councils to develop fishery management plans. The North Pacific Fishery Management Council was established to deal with Alaska.

Enacted after years of debate, the law was intended to cut back on overfishing by foreign nations and open up new opportunities to Americans. This effort to "Americanize" the fishery is at the heart of the

debate to re-authorize and amend the law.

The all-Republican Alaska delegation is divided on the issue, with Sens. Ted Stevens and Frank Murkowski supporting a cut-off date for ending foreign fishing within the zone, and Rep. Don Young opposing such a plan.

Murkowski, who serves on the Senate Foreign Relations Committee, favors a termination date of 1990, while Stevens has not settled on a deadline.

Young argues that setting a date to kick foreigners out of the U.S. zone could backfire against Alaskans.

In an interview before he left for the Orient, Murkowski said he planned to discuss his views with Japanese Prime Minister Yasuhiro Nakasone.

"I am going to indicate that we are going to Americanize our fishing

within the 200-mile limit. It is inevitable. By about 1990, or thereabouts, we will have it Americanized," the senator said.

Stevens, who serves on the Senate Commerce Committee, which will write the new fishing bill, is still preparing amendments. He hopes to introduce legislation later this month.

"There is no consensus from the people who come in here," said Stevens. "Some want a time frame for phasing out foreign fishermen ... others say foreign fishermen are not the problem. There is not a consensus in Alaska. The Northwest fishermen want foreign processors within the 200-mile limit, and the Southeast fishermen don't. My job is to ask the federal government to argue the availability of the resource. That is why we are backing the foreign fishermen out of the zone. That was my position before. It was in my bill last year, and I intend to put it back in," Stevens said.

But Young feels it is premature to set a deadline.

"Don does not favor legislative termination," said aide Bob Moore. "What happens if you say, 'OK, in 1988, everyone out of the pool'? We may not have a market. Japan alone buys 40 percent of the salmon we catch in Alaska," Moore added. "There is a bill in the Japanese Diet (legislature) which calls for a ban on importation of American fish products if the Japanese allocation is cut. Japan could shut down our fishing industry in Alaska if we arbitrarily terminate them. If we do it abruptly and arbitrarily, it will be bad for Alaska. We must do it on a step-by-step basis."

The House fish and wildlife subcommittee is moving quickly on amendments to the 200-mile limit law, scheduling a drafting session for May 2. Senate hearings are expected to begin later this month, and Stevens hopes to take the committee to Alaska this summer.

City of Emmonak

LOWER YUKON DELTA
EMMONAK, ALASKA 99581

RESOLUTION NO. 85-18

A RESOLUTION OF THE CITY COUNCIL OF City of Emmonak
SUPPORTING THE AMERICANIZATION OF ALASKA'S FISHERY

WHEREAS The fishery off Alaska's coast is greater than that of the rest the United States combined, and this resource is tremendously important to the long range future of Alaska; and

WHEREAS Americanization of the fishery will benefit Alaskan coastal communities by providing jobs for fishermen, processing workers, and transporters on a continuing basis; and

WHEREAS there exists an excellent opportunity for American fishermen and processors to take advantage of the more than 4 Billion pounds of fish currently being taken by foreign fishing interests within America's 200-mile zone; and

WHEREAS Americanization of the fishery will increase American participation in the fishing and processing industries, provide employment opportunities for Americans, stimulate economic growth and foster economic stability in Alaska's coastal communities, and generate tax revenue for Alaska's municipalities, the State of Alaska, other coastal states, and the United States Government; and

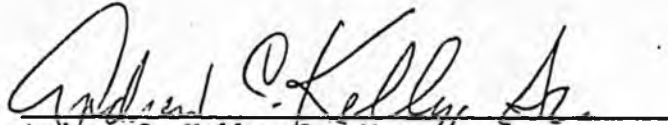
WHEREAS a planned phase-out is crucial to enable the American fishing and processing industry to provide for an orderly transfer of the fishery to domestic interests; and

WHEREAS establishing a time certain for phasing-out of foreign fishing interests will encourage the financial community to support capitalization of the American fishery;

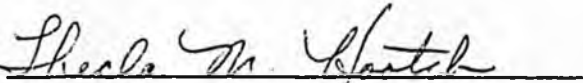
THEREFORE BE IT RESOLVED that the (Name of Municipality) City Council supports the phasing out of all foreign fishing in American waters by 1988; and

AND BE IT FURTHER RESOLVED that sales of American-harvested fish to foreign floating processors be limited to current levels and replaced by American processors in 1990.

PASSED AND ADOPTED by a duly constituted quorum of The City of Emmonak City Council this May day of 7, 1985.


Andrew C. Kelly, Sr. Mayor

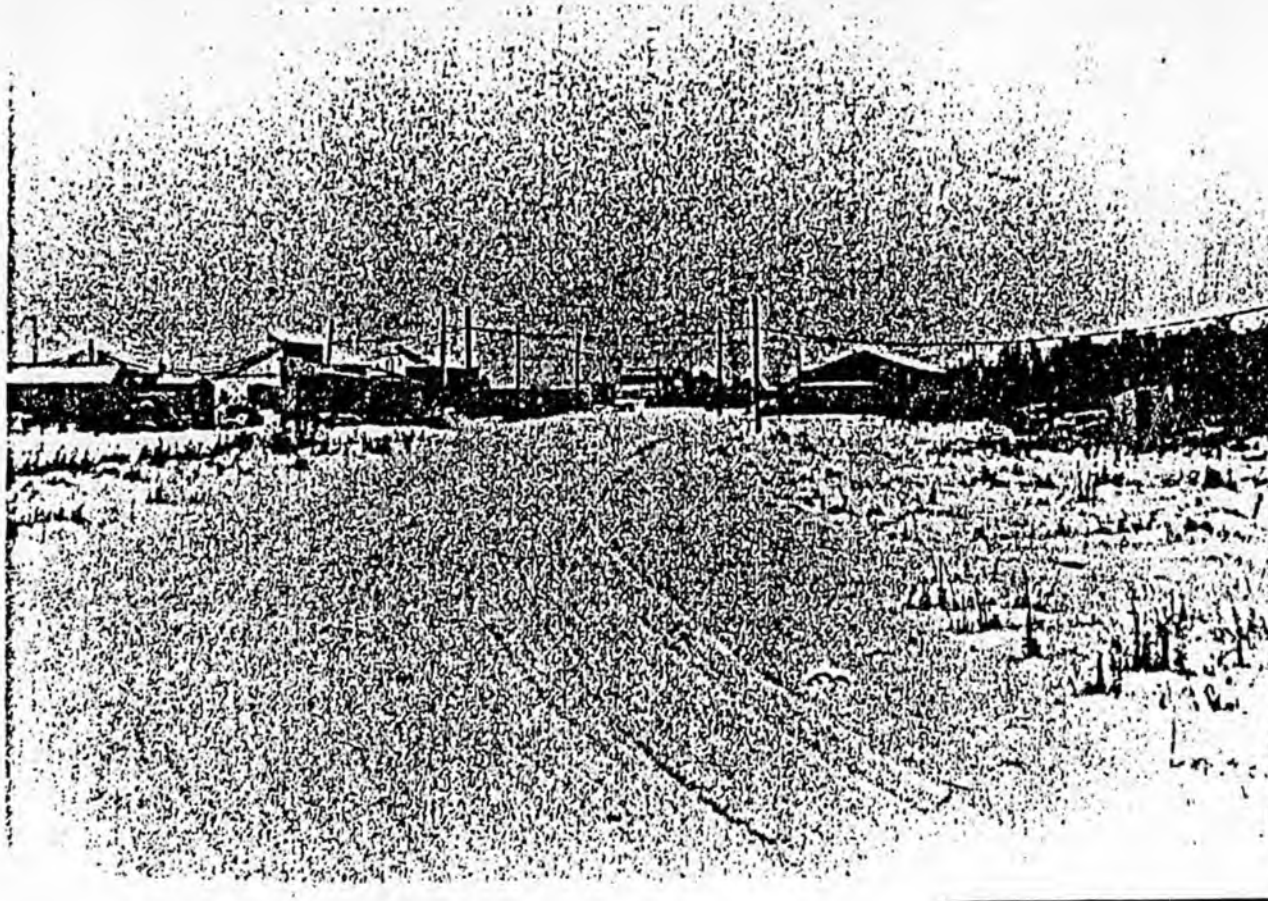
ATTEST:


Thecla M. Hootch, City Clerk

EMMONAK CORPORATION
 LOWER YUKON RIVER
 EMMONAK, ALASKA 99581
 (907) 949-1129

Commercial Salmon Catch, Lower Yukon Area.

District year	Number of Fish			Total
	King Y-1	Y-2	Y-3	
1980	90,382	50,004	5,240	145,626
1981	99,506	45,781	4,023	149,310
1982	74,450	39,132	2,609	116,191
1983	95,457	43,229	4,106	142,792
1984	74,671	36,697	3,039	114,407
Coho Salmon				
1980	4,829	2,660	-	7,489.
1981	13,129	7,848	419	21,396
1982	15,115	14,179	87	29,381
1983	4,595	2,557	-	7,151.
1984	29,472	43,064	621	73,157.
Chum Slamon				
1980	498,081	392,585	58,301	948,967
1981	674,992	506,761	73,514	1,255,267±
1982	347,000	278,925	9,901	635,826
1983	575,535	333,737	24,618	933,890
1984	371,217	307,844	7,518	686,579
	Number of	C.F.E.C. Permit	holders	during during the king Season
1980	407	229	21	657
1981	448	225	23	696
1982	450	225	21	696
1983	444	212	19	675
1984	439	213	20	672



CASH PAID INTO LOCAL AREA 1977-1983

	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>TOTAL</u>
FISH PURCHASES	\$ 741,251	713,118	966,445	695,583	1,600,417	1,390,876	1,486,000	\$7,593,690
WAGES	\$ 472,378	516,192	744,465	758,143	889,961	730,519	700,723	4,812,381
CASH INTO LOCAL AREA	\$1,213,629	1,229,310	1,710,910	1,453,726	2,490,378	2,121,395	2,186,723	\$12,406,071

Currently, Yukon Delta Fish Marketing Co-op employs 150 people and 300 Fishermen from Y-1 of the Yukon Delta. 10 and 15 feet of the property has already eroded into the river the Spring of 1984. The Co-op is now listed in the endangered land location.

USA COALITION

UNITED SEAFOOD AMERICANIZATION

SUGGESTED AMENDMENTS:

SB 24

PAGE 1, LINE 27 ADD:

WHEREAS large amounts of fish and shellfish important to Alaska's commercial, recreational and subsistence users are incidentally caught in the foreign fishing operations off Alaska's coast; and

PAGE 2, LINE 8 ADD:

WHEREAS the planned phase out shall recognize the importance of the existing near shore fisheries to Alaska, and shall not cause disruption or undue economic impact to those fisheries, and

PAGE 2, LINE 17

DELETE [1988] add January 1, 1989

PAGE 2, LINE 20

DELET [1990] add January 1, 1991 or a date specified by Congress as soon as possible thereafter.



USA COALITION

UNITED SEAFOOD AMERICANIZATION

TESTIMONY PRESENTED TO THE SENATE RESOURCES COMMITTEE
OF THE ALASKA STATE LEGISLATURE

May 1, 1985

Senate Joint Resolution 24, "Relating to the Americanization
of the fishery off the coast of Alaska"

By Larry Cotter
USA Coalition Committee
President, International
Longshoremen's and Ware-
housemen's Union, Local 200



In 1976, Congress passed the Magnuson Fishery Conservation and Management Act, otherwise known as the MFCMA of the 200 Mile Limit Law. Prior to passage of the Act, foreign nations virtually had unlimited access to the bountiful fishery resource within 200 miles of the United States. Not only was the American public unable to gain any meaningful benefit from this resource, but the foreign nations did not practice sound biological management in their harvesting techniques. As a result, the overall health of the resource was deteriorating.

Congress passed the MFCMA as a means to protect the biological foundation of the resource, to enhance the future reproductive capability of the resource, and to replace foreign fishery activities with American industry thereby insuring the benefits of the resource would be maximized for all Americans.

In the decade following passage of the Act, the MFCMA has been a success in most areas of the United States. Where once, ten years ago, foreign fleets were harvesting and processing a declining resource, American fishermen are not actively engaged in harvesting a resource in sound biological condition and delivering that catch to American processing plants where the fish is processed by American workers. However, in some parts of the country, notably Alaska, the MFCMA has been of questionable benefit at best.

The fishery resource off Alaska's coast is literally enormous. There

is more seafood harvested within 200 miles of Alaska than with 200 miles of the rest of the United States combined. Indeed, if Alaska were a separate nation, the total poundage annually harvested would make us the third largest fishing nation in the world. More than 5,000,000,000 pounds of seafood are taken annually off Alaska. But most of that catch is harvested and/or processed by foreign fishing and processing fleets.

In 1984, the total amount of seafood harvested and/or processed within 200 miles of Alaska by the foreign fleets was 4.1 billion pounds -- 80% of the total harvest. That is enough fish to stretch, end to end, 380,000 miles, or 13 times around the earth.

In the meantime, Alaska's processing plants and processing workers are suffering the old Alaskan malady of "boom and bust": a few months of hectic, 24 hour a day work opportunity interspaced with months of idleness and unemployment. Alaska's fishermen suffer from the same problem and seek, in vain, for fisheries to which they can diversify. Coastal communities throughout the State, struggling to develop stable economies, continue to be susceptible to the varying length and intensity of fishing seasons.

Yet, offshore, in some places within sight of land, massive foreign fishing and processing fleets operate 24 hours a day, day after day, year after year. It makes no sense.

In my opinion, foreign fishery activities off Alaska are continuing at their current pace due to a combination of three factors: the structure of the MFCMA; international politics, and; economics.

The MFCMA contains an allocation process for determining how much of each species of fish within particular areas is to be allocated to whom. Very simply, the law requires an Optimum Yield (OY) be established for each species in each area. The OY is the amount of that species which is available for harvest that year.

In determining what amount of the OY is to be allocated to whom, the first priority is given to totally domestic operations; that is, operations which are composed of American fishermen harvesting the catch and American processors processing it. Once that initial allocation has been made, the remainder of the OY is then allocated first to Joint Venture operations, in which American fishermen harvest the fish and deliver it to a foreign processing vessel for processing, and, secondly, to directed foreign fishing operations in which the entire harvesting and processing operation is foreign.

This would appear, at the onset, to make sense. However, the fact is that totally domestic operations receive a minuscule allocation in relation to the OY in the case of species of major abundance as American industry has been unable to compete economically with the foreign operations. As a result, due to the MFCMA allocation process,

the vast amount of the resource is subsequently allocated to Joint Ventures and directed foreign fishery operations. This, in turn, furthers the economic entry problems of the domestic industry.

The State Department has long played an active role in the allocation process as well. The Japanese fleet off Alaska in June of 1979 consisted of 320 plus vessels and 8,000 workers. Such a sizable fleet represents a significant economic investment by the Japanese. The State Department recognizes this investment by the Japanese and other countries, and has been quick to use the fishery resource within 200 miles of Alaska as a carrot and a stick in their dealings with foreign nations.

When the Russians invaded Afganistan, one of the major steps invoked by President Carter was to kick the Russian fleet out of the 200 Mile Limit off Alaska. Similarly, when Poland declared Martial Law their fleets was also kicked out. However, when Poland relaxed Martial Law, they were allowed back in.

This, and other types, of political meddling has inhibited practical planning for totally domestic development and has adversely impacted the management process.

The economics of the bottomfish industry off Alaska are totally different from the economics of our traditional fisheries, such as

salmon. The profit margin on bottomfish is very slight. The capital investment necessary to process the necessarily large volumes of product are great. Lastly, the major markets which currently exist are overseas and the market which does exist in the U.S. is dominated by foreign product. Ironically, much of the foreign product being sold in the U.S. marketplace is product which was harvested and/or processed by foreign fleets within 200 miles of Alaska.

The investment and marketing problems of the domestic industry are further impacted by the overhead costs of foreign fleet operations (the Koreans pay their processing workers 37¢ per hour) and by tariff and non-tariff barriers which have been erected in different countries to keep American processed bottomfish product out. Even if we could manage to process bottomfish product at a competitive rate with Japan, for instance, we could never get that product into their marketplace.

The combination of the economic factors and the allocation process as defined in the MFCMA result in a situation wherein domestic industry cannot receive an allocation because the domestic industry is unable to economically compete with the countries which are receiving the allocation. It is a classic Catch 22, further complicated by political meddling.

During the past few years, the domestic industry has attempted to

work within the existing MFCMA structure by engaging in direct "industry to industry negotiations" with Japan. The idea behind these negotiations was that the U.S. industry could reach agreements with the Japanese industry through which the Japanese would agree to purchase negotiated amounts of domestically processed bottomfish product for sale within the Japanese marketplace. As a result of these agreements, it was hoped, the domestic industry would have a definite market for its product thereby insuring at least some return on the necessary domestic capital investment. In the long run, the domestic industry would steadily increase its bottomfish operations, expand its markets, and eventually replace the foreign fishery operations within 200 miles of Alaska.

The 1984 agreement with the Japanese required Japan to purchase "upto 50,000 metric tons" of processed bottomfish product from U.S. processors during calendar year 1984. Subsequent to that agreement, the Japanese failed to purchase any bottomfish product claiming their interpretation of the agreement did not obligate them to actually purchase the product but, merely, obliged them to purchase in the event they found it economically feasible.

For obvious reasons, the 1985 "industry to industry" agreement with Japan was firméd up to avoid 1984-type misunderstandings. In the 1985 agreement, Japan agreed to sign purchase agreements with U.S.

processors for 30,000 metric tons of processed bottomfish product by March 31, 1985. Once again, the Japanese failed to deliver and the March 31 date passed without any signed agreement. To make matters worse, the State Department, over the objections of large segments of the U.S. industry, proceeded with the second quarter, 1985, release of direct fishery allocations to Japan.

It is clear to those of us involved in the industry that the current structure of the MFCMA is actually working against the development interests of the U.S. domestic industry. We have attempted to work through the existing structure and have found ourselves exactly where we started -- on the outside looking in. Therefore, we are convinced the structure must be changed.

The USA Coalition is calling for an amendment to the MFCMA which would phase out all foreign fishing activities by 1988, and which would freeze Joint Venture operations at their current levels until U.S. industry can handle that additional harvest in 1990. Local 200 of the International Longshoremen's and Warehousemen's Union, Alaska's largest maritime labor organization, is in full support of this approach.

The replacement of foreign fishery operations within 200 miles of the United States was, and is, one of the primary goals of the MFCMA.

Only when foreign fishery operations have ceased will Alaska and the United States begin to reap the vast and varied benefits of the resource within 200 miles.

The stakes for Alaska are great. Literally thousands of jobs in the processing sector alone will be expanded and created. Fishermen will have the opportunity to operate yearround if they desire. Coastal communities will enjoy the influx of substantial amounts of continuing capital investment and jobs, thereby allowing the development of a stable economic base for the community. Freight rates to Alaska will decrease due to the new "backhaul" to the Lower 48. The impact to all of Alaska will be great.

I urge you to support this Resolution. To do otherwise would be to perpetuate a situation wherein the great potential benefit of a renewable resource to Alaska continues to go unrealized.

First-class service on the ground

Donna Shouse serves Dillingham resident Peter Filsock at the Board Room, Alaska Airlines' newly remodeled lounge at Anchorage International Airport. The private lounge for frequent travelers reopened Wednesday after being enlarged and remodeled as part of the \$25 million airport terminal expansion.

Alliance wants to end foreign take of state fish

By ANN CONY
Daily News reporter

JUNEAU — Lay end to end all the fish caught or processed by foreigners off the Alaska coast last year and they'd wrap around the equator 13 times, according to Larry Cotter.

That may sound like trivia, but to Cotter and others it illustrates an important point. Cotter is part of the United Seafood Americanization (USA) Coalition, a group of fishing, seafood processing, union and transportation interests which recently organized to advocate exclusion of foreign fishing and processing fleets from U.S. waters off Alaska.

Foreigners last year processed 80 percent, or 4.1 billion pounds, of the total seafood harvest within 200 miles of Alaska, said

Cotter, state president of the International Longshoremen and Warehousemen's Union. The union represents cannery workers.

"It's an amazing resource out there, and we're getting little or no benefit from it," he said.

"The problem we have had is that a majority of people in the country, even in Alaska, don't realize — to put it frankly — that they're getting shafted," said Rick Lauber, a lobbyist for the Pacific Seafood Processors Association.

The USA Coalition wants to change that by passing laws to phase out all foreign fishing and processing off Alaska by 1988.

It also wants a freeze at current levels of joint ventures, in which American fishermen sell their catch to foreign processing fleets.

The coalition calls for elimination of joint ventures after 1990.

Foreign domination of the bottomfish industry boils down to an economic "Catch 22," coalition members said.

Domestic fish processors can't expand their capacity to handle vast quantities of cod, pollock and other groundfish species because they can't compete with foreign processors, who pay wages as low as 37 cents an hour.

Because the domestic industry can't process all the fish, foreign fleets are allocated huge quantities under the Magnuson Fishery Conservation and Management Act of 1976.

That law is before Congress for review this year.

See D-3, ALLIANCE

Wien loan makes banking history

The Associated Press

An Alaska banker says the \$22 million loan made to Wien Airlines owner James Flood is the largest loan ever made by Alaska banks.

The money will be used to help pay off the airline's creditors, which number about 4,000.

Usually, loans of this size have banks from outside Alaska participating. But this time, those out-of-state banks weren't interested.

"The airline business is not in vogue these days," said Richard Strutz, senior vice president of National Bank of Alaska, which is principal lender in the Wien deal.

Strutz and Flood tried for three weeks to interest out-of-state banks in the loan. When that failed, they went to banks in Alaska and put together a deal in four days.

National Bank of Alaska is lending \$8 million, Alaska Pacific Bank \$5 million, Unit-

Packaged meat labels to begin displaying nutritional content

By PATRICIA McCORMACK
United Press International

NEW YORK — Packaged meats sold in supermarkets nationwide soon will carry labels showing nutritional content on a cut-by-cut basis, a spokesman for the meat industry announced Wednesday.

John Francis, director of the National Meat and Livestock Board, said the labels will show the content of cholesterol, sodium and fat as well as calories, vitamins and minerals.

The program will be introduced to retailers at the Food Marketing Institute Convention May 7 in Chicago, Francis said, and meat package labels similar to those found

Francis said 96 percent of the customers favored it.

Sue Hosey, head of consumer affairs for the 90-store P&C Food Market chain in Syracuse, said:

"We found that the number one benefit shoppers identified about Meat Nutri-Facts was receiving direct information on calories, the second most important benefit cited was that it provided nutrition information, third was fat information."

The system takes the most recent U.S. Department of Agriculture nutrient composition research on beef, pork and lamb and presents it graphically in a way that will help shoppers make

NEWS

own from last year

will come from our greatest asset: land," said.

s totaled \$20.8 million a year, about the same year.

holders' equity to \$8.2 million, up 1 per-

's subsidiaries are

Ahtna Construction and Primary Products Corp., Ahtna Development Corp., Ahtna Minerals Corp. and Ahtna Enterprises Corp. The company also is involved in joint ventures.

The shareholders' meeting is scheduled for May 18 in Copper Center.

ing rates for the gas, ranging from 21 cents to \$2.05 per thousand cubic feet of gas.

The state wants the royalty figured on the highest price, claiming it is the actual market value, rather than the price of individual contracts.

Chugach and Enstar are urging their customers through letters and ads to write Gov. Bill Sheffield and legislators to voice opposition to the royalty increase.

In the lawsuit, filed Tuesday, ARCO also challenges findings of a state audit conducted several years ago. The audit said ARCO owed the

about \$2.40 on a \$60 monthly bill.

Enstar has said its customers will face a 2 percent rate increase.

On Wednesday, Chugach officials revised their estimates. Bills could rise an average of 6 1/2 percent if the federal government and Cook Inlet Region Inc. — which also own part of the Cook Inlet fields — increase their royalties, too, Chugach officials said.

The state has said the royalty increase will bring about \$7.5 million a year to the state treasury.

omputers into GNP

Commerce Department calculations of computer contributions to real GNP based on the prices of computers remaining un-

practice of not accounting for price changes was used many years ago based on the assumption that increases in prices matched the cost of improvements so the didn't change.

er, in the mid-1970s computers introduced computer models that er price tags than models and improve quality. Additional costs of existing mod-

government had not taken into account, Parker said.

When measuring output adjusted for changes in prices, the government takes estimates of goods in current dollars and adjusts them using a price index.

"When prices started to decline, we were not including (the price decrease) in our price statistics," Parker said. The government is attempting to come up with a new price index for computers which could be introduced when other overall changes are incorporated into the GNP figures this December, Parker said.

Alliance wants fishing limits

Continued from Page D-1

Coalition members testified Wednesday before the Senate Resources Committee for a resolution asking Congress and President Reagan to act on the matter.

Anchorage residents and other Alaskans could enjoy lower freight rates if the domestic fishing industry were helped by excluding foreigners, said John Cleveland, a coalition member from Sealand Service Inc., a main shipper serving Alaska.

Cleveland said more domestic fishing and processing

would increase freight volume and lower costs.

Sport fishing activist Bix Bonney said foreign fleets fishing for bottomfish also catch king salmon that otherwise would return to streams in Southcentral Alaska.

The "incidental" catch of king salmon by the Japanese fishing fleet alone comes to about 200,000 fish a year, according to Bonney.

"Anybody who touches my king salmon, they're in trouble. This is something that runs right up there were God, motherhood and country," he said.

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Alliance wants to end foreign take of state fish

By ANN CONY
Daily News reporter

JUNEAU — Lay end to end all the fish caught or processed by foreigners off the Alaska coast last year and they'd wrap around the equator 13 times, according to Larry Cotter.

That may sound like trivia, but to Cotter and others it illustrates an important point.

Cotter is part of the United Seafood Americanization (USA) Coalition, a group of fishing, seafood processing, union and transportation interests which recently organized to advocate exclusion of foreign fishing and processing fleets from U.S. waters off Alaska.

Foreigners last year processed 80 percent, or 4.1 billion pounds, of the total seafood harvest within 200 miles of Alaska, said

Cotter, state president of the International Longshoremen and Warehousemen's Union. The union represents cannery workers.

"It's an amazing resource out there, and we're getting little or no benefit from it," he said.

"The problem we have had is that a majority of people in the country, even in Alaska, don't realize — to put it frankly — that they're getting shafted," said Rick Lauber, a lobbyist for the Pacific Seafood Processors Association.

The USA Coalition wants to change that by passing laws to phase out all foreign fishing and processing off Alaska by 1988.

It also wants a freeze at current levels of joint ventures, in which American fishermen sell their catch to foreign processing fleets.

The coalition calls for elimination of joint ventures after 1990.

Foreign domination of the bottomfish industry boils down to an economic "Catch 22," coalition members said.

Domestic fish processors can't expand their capacity to handle vast quantities of cod, pollock and other groundfish species because they can't compete with foreign processors, who pay wages as low as 37 cents an hour.

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See D-3, ALLIANCE

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ANCH DAILY NEWS 5-2-85

Continued from Page D-1

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WORK ORDER REQUEST FORM

14 - 1115

KEYWORDS: fish/boats, fisheries
internacional relations

ASSIGNED TO Bradley

REQUEST FOR: BILL RESOLUTION RESEARCH OTHER

SUBJECT Americanization of Alaska's Fisheries

REQUESTED FOR Sen. Sturgulewski BY Frank Homan EXT. _____

* DELIVER TO Sen. Sturgulewski TAKEN BY Bradley

INSTRUCTIONS, EXPLANATIONS Draft resolution relating to the Americanization of Alaska's Fisheries, per attached.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED

AUTHORIZED TO CONFER WITH _____

RETURN _____

_____ TO REQUESTER

APPROVED: MSH Director, Legal Services

REVIEWED _____

IN 08/17/65 DUE _____

TYPED - Draft _____ DATE _____

Final _____ DATE _____

PROOFED _____ DELIVERED _____

SPECIAL INSTRUCTIONS TO TYPIST/PROOFREADER

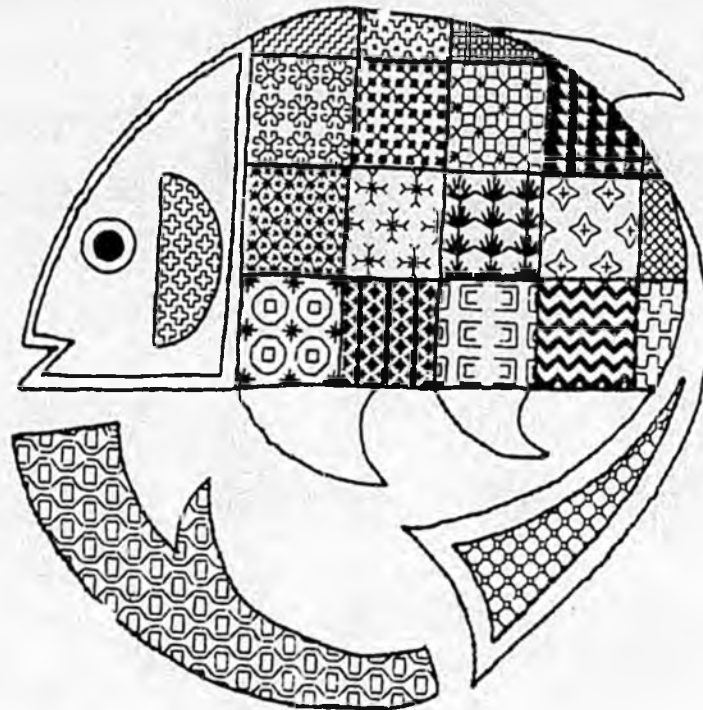
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FINAL



Magnuson Fishery Conservation and Management Act

As amended through January 12, 1983



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT

As amended through January 12, 1983

AN ACT

To provide for the conservation and management of the fisheries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Magnuson Fishery Conservation and Management Act".

TABLE OF CONTENTS

- Sec. 2. Findings, purposes, and policy.
- Sec. 3. Definitions.

TITLE I -- FISHERY MANAGEMENT AUTHORITY OF THE UNITED STATES

- Sec. 101. Fishery conservation zone.
- Sec. 102. Exclusive fishery management authority.
- Sec. 103. Highly migratory species.
- Sec. 104. Effective date.

TITLE II -- FOREIGN FISHING AND INTERNATIONAL FISHERY AGREEMENTS

- Sec. 201. Foreign fishing.
- Sec. 202. International fishery agreements.
- Sec. 203. Congressional oversight of governing international fishery agreements.
- Sec. 204. Permits for foreign fishing.
- Sec. 205. Import prohibitions.

TITLE III -- NATIONAL FISHERY MANAGEMENT PROGRAM

- Sec. 301. National standards for fishery conservation and management.
- Sec. 302. Regional fishery management councils.
- Sec. 303. Contents of fishery management plans.
- Sec. 304. Action by the Secretary.
- Sec. 305. Implementation of fishery management plans.
- Sec. 306. State jurisdiction.
- Sec. 307. Prohibited acts.

- Sec. 308. Civil penalties.
- Sec. 309. Criminal offenses.
- Sec. 310. Civil forfeitures.
- Sec. 311. Enforcement.
- Sec. 312. Effective date of certain provisions.

TITLE IV -- MISCELLANEOUS PROVISIONS

- Sec. 401. Effect of law of the sea treaty.
- Sec. 402. Repeals.
- Sec. 403. Fishermen's Protective Act amendments.
- Sec. 404. Marine Mammal Protection Act amendment.
- Sec. 405. Atlantic Tunas Convention Act amendment.
- Sec. 406. Authorization of appropriations.

SEC. 2. FINDINGS, PURPOSES AND POLICY

(a) FINDINGS.--The Congress finds and declares the following:

16 USC 1801.

(1) The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities.

(2) As a consequence of increased fishing pressure and because of the inadequacy of fishery conservation and management practices and controls (A) certain stocks of such fish have been overfished to the point where their survival is threatened, and (B) other such stocks have been so substantially reduced in number that they could become similarly threatened.

(3) Commercial and recreational fishing constitutes a major source of employment and contributes significantly to the economy of the Nation. Many coastal areas are dependent upon fishing and related activities, and their economies have been badly damaged by the overfishing of fishery resources at an ever-increasing rate over the past decade. The activities of massive foreign fishing fleets in waters adjacent to such coastal areas have contributed to such damage, interfered with domestic fishing efforts, and caused destruction of the fishing gear of United States fishermen.

(4) International fishery agreements have not been effective in preventing or terminating the overfishing of these valuable fishery resources. There is danger that irreversible effects from overfishing will take place before an effective international agreement on

fishery management jurisdiction can be negotiated, signed, ratified, and implemented.

(5) Fishery resources are finite but renewable. If placed under sound management before overfishing has caused irreversible effects, the fisheries can be conserved and maintained so as to provide optimum yields on a continuing basis.

(6) A national program for the conservation and management of the fishery resources of the United States is necessary to prevent overfishing, to rebuild overfished stocks, to insure conservation, and to realize the full potential of the Nation's fishery resources.

(7) A national program for the development of fisheries which are underutilized or not utilized by the United States fishing industry, including bottom fish off Alaska, is necessary to assure that our citizens benefit from the employment, food supply, and revenue which could be generated thereby.

Amended by 95-354.

(b) PURPOSES.--It is therefore declared to be the purposes of the Congress in this Act--

(1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by establishing (A) a fishery conservation zone within which the United States will assume exclusive fishery management authority over all fish, except highly migratory species, and (B) exclusive fishery management authority beyond such zone over such anadromous species and Continental Shelf fishery resources;

(2) to support and encourage the implementation and enforcement of international fishery agreements for the conservation and management of highly migratory species, and to encourage the negotiation and implementation of additional such agreements as necessary;

(3) to promote domestic commercial and recreational fishing under sound conservation and management principles;

(4) to provide for the preparation and implementation, in accordance with national standards, of fishery management plans which will achieve and maintain, on a continuing basis, the optimum yield from each fishery;

(5) to establish Regional Fishery Management Councils to prepare, monitor, and revise such plans under circumstances (A) which will enable the States, the fishing industry, consumer and environmental organizations, and other interested persons to participate in, and advise on, the establishment and administration of such plans, and (B) which take into account the social and economic needs of the States; and

(5) to encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen, including bottom fish off Alaska, and to that end, to ensure that optimum yield determinations promote such development.

Amended by 95-354.

(c) POLICY.--It is further declared to be the policy of the Congress in this Act--

(1) to maintain without change the existing territorial or other ocean jurisdiction of the United States for all purposes other than the conservation and management of fishery resources, as provided for in this Act;

(2) to authorize no impediment to, or interference with, recognized legitimate uses of the high seas, except as necessary for the conservation and management of fishery resources, as provided for in this Act;

(3) to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available; involves, and is responsive to the needs of, interested and affected States and citizens; promotes efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; and is workable and effective;

(4) to permit foreign fishing consistent with the provisions of this Act; and

(5) to support and encourage continued active United States efforts to obtain an internationally acceptable treaty, at the Third United Nations Conference on the Law of the Sea, which provides for effective conservation and management of fishery resources.

SEC. 3. DEFINITIONS

16 USC 1802.

As used in this Act, unless the context otherwise requires--

(1) The term "anadromous species" means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters.

(2) The term "conservation and management" refers to all of the rules, regulations, conditions, methods, and other measures (A) which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring, or maintaining, any fishery resource and the marine environment; and (B) which are designed to assure that--

(i) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis;

(ii) irreversible or long-term adverse effects on fishery resources and the marine environment are

avoided; and

(iii) there will be a multiplicity of options available with respect to future uses of these resources.

(3) The term "Continental Shelf" means the seabed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, of the United States, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of such areas.'

(4) The term "Continental Shelf fishery resources" means the following:

COLEENTERATA

Bamboo Coral--*Acanella* spp.;
 Black Coral--*Antipathes* spp.;
 Gold Coral--*Callogorgia* spp.;
 Precious Red Coral--*Corallium* spp.;
 Bamboo Coral--*Keratoisis* spp.; and
 Gold Coral--*Parazoanthus* spp.

CRUSTACEA

Tanner Crab--*Chionoecetes tanneri*;
 Tanner Crab--*Chionoecetes opilio*;
 Tanner Crab--*Chionoecetes angulatus*;
 Tanner Crab--*Chionoecetes bairdi*;
 King Crab--*Paralithodes camtschatica*;
 King Crab--*Paralithodes platypus*;
 King Crab--*Paralithodes brevipes*;
 Lobster--*Homarus americanus*;
 Dungeness Crab--*Cancer magister*;
 California King Crab--*Paralithodes californiensis*;
 California King Crab--*Paralithodes rathbuni*;
 Golden King Crab--*Lithodes aequispinus*;
 Northern Stone Crab--*Lithodes maja*;
 Stone Crab--*Menippe mercenaria*; and
 Deep-sea Red Crab--*Geryon quinquedens*.

MOLLUSKS

Red Abalone--*Haliotis rufescens*;
 Pink Abalone--*Haliotis corrugata*;
 Japanese Abalone--*Haliotis kamtschatkana*;
 Queen Conch--*Strombus gigas*;
 Surf Clam--*Spisula solidissima*; and
 Ocean Quahog--*Arctica islandica*.

SPONGES

Glove Sponge--*Hippiospongia canaliculata*;
 Sheepswool Sponge--*Hippiospongia lachne*;
 Grass Sponge--*Spongia graminea*; and
 Yellow Sponge--*Spongia barbera*.

If the Secretary determines, after consultation with the Secretary of State, that living organisms of any other sedentary species are, at the harvestable stage, either--

(A) immobile on or under the seabed, or

(B) unable to move except in constant

physical contact with the seabed or subsoil, of the Continental Shelf which appertains to the United States, and publishes notices of such determination in the Federal Register, such sedentary species shall be considered to be added to the foregoing list and included in such term for purposes of this Act.

(5) The term "Council" means any Regional Fishery Management Council established under section 302.

(6) The term "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals, birds, and highly migratory species.

(7) The term "fishery" means--

(A) one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

(B) any fishing for such stocks.

(8) The term "fishery conservation zone" means the fishery conservation zone established by section 101.

(9) The term "fishery resource" means any fishery, any stock of fish, any species of fish, and any habitat of fish.

(10) The term "fishing" means--

(A) the catching, taking, or harvesting of fish;

(B) the attempted catching, taking, or harvesting of fish;

(C) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(D) any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

Such term does not include any scientific research activity which is conducted by a scientific research vessel.

(11) The term "fishing vessel" means any vessel, boat, ship, or other craft which is used for, equipped to be

used for, or of a type which is normally used for--

(A) fishing; or

(B) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

(12) The term "foreign fishing" means fishing by vessel other than a vessel of the United States.

(13) The term "high seas" means all waters beyond the territorial sea of the United States and beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the United States.

(14) The term "highly migratory species" means species of tuna which, in the course of their life cycle, spawn and migrate over great distances in waters of the ocean.

(15) The term "international fishery agreement" means any bilateral or multilateral treaty, convention, or agreement which relates to fishing and to which the United States is a party.

(16) The term "Marine Fisheries Commission" means the Atlantic States Marine Fisheries Commission, the Gulf States Marine Fisheries Commission, or the Pacific Marine Fisheries Commission.

(17) The term "national standards" means the national standards for fishery conservation and management set forth in section 301.

(18) The term "optimum," with respect to the yield from a fishery, means the amount of fish--

(A) which will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities; and

(B) which is prescribed as such on the basis of the maximum sustainable yield from such fishery, as modified by any relevant economic, social, or ecological factor.

(19) The term "person" means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(20) The term "Secretary" means the Secretary of Commerce or his designee.

(21) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States.

(22) The term "stock of fish" means a species, subspecies, geographical grouping, or other category of fish capable

of management as a unit.

(23) The term "treaty" means any international fishery agreement which is a treaty within the meaning of section 2 of article II of the Constitution.

(24) The term "United States", when used in a geographical context, means all the States thereof.

(25) The term "United States fish processors" means facilities located within the United States for, and vessels of the United States used or equipped for, the processing of fish for commercial use or consumption.

Amended by 95-354.

(26) The term "United States harvested fish" means fish caught, taken, or harvested by vessels of the United States within any fishery for which a fishery management plan prepared under title III or a preliminary fishery management plan prepared under section 201(h) has been implemented.

(27) The term "vessel of the United States" means--

Amended by 97-453.

(A) any vessel documented under the laws of the United States;

(B) any vessel numbered in accordance with the Federal Boat Safety Act of 1971 (46 U.S.C. 1400 et seq.) and measuring less than 5 net tons; or

(C) any vessel numbered under the Federal Boat Safety Act of 1971 (46 U.S.C. 1400 et seq.) and used exclusively for pleasure.

TITLE I -- FISHERY MANAGEMENT AUTHORITY OF THE UNITED STATES

SEC. 101. FISHERY CONSERVATION ZONE

16 USC 1811.

There is established a zone contiguous to the territorial sea of the United States to be known as the fishery conservation zone. The inner boundary of the fishery conservation zone is a line coterminous with the seaward boundary of each of the coastal States, and the outer boundary of such zone is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

SEC. 102. EXCLUSIVE FISHERY MANAGEMENT AUTHORITY

16 USC 1812.

The United States shall exercise exclusive fishery management authority, in the manner provided for in this Act, over the following:

(1) All fish within the fishery conservation zone.

(2) All anadromous species throughout the migratory range of each such species beyond the fishery conservation zone; except that such management authority shall not extend to such species during the time they are found within any foreign nation's territorial sea or fishery conservation zone (or the equivalent), to the extent that such sea or zone is recognized by the United States.

(3) All Continental Shelf fishery resources beyond the fishery conservation zone.

SEC. 103. HIGHLY MIGRATORY SPECIES

16 USC 1813.

The exclusive fishery management authority of the United States shall not include, nor shall it be construed to extend to, highly migratory species of fish.

SEC. 104. EFFECTIVE DATE

This title shall take effect March 1, 1977.

TITLE II -- FOREIGN FISHING AND INTERNATIONAL FISHERY AGREEMENTS

SEC. 201. FOREIGN FISHING

16 USC 1821.

(a) IN GENERAL.--After February 28, 1977, no foreign fishing is authorized within the fishery conservation zone, or for anadromous species or Continental Shelf fishery resources beyond the fishery conservation zone, unless such foreign fishing--

- (1) is authorized under subsection (b) or (c);
- (2) is not prohibited by subsection (g); and
- (3) is conducted under, and in accordance with, a valid and applicable permit issued pursuant to section 204.

Amended by 95-354.

(b) EXISTING INTERNATIONAL FISHERY AGREEMENTS.--Foreign fishing described in subsection (a) may be conducted pursuant to an international fishery agreement (subject to the provisions of section 202(b) or (c)), if such agreement--

- (1) was in effect on the date of enactment of this Act; and
- (2) has not expired, been renegotiated, or otherwise ceased to be of force and effect with respect to the United States.

(c) GOVERNING INTERNATIONAL FISHERY AGREEMENTS.--Foreign fishing described in subsection (a) may be conducted pursuant to an international fishery agreement (other than a treaty) which meets the requirements of this subsection if such agreement becomes effective after application of section 203. Any such international fishery agreement shall hereafter in this Act be referred to as a "governing international fishery agreement". Each governing international fishery agreement shall acknowledge the exclusive fishery management authority of the United States, as set forth in this Act. It is the sense of the Congress that each such agreement shall include a binding commitment, on the part of such foreign nation and its fishing vessels, to comply with the following terms and conditions:

- (1) The foreign nation, and the owner or operator of

any fishing vessel fishing pursuant to such agreement, will abide by all regulations promulgated by the Secretary pursuant to this Act, including any regulations promulgated to implement any applicable fishery management plan or any preliminary fishery management plan.

(2) The foreign nation, and the owner or operator of any fishing vessel fishing pursuant to such agreement, will abide by the requirement that--

(A) any officer authorized to enforce the provisions of this Act (as provided for in section 311) be permitted--

(i) to board, and search or inspect, any such vessel at any time,

(ii) to make arrests and seizures provided for in section 311(b) whenever such officer has reasonable cause to believe, as a result of such a search or inspection, that any such vessel or any person has committed an act prohibited by section 307, and

(iii) to examine and make notations on the permit issued pursuant to section 204 for such vessel;

(B) the permit issued for any such vessel pursuant to section 204 be prominently displayed in the wheelhouse of such vessel;

(C) transponders, or such other appropriate position-fixing and identification equipment as the Secretary of the department in which the Coast Guard is operating determines to be appropriate, be installed and maintained in working order on each such vessel;

(D) United States observers required under subsection (i) be permitted to be stationed aboard any such vessel and that all of the costs incurred incident to such stationing, including the costs of data editing and entry and observer monitoring, be paid for, in accordance with such subsection, by the owner or operator of the vessel;

(E) any fees required under section 204(b)(10) be paid in advance;

(F) agents be appointed and maintained within the United States who are authorized to receive and respond to any legal process issued in the United States with respect to such owner or operator; and

(G) responsibility be assumed, in accordance with any requirements prescribed by the Secretary, for the reimbursement of United States citizens for any loss of, or damage to, their fishing vessels, fishing gear, or catch which is caused by any fishing vessel of that nation;

and will abide by any other monitoring, compliance, or enforcement

Amended by 97-453.

requirement related to fishery conservation and management which is included in such agreement.

(3) The foreign nation and the owners or operators of all of the fishing vessels of such nation shall not, in any year, harvest an amount of fish which exceeds such nation's allocation of the total allowable level of foreign fishing, as determined under subsection (e).

Amended by 95-354.

(4) The foreign nation will--

(A) apply, pursuant to section 204, for any required permits;

(B) deliver promptly to the owner or operator of the appropriate fishing vessel any permit which is issued under that section for such vessel;

(C) abide by, and take appropriate steps under its own laws to assure that all such owners and operators comply with, section 204(a) and the applicable conditions and restrictions established under section 204(b)(7); and

(D) take, or refrain from taking, as appropriate, actions of the kind referred to in subsection (e)(1) in order to receive favorable allocations under such subsection.

(d) TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING.--(1) As used in this subsection--

(A) The term "base harvest" means, with respect to any United States fishery, the total allowable level of foreign fishing during the 1979 harvesting season.

(B) The term "harvesting season" means the period established under this Act by the Secretary during which foreign fishing is permitted within a United States fishery. For purposes of this subsection, a harvesting season is designated by the calendar year in which the last day of the harvesting season occurs, regardless whether fishing is not permitted on that day due to emergency or other closure of the fishery.

Amended by 96-561.

(C) The term "calculation factor" means, with respect to each United States fishery, 15 percent of the base harvest.

(D) The term "reduction factor amount" means, with respect to each United States fishery, for any harvesting season after the 1980 harvesting season--

(i) an amount equal to 15 percent of the base harvest for that fishery, if, in addition to the level of harvest by vessels of the United States in the designated preceding harvesting season for the fishery, such vessels harvest, in one or more

harvesting seasons, not less than 75 percent of the calculation factor;

(ii) an amount equal to 10 percent of the base harvest for the fishery, if, in addition to the level of harvest by vessels of the United States in the designated preceding harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 50 percent, but less than 75 percent, of the calculation factor; or

(iii) an amount equal to 5 percent of the base harvest for the fishery, if in addition to the level of harvest by vessels of the United States in the designated previous harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 25 percent, but less than 50 percent of the calculation factor.

For purposes of this paragraph, the term "designated preceding harvest season" means--

(I) until a reduction factor amount is first achieved under this paragraph with respect to the fishery concerned, the 1979 harvesting season, and

(II) after such amount is first achieved, the most recent harvesting season in which a reduction factor amount was achieved.

(E) The term "annual fishing level" for any United States fishery during any harvesting season after the 1980 harvesting season is the base harvest for the fishery reduced by--

(i) an amount equal to the reduction factor amount for that harvesting season; and

(ii) an amount equal to the increased level of harvest by vessels of the United States over the level achieved by such vessels in the 1979 harvesting season for the fishery.

(F) The term "United States fishery" means any fishery subject to the exclusive fishery management authority of the United States.

(2) The total allowable level of foreign fishing, if any, with respect to any United States fishery for each harvesting season after the 1980 harvesting season shall be--

(A) the level representing that portion of the optimum yield of such fishery that will not be harvested by vessels of the United States as determined in accordance with the provisions of this Act (other than those relating to the determination of annual fishing levels), or

(B) the annual fishing level determined pursuant to paragraph (3) for the harvesting season.

(3) For each United States fishery, the appropriate

fishery management council, on a timely basis, may determine and certify to the Secretary of State and the Secretary the annual fishing level for that fishery for such harvesting season after the 1980 harvesting season.

(4) If with respect to any harvesting season for any United States fishery for which the total allowable level of foreign fishing is determined under paragraph (2)(B), the Secretary, in consultation with the Secretary of State, approves the determination by any appropriate fishery management council that any portion of the optimum yield for that harvesting season will not be harvested by vessels of the United States, the Secretary of State, in accordance with subsection (e), shall allocate such portion for use during that harvesting season by foreign fishing vessels; except that if--

(A) the making available of such portion (or any part thereof) during that harvesting season is determined to be detrimental to the development of the United States fishing industry; and

(B) such portion or part will be available for harvest in the immediately succeeding harvesting season, as determined on the basis of the best available scientific information;

then such portion or part may be allocated for use by foreign fishing vessels in such succeeding harvesting season. The determinations required to be made under subparagraphs (A) and (B) of the preceding sentence shall be made by the Secretary in consultation with the Secretary of State and on the basis of any recommendation of any appropriate fishery management council.

Amended by 97-453.

(e) ALLOCATION OF ALLOWABLE LEVEL.--(1)(A) The Secretary of State, in cooperation with the Secretary, shall determine the allocation among foreign nations of the total allowable level of foreign fishing which is permitted with respect to each fishery subject to the exclusive fishery management authority of the United States.

Amended by 96-61.

(B) From the determinations made under subparagraph (A), the Secretary of State shall compute the aggregate of all of the fishery allocations made to each foreign nation.

Amended by 97-453.

(C) The Secretary of State shall initially release to each foreign nation for harvesting up to 50 percent of the allocations aggregate computed for such nation under subparagraph (B), and such release of allocation shall be apportioned by the Secretary of State, in cooperation with the Secretary, among the individual fishery allocations determined for that nation under subparagraph (A). The basis

on which each apportionment is made under this subparagraph shall be stated in writing by the Secretary of State.

(D) After the initial release of fishery allocations under subparagraph (C) to a foreign nation, any subsequent release of an allocation for any fishery to such nation shall only be made--

(i) after the lapse of such period of time as may be sufficient for purposes of making the determination required under clause (ii); and

(ii) if the Secretary of State and the Secretary, after taking into account the size of the allocation for such fishery and the length and timing of the fishing season, determine in writing that such nation is complying with the purposes and intent of this paragraph with respect to such fishery.

If the foreign nation is not determined under clause (ii) to be in such compliance, the Secretary of State shall reduce, in a manner and quantity he considers to be appropriate (I) the remainder of such allocation, or (II) if all of such allocation has been released, the next allocation of such fishery, if any, made to such nation.

(E) The determinations required to be made under subparagraphs (A) and (D)(ii), and the apportionments required to be made under subparagraph (C), with respect to a foreign nation shall be based on--

(i) whether, and to what extent, such nation imposes tariff barriers or nontariff barriers on the importation, or otherwise restricts the market access, of United States fish or fishery products;

(ii) whether, and to what extent, such nation is cooperating with the United States in the advancement of existing and new opportunities for fisheries trade, particularly through the purchase of fish or fishery products from United States processors or from United States fishermen;

(iii) whether, and to what extent, such nation and the fishing fleets of such nation have cooperated with the United States in the enforcement of United States fishing regulations;

(iv) whether, and to what extent, such nation requires the fish harvested from the fishery conservation zone for its domestic consumption;

(v) whether, and to what extent, such nation otherwise contributes to, or fosters the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts

with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;

(vi) whether, and to what extent, the fishing vessels of such nation have traditionally engaged in fishing in such fishery;

(vii) whether, and to what extent, such nation is cooperating with the United States in, and making substantial contributions to, fishery research and the identification of fishery resources; and

(viii) such other matters as the Secretary of State, in cooperation with the Secretary, deems appropriate.

(2)(A) For the purposes of this paragraph--

(i) The term "certification" means a certification made by the Secretary that nationals of a foreign country, directly or indirectly, are conducting fishing operations or engaging in trade or taking which diminishes the effectiveness of the International Convention for the Regulation of Whaling. A certification under this section shall also be deemed a certification for the purposes of section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)).

(ii) The term "remedial period" means the 365-day period beginning on the date on which a certification is issued with respect to a foreign country.

(B) If the Secretary issues a certification with respect to any foreign country, then each allocation under paragraph (1) that--

(i) is in effect for that foreign country on the date of issuance; or

(ii) is not in effect on such date but would, without regard to this paragraph, be made to the foreign country within the remedial period; shall be reduced by the Secretary of State, in consultation with the Secretary, by not less than 50 percent.

(C) The following apply for purposes of administering subparagraph (B) with respect to any foreign country:

(i) If on the date of certification, the foreign country has harvested a portion, but not all, of the quantity of fish specified under any allocation, the reduction under subparagraph (B) for that allocation shall be

applied with respect to the quantity not harvested as of such date.

(ii) If the Secretary notified the Secretary of State that it is not likely that the certification of the foreign country will be terminated under section 8(d) of the Fishermen's Protective Act of 1967 before the close of the period for which an allocation is applicable or before the close of the remedial period (whichever close first occurs) the Secretary of State, in consultation with the Secretary, shall reallocate any portion of any reduction made under subparagraph (B) among one or more foreign countries for which no certification is in effect.

(iii) If the certification is terminated under such section 8(d) during the remedial period, the Secretary of State shall return to the foreign country that portion of any allocation reduced under subparagraph (B) that was not reallocated under clause (ii); unless the harvesting of the fish covered by the allocation is otherwise prohibited under this Act.

(iv) The Secretary may refund or credit, by reason of reduction of any allocation under this paragraph, any fee paid under section 204.

(D) If the certification of a foreign country is not terminated under section 9(d) of the Fishermen's Protective Act of 1967 before the close of the last day of the remedial period, the Secretary of State--

(i) with respect to any allocation made to that country and in effect (as reduced under subparagraph (B)) on such last day, shall rescind, effective on and after the day after such last day, any harvested portion of such allocation; and

(ii) may not thereafter make any allocation to that country under paragraph (1) until the certification is terminated.

(f) FOREIGN ALLOCATION REPORT.--The Secretary of the Treasury, in cooperation with the Secretary and the Secretary of State, shall prepare and submit a report to the Congress and the President, not later than July 1 of each year, setting forth--

Amended by 95-354.

(1) a list of species of all allocations made to foreign nations pursuant to subsection (e) and all permits issued pursuant to section 204(b)(6)(B); and

(2) all tariff and nontariff trade barriers imposed by such nations on the importation of such species from the United States.

(g) RECIPROCIETY.--Foreign fishing shall not be authorized for the fishing vessels of any foreign nation unless such nation satisfies the Secretary and the Secretary of State that such nation extends substantially the same fishing privileges to fishing vessels of the United States, if any, as the United States extends to foreign fishing vessels.

(h) PRELIMINARY FISHERY MANAGEMENT PLANS.--The Secretary, when notified by the Secretary of State that any foreign nation has submitted an application under section 204(b), shall prepare a preliminary fishery management plan for any fishery covered by such application if the Secretary determines that no fishery management plan for that fishery will be prepared and implemented, pursuant to title III, before March 1, 1977. To the extent practicable, each such plan--

Amended by 95-354.

(1) shall contain a preliminary description of the fishery and a preliminary determination as to--

(A) the optimum yield from such fishery;

(B) when appropriate, the capacity and

extent to which United States fish processors will process that portion of such optimum yield that will be harvested by vessels of the United States; and

(C) the total allowable level of foreign fishing with respect to such fishery;

(2) shall require each foreign fishing vessel engaged or wishing to engage in such fishery to obtain a permit from the Secretary;

(3) shall require the submission of pertinent data to the Secretary, with respect to such fishery, as described in section 303(a)(5); and

(4) may, to the extent necessary to prevent irreversible effects from overfishing, with respect to such fishery, contain conservation and management measures applicable to foreign fishing which--

(A) are determined to be necessary and appropriate for the conservation and management of such fishery,

(B) are consistent with the national standards, the other provisions of this Act, and other applicable law, and

(C) are described in section 303(b)(2), (3), (4), (5), and (7).

Each preliminary fishery management plan shall be in effect with respect to foreign fishing for which permits have been issued until a fishery management plan is prepared and implemented, pursuant to title III, with respect to such fishery. The Secretary may, in accordance with section 553 of title 5, United States Code, also prepare and promulgate interim regulations with respect to any such preliminary plan. Such regulations shall be in effect until regulations

implementing the applicable fishery management plan are promulgated pursuant to section 305.

(i) FULL OBSERVER COVERAGE PROGRAM.--

(1) Except as provided in paragraph (2), the Secretary shall establish a program under which a United States observer will be stationed aboard each foreign fishing vessel while that vessel is engaged in fishing within the fishery conservation zone.

Amended by 96-561.

(2) The requirement in paragraph (1) that a United States observer be placed aboard each foreign fishing vessel may be waived by the Secretary if he finds that--

(A) in a situation where a fleet of harvesting vessels transfers its catch taken within the fishery conservation zone to another vessel, aboard which is a United States observer, the stationing of United States observers on only a portion of the harvesting vessel fleet will provide a representative sampling of the by-catch of the fleet that is sufficient for purposes of determining whether the requirements of the applicable management plans for the by-catch species are being complied with;

(B) with respect to any foreign fishing vessel while it is engaged in fishing within the fishery conservation zone--

- (i) the time during which the vessel engages in such fishing will be of such short duration that the placing of a United States observer aboard the vessel would be impractical, or
- (ii) the facilities of the vessel for the quartering of a United States observer, or for the carrying out of observer functions, are so inadequate or unsafe that the health or safety of an observer would be jeopardized; or

(C) for reasons beyond the control of the Secretary, an observer is not available.

(3) Observers, while stationed aboard foreign fishing vessels, shall carry out such scientific, compliance monitoring, and other functions as the Secretary deems necessary or appropriate to carry out the purposes of this Act; and shall cooperate in carrying out such other scientific programs relating to the conservation and management of living resources as the Secretary deems appropriate.

(4) In addition to any fee imposed under section 204(b)(10) of this Act and section 10(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980(e)) with respect to foreign fishing for any year after 1980,

the Secretary shall impose, with respect to each foreign fishing vessel for which a permit is issued under such section 204, a surcharge in an amount sufficient to cover all the costs of providing a United States observer aboard that vessel. The failure to pay any surcharge imposed under this paragraph shall be treated by the Secretary as a failure to pay the permit fee for such vessel under section 204(b)(10). All surcharges collected by the Secretary under this paragraph shall be deposited in the Foreign Fishing Observer Fund established by paragraph (5).

(5) There is established in the Treasury of the United States the Foreign Fishing Observer Fund. The Fund shall be available to the Secretary as a revolving fund for the purpose of carrying out this subsection. The Fund shall consist of the surcharges deposited into it as required under paragraph (4). All payments made by the Secretary to carry out this subsection shall be paid from the Fund, only to the extent and in the amounts provided for in advance in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(6) If at any time the requirement set forth in paragraph (1) cannot be met because of insufficient appropriations, the Secretary shall, in implementing a supplementary observer program:

Amended by 97-453.

(A) certify as observers, for the purposes of this subsection, individuals who are citizens or nationals of the United States and who have the requisite education or experience to carry out the functions referred to in paragraph (3);

(B) establish standards of conduct for certified observers equivalent to those applicable to Federal personnel;

(C) establish a reasonable schedule of fees that certified observers or their agents shall be paid by the owners and operators of foreign fishing vessels for observer services; and

(D) monitor the performance of observers to ensure that it meets the purposes of this Act.

(j) RECREATIONAL FISHING.--Notwithstanding any other provision of this title, foreign fishing vessels which are not operated for profit may engage in recreational fishing within the fishery conservation zone and the waters within the boundaries of a State subject to obtaining such permits, paying such reasonable fees, and complying with such conditions and restrictions as the Secretary and the Governor of the State (or his designee) shall impose as being necessary or appropriate to insure that the fishing activity

Amended by 97-453.

of such foreign vessels within such zone or waters, respectively, is consistent with all applicable Federal and State laws and any applicable fishery management plan implemented under section 305. The Secretary shall consult with the Secretary of State and the Secretary of the Department in which the Coast Guard is operating in formulating the conditions and restrictions to be applied by the Secretary under the authority of this subsection.

SEC. 202. INTERNATIONAL FISHERY AGREEMENTS

16 USC 1822.

(a) NEGOTIATIONS.--The Secretary of State--

(1) shall renegotiate treaties as provided for in subsection (b);

(2) shall negotiate governing international fishery agreements described in section 201(c);

(3) may negotiate boundary agreements as provided for in subsection (d);

(4) shall, upon the request of and in cooperation with the Secretary, initiate and conduct negotiations for the purpose of entering into international fishery agreements--

(A) which allow fishing vessels of the United States equitable access to fish over which foreign nations assert exclusive fishery management authority, and

(B) which provide for the conservation and management of anadromous species and highly migratory species, and

(5) may enter into such other negotiations, not prohibited by subsection (c), as may be necessary and appropriate to further the purposes, policy, and provisions of this Act.

(b) TREATY RENEGOTIATIONS.--The Secretary of State, in cooperation with the Secretary, shall initiate, promptly after the date of enactment of this Act, the renegotiation of any treaty which pertains to fishing within the fishery conservation zone (or within the area that will constitute such zone after February 28, 1977), or for anadromous species or Continental Shelf fishery resources beyond such zone or area, and which is in any manner inconsistent with the purposes, policy, or provisions of this Act, in order to conform such treaty to such purposes, policy, and provisions. It is the sense of Congress that the United States shall withdraw from any such treaty, in accordance with its provisions, if such treaty is not so renegotiated within a reasonable period of time after such date of enactment.

(c) INTERNATIONAL FISHERY AGREEMENTS.--No international fishery agreement (other than a treaty) which pertains to foreign fishing within the fishery conservation zone (or within the area that will

constitute such zone after February 28, 1977), or for anadromous species or Continental Shelf fishery resources beyond such zone or area--

(1) which is in effect on June 1, 1976, may thereafter be renewed, extended, or amended; or

(2) may be entered into after May 31, 1976; by the United States unless it is in accordance with the provisions of section 201(c).

(d) BOUNDARY NEGOTIATIONS.--The Secretary of State, in cooperation with the Secretary, may initiate and conduct negotiations with any adjacent or opposite foreign nation to establish the boundaries of the fishery conservation zone of the United States in relation to any such nation.

(e) NONRECOGNITION.--It is the sense of the Congress that the United States Government shall not recognize the claim of any foreign nation to a fishery conservation zone (or the equivalent) beyond such nation's territorial sea, to the extent that such sea is recognized by the United States, if such nation--

(1) fails to consider and take into account traditional fishing activity of fishing vessels of the United States;

(2) fails to recognize and accept that highly migratory species are to be managed by applicable international fishery agreements, whether or not such nation is a party to any such agreement; or

(3) imposes on fishing vessels of the United States any conditions or restrictions which are unrelated to fishery conservation and management.

SEC. 203. CONGRESSIONAL OVERSIGHT OF GOVERNING
INTERNATIONAL FISHERY AGREEMENTS

16 USC 1823.

(a) IN GENERAL.--No governing international fishery agreement shall become effective with respect to the United States before the close of the first 60 calendar days of continuous session of the Congress after the date on which the President transmits to the House of Representatives and to the Senate a document setting forth the text of such governing international fishery agreement. A copy of the document shall be delivered to each House of Congress on the same day and shall be delivered to the Clerk of the House of Representatives, if the House is not in session, and to the Secretary of the Senate, if the Senate is not in session.

(b) REFERRAL TO COMMITTEES.--Any document described in subsection (a) shall be immediately referred in the House of Representatives to the Committee on Merchant Marine and Fisheries, and in the Senate to the Committees on Commerce and Foreign Relations.

(c) COMPUTATION OF 60-DAY PERIOD.--For purposes of subsection (a)--

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

(d) CONGRESSIONAL PROCEDURES.--

(1) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.--

The provisions of this section are enacted by the Congress--

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of fishery agreement resolutions described in paragraph (2), and they supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, and in the same manner and to the same extent as in the case of any other rule of that House.

(2) DEFINITION.--For purposes of this subsection, the term "fishery agreement resolution" refers to a joint resolution of either House of Congress--

(A) the effect of which is to prohibit the entering into force and effect of any governing international fishery agreement the text of which is transmitted to the Congress pursuant to subsection (a); and

(B) which is reported from the Committee on Merchant Marine and Fisheries of the House of Representatives or the Committee on Commerce or the Committee on Foreign Relations of the Senate, not later than 45 days after the date on which the document described in subsection (a) relating to that agreement is transmitted to the Congress.

(3) PLACEMENT ON CALENDAR.--Any fishery agreement resolution upon being reported shall immediately be placed on the appropriate calendar.

(4) FLOOR CONSIDERATION IN THE HOUSE.--

(A) A motion in the House of Representatives to proceed to the consideration of any fishery agreement resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the House of Representatives on any fishery agreement resolution shall be limited to not

more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit any fishery agreement resolution or to move to reconsider the vote by which any fishery agreement resolution is agreed to or disagreed to.

(C) Motions to postpone, made in the House of Representatives with respect to the consideration of any fishery agreement resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any fishery agreement resolution shall be decided without debate.

(E) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any fishery agreement resolution shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions in similar circumstances.

(5) FLOOR CONSIDERATION IN THE SENATE--

(A) A motion in the Senate to proceed to the consideration of any fishery agreement resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on any fishery agreement resolution and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with any fishery agreement resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover of the motion or appeal and the manager of the resolution, except that if the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. The majority leader and the minority leader, or either of them, may allot additional time to any Senator during the consideration of any debatable motion or appeal, from time under their control with respect to the applicable fishery agreement resolution.

(D) A motion in the Senate to further limit debate is not debatable. A motion to recommit any fishery agreement resolution is not in order.

SEC. 204. PERMITS FOR FOREIGN FISHING

16 USC 1824.

(a) IN GENERAL.--After February 28, 1977, no foreign fishing vessel shall engage in fishing within the fishery conservation zone, or for anadromous species or Continental Shelf fishery resources beyond such zone, unless such vessel has on board a valid permit issued under this section for such vessel.

(b) APPLICATIONS AND PERMITS UNDER GOVERNING INTERNATIONAL FISHERY AGREEMENTS.--

(1) ELIGIBILITY.--Each foreign nation with which the United States has entered into a governing international fishery agreement shall submit an application to the Secretary of State each year for a permit for each of its fishing vessels that wishes to engage in fishing described in subsection (a).

(2) FORMS.--The Secretary, in consultation with the Secretary of State and the Secretary of the department in which the Coast Guard is operating, shall prescribe the forms for permit applications submitted under this subsection and for permits issued pursuant to any such application.

(3) CONTENTS.--Any application made under this subsection shall specify--

(A) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof;

(B) the tonnage, hold capacity, speed, processing equipment, type and quantity of fishing gear, and such other pertinent information with respect to characteristics of each such vessel as the Secretary may require;

Amended by 97-453.

(C) each fishery in which each such vessel wishes to fish;

(D) the estimated amount of tonnage of fish which will be caught, taken, or harvested in each such fishery by each such vessel during the time the permit is in force;

Amended by 95-354.

(E) the amount or tonnage of United States harvested fish, if any, which each such vessel proposes to receive at sea from vessels of the United States; and

(F) the ocean area in which, and the season or period during which, such fishing will be conducted; and shall include any other pertinent information and

material which the Secretary may require.

(4) TRANSMITTAL FOR ACTION.--Upon receipt of any application which complies with the requirements of paragraph (3), the Secretary of State shall publish a notice of receipt of the application in the Federal Register. Any such notice shall summarize the contents of the applications from each nation included therein with respect to the matters described in paragraph (3). The Secretary of State shall promptly transmit--

(A) such application, together with his comments and recommendations thereon, to the Secretary;

(B) a copy of the application to the Secretary of the department in which the Coast Guard is operating; and

(C) a copy or a summary of the application to the appropriate council, upon its request.

(5) ACTION BY COUNCIL.--After receiving a copy or summary of an application under paragraph (4)(C), the Council may prepare and submit to the Secretary such written comments on the application as it deems appropriate. Such comments shall be submitted within 45 days after the date on which the application is received by the Council and may include recommendations with respect to approval of the application and, if approval is recommended, with respect to appropriate conditions and restrictions thereon. Any interested person may submit comments to such Council with respect to any such application. The Council shall consider any such comments in formulating its submission to the Secretary.

(6) APPROVAL--

(A) After receipt of any application transmitted under paragraph (4)(A), the Secretary shall consult with the Secretary of State and, with respect to enforcement, with the Secretary of the department in which the Coast Guard is operating. The Secretary, after taking into consideration the views and recommendations of such Secretaries, and any comments submitted by any Council under paragraph (5), may approve, subject to subparagraph (B), the application, if he determines that the fishing described in the application will meet the requirements of this Act.

(B)(i) In the case of any application which specifies that one or more foreign fishing vessels propose to receive at sea United States harvested fish from vessels of the United States, the Secretary may approve the application unless the Secretary determines, on the basis of the views, recommendations, and comments referred to in subparagraph (A) and other pertinent information, that United States fish processors have adequate capacity, and will utilize such capacity, to process all United States harvested

fish from the fishery concerned.

(ii) The amount or tonnage of United States harvested fish which may be received at sea during any year by foreign fishing vessels under permits approved under this paragraph may not exceed that portion of the optimum yield of the fishery concerned which will not be utilized by United States fish processors.

(iii) In deciding whether to approve any application under this subparagraph, the Secretary may take into account, with respect to the foreign nation concerned, such other matters as the Secretary deems appropriate.

(7) ESTABLISHMENT OF CONDITIONS AND RESTRICTIONS.--

The Secretary shall establish conditions and restrictions which shall be included in each permit issued pursuant to any application approved under paragraph (6) and which must be complied with by the owner or operator of the fishing vessel for which the permit is issued. Such conditions and restrictions shall include the following:

(A) All of the requirements of any applicable fishery management plan, or preliminary fishery management plan, and the regulations promulgated to implement any such plan.

(B) The requirement that no permit may be used by any vessel other than the fishing vessel for which it is issued.

(C) The requirements described in section 201(c)(1), (2), and (3).

(D) If the permit is issued other than pursuant to an application approved under paragraph (6)(B), the restriction that the foreign fishing vessel may not receive at sea United States harvested fish from vessels of the United States.

(E) If the permit is issued pursuant to an application approved under paragraph (6)(B), the maximum amount or tonnage of United States harvested fish which may be received at sea from vessels of the United States.

(F) Any other condition and restriction related to fishery conservation and management which the Secretary prescribes as necessary and appropriate.

(8) NOTICE OF APPROVAL.--The Secretary shall promptly transmit a copy of each application approved under paragraph (6) and the conditions and restrictions established under paragraph (7) to--

(A) the Secretary of State for transmittal to the foreign nation involved;

(B) the Secretary of the department in which the Coast Guard is operating;

(C) any Council which has authority over any fishery specified in such application; and

(D) the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committees on Commerce and Foreign Relations of the Senate.

(9) DISAPPROVAL OF APPLICATIONS.--If the Secretary does not approve any application submitted by a foreign nation under this subsection, he shall promptly inform the Secretary of State of the disapproval and his reasons therefor. The Secretary of State shall notify such foreign nation of the disapproval and the reasons therefor. Such foreign nation, after taking into consideration the reasons for disapproval, may submit a revised application under this subsection.

(10) FEES.--Fees shall be paid to the Secretary by the owner or operator of any foreign fishing vessel for which a permit is issued pursuant to this subsection. The Secretary, in consultation with the Secretary of State, shall establish a schedule of such fees which shall apply nondiscriminatorily to each foreign nation. The fees imposed under this paragraph shall be at least in an amount sufficient to return to the United States an amount which bears to the total cost of carrying out the provisions of this Act (including, but not limited to, fishery conservation and management, fisheries research, administration, and enforcement, but excluding costs for observers covered by surcharges under section 201(i)(4)) during each fiscal year the same ratio as the aggregate quantity of fish harvested by foreign fishing vessels within the fishery conservation zone during the preceding year bears to the aggregate quantity of fish harvested by both foreign and domestic fishing vessels within such zone and the territorial waters of the United States during such preceding year. The amount collected by the Secretary under this paragraph shall be transferred to the fisheries loan fund established under section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) for so long as such fund exists and used for the purpose of making loans therefrom, but only to the extent and in amounts provided for in advance in appropriation Acts

Amended by 96-561.

Sec. 232 (a) of 96-561 omitted; applied only to permits issued for 1981.

(11) ISSUANCE OF PERMITS.--If a foreign nation notifies the Secretary of State of its acceptance of the conditions and restrictions established by the Secretary under paragraph (7), the Secretary of State shall promptly transmit such notification to the Secretary. Upon payment of the applicable fees established pursuant to paragraph (10), the Secretary shall thereupon issue to such foreign nation, through the Secretary of State, permits for the appropriate fishing vessels of that nation. Each permit shall contain a statement of all conditions and restrictions established under paragraph (7) which apply to the fishing vessel for which the permit is issued.

(12) SANCTIONS.--If any foreign fishing vessel for which

a permit has been issued pursuant to this subsection has been used in the commission of any act prohibited by section 307 the Secretary may, or if any civil penalty imposed under section 308 or any criminal fine imposed under section 309 has not been paid and is overdue the Secretary shall--

(A) revoke such permit, with or without prejudice to the right of the foreign nation involved to obtain a permit for such vessel in any subsequent year;

(B) suspend such permit for the period of time deemed appropriate; or

(C) impose additional conditions and restrictions on the approved application of the foreign nation involved and on any permit issued under such application.

Any permit which is suspended under this paragraph for nonpayment of a civil penalty shall be reinstated by the Secretary upon the payment of such civil penalty together with interest thereon at the prevailing rate.

(c) REGISTRATION PERMITS.--The Secretary of State, in cooperation with the Secretary, shall issue annually a registration permit for each fishing vessel of a foreign nation which is a party to an international fishery agreement under which foreign fishing is authorized by section 201(b) and which wishes to engage in fishing described in subsection (a). Each such permit shall set forth the terms and conditions contained in the agreement that apply with respect to such fishing, and shall include the additional requirement that the owner or operator of the fishing vessel for which the permit is issued shall prominently display such permit in the wheelhouse of such vessel and show it, upon request, to any officer authorized to enforce the provisions of this Act (as provided for in section 311). The Secretary of State, after consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, shall prescribe the form and manner in which applications for registration permits may be made, and the forms of such permits. The Secretary of State may establish, require the payment of, and collect fees for registration permits; except that the level of such fees shall not exceed the administrative costs incurred by him in issuing such permits.

SEC. 205. IMPORT PROHIBITIONS

16 USC 1825.

(a) DETERMINATIONS BY SECRETARY OF STATE.--If the Secretary of State determines that--

(1) he has been unable, within a reasonable period of time, to conclude with any foreign nation an international fishery agreement allowing fishing vessels of the United States equitable access to fisheries over which that nation asserts exclusive fishery management authority, as recognized by the United States, in accordance with traditional fishing activities of such vessels, if any, and under terms not more

restrictive than those established under sections 201(c) and (d) and 204(b)(7) and (10), because such nation has (A) refused to commence negotiations, or (B) failed to negotiate in good faith;

(2) any foreign nation is not allowing fishing vessels of the United States to engage in fishing for highly migratory species in accordance with an applicable international fishery agreement, whether or not such nation is a party thereto;

(3) any foreign nation is not complying with its obligations under any existing international fishery agreement concerning fishing by fishing vessels of the United States in any fishery over which that nation asserts exclusive fishery management authority; or

(4) any fishing vessel of the United States, while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the United States, is seized by any foreign nation--

(A) in violation of an applicable international fishery agreement;

(B) without authorization under an agreement between the United States and such nation; or

(C) as a consequence of a claim of jurisdiction which is not recognized by the United States;

he shall certify such determination to the Secretary of the Treasury.

(b) PROHIBITIONS.--Upon receipt of any certification from the Secretary of State under subsection (a), the Secretary of the Treasury shall immediately take such action as may be necessary and appropriate to prohibit the importation into the United States--

(1) of all fish and fish products from the fishery involved, if any; and

(2) upon recommendation of the Secretary of State, such other fish or fish products, from any fishery of the foreign nation concerned, which the Secretary of State finds to be appropriate to carry out the purposes of this section.

(c) REMOVAL OF PROHIBITION.--If the Secretary of State finds that the reasons for the imposition of any import prohibition under this section no longer prevail, the Secretary of State shall notify the Secretary of the Treasury, who shall promptly remove such import prohibition.

(d) DEFINITIONS.--As used in this section--

(1) The term "fish" includes any highly migratory species.

(2) The term "fish products" means any article which is produced from or composed of (in whole or in part) any fish.

TITLE III--NATIONAL FISHERY MANAGEMENT PROGRAM

SEC. 301. NATIONAL STANDARDS FOR FISHERY CONSERVATION
AND MANAGEMENT

16 USC 1851.

(a) IN GENERAL.--Any fishery management plan prepared, and any regulation promulgated to implement any such plan, pursuant to this title shall be consistent with the following national standards for fishery conservation and management:

(1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery.

(2) Conservation and management measures shall be based upon the best scientific information available.

(3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

(4) Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(5) Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

(b) The Secretary shall establish advisory guidelines (which shall not have the force and effect of law), based on the national standards, to assist in the development of fishery management plans.

Amended by 97-453.

SEC. 302. REGIONAL FISHERY MANAGEMENT COUNCILS

16 USC 1852.

(a) ESTABLISHMENT.--There shall be established, within 120 days after the date of the enactment of this Act, eight Regional Fishery Management Councils, as follows:

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(1) NEW ENGLAND COUNCIL.--The New England Fishery Management Council shall consist of the the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut

and shall have authority over the fisheries in the Atlantic Ocean seaward of such States. The New England Council shall have 17 voting members, including 11 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(2) MID-ATLANTIC COUNCIL.--The Mid-Atlantic Fishery Management Council shall consist of the States of New York, New Jersey, Delaware, Pennsylvania, Maryland, and Virginia and shall have authority over the fisheries in the Atlantic Ocean seaward of such States. The Mid-Atlantic Council shall have 19 voting members, including 12 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(3) SOUTH ATLANTIC COUNCIL.--The South Atlantic Fishery Management Council shall consist of the States of North Carolina, South Carolina, Georgia, and Florida and shall have authority over the fisheries in the Atlantic Ocean seaward of such States. The South Atlantic Council shall have 13 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(4) CARIBBEAN COUNCIL.--The Caribbean Fishery Management Council shall consist of the Virgin Islands and the Commonwealth of Puerto Rico and shall have authority over the fisheries in the Caribbean Sea and Atlantic Ocean seaward of such States. The Caribbean Council shall have 7 voting members, including 4 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(5) GULF COUNCIL.--The Gulf of Mexico Fishery Management Council shall consist of the States of Texas, Louisiana, Mississippi, Alabama, and Florida and shall have authority over the fisheries in the Gulf of Mexico seaward of such States. The Gulf Council shall have 17 voting members, including 11 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(6) PACIFIC COUNCIL.--The Pacific Fishery Management Council shall consist of the States of California, Oregon, Washington, and Idaho and shall have authority over the fisheries in the Pacific Ocean seaward of such States. The Pacific Council shall have 13 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(7) NORTH PACIFIC COUNCIL.--The North Pacific Fishery Management Council shall consist of the States of Alaska, Washington, and Oregon and shall have authority over the fisheries in the Arctic Ocean, Bering Sea, and Pacific Ocean seaward of Alaska. The North Pacific Council shall have 11 voting members, including 7 appointed by the Secretary in

accordance with subsection (b)(2) (5 of whom shall be appointed from the State of Alaska and 2 of whom shall be appointed from the State of Washington).

(8) WESTERN PACIFIC COUNCIL.--The Western Pacific Fishery Management Council shall consist of the States of Hawaii, American Samoa, Guam, and the Northern Mariana Islands and shall have authority over the fisheries in the Pacific Ocean seaward of such States and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean area. The Western Pacific Council shall have 13 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each of the following States: Hawaii, American Samoa, Guam, and the Northern Mariana Islands).

Each Council shall reflect the expertise and interest of several constituent States in the ocean area over which such Council is granted authority.

(b) VOTING MEMBERS.--(1) The voting members of each Council shall be:

(A) The principal State official with marine fishery management responsibility and expertise in each constituent State, who is designated as such by the Governor of the State, so long as the official continues to hold such position, or the designee of such official.

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(B) The Regional Director of the National Marine Fisheries Service for the geographic area concerned, or his designee, except that if two such directors are within such geographical area, the Secretary shall designate which of such directors shall be the voting member.

(C) The members required to be appointed by the Secretary in accordance with subsection (b)(2).

(2)(A) The members of each Council required to be appointed by the Secretary must be individuals who are knowledgeable or experienced with regard to the management, conservation, or recreational or commercial harvest of the fishery resources of the geographical area concerned.

(B) The Secretary shall appoint the members of each Council from a list of individuals submitted by the Governor of each applicable constituent State. Each such list shall include the names and pertinent biographical data of not less than three individuals for each applicable vacancy. The Secretary shall review each list submitted by a Governor to ascertain if the individuals on the list are qualified for the vacancy on the basis of the required knowledge or experience required by subparagraph (A). If the Secretary

determines that any individual is not qualified, he shall notify the appropriate Governor of that determination. The Governor shall then submit a revised list or resubmit the original list with an additional explanation of the qualifications of the individual in question.

(C) Whenever the Secretary makes an appointment to a Council, he shall make a public announcement of such appointment not less than 45 days before the first day on which the individual is to take office as a member of the Council.

(3) Each voting member appointed to a Council by the Secretary in accordance with subsection (b)(2) shall serve for a term of 3 years; except that, with respect to the members initially so appointed, the Secretary shall designate up to one-third thereof to serve for the term of 1 year, up to one-third thereof to serve for a term of 2 years, and the remaining such members to serve for a term of 3 years.

(4) Successors to the voting members of any Council shall be appointed in the same manner as the original voting members. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term.

(5) The Secretary may remove for cause any member of a Council required to be appointed by the Secretary in accordance with subsection (b)(2) if the Council concerned first recommends removal by not less than two-thirds of the members who are voting members. A removal recommendation of a Council must be in writing and accompanied by a statement of the reasons upon which the recommendation is based.

(c) NONVOTING MEMBERS.--(1) The nonvoting members of each Council shall be:

(A) The regional or area director of the United States Fish and Wildlife Service for the geographical area concerned, or his designee.

(B) The commander of the Coast Guard district for the geographical area concerned, or his designee; except that, if two Coast Guard districts are within such geographical area, the commander designated for such purpose by the commandant of the Coast Guard.

(C) The Executive Director of the Marine Fisheries Commission for the geographical area concerned, if any, or his designee.

(D) One representative of the Department of State designated for such purpose by the Secretary of State, or his designee.

(2) The Pacific Council shall have one additional non-voting member who shall be appointed by, and serve at the pleasure of, the Governor of Alaska.

(d) COMPENSATION AND EXPENSES.--The voting members of each Council, who are not employed by the Federal Government or any State or local government, shall receive compensation at the daily rate for GS-18 of the General Schedule when engaged in the actual performance of duties for such Council. The voting members of each Council, any non-voting member described in subsection (c)(1)(C), and the non-voting member appointed pursuant to subsection (c)(2) shall be reimbursed for actual expenses incurred in the performance of such duties, and other non-voting members may be reimbursed for actual expenses.

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(e) TRANSACTION OF BUSINESS.--

(1) A majority of the voting members of any Council shall constitute a quorum, but one or more such members designated by the Council may hold hearings. All decisions of any Council shall be by majority vote of the voting members present and voting.

(2) The voting members of each Council shall select a Chairman for such Council from among the voting members.

(3) Each Council shall meet in the geographical area concerned at the call of the Chairman or upon the request of a majority of its voting members.

(4) If any voting member of a Council disagrees with respect to any matter which is transmitted to the Secretary by such Council, such member may submit a statement to the Secretary setting forth the reasons for such disagreement.

(f) STAFF AND ADMINISTRATION.--

(1) Each Council may appoint, and assign duties to, an Executive Director and such other full- and part-time administrative employees as the Secretary determines are necessary to the performance of its functions.

(2) Upon the request of any Council, and after consultation with the Secretary, the head of any Federal agency is authorized to detail to such Council, on a reimbursable basis, any of the personnel of such agency, to assist such Council in the performance of its functions under this Act.

(3) The Secretary shall provide to each Council such administrative and technical support services as are necessary for the effective functioning of such Council.

(4) The Administrator of General Services shall furnish each Council with such offices, equipment, supplies, and services as he is authorized to furnish to any other agency or instrumentality of the United States.

(5) The Secretary and the Secretary of State shall furnish each Council with relevant information concerning foreign fishing and international fishery agreements.

(6) Each Council shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, in accordance with such

Amended by 97-453.

uniform standards as are prescribed by the Secretary. The procedures of a Council, and of its scientific and statistical committee and advisory panels established under subsection (g), must be consistent with the procedural guidelines set forth in subsection (1)(2). Each Council shall publish and make available to the public a statement of its organization, practices, and procedures.

(7) The Secretary shall pay--

(A) the compensation and expenses provided for in subsection (d);

(B) appropriate compensation to employees appointed under paragraph (1);

(C) the amounts required for reimbursement of other Federal agencies under paragraphs (2) and (4);

(D) the actual expenses of the members of the committees and panels established under subsection (g); and

(E) such other costs as the Secretary determines are necessary to the performance of the functions of the Councils.

(g) COMMITTEES AND PANELS.--

(1) Each Council shall establish and maintain, and appoint the members of, a scientific and statistical committee to assist it in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to such Council's development and amendment of any fishery management plan.

(2) Each Council shall establish such other advisory panels as are necessary or appropriate to assist it in carrying out its functions under this Act.

(h) FUNCTIONS--Each Council shall, in accordance with the provisions of this Act--

(1) prepare and submit to the Secretary a fishery management plan with respect to each fishery within its geographical area of authority that requires conservation and management, and from time to time, such amendments to each such plan as are necessary;

(2) prepare comments on any application for foreign fishing transmitted to it under section 204(b)(4)(C), and any fishery management plan or amendment transmitted to it under section 304(c)(2);

(3) conduct public hearings, at appropriate times and in appropriate locations in the geographical area concerned, so as to allow all interested persons an opportunity to be heard in the development of fishery management plans and amendments to such plans, and with respect to the administration and implementation of the provisions of this Act (and for purposes of this paragraph, the term "geographical area concerned" may include an area under the authority of

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another Council if the fish in the fishery concerned migrate into, or occur in, that area or if the matters being heard affect fishermen of that area; but not unless such other Council is first consulted regarding the conduct of such hearings within its area);

(4) submit to the Secretary such periodic reports as the Council deems appropriate, and any other relevant report which may be requested by the Secretary;

(5) review on a continuing basis, and revise as appropriate, the assessments and specifications made pursuant to section 303(a)(3) and (4) with respect to the optimum yield from, the capacity and extent to which United States fish processors will process United States harvested fish from, and the total allowable level of foreign fishing in, each fishery within its geographical area of authority; and

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(6) conduct any other activities which are required by, or provided for in, this Act or which are necessary and appropriate to the foregoing functions.

(1) PROCEDURAL MATTERS.--(1) The Federal Advisory Committee Act (5 U.S.C. App. 1) shall not apply to the Councils or to the scientific and statistical committees or advisory panels of the Councils.

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(2) The following guidelines apply with respect to the conduct of business at meetings of a Council, and of the scientific and statistical committee and advisory panels of a Council:

(A) Unless closed in accordance with paragraph (3), each regular meeting and each emergency meeting shall be open to the public.

(B) Emergency meetings shall be held at the call of the chairman or equivalent presiding officer.

(C) Timely public notice of each regular meeting and each emergency meeting, including the time, place, and agenda of the meeting, shall be published in local newspapers in the major fishing ports of the Council's region (and in other major fishing ports having a direct interest in the affected fishery) and such notice may be given by such other means as will result in wide publicity. Timely notice of each regular meeting shall also be published in the Federal Register.

(D) Interested persons shall be permitted to present oral or written statements regarding the matters on the agenda at meetings.

(E) Minutes of each meeting shall be kept and shall contain a record of the persons present, an accurate description of matters discussed and conclusions reached, and copies of all statements filed.

(F) Subject to the procedures established by the Council under paragraph (4), and the guidelines

prescribed by the Secretary under section 303(d), relating to confidentiality, the administrative record, including minutes required under subparagraph (E), of each meeting, and records or other documents which were made available to or prepared for or by the Council, committee, or panel incident to the meeting, shall be available for public inspection and copying at a single location in the offices of the Council.

(3)(A) Each Council, scientific and statistical committee, and advisory panel--

(i) shall close any meeting, or portion thereof, that concerns matters or information that bears a national security classification; and

(ii) may close any meeting, or portion thereof, that concerns matters or information that pertains to national security, employment matters, or briefings on litigation in which the Council is interested;

and if any meeting or portion is closed, the Council, committee, or panel concerned shall publish notice of the closure in local newspapers in the major fishing ports within its region (and in other major, affected fishing ports), including the time and place of the meeting. Subparagraphs (D) and (F) shall not apply to any meeting or portion thereof that is so closed.

(4) Each Council shall establish appropriate procedures applicable to it and to its committee and advisory panels for ensuring the confidentiality of the statistics that may be submitted to it by Federal or State authorities, and may be voluntarily submitted to it by private persons; including, but not limited to, procedures for the restriction of Council employee access and the prevention of conflicts of interest; except that such procedures must, in the case of statistics submitted to the Council by a State, be consistent with the laws and regulations of that State concerning the confidentiality of such statistics.

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS

16 USC 1853.

(a) REQUIRED PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, and any other applicable law;

(2) contain a description of the fishery, including, but

not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interests in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3);

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing; and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States; and

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(5) specify the pertinent data which shall be submitted to the Secretary with respect to the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors.

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary with respect to any fishing vessel of the United States fishing, or wishing to fish, in the fishery conservation zone, or for anadromous species or Continental Shelf fishery resources beyond such zone;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations on the catch of fish (based on area, species, size, number, weight, sex, incidental catch, total biomass, or other factors), which are necessary and appropriate for the conservation and management of the fishery;

(4) prohibit, limit, condition, or require the use of

specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a system for limiting access to the fishery in order to achieve optimum yield, if, in developing such system, the Council and the Secretary take into account--

(A) present participation in the fishery,

(B) historical fishing practices in, and dependence on, the fishery,

(C) the economics of the fishery,

(D) the capability of fishing vessels used in the fishery to engage in other fisheries,

(E) the cultural and social framework relevant to the fishery, and

(F) any other relevant considerations;

(7) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region; and

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(8) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

(c) PROPOSED REGULATIONS.--The proposed regulations which the Council deems necessary or appropriate for purposes of carrying out a plan or amendment to a plan shall be submitted to the Secretary simultaneously with the plan or amendment for action by the Secretary under sections 304 and 305.

Amended by 97-453.

(d) CONFIDENTIALITY OF STATISTICS.--Any statistics submitted to the Secretary by any person in compliance with any requirement under subsection (a)(5) shall be confidential and shall not be disclosed except when required under court order. The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary may release or make public any such statistics in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such statistics.

(e) DATA COLLECTION PROGRAMS.--If a Council determines that additional information and data (other than information and data that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) would be beneficial for the purposes of--

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(1) determining whether a fishery management plan is needed for a fishery; or

(2) preparing a fishery management plan;

the Council may request that the Secretary implement a data collection program for the fishery which would provide the types of information and data (other than information and data that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations) specified by the Council. The Secretary shall approve such a data collection program if he determines that the need is justified and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for a data collection program is not justified, he shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this subsection regarding a Council request shall be made within a reasonable period of time after he receives that request.

SEC. 304. ACTION BY THE SECRETARY

16 USC 1854.

(a) ACTION BY THE SECRETARY AFTER RECEIPT OF PLAN.--

(1) After the Secretary receives a fishery management plan, or amendment to a plan, which was prepared by a Council (the date of receipt of which is hereafter in this section referred to as the "receipt date"), the Secretary shall--

(A) immediately commence a review of the management plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law;

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(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written data, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 75-day period beginning on the receipt date; and

(C) by the 30th day after the receipt date--

(1) make such changes in the proposed regulations submitted for the plan or amendment under section 303(c) as may be necessary for the implementation of the plan, and

(1) publish such proposed regulations, including any changes made thereto under clause (1), in the Federal Register together with an explanation of those changes which are substantive.

(2) In undertaking the review required under paragraph (1)(A), the Secretary shall--

(A) take into account the data, views, and comments received from interested persons;

(B) consult with the Secretary of State with respect to foreign fishing; and

(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea.

[NOTE: The amendment made by subsection (a) shall apply with respect to fishery management plans and amendments thereto that are initially submitted to the Secretary of Commerce on or after the date of the enactment of this Act [97-453] for action under section 304.]

(1) A plan or amendment shall take effect and be implemented in accordance with section 305(c) if--

(A) the Secretary does not notify the Council in writing of his disapproval, or partial disapproval, under paragraph (2), of the plan or amendment before the close of the 95th day after the receipt date; or

(B) at any time subsequent to the 75th day after the receipt date and before such 95th day, the Secretary notifies the Council in writing that he does not intend to disapprove, or partially disapprove, the plan or amendment.

Amended by 97-453.

(2) If after review under subsection (a) the Secretary determines that the plan or amendment is not consistent with the criteria set forth in paragraph (1)(A) of that subsection, the Secretary shall notify the Council in writing of his disapproval or partial disapproval of the plan or amendment. Such notice shall specify--

(A) the applicable law with which the plan or amendment is inconsistent;

(B) the nature of such inconsistencies; and

(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law.

(3)(A) If the Secretary disapproves, or partially disapproves, a proposed plan or amendment under paragraph (2), the Council may submit a revised plan or amendment, accompanied by appropriately revised proposed regulations, to the Secretary.

(B) After the Secretary receives a revised plan or amendment under subparagraph (A) or (C)(ii), the Secretary shall immediately--

(i) commence a review of the plan or amendment to determine whether it complies with the criteria set forth in subsection (a)(1)(A);

(ii) publish in the Federal Register a notice stating that the revised plan or amendment is available and that written data, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 30-day period beginning on the date (hereinafter in this

paragraph referred to as the "revised receipt date") the plan or amendment was submitted to the Secretary under subparagraph (A) or (C)(1); and

(iii) review the revised proposed regulations, if any, submitted by the Council and make such changes to them as may be necessary for the implementation of the plan, and thereafter publish such revised proposed regulations (as so changed) in the Federal Register together with an explanation of each of such changes that is substantive.

(C)(1) Before the close of the 60th day after the revised receipt date, the Secretary, after taking into account any data, views, or comments received under subparagraph (B)(1), shall complete the review required under subparagraph (B)(1) and determine whether the plan or amendment complies with the criteria set forth in subsection (a)(1)(A). If the Secretary determines that a plan or amendment is not in compliance with such criteria, he shall immediately notify the Council of his disapproval of the plan or amendment.

(1) After notifying a Council of disapproval under clause (1), the Secretary shall promptly provide to the Council a written statement of the reasons on which the disapproval was based and advise the Council that it may submit a further revised plan or amendment, together with appropriately revised proposed regulations, for review and determination under this paragraph.

(D) A revised plan or amendment shall take effect and be implemented in accordance with section 305(c) if the Secretary does not notify the Council, in writing, by the close of the 60th day after the revised receipt date of his disapproval of the plan or amendment.

(c) PREPARATION BY THE SECRETARY.--

(1) The Secretary may prepare a fishery management plan, with respect to any fishery, or any amendment to any such plan, in accordance with the national standards, the other provisions of this Act, and any other applicable law, if--

(A) The appropriate Council fails to develop and submit to the Secretary, after a reasonable period of time, a fishery management plan for such fishery, or any necessary amendment to such a plan, if such fishery requires conservation and management; or

(B) The Secretary disapproves or partially disapproves any such plan or amendment, or disapproves a revised plan or amendment, and the Council involved fails to submit a revised or further revised plan or amendment, as the case may be.

In preparing any such plan or amendment, the Secretary

Amended by 97-453.

shall consult with the Secretary of State with respect to foreign fishing and with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea. The Secretary shall also prepare such proposed regulations as he deems necessary or appropriate to carry out each plan or amendment prepared by him under this paragraph.

(2)(A) Whenever, under paragraph (1), the Secretary prepares a fishery management plan or amendment, the Secretary shall immediately--

(i) submit such plan or amendment, and proposed regulations to implement such plan or amendment, to the appropriate Council for consideration and comment;

(ii) publish in the Federal Register a notice stating that the plan or amendment is available and that written data, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 75-day period beginning on the date the plan or amendment was submitted under clause (i); and

(iii) by the 30th day after the date of submission under clause (i), submit for publication in the Federal Register the proposed regulations to implement the plan or amendment.

(B) The appropriate council must submit its comments and recommendations, if any, regarding the plan or amendment to the Secretary before the close of the 75-day period referred to in subparagraph (A)(ii). After the close of such 75-day period, the Secretary, after taking into account any such comments and recommendations, as well as any views, data, or comments submitted under subparagraph (A)(ii), may implement such plan or amendment under section 305(c).

(3) Notwithstanding paragraph (1), the Secretary may not include in any fishery management plan, or any amendment to any such plan prepared by him, a provision establishing a limited access system described in section 303(b)(6), unless such system is first approved by a majority of the voting members, present and voting, of each appropriate Council.

(d) ESTABLISHMENT OF FEES.--The Secretary shall by regulation establish the level of any fees which are authorized to be charged pursuant to section 303(b)(1). The Secretary may enter into a cooperative agreement with the States concerned under which the States administer the permit system and the agreement may provide that all or part of the fees collected under the system shall accrue to the States. The level of fees charged under this subsection shall not exceed the administrative costs incurred in issuing the permits.

Amended by 97-453.

(e) FISHERIES RESEARCH.--The Secretary shall initiate and maintain a comprehensive program of fishery research to carry out and further the purposes, policy, and provisions of this Act. Such programs shall be designed to acquire knowledge and information, including statistics, on fishery conservation and management, including but not limited to, biological research concerning the interdependence of fisheries or stocks of fish, the impact of pollution on fish, the impact of wetlands and estuarine degradation, and other matters bearing upon the abundance and availability of fish.

(f) MISCELLANEOUS DUTIES.--(1, If any fishery extends beyond the geographical area of authority of any one Council, the Secretary may--

(A) designate which Council shall prepare the fishery management plan for such fishery and any amendment to such plan; or

(B) may require that the plan and amendment be prepared jointly by the Councils concerned.

(2) The Secretary shall establish the boundaries between the geographical areas of authority of adjacent Councils.

SEC. 305. IMPLEMENTATION OF FISHERY MANAGEMENT PLANS

16 USC 1855.

(a) [REPEALED]

Amended by 97-453.

(b) [REPEALED]

Amended by 97-453.

(c) IMPLEMENTATION.--The Secretary shall promulgate each regulation that is necessary to carry out a plan or amendment--

Amended by 97-453.

(1) within 110 days after the plan or amendment was received by him for action under section 304(a), if such plan or amendment takes effect under section 304(b)(1);

(2) within 75 days after a revised plan or amendment was received by him under section 304(b), if such plan or amendment takes effect under paragraph (3)(D) of such section; or

(3) within such time as he deems appropriate in the case of a plan or amendment prepared by him under section 304(c).

(d) JUDICIAL REVIEW.--Regulations promulgated by the Secretary under this Act shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, if a petition for such review is filed within 30 days after the date on which the regulations are promulgated; except that (1) section 705 of such title is not applicable, and (2) the appropriate court shall only set aside any such regulation on a ground specified in section 706(2)(A), (B), (C), or (D), of such title.

(e) EMERGENCY ACTIONS.--

(1) If the Secretary finds that an emergency exists involving any fishery, he may promulgate emergency regulations necessary to address the emergency, without regard to whether a fishery management plan exists for such fishery.

(2) If a Council finds that an emergency exists involving any fishery within its jurisdiction, whether or not a fishery management plan exists for such fishery-- Amended by 97-453.

(A) the Secretary shall promulgate emergency regulations under paragraph (1) to address the emergency if the Council, by unanimous vote of the members who are voting members, requests the taking of such actions; and

(B) the Secretary may promulgate emergency regulations under paragraph (1) to address the emergency if the Council, by less than a unanimous vote, requests the taking of such action.

(3) Any emergency regulation which changes any existing fishery management plan or amendment shall be treated as an amendment to such plan for the period in which such regulation is in effect. Any emergency regulation promulgated under this subsection--

(A) shall be published in the Federal Register together with the reasons therefor;

(B) shall remain in effect for not more than 90 days after the date of such publication, except that any such regulation may, by agreement of the Secretary and the Council, be promulgated for one additional period of not more than 90 days; and

(C) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, except for emergency regulations promulgated under paragraph (2) in which case such early termination may be made only upon the agreement of the Secretary and the Council concerned.

(f) [REPEALED]

Amended by 97-453.

(g) RESPONSIBILITY OF THE SECRETARY.--The Secretary shall have general responsibility to carry out any fishery management plan or amendment approved or prepared by him, in accordance with the provisions of this Act. The Secretary may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to discharge such responsibility or to carry out any other provision of this Act.

(h) EFFECT OF CERTAIN LAWS ON CERTAIN TIME REQUIREMENTS.-- Amended by 97-453.
 The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), and Executive Order 12291, dated February 17, 1981, shall be complied with within the time limitations specified in subsection (c) or section 304(a) and (b) as they apply to the functions of the Secretary under such provisions.

SEC. 306. STATE JURISDICTION

16 USC 1856.

(a) IN GENERAL--Except as provided in subsection (b), nothing in this Act shall be construed as extending or diminishing the jurisdiction or authority of any State within its boundaries. For purposes of this Act, except as provided in subsection (b), the jurisdiction and authority of a State shall extend (1) to any pocket of waters that is adjacent to the State and totally enclosed by lines delimiting the territorial sea of the United States pursuant to the Geneva Convention on the Territorial Sea and Contiguous Zone or any successor convention to which the United States is a party and (2) with respect to the body of water commonly known as Nantucket Sound, to the pocket of water west of the seventieth meridian west of Greenwich. No State may directly or indirectly regulate any fishing which is engaged in by any fishing vessel outside its boundaries, unless such vessel is registered under the laws of such State. Amended by 97-453.

(b) EXCEPTION.--(1) If the Secretary finds, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that--

(A) the fishing in a fishery, which is covered by a fishery management plan implemented under this Act, is engaged in predominately within the fishery conservation zone and beyond such zone; and

(B) any State has taken any action, or omitted to take any action, the results of which will substantially and adversely affect the carrying out of such fishery management plan;

the Secretary shall promptly notify such State and the appropriate Council of such finding and of his intention to regulate the applicable fishery within the boundaries of such State (other than its internal waters), pursuant to such fishery management plan and the regulations promulgated to implement such plan.

(2) If the Secretary, pursuant to this subsection, assumes responsibility for the regulation of any fishery, the State involved may at any time thereafter apply to the Secretary for reinstatement of its authority over

such fishery. If the Secretary finds that the reasons for which he assumed such regulation no longer prevail, he shall promptly terminate such regulation.

(c) EXCEPTION REGARDING FOREIGN FISH PROCESSING IN INTERNAL WATERS.--(1) A foreign fishing vessel may engage in fish processing within the internal waters of a State if, and only if--

Amended by 97-191.

(A) the vessel is qualified for purposes of this paragraph pursuant to paragraph (4)(C); and

(B) the owner or operator of the vessel applies to the Governor of the State for, and (subject to paragraph (2)) is granted, permission for the vessel to engage in such processing.

(2) The Governor of a State may not grant permission for a foreign fishing vessel to engage in fish processing under paragraph (1)(B) if he determines that fish processors within the State have adequate capacity, and will utilize such capacity, to process all of the United States harvested fish from the fishery concerned that are landed in the State.

(3) Nothing in this subsection may be construed as relieving a foreign fishing vessel from the duty to comply with all applicable Federal and State laws while operating within the internal waters of a State incident to permission obtained under paragraph (1)(B).

(4) For purposes of this subsection--

(A) The term "fish processing" includes, in addition to processing, the performance of any other activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, or transportation.

(B) The phrase "internal waters of a State" means all waters within the boundaries of a State except those seaward of the baseline from which the territorial sea is measured.

(C) A foreign fishing vessel shall be treated as qualified for purposes of paragraph (1) if the foreign nation under which it is flagged will be a party to (i) a governing international fishery agreement or (ii) a treaty described in section 201(b) of this Act (16 U.S.C. 1821(b)) during the time the vessel will engage in the fish processing for which permission is sought under paragraph (1)(B).

SEC. 307. PROHIBITED ACTS

It is unlawful--

(1) for any person--

(A) to violate any provision of this Act or any regulation or permit issued pursuant to this Act;

16 USC 1857.

(B) to use any fishing vessel to engage in fishing after the revocation, or during the period of suspension, of an applicable permit issued pursuant to this Act;

(C) to violate any provision of, or regulation under, an applicable governing international fishery agreement entered into pursuant to section 201(c);

(D) to refuse to permit any officer authorized to enforce the provisions of this Act (as provided for in section 311) to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act or any regulation, permit, or agreement referred to in subparagraph (A) or (C);

(E) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection described in subparagraph (D);

(F) to resist a lawful arrest for any act prohibited by this section;

(G) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this Act or any regulation, permit, or agreement referred to in subparagraph (A) or (C); or

(H) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this section;

Amended by 95-354.

(2) for any vessel other than a vessel of the United States, and for the owner or operator of any vessel other than a vessel of the United States, to engage--

(A) in fishing within the boundaries of any State;

(B) in fishing within the fishery conservation zone, or for any anadromous species or Continental Shelf fishery resources beyond such zone, unless such fishing is authorized by, and conducted in accordance with, a valid and applicable permit issued pursuant to section 204(b) or (c);

(C) except as permitted under section 306(c), in fish processing (as defined in paragraph (4)(A) of such section) within the internal waters of a State (as defined in paragraph (4)(B) of such section); and

Amended by 97-191.

(3) for any vessel of the United States, and for the owner or operator of any vessel of the United States, to transfer directly or indirectly, or attempt to so transfer any United States harvested fish to any foreign fishing vessel, while such foreign vessel is within the fishery conservation zone, unless the foreign fishing vessel has been issued a permit under section 204 which authorizes the receipt by such vessel of United States harvested fish of the species concerned.

Amended by 95-354.

SEC. 308. CIVIL PENALTIES

16 USC 1858.

(a) ASSESSMENT OF PENALTY.--Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 307 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(b) REVIEW OF CIVIL PENALTY.--Any person against whom a civil penalty is assessed under subsection (a) may obtain review thereof in the appropriate court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(c) ACTION UPON FAILURE TO PAY ASSESSMENT.--If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(d) COMPROMISE OR OTHER ACTION BY SECRETARY.--The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(e) SUBPENAS.--For the purposes of conducting any hearing under this section, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths.

Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Amended by 97-453.

SEC. 309. CRIMINAL OFFENSES

16 USC 1859.

(a) OFFENSES.--A person is guilty of an offense if he commits any act prohibited by--

- (1) section 307(1)(D), (E), (F), or (H); or
- (2) section 307(2).

(b) PUNISHMENT.--Any offense described in subsection (a)(1) is punishable by a fine of not more than \$50,000, or imprisonment for not more than 6 months, or both; except that if in the commission of any such offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Act (as provided for in section 311), or places any such officer in fear of imminent bodily injury, the offense is punishable by a fine of not more than \$100,000, or imprisonment for not more than 10 years, or both. Any offense described in subsection (a)(2) is punishable by a fine of not more than \$100,000. Amended by 97-453.

(c) JURISDICTION.--There is Federal jurisdiction over any offense described in this section.

[NOTE: The amendment made by subsection (a) [deleting imprisonment for any offense described in section 309(a)(2)] applies with respect to offenses committed under section 309 on or after the date of the enactment of this Act [97-453].]

SEC. 310. CIVIL FORFEITURES

(a) IN GENERAL.--Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 307 (other than any act for which the issuance of a citation under section 311(c) is sufficient sanction) shall be subject to forfeiture to the United States. All or part of such vessel may, and all such fish (or the fair market value thereof) shall, be forfeited. Amended by 97-453.

to the United States pursuant to a civil proceeding under this section.

(b) JURISDICTION OF COURTS.--Any district court of the United States which has jurisdiction under section 311(d) shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) JUDGMENT.--If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this Act or for which security has not previously been obtained under subsection (d). The provisions of the customs laws relating to--

- (1) the disposition of forfeited property,
- (2) the proceeds from the sale of forfeited property,
- (3) the remission or mitigation of forfeitures, and
- (4) the compromise of claims,

shall apply to any forfeiture ordered, and to any case in which forfeiture is alleged to be authorized, under this section, unless such provisions are inconsistent with the purposes, policy, and provisions of this Act. The duties and powers imposed upon the Commissioner of Customs or other persons under such provisions shall, with respect to this Act, be performed by officers or other persons designated for such purpose by the Secretary.

(d) PROCEDURE.--(1) Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 311(d) shall--

- (A) stay the execution of such process; or
- (B) discharge any fish seized pursuant to such process; upon the receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person (i) delivering such property to the appropriate court upon order thereof, without any impairment of its value, or (ii) paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any fish seized pursuant to this Act may be sold, subject to the approval and direction of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(e) REBUTTABLE PRESUMPTION.--For purposes of this section,

it shall be a rebuttable presumption that all fish found on board a fishing vessel which is seized in connection with an act prohibited by section 307 were taken or retained in violation of this Act.

SEC. 311. ENFORCEMENT

16 USC 1861.

(a) RESPONSIBILITY.--The provisions of this Act shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, including all elements of the Department of Defense, and of any State agency, in the performance of such duties.

Amended by 97-453.

(b) POWERS OF AUTHORIZED OFFICERS.--

(1) Any officer who is authorized (by the Secretary, the Secretary of the department in which the Coast Guard is operating, or the head of any Federal or State agency which has entered into an agreement with such Secretaries under subsection (a)) to enforce the provisions of this Act may--

Amended by 97-453.

(A) with or without a warrant or other process--

(i) arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by section 307;

(ii) board, and search or inspect, any fishing vessel which is subject to the provisions of this Act;

(iii) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this Act;

(iv) seize any fish (wherever found) taken or retained in violation of any provision of this Act; and

(v) seize any other evidence related to any violation of any provision of this Act;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Subject to the direction of the Secretary, a person charged with law enforcement responsibilities by the Secretary who is performing a duty related to enforcement of a law regarding fisheries or other marine resources may make an arrest without a warrant for an offense against the United States committed in his presence, or for a felony cognizable under the laws of the United States, if he has

reasonable grounds to believe that the person to be arrested has committed or is committing a felony. The arrest authority described in the preceding sentence may be conferred upon an officer or employee of a State agency, subject to such conditions and restrictions as are set forth by agreement between the State agency, the Secretary, and, with respect to enforcement operations within the fishery conservation zone, the Secretary of the department in which the Coast Guard is operating.

(c) ISSUANCE OF CITATIONS.--If any officer authorized to enforce the provisions of this Act (as provided for in this section) finds that a fishing vessel is operating or has been operated in violation of any provision of this Act, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (b). If a permit has been issued pursuant to this Act for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(d) JURISDICTION OF COURTS.--The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this Act. In the case of Guam, and any Commonwealth, territory, or possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii. Any such court may, at any time--

- (1) enter restraining orders or prohibitions;
- (2) issue warrants, process in rem, or other process;
- (3) prescribe and accept satisfactory bonds or other security; and
- (4) take such other actions as are in the interest of justice.

(e) DEFINITIONS.--For purposes of this section--

(1) The term "provisions of this Act" includes (A) any regulation or permit issued pursuant to this Act, and (B) any provision of, or regulation issued pursuant to, any international fishery agreement under which foreign fishing is authorized by section 201 (b) or (c), with respect to fishing subject to the exclusive fishery management authority of the United States.

(2) The term "violation of any provision of this Act" includes (A) the commission of any act prohibited by section 307, and (B) the violation of any regulation, permit, or

agreement referred to in paragraph (1).

SEC. 312. EFFECTIVE DATE OF CERTAIN PROVISIONS

Sections 307, 308, 309, 310, and 311 shall take effect March 1, 1977.

TITLE IV--MISCELLANEOUS PROVISIONS

SEC. 401. EFFECT ON LAW OF THE SEA TREATY

16 USC 1881.

If the United States ratifies a comprehensive treaty, which includes provisions with respect to fishery conservation and management jurisdiction, resulting from any United Nations Conference on the Law of the Sea, the Secretary, after consultation with the Secretary of State, may promulgate any amendment to the regulations promulgated under this Act if such amendment is necessary and appropriate to conform such regulations to the provisions of such treaty, in anticipation of the date when such treaty shall come into force and effect for, or otherwise be applicable to, the United States.

SEC. 402. REPEALS

(a) The Act of October 14, 1966 (16 U.S.C. 1091-1094), is repealed as of March 1, 1977.

(b) The Act of May 20, 1964 (16 U.S.C. 1081-1086), is repealed as of March 1, 1977.

SEC. 403. FISHERMEN'S PROTECTIVE ACT AMENDMENTS

(a) AMENDMENTS.--Title of August 27, 1954 (22 U.S.C. 1972), is amended--

(1) by amending section 2 thereof to read as follows:

"Sec. 2. If--

"(1) any vessel of the United States is seized by a foreign country on the basis of claims in territorial waters or the high seas which are not recognized by the United States; or

"(2) any general claim of any foreign country to exclusive fishery management authority is recognized by the United States, and any vessel of the United States is seized by such foreign country on the basis of conditions and restrictions under such claim, if such conditions and restrictions--

"(A) are unrelated to fishery conservation and management,

"(B) fail to consider and take into account traditional fishing practices of vessels of the United States,

"(C) are greater or more onerous than the conditions

and restrictions which the United States applies to foreign fishing vessels subject to the exclusive fishery management authority of the United States (as established in title I of the Fishery Conservation and Management Act of 1976), or

"(D) fail to allow fishing vessels of the United States equitable access to fish subject to such country's exclusive fishery management authority; and there is no dispute as to the material facts with respect to the location or activity of such vessel at the time of such seizure, the Secretary of State shall immediately take such steps as are necessary--

"(i) for the protection of such vessel and for the health and welfare of its crew;

"(ii) to secure the release of such vessel and its crew; and

"(iii) to determine the amount of any fine, license, fee, registration fee, or other direct charge reimbursable under section 3(a) of this Act."; and

(2) by amending section 3(a) thereof by inserting immediately before the last sentence thereof the following new sentence: "For purposes of this section, the term 'other direct charge' means any levy, however characterized or computed (including, but not limited to, any computation based on the value of a vessel or the value of fish or other property on board a vessel), which is imposed in addition to any fine, license fee, or registration fee."

(b) EFFECTIVE DATE.--The amendment made by subsection(a)(1) shall take effect March 1, 1977. The amendment made by subsection (a)(2) shall apply with respect to seizures of vessels of the United States occurring on or after December 31, 1974.

SEC. 404. MARINE MAMMAL PROTECTION ACT AMENDMENT

(a) AMENDMENT.--Section 3(15)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(15)(B)) is amended by striking out "the fisheries zone established pursuant to the Act of October 14, 1966," and inserting in lieu thereof "the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured."

(b) EFFECTIVE DATE.--The amendment made by subsection (a) shall take effect March 1, 1977.

SEC. 405. ATLANTIC TUNAS CONVENTION ACT AMENDMENT

(a) AMENDMENT.--Section 2(4) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971(4)) is amended by striking out "the fisheries zone established pursuant to the Act of October 14, 1966 (30 Stat. 908; 16 U.S.C. 1091-1094)," and inserting in lieu thereof "the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured."

(b) EFFECTIVE DATE.--The amendment made by subsection (a) shall take effect March 1, 1977.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated to the Secretary, for purposes of carrying out the provisions of this Act, not to exceed the following sums: 16 USC 1882.

(1) \$5,000,000 for the fiscal year ending June 30, 1976.

(2) \$5,000,000 for the transitional fiscal quarter ending September 30, 1976.

(3) \$25,000,000 for the fiscal year ending September 30, 1977.

(4) \$30,000,000 for the fiscal year ending September 30, 1978.

(5) \$30,000,000 for the fiscal year ending September 30, 1979. Amended by 95-354.

(6) \$33,000,000 for the fiscal year ending September 30, 1980. Amended by 96-61.

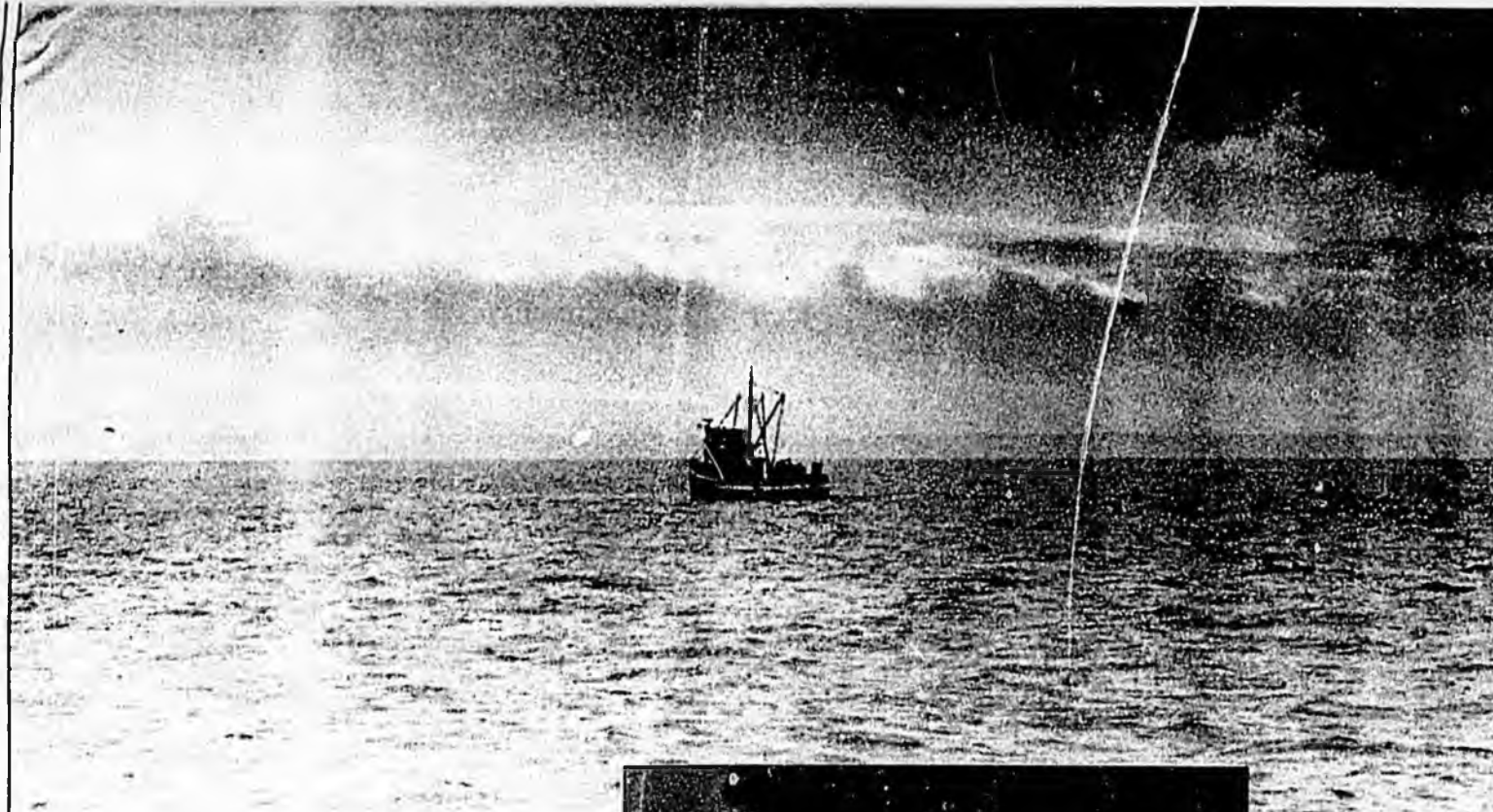
(7) \$40,000,000 for the fiscal year ending September 30, 1981.

(8) \$47,000,000 for the fiscal year ending September 30, 1982.

(9) \$59,000,000 for the fiscal year ending September 30, 1983. Amended by 97-453.

(10) \$64,000,000 for the fiscal year ending September 30, 1984.

(11) \$69,000,000 for the fiscal year ending September 30, 1985.



Anch Times 3-24-85

Fine-tuning the 200-mile limit act



The Magnuson Fishery Conservation and Management Act of 1976 extended boundaries of American fishing. It is again up before Congress for discussion and renewal.

by Chris Swaney
Times Business Writer

It started as a simple management plan to give the United States more say over fishery resources in the area 200 miles off its shore.

The Magnuson Fishery Conservation and Management Act of 1976 was designed to extend U.S. control of its resources beyond the six-mile limit. It also was designed to give the domestic fishing industry a much-needed boost while regulating foreign catch.

That it has done. In Alaska, for example, American fishermen are tipping the scales with total groundfish catches of 610,000 metric tons in 1984.

This year's projected catch is between 830,000 and 850,000 metric tons. Six years ago, the American groundfish catch was only 7,500 metric tons.

Because American fishermen are guaranteed first shot at schools of fish off the U.S. coast (with the exception of highly migratory species such as tuna), the size of U.S. catches is growing.

On Tuesday, Congress begins hearings on whether to

reauthorize the act. There's no doubt that the 200-mile limit will remain the law of the land but several government and industry fishery officials say they want some changes made.

Among complaints: The act doesn't have enough teeth in it; its regulations are confusing; it allows U.S. fishery resources to be used as a bargaining chip in international trading games.

So when reauthorization hearings on the Magnuson Act begin Tuesday before members of the U.S. House Subcommittee on Fisheries and Wildlife Conservation and the Environment, a cadre of industry representatives and local political leaders are expected to flock to Washington, D.C. to testify.

The process is not expected to be a replay of the shootout at the OK Corral, but the House draft bill offers some changes worthy of note.

One of them would change the status of the fishery conservation zone into an Exclusive Economic Zone (EEZ). The EEZ designation confirms U.S. sovereign rights and control over the living and non-living natural resources of the seabed and subsoil beyond the territorial sea but within

200 nautical miles of the coast.

The concept of the EEZ contained in President Reagan's recent Oceans Policy and is consistent with existing international law. More than 50 countries have proclaimed some form of EEZ.

Other proposed changes to the act include tightening the so-called "fish and chips" policy and fine-tuning the Secretary of Commerce's fast-review process of fishery management plans. The "fish and chips" policy uses fish as a tool for extra trade concessions from other countries.

Ron Miller, special adviser to the North Pacific Fishery Management Council — one of eight regional councils created by the act to implement the law — said that the policy would allow the return of state to enter long-term purchase agreements. Under those agreements, countries catching fish in U.S. waters would be forced to buy U.S.-caught or U.S.-processed fish products.

"In essence, we would be trading fish for fish rather than fish for Toyotas," Miller said.



Ron Miller, above, a special adviser to the North Pacific Fishery Management Council, and Jim Branson, right, the group's executive director, have several recommendations on the Magnuson Act for Congress to consider.



200-mile limit act

Continued from page C-1

Revision of the fast-track process would speed up the amount of time during which the Department of Commerce would have to review proposed fishery management plans. Under the proposed revision, the Secretary of Commerce will be able to immediately approve or amend a plan without having to wait for the required 75-day review and public comment period.

In addition to speeding up fishery management procedures, the draft bill asks for more detailed disclosure of confidential statistics from council members.

Executive Director Jim Branson said council will reserve judgment on the disclosure until it is fully explained. "We just don't know how extensive it will be," Branson said.

Despite proposed changes in the Magnuson Act, most council members and industry representatives are recommending additional amendments.

Both Branson and Chairman Jim Campbell said the council will recommend that the Secretary of State take into consideration, when allocating the total allowable level of foreign fishing, whether a nation is harvesting migratory fish of U.S. origin on the high seas outside the EEZ.

This particular recommendation also supported by the Bering Sea Fishermen's Association is partially based on a report prepared by the Fisheries Research Institute of the University of Washington. The report indicated that 200,000 to 700,000 Alaska chinook salmon were harvested annually between 1978 and 1983 by Japanese mother-ships and land-based gillnet fish-

eries operating both within and beyond the EEZ. The high-seas harvest generally consists of small immature fish which limits the number of returning adult fish to U.S. fisheries.

Council members also will urge the House subcommittee to allow for direct allocations to specific joint venture operations, Branson said. "We'll be able to manage the resource more effectively if we have more control," he added.

Joint venture catches increased to 581,168 metric tons in 1984 compared with 350,901 metric tons in 1983. Joint ventures accounted for 30 percent of the total groundfish catch off Alaska in 1984, according to council records.

Other industry groups such as the United Fishermen of Alaska want management changes in federal waters off Alaska.

UFA lobbyist Deming Cowles in Washington, D.C. said Alaskan fishermen want the state to be able to manage fisheries in federal intrusion areas in Southeast and Cook Inlet. Both the state Department of Fish and Game and Rep. Don Young, the ranking Republican member of the Merchant Marine and Fisheries committee, support the management changes.

"I think all parties must realize that reauthorization is not going to come overnight," Young said. "We're going to have to take time and look at all the recommendations."

Many of those recommendations were submitted in letter form in February by Commissioner Don W. Collinsworth of the state Department of Fish and Game to the representative's Washington, D.C. office.

City of Sand Point

P.O. Box 177
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(907) 383-2696

RESOLUTION NO. 85-20

A RESOLUTION OF THE CITY COUNCIL OF SAND POINT SUPPORTING AMERICANIZATION OF FISHING.

WHEREAS, reauthorization of the Fisheries Conservation Management Act is being considered by Congress; and

WHEREAS, the only intent of the FCMA was for americanization of the U.S. fisheries; and

WHEREAS, in Alaska, the majority of bottomfish is caught and/or processed by foreign nations; and

WHEREAS, coastal communities in Alaska are presently being excluded in the most part from any benefits associated with the huge bottomfish resource off of Alaska, and presently these communities are in economical hardships; and

WHEREAS, coastal communities could immensely benefit from phase-out of foreign fishing and processing; and

WHEREAS, the goal of the U.S. fishing industry, the communities of Alaska, and the people of the U.S. should be to catch, process, and market American fish with American equipment, by American people, in American communities.

NOW THEREFORE BE IT RESOLVED that the Sand Point City Council supports phase-out of directed foreign fishing by 1988 and a cap on existing levels of foreign fishing.

AND BE IT FURTHER RESOLVED that the Sand Point City Council supports replacement of foreign processing with American processing by 1990.

PASSED AND ADOPTED by a duly constituted quorum of the Sand Point City Council this 15 day of April, 1985.

Jack W. Foster, Sr.
MAYOR

ATTEST:

Debbie K. Austin
CITY CLERK