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APPROVED  
JUL 6 - 1976

8/16/76

THE WHITE HOUSE  
WASHINGTON  
July 2, 1976

ACTION

Last Day: July 7

Posted  
7/7/76  
*Archives*  
7/7/76

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON  
SUBJECT: H.R. 13380 - Appropriation authorization for fisheries development program

Attached for your consideration is H.R. 13380, sponsored by Representative Sullivan.

The enrolled bill would extend the authorization for appropriations of \$3,000,000 of the Central, Western and South Pacific Fisheries Development Act from July 1, 1976 through September 30, 1979.

Additional details are provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 13380 at Tab B.







EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

JUN 29 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 13380 - Appropriation authorization  
for fisheries development program  
Sponsor - Rep. Sullivan (D) Missouri

Last Day for Action

July 7, 1976 - Wednesday

Purpose

Extends the appropriation authorization of the Central, Western, and South Pacific Fisheries Development Act through fiscal year 1979.

Agency Recommendations

Office of Management and Budget	Approval
Department of Commerce	Approval
Department of the Interior	Approval

Discussion

The Central, Western, and South Pacific Fisheries Development Act of 1972 authorized the Secretary of Commerce to carry out a three-year program for the development of the tuna and other fisheries resources of the Central, Western and South Pacific Ocean. A total of \$3,000,000 was authorized for the period from July 1, 1973 to June 30, 1976. A Pacific Islands Development Commission (PIDC) Tuna Program was initiated in fiscal year 1975 under the authority of this Act. Federal funds to carry out this program in 1975 and 1976 were provided for out of supplemental monies from customs duties on imported fisheries

products, which are available to the Department of Commerce to promote American fisheries development.

The enrolled bill would

- extend the authorization for appropriations of \$3,000,000 for the period from July 1, 1976 through September 30, 1979;
- make the program indefinite in length by eliminating the three-year limitation in current law; and
- require the Secretary to submit annual reports on the program by January 30 of each year to the President and the Congress.

H.R. 13380 is almost identical to a bill submitted to Congress by Commerce. In a report to the Senate Commerce Committee on similar legislation, the Department stated that continued support of this program was desirable because "successful expansion of the U.S. tuna industry activities in the Central Pacific region is certain to result in economic profit to the island areas and in long-range benefits to the Nation through increased availability of fisheries resources."

*James M. Troy*  
Assistant Director for  
Legislative Reference

Enclosures

B

## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 1

Time: 130pm

FOR ACTION: Paul Leach *oh*  
George Humphreys  
Max Friedersdorf *oh*  
Ken Lazarus *an*

cc (for information):

Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: July 2

Time: noon

SUBJECT:

H.R. 11380 - Appropriation authorization for  
fisheries development program

## ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

## REMARKS:

please return to Judy Johnston, Ground Floor West Wing

**PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a  
delay in submitting the required material, please  
telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President



**GENERAL COUNSEL OF THE  
UNITED STATES DEPARTMENT OF COMMERCE**

Washington, D.C. 20230

JUN 25 1976

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning H. R. 13380, an enrolled enactment

"To amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes."

H. R. 13380 amends the Central, Western, and South Pacific Fisheries Development Act so as to extend the authorization of appropriations to carry out the provisions of the Act. In addition, it provides that the Secretary of Commerce shall submit annual reports to the President and the Congress by January 30 of each year of his activities under the Act.

The Act currently authorizes a total appropriation of \$3 million for fishery development over a three year period, ending June 30, 1976. H. R. 13380 would provide authorization of appropriations totaling \$3 million for the three year period ending September 30, 1979.

The authorizations proposed in H. R. 13380 are identical to those proposed in draft legislation submitted by this Department to the 94th Congress. Accordingly, this Department recommends Presidential approval of H. R. 13380.

We note that clause (3) does not specify the exact point in section 7 where the proposed amendatory language is to be inserted.

Sincerely,

J.W. Smith  
General Counsel





# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

JUN 25 1976

Dear Mr. Lynn:

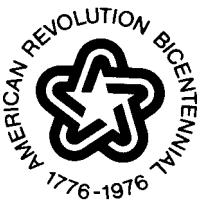
This responds to your request for the views of this Department on the enrolled bill H.R. 13380, "To amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes."

We recommend that the President approve the enrolled bill.

As enrolled, H.R. 13380 would extend the life of the Central, Western, and South Pacific Fisheries Development Act of 1972 (86 Stat. 744, 16 U.S.C. 758a note) from June 30, 1976 to September 30, 1979, and authorizes \$3 million to carry out the purposes of the Act during this three year period. Further, the bill requires the Secretary of Commerce to submit annual reports by January 30 of each year to the President and the Congress on his activities pursuant to the Act, along with any recommendations. As introduced, H.R. 13380 was a proposal transmitted to the Congress by the Department of Commerce on April 19, 1976. As enrolled, the bill is substantially the same as that proposed by Commerce, with the exception of a different time schedule for the required reports.

Under the 1972 Act, the Secretary of Commerce is authorized to carry out programs for the development of tuna and other latent fisheries resources in the Central, Western and South Pacific until 1976. The 1972 Act provides for consultation and cooperation by the Secretary with the governments of American Samoa and Guam, and the High Commissioner of the Trust Territory of the Pacific Islands (TTPI), as well as with Hawaii and other affected States.

The 1972 Act provided a major impetus for the development of the commercial fishing industry in these three territories. All these territories have skipjack tuna available in substantial quantities in their surrounding waters, and the commercial development of this resource would be extremely beneficial to the economy of these islands, and help them to become more self-sufficient.



The tuna fishing industry is the major private enterprise in American Samoa. However, with the exception of a single bottom-fishing operation, the present commercial fishing industry consists solely of foreign longline vessels which supply the two local canneries with large deep-swimming tuna. The untapped resource with the greatest potential appears to be skipjack tuna, which occurs almost offshore. Further, these same waters also contain an unknown quantity of surface-swimming yellowfin tuna which would supplement the catch of skipjack tuna.

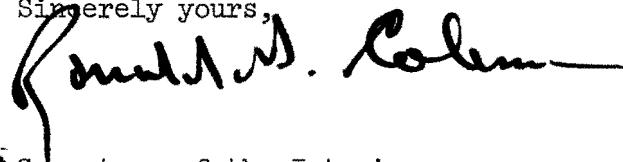
In Guam, the only major developable raw material available in substantial quantity is the skipjack tuna resource, now being harvested by foreign fishermen. Guam's main possibility of harvesting this vast resource is to develop a purse seine technique that will work in the clear tropical waters surrounding the territory.

The TTPI has fishery potentials not fully utilized by the people of Micronesia, although some development is now in progress.

Subsequent to enactment of the 1972 Act, the Secretary of Commerce entered into a cooperative agreement with the Pacific Tuna Development Foundation, a non-profit organization composed of representatives from the U.S. tuna industry and the territories. The program has made excellent progress, but a three year extension is necessary to complete the projects that have been started. Among future plans is the charter of three large commercial fishing purse seiners to undertake exploratory fishing and gear testing near Guam.

As the Department charged with the promotion of the economic advancement of these territories, we recommend that the President approve the enrolled bill.

Sincerely yours,



**Assistant** Secretary of the Interior

Honorable James T. Lynn  
Director, Office of  
Management and Budget  
Washington, D.C.

## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 1

Time: 130pm

FOR ACTION: Paul Leach  
George Humphreys  
Max Friedersdorf  
Ken Lazarus

cc (for information): Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: July 2

Time: noon

SUBJECT:

H.R. 13380 - Appropriation authorization for  
fisheries development program

## ACTION REQUESTED:

- For Necessary Action       For Your Recommendations  
 Prepare Agenda and Brief       Draft Reply  
 For Your Comments       Draft Remarks

## REMARKS:

please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 7/2/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a  
delay in submitting the required material, please  
telephone the Staff Secretary immediately.

James M. Cannon  
For the President

THE WHITE HOUSE

WASHINGTON

July 2, 1976

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *M. L.*  
SUBJECT: HR 13380 - Appropriation authorization for fisheries development program

The Office of Legislative Affairs concurs with the agencies that the subject bill be approved.

Attachments

## THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 1

Time: 130pm

FOR ACTION: Paul Leach  
George Humphreys  
Max Friedersdorf  
Ken Lazarus

*cc* (for information):  
Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: July 2

Time: noon

SUBJECT:

H.R. 13380 - Appropriation authorization for  
fisheries development program

## ACTION REQUESTED:

- For Necessary Action       For Your Recommendations  
 Prepare Agenda and Brief       Draft Reply  
 For Your Comments       Draft Remarks

## REMARKS:

please return to Judy Johnston, Ground Floor West Wing

*Deemed  
approval  
fwd*

**PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a  
delay in submitting the required material, please  
telephone the Staff Secretary immediately.

James M. Cannon  
For the President

# Calendar No. 823

94<sup>TH</sup> CONGRESS  
2d Session

SENATE

{

REPORT  
No. 94-866

## AMEND THE CENTRAL, WESTERN, AND SOUTH PACIFIC FISHERIES DEVELOPMENT ACT

MAY 13, 1976.—Ordered to be printed

Mr. ROBERT C. BYRD (for Mr. MAGNUSON), from the Committee on Commerce, submitted the following

### REPORT

[To accompany S. 2219]

The Committee on Commerce, to which was referred the bill (S. 2219) to amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Page 1, strike lines 7 through 9, and insert the following:

(2) by striking in section 4 the words "June 30, 1976, complete" and inserting in lieu thereof "January 30 of each year, an annual".

Page 1, strike line 10 through line 2, page 2, and insert in lieu thereof the following:

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

"There are authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this Act, not to exceed \$300,000 for the transitional fiscal quarter ending September 30, 1976; not to exceed \$1,333,333 for the fiscal year ending September 30, 1977; not to exceed \$1,333,333 for the fiscal year ending September 30, 1978; and not to exceed \$1,333,333 for the fiscal year ending September 30, 1979. Such sums as may be appropriated under this section shall remain available until expended."

#### PURPOSE AND BRIEF DESCRIPTION

The purpose of the bill is to amend the Central, Western, and South Pacific Fisheries Development Act (16 U.S.C. 758) to extend the authorization for appropriation through fiscal year 1979. That Act was enacted on September 29, 1972, to assist in the development of tuna and other latent fishery resources of the outer Pacific Ocean. The program primarily affects the State of Hawaii, Guam, American Samoa, and the Trust Territory of the Pacific Islands. The bill (1) extends the program for an additional three years; (2) requires an annual report on the progress of the program from the Secretary of Commerce; and (3) increases the authorization for appropriations to \$1,333,333 annually, a total of \$4,000,000 over the three-year period.

#### BACKGROUND AND NEED

In February 1970, the Pacific Islands Development Commission (PIDC) was created for the purpose of assisting in the development of the tuna resources of the Central, Western, and South Pacific Ocean. The Commission, consisting of the chief executives of the governments of Hawaii, American Samoa, Guam, and the Trust Territory of the Pacific Islands, perceived the need to diversify the economic base of the region by using available natural resources.

In February 1972, the Congress enacted the Central, Western, and South Pacific Fisheries Development Act in support of the Commission's efforts. The Secretary of Commerce is authorized under that Act to carry out, directly or by contract, a program for the development of the tuna and other latent fisheries resources of the area. The program includes: exploration for, and stock assessment of, tuna and other fish; improvement of harvesting techniques; gear development; biological resource monitoring; and an economic evaluation of the potential for tuna and other fisheries.

Although the Act became effective in 1972, the tuna program was not initiated by the Department of Commerce until fiscal year 1975. Even when it was initiated, the Department did not request appropriations under the 1972 Act but rather obtained funds for the program from the so-called Saltonstall-Kennedy trust fund (15 U.S.C. 713c-3). These Federal funds are being supplemented by contributions from the members of the PIDC and the tuna industry. The current authorization of Public Law 92-444 expires on June 30, 1976. In addition, the Saltonstall-Kennedy trust fund is being used to capacity for other purposes. Consequently, this bill is necessary to continue this worthwhile program through completion, hopefully by 1979. The program is expected to result in economic benefits to the island areas and to the Nation through increased availability of fisheries resources.

The bill increases the authorization for appropriations over the three-year period to \$4,000,000, up from the \$3,000,000 authorized over the previous three-year period.

#### ESTIMATED COST

Pursuant to section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the maximum cost of this bill to

the Federal government would be \$300,000 for the transitional fiscal quarter ending September 30, 1976; \$1,333,333 for the fiscal year ending September 30, 1977; \$1,333,333 for the fiscal year ending September 30, 1978; and \$1,333,333 for the fiscal year ending September 30, 1979. The total cost of the bill for three years would be \$4,000,000.

#### CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the standing rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman).

#### CENTRAL, WESTERN, AND SOUTH PACIFIC FISHERIES DEVELOPMENT ACT

(86 Stat. 744, 16 U.S.C. 758a Note)

\* \* \* \* \*

SEC. 2. The Secretary of Commerce (hereafter referred to in this Act as the "Secretary") is authorized to carry out, directly or by contract, a [three-year] program for the development of the tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean.

\* \* \* \* \*

SEC. 4. The Secretary shall submit to the President and the Congress, not later than [June 30, 1976, a complete] January 30 of each year, an annual report with respect to his activities pursuant to this Act, the results of such activities, and any recommendations he may have as a result of such activities.

\* \* \* \* \*

SEC. 7. [There is authorized to be appropriated for the period beginning July 1, 1973, and ending June 30, 1976, the sum of \$3,000,000, and for the succeeding three years through fiscal year 1979, the sum of \$4,000,000, to carry out the purposes of the Act. Sums appropriated pursuant to this section shall remain available until expended.] There are authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this Act, not to exceed \$300,000 for the transitional fiscal quarter ending September 30, 1976; not to exceed \$1,333,333 for the fiscal year ending September 30, 1977; not to exceed \$1,333,333 for the fiscal year ending September 30, 1978; and not to exceed \$1,333,333 for the fiscal year ending September 30, 1979. Such sums as may be appropriated under this section shall remain available until expended.

#### AGENCY COMMENTS

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,  
Washington, D.C., April 7, 1976.

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

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 2219, a bill to amend the Central, Western,

and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes.

S. 2219 would extend for three years, through September 30, 1979, the appropriation authorization for the Pacific Islands Development Commission (PIDC) Tuna Program which was established in connection with the Central, Western, and South Pacific Fisheries Development Act of 1972. The bill would also increase the appropriation authorization from \$3 million, as it is in the present law, to \$4 million.

Although the Act became effective in 1972, the skipjack tuna development program was not initiated until fiscal year 1975. Because of this delay, our Department did not seek funds under the original appropriation authorization. Instead, our share has been contributed from Saltonstall-Kennedy (S-K) funds (15 U.S.C. 713c-3).

Federal funds are being supplemented by contributions from PIDC and the tuna industry. S-K funds are expected to be sufficient to meet the program needs through fiscal year 1977. The current authorization of Public Law 92-444 expires at the end of fiscal year 1976. Consequently, an extension of the authorization is desirable to continue the program. However, in our opinion current level funding is sufficient. Therefore, we oppose that aspect of the bill which would increase the appropriation authorization from \$3 million to \$4 million. We would support a bill which authorized appropriation of \$3 million.

We feel that it is important that Federal support be continued because successful expansion of the U.S. tuna industry activities in the Central Pacific region is certain to result in economic profit to the island areas and in long-range benefits to the Nation through increased availability of fisheries resources. Much of the work that needs to be done is fisheries research that is beyond the capability of any one sector of the U.S. fishing industry to fund on its own. We believe, therefore, that this is an appropriate investment of Federal funds.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our report to the Congress from the standpoint of the Administration's program.

Sincerely,

*General Counsel.*

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## PACIFIC TUNA FISHERIES DEVELOPMENT PROGRAM

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MAY 14, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mrs. SULLIVAN, from the Committee on Merchant Marine and Fisheries, submitted the following

### R E P O R T

[To accompany H.R. 13380]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 13380) to amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

That the Central, Western, and South Pacific Fisheries Development Act (86 Stat. 744; 16 U.S.C. 758a note) is amended—

- (1) by striking out "three-year" in section 2 thereof;
- (2) by inserting "and not later than September 30, 1979," immediately after "June 30, 1976," in section 4 thereof; and
- (3) by inserting ", and for the period beginning July 1, 1976, and ending September 30, 1979, the sum of \$3,000,000," immediately after "\$3,000,000" in section 7 thereof.

### PURPOSE OF THE LEGISLATION

The purpose of the bill is to authorize the Secretary of Commerce to continue the program for the development of tuna and other latent fisheries resources in the Central, Western, and South Pacific Ocean for an additional three years.

### LEGISLATIVE BACKGROUND

H.R. 13380 was introduced on April 28, 1976, by Mrs. Sullivan as a result of an Executive Communication (No. 3090) from the Department of Commerce.

The Subcommittee on Fisheries and Wildlife Conservation and the Environment held hearings on the legislation on May 7, 1976.

H.R. 13380, as introduced, would: (1) extend the Act for three years from June 30, 1976 to September 30, 1979; (2) authorize to be appropriated the sum of \$8 million to carry out the purposes of the Act during such period; (3) change the date before which the Secretary would be required to submit to the President and the Congress a report on his activities pursuant to the Act from June 30, 1976, to September 30, 1976; and (4) require that a second report be submitted on September 30, 1979.

After giving careful consideration to the evidence presented at the hearings and the Executive Communication, the Committee ordered the bill reported, with an amendment. As reported, the bill is essentially the same as introduced, with one exception. The Committee decided that the report to be filed by the Secretary, due no later than June 30, 1976, should be filed by that date, as required by present law, rather than by September 30, 1976, as provided by the legislation as introduced.

The Committee unanimously ordered reported to the House H.R. 13380, with an amendment by voice vote.

#### BACKGROUND AND NEED FOR THE LEGISLATION

In an effort to assist in a coordinated effort in the development of the tuna resources of the Central and Western Pacific, in February of 1970 the Pacific Islands Development Commission (PIDC) was formed. The Commission consists of the chief executives of the governments of Hawaii, American Samoa, Guam, and the Trust Territory of the Pacific. One of the first projects of the Commission was to compile a report in conjunction with the U.S. tuna industry. The report is entitled "An American Fisheries Opportunity in the Central and Western Pacific." The report reviews the serious problems facing the tuna industry in obtaining an adequate supply of tuna, the potential of this resource, and its prospects for development.

With respect to American Samoa, it is an unincorporated and unorganized territory of the United States administered by the Department of the Interior. It is the most southerly of all lands under U.S. sovereignty. It comprises the eastern islands of the Samoan group, approximately 2,300 miles southwest of Hawaii, and 1,600 miles northeast of the tip of New Zealand. There are seven islands in the American Samoan group, with a total area of 76 square miles. Present population is about 28,000 people.

The tuna fishing industry is the only important private enterprise in American Samoa. With the exception of a single bottom-fishing operation, the present commercial fishing industry in American Samoa consists solely of foreign longline vessels which supply the two local canneries with large deep-swimming tunas. The untapped resource with the greatest potential appears to be skipjack tuna, which are known to occur in waters close to American Samoa—almost offshore. Further, the tropical waters in which skipjack tuna occur also contain an unknown quality of surface-swimming yellowfin tuna which would supplement the catch of skipjack tuna.

Guam is an organized unincorporated territory of the United States located in the southernmost of a chain of volcanic islands in the Western Pacific known as the Mariana Islands. Guam lies about 6,000 miles

southwest of San Francisco and 1,500 miles southeast of Manila. The relations of the Guam government with the Federal Government are under the jurisdiction of the Department of the Interior. The people of Guam—consisting of approximately 102,000 in number—are citizens of the United States.

Guam has no readily available raw material which can be used to develop an industry. On the other hand, the island is surrounded by thousands of miles of ocean that potentially could yield such valuable raw material. The only developable raw material presently available in substantial quantity in this area is the skipjack tuna resource that the Japanese are now harvesting. Presently the island's only hope of utilizing this vast resource is to develop a purse seine technique that will work in the clear tropical waters of the Pacific Islands.

Micronesia, with a population of approximately 100,000 people, is called the "land of small islands," which aptly describes the Trust Territory of the Pacific Islands. Embracing the Marshalls, Carolines, and the Marianas (except Guam which is a U.S. territory), the Trust Territory includes more than 2,000 islands covering less than 700 square miles of land, set in some 3 million square miles of ocean. This area is administered by the United States under a trusteeship agreement with the United Nations.

The skipjack tuna fishery in Hawaii is on the decline. In this regard, the number of boats has declined steadily during the past 20 years. The number of fishermen in this industry has likewise declined. If the fishing industry is successfully developed, Hawaii will not only revive a dying fishing industry but will inject new and diversified employment and income into its economy.

The report further points out that with respect to purse seiners, the techniques currently utilized in the Eastern Pacific require modifications. They are required because the mixed layer is much deeper, the water much clearer, the school behavior much more erratic in the Western Pacific, making purse seine fishing with techniques developed for other areas difficult. In respect to bait boat fishing in the area, proven bait sources must be developed along with the proper techniques for taking bait. Those areas that have sufficient bait of the proper species must be determined. On the basis of current knowledge, the best areas appear to be in the Trust Territory, American Samoa, and Guam.

In discharging its obligations under the United Nations Charter, the United States is required, among other things, to promote the economic advancement of the inhabitants and to this end regulate the use of natural resources; encourage the development of fisheries, agriculture, and industries; and protect the inhabitants against the loss of their land and resources. To assist in meeting these obligations, the Committee reported legislation in the 92nd Congress, which resulted in the enactment of Public Law 92-444. This law—known as the Central, Western, and South Pacific Fisheries Development Act—authorizes the Secretary of Commerce to carry out, directly or by contract, a three-year program (from July 1, 1973 to June 30, 1976) for the development of the tuna and latent fisheries resources of the Central, Western, and South Pacific Ocean.

The objectives of the 1972 Act were to: (1) locate concentrations of skipjack tuna; (2) design and demonstrate a purse seine which will catch skipjack effectively under conditions where the water is clear, the mixed layer is deep, the rate of change in temperature is gradual, and the behavior of the fish is erratic; (3) develop a system to provide sufficient quantities of a suitable species for a live-bait fishery; and (4) investigate the possibility of trolling in the island areas.

Subsequent to the enactment of the Act, the Secretary entered into a cooperative agreement with the Pacific Tuna Development Foundation (PTDF), a non-profit organization. PTDF is made up of PIDC, representatives from the U.S. tuna industry, and spokesmen for the various island entities. Under the agreement, the Federal Government and PTDF agreed to put up certain funds with which to carry out the program. The program was initiated in Fiscal Year 1975 with the Federal Government providing \$375,000 from the Saltonstall-Kennedy Act (S-K) and \$32,000 from the NOAA operations, research, and facilities appropriations. These funds were supplemented by contributions of approximately \$30,000 from PIDC; and \$380,000 from the tuna industry. In addition, NOAA was granted an operations, research, and facilities appropriation increase of \$480,000 in Fiscal Year 1975 for ship operations, thereby permitting the reactivation of the R/V Townsend Cromwell for the purpose of supporting the development of the Central Pacific fisheries.

In Fiscal Year 1976, the Secretary plans to use \$1 million in S-K funds to fund NOAA's share of the PIDC effort. In addition, the R/V Townsend Cromwell will continue to be used for support work. The Secretary plans to use S-K funds to meet the program needs Fiscal Year 1977. In addition, the Secretary plans to provide the services of the R/V Townsend Cromwell through the extended life of the program, which is estimated to cost \$520,000 per year for operation and maintenance.

Following are some of the accomplishments of the program to date pointed out by the NOAA witness at the hearing:

(1) An experimental deep seine was tested during a 60-day charter cruise in the Marquesas Island area. The results indicated a potential for the use of the deep seine in deep temperature gradient areas of the Pacific Ocean.

(2) Six shipments of live anchovies were transported from California to Hawaii to test the flexibility of expanding the live bait fishery for skipjack tuna in the Hawaiian Islands.

(3) Trolling experiments were conducted by a 50-foot research vessel adjacent to American Samoa over a five-month period. Although low catches were obtained in the immediate areas, areas north and west appear more promising.

In addition, the NOAA witness reported on the current and future plans of the Agency, should the legislation be enacted into law, as follows:

The major project this year will be the charter of three large commercial purse seiners to undertake exploratory fishing and gear testing for 120 days (June-September) in areas

north and south of Guam. Additionally, one albacore troller will be chartered for exploratory fishing north of Hawaii to the area around Midway Island and another troller, entirely financed by industry, will be engaged in this exploratory work. He will also conduct experimental fishing with live bait in the Marshall Islands, and assist American Samoa by providing an expert fisherman to test bait which is being cultured at Samoa.

These efforts will provide us with information that will assist us in determining the feasibility of using deep purse seines in the central, western, and southern Pacific Ocean. The trolling north of Hawaii will establish whether that method of fishing is feasible. If so, this could lead to an expansion of the Hawaiian fleet. Finding adequate bait in many of the island areas is a big problem hindering expansion of local fisheries but the culture of bait and test fishing in Samoa may help solve some of that problem.

The area covered by the Act is about 11 million square miles of the Pacific Ocean. The charter work with purse seines and trollers in FY 1976 will cover only a small portion of this area. There are additional areas, i.e., north of New Guinea, American Samoa, Line Islands, Tuamotu Islands and Carolina Islands which our scientists feel have good potential. These will be systematically covered if the Act is extended. Our plans are to conduct exploratory fishing surveys in all of these areas. The research will include feasibility studies on using both purse seine and trolling techniques.

The need for this legislation can best be explained by the closing statement of the NOAA witness at the hearings which is as follows:

I would like to point out that it took some time after passage of the Act to secure industry and government funding. We now have obtained the necessary support. The program is organized and good progress is being made. It is necessary that an authorization limit of \$3 million be obtained through fiscal year 1979 to complete the program. We believe extension of this Act could provide for development of information possibly leading to an increase in the harvest of tuna which could benefit the fishing industry, the islands, as well as the general public.

The Committee was delighted to learn from the witness representing the American Tunabat Association and the Tuna Research Foundation that in addition to the \$380,000 the industry has contributed toward this joint effort during the past two years, the industry has assessed itself an additional \$120,000 for the current fiscal year and will continue to be supportive with its time, expertise, men, vessels, and finances for mutually beneficial programs in the future.

In summary, the Committee feels that a continuation of this program will greatly assist in the development of skipjack seining and its related support operations and will make possible the extensive development of a tremendous resource which is large enough to provide a suitable base for the economic development of the islands of

the Trust Territory, American Samoa, Guam, and Hawaii. It will also provide to the people of these islands the means whereby they can develop themselves and their islands utilizing their natural resources and without having to rely on the development of industries based on economic conditions outside this area.

The Committee unanimously supports the passage of H.R. 13380 and would like to stress that it expects the cooperative efforts of all parties concerned to continue so that together they can make this program a complete success.

#### WHAT THE BILL DOES: SECTION-BY-SECTION ANALYSIS

As indicated in the legislative background of this report, the Committee ordered reported to the House H.R. 13380, with an amendment. This was accomplished by striking out all after the enacting clause and substituting new language.

There follows a section-by-section summary of H.R. 13380, as amended, accompanied by discussion where appropriate.

##### PARAGRAPH (1)

Paragraph (1) of the bill would strike the words "three-year" in section 2 of the Act to make it clear the program carried out by the Secretary of Commerce would continue beyond June 30, 1976, and not be limited to the three-year period as provided by the original Act.

##### PARAGRAPH (2)

Under section 4 of the Act, the Secretary of Commerce is required to submit to the President and the Congress not later than June 30, 1976, a complete report with respect to his activities pursuant to the Act, the results of such activities, and any recommendations he may have as a result of such activities. Paragraph (2) of the bill would amend section 4 of the Act to require the Secretary to submit a similar report to the President and the Congress not later than September 30, 1979, on his activities under the new three-year extended life of the program.

##### PARAGRAPH (3)

Under section 7 of the Act, there is authorized to be appropriated for the period beginning July 1, 1973, and ending June 30, 1976, the sum of \$3 million to carry out the purposes of the Act. Paragraph (3) of the bill would amend section 7 of the Act to authorize to be appropriated for the period beginning July 1, 1976, and ending September 30, 1979, the sum of \$3 million to carry out the purposes of the Act.

#### COST OF THE LEGISLATION

In the event this legislation is enacted into law, the maximum cost to the Federal Government would be \$3 million for the three-year extended life of the program, from July 1, 1976, to September 30, 1979.

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#### COMPLIANCE WITH CLAUSE 2(1)(3) OF RULE XI

With respect to the requirements of Clause 2(1)(3) of House Rule XI, of the Rules of the House of Representatives:

(A) No oversight hearings were held on the subject matter of this legislation; however, hearings were held by the Subcommittee on Fisheries and Wildlife Conservation and the Environment on the legislation on May 7, 1976. The Subcommittee does intend to hold oversight hearings on the administration of this Act from time to time during the extended three-year life of the program.

(B) The requirements of section 308(a) of the Congressional Budget Act of 1974 are not applicable to this legislation;

(C) No estimate and comparison of costs has been received by the Committee from the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974;

(D) The Committee on Government Operations has sent no report to the Committee on Merchant Marine and Fisheries pursuant to Clause 2(b)(2) of Rule X.

#### INFLATIONARY IMPACT STATEMENT

Pursuant to Clause 2(1)(4) of Rule XI, of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 13380 would have no significant inflationary impact on the prices and cost in the national economy.

#### DEPARTMENTAL REPORT

H.R. 13380 was the subject of an Executive Communication No. 3090 from the Secretary of Commerce dated April 19, 1976. The document follows herewith:

THE SECRETARY OF COMMERCE,  
Washington, D.C., April 19, 1976.

Hon. CARL ALBERT,  
*Speaker of the House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Enclosed are four copies of a draft bill "To amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes." together with a statement of purpose and need in support thereof.

This proposed legislation has been reviewed by the Department in the light of Executive Order No. 11821 and has been determined not to be a major proposal requiring evaluation and certification as to its inflationary impact.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

ELLIOT L. RICHARDSON.

Enclosures.

H.R. 1141

A BILL To amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Central, Western, and South Pacific Fisheries Development Act (86 Stat. 744; 16 U.S.C. 758a (Supp. II)), is amended as follows:*

- (a) By striking in Section 2 the words "three-year".
- (b) By striking in Section 4, "June 30, 1976," and inserting in lieu thereof "September 30, 1976, and September 30, 1979".
- (c) By inserting in Section 7 after "\$3,000,000" a comma and the words "and for the succeeding three years through fiscal year 1979 the sum of \$3,000,000".

#### STATEMENT OF PURPOSE AND NEED

The Central, Western, and South Pacific Fisheries Development Act (P.L. 92-444, 16 U.S.C. 758a) was passed in September 1972. The authorization for appropriations expires on June 30, 1976. This Act authorized an expenditure of \$3,000,000 for fishery development over a 3-year period beginning July 1, 1973. The Pacific Islands Development Commission (PIDC) Tuna Program, developed in connection with this Act, was initiated in FY 1975, following considerable delay resulting from the need to develop a plan agreed to by all parties involved.

In FY 1975, the initial year of the program, \$375 thousand in Federal funds were provided from the Saltonstall-Kennedy (S-K) (15 U.S.C. 713c-3) one-time fund reserve; \$32 thousand in Federal funds from the NOAA Operations, Research, and Facilities (O.R. & F.) appropriations; the total Federal contribution was \$407 thousand of the \$797 thousand FY 1975 PIDC budget. Federal funds were to be supplemented by contributions of an estimated \$30 thousand from PIDC, and an estimated \$360 thousand from the tuna industry. NOAA was also granted an O.R. & F. increase of \$480 thousand in FY 1975 for ship operations, permitting reactivation of the *R/V Townsend Cromwell* for the purpose of supporting the development of Central Pacific fisheries.

In FY 1976, it is planned to use \$1 million in S-K funds now partially in reserve, to fund NOAA's share of the PIDC effort. In addition, the *Townsend Cromwell* will continue to be used for support work.

S-K funds will be sufficient to meet the program needs through FY 1977. However, the current authorization expires at the end of FY 1976. Consequently, an extension of the appropriation authorization is necessary to permit the continuation of the program.

In addition to the funding just mentioned, NOAA will continue to provide the services of the *Townsend Cromwell* through the end of the program. Therefore, to cover the funding anticipated, an authorization limit of \$3 million over the three-year period (FY 1977 through FY 1979) is recommended. This amount includes \$520,000 per year for the cost of operating and maintaining the *Townsend Cromwell*.

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#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

#### CENTRAL WESTERN, AND SOUTH PACIFIC FISHERIES DEVELOPMENT ACT

(86 Stat. 744; 16 U.S.C. 758a note)

AN ACT To authorize a program for the development of tuna and other latent fisheries resources in the Central, Western, and South Pacific Ocean

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Central, Western, and South Pacific Fisheries Development Act".*

SEC. 2. The Secretary of Commerce (hereafter referred to in this Act as the "Secretary") is authorized to carry out, directly or by contract, a [three-year] program for the development of the tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean. The program shall include, but not be limited to, exploration for, and stock assessment of, tuna and other fish; improvement of harvesting techniques; gear development; biological resource monitoring; and an economic evaluation of the potential for tuna and other fisheries in such area.

SEC. 3. In carrying out the purposes of this Act, the Secretary shall consult, and may otherwise cooperate, with the Secretary of the Interior, the State of Hawaii and other affected States, the governments of American Samoa and Guam, the Office of the High Commissioner of the Trust Territory of the Pacific Islands, educational institutions, and the commercial fishing industry.

SEC. 4. The Secretary shall submit to the President and the Congress, not later than June 30, 1976, and not later than September 30, 1979, a complete report with respect to his activities pursuant to this Act, the results of such activities, and any recommendations he may have as a result of such activities.

SEC. 5. The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this Act. Any contract entered into pursuant to section 2 of this Act shall be subject to such terms and conditions as the Secretary deems necessary and appropriate to protect the interests of the United States.

SEC. 6. As used in this Act, the term "Central, Western, and South Pacific Ocean" means that area of the Pacific Ocean between latitudes 30 degrees north to 30 degrees south and from longitudes 120 degrees east to 130 degrees west.

SEC. 7. There is authorized to be appropriated for the period beginning July 1, 1973, and ending June 30, 1976, the sum of \$3,000,000, and for the period beginning July 1, 1976, and ending September 30, 1979, the sum of \$3,000,000, to carry out the purposes of this Act. Sums appropriated pursuant to this section shall remain available until expended.

H.R. 1141

**Ninety-fourth Congress of the United States of America**

**AT THE SECOND SESSION**

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

**An Act**

To amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Central, Western, and South Pacific Fisheries Development Act (86 Stat. 744; 16 U.S.C. 758a note) is amended—*

- (1) by striking in section 2 the words “three-year”;
- (2) by striking in section 4 the words “June 30, 1976, a complete” and inserting in lieu thereof the words “January 30 of each year, an annual”; and
- (3) by inserting “, and for the period beginning July 1, 1976, and ending September 30, 1979, the sum of \$3,000,000,” in section 7.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*