

**DON YOUNG**  
CONGRESSMAN FOR ALL ALASKA

COMMITTEES:  
INTERIOR AND INSULAR  
AFFAIRS  
MERCHANT MARINE AND  
FISHERIES

agenda #28, June 1979

**Congress of the United States**  
**House of Representatives**  
Washington, D.C. 20515

June 8, 1979

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Mr. Jim Branson  
North Pacific Fisheries Mgt. Council  
P.O. Box 3136 DT  
Anchorage, AK 99510

JUN 12 1979

Dear Jim:

I apologize for the "form letter" but I wish to bring to your attention a bill that was recently introduced in the House which can have serious implications for the Alaskan fishing industry.

The enclosed bill, introduced as HR 4360 by Congressman Zefferetti of New York, outlines a process whereby a US/foreign joint venture can legally use a foreign fishing vessel to harvest US fish within the Fisheries Conservation Zone. Although the bill speaks of underutilized species, the definition of such include any species for which a foreign fishing allocation exists. In Alaska, this could include pollock, sablefish, tanner crab, etc. The bill makes no provision for Regional Council participation in developing underutilized species plans, and no time limit is set on how long a foreign vessel can fish.

The bill is tentatively scheduled for hearings at the end of July. Any comments you have would be greatly appreciated. If you wish your comments to be part of the Committee record, please so indicate in your reply.

Sincerely,

  
Rod Moore, Staff Aide  
to Congressman Young

96th CONGRESS  
1st Session

H.R.

(Original signature of Member)

IN THE HOUSE OF REPRESENTATIVES

Mr. \_\_\_\_\_ introduced the following bill; which was referred  
to the Committee on \_\_\_\_\_

**A BILL**

(Insert title of bill here)

To promote the development of an American fishing  
industry in certain underutilized species.

- 1 *Be it enacted by the Senate and House of Representatives of the United*
- 2 *States of America in Congress assembled, That this Act may be*  
cited as the "Underutilized Species Development Act of  
1979."

Sec. 2. The Congress finds and declares that it is in the public interest and in furtherance of the purposes of the Fisher Conservation and Management Act, as amended, to expedite the development by United States fishermen of certain species currently underutilized or not utilized by United States fishermen. The Congress further finds and declares that the development of such underutilized species should be facilitated by promoting the construction in the United States of vessels of advanced design, the transfer of foreign technology to the United States concerning the construction and operation of such vessels, and the training and development of a pool of American fishermen and crew skilled in the operation of such vessels.

Sec. 3. As used in this act, the following terms shall have the following meanings:

- a) "Advanced Fisheries Vessel" means a vessel of advanced design constructed in the United States for purposes of harvesting an underutilized fisheries specie or species pursuant to an Underutilized Specie Development Plan.
- b) "Affiliate" means an individual, partnership, or corporation directly or indirectly controlled by, controlling, or under common control with an applicant or that shares a common officer, director, or a ten percent beneficial owner with an applicant.
- c) "Applicant" means a person, firm, or corporation that applies to the Secretary for approval of a proposed Underutilized Specie Development Plan.
- d) "Citizen of the United States" means a citizen of the United States as defined in section 2 of the Shipping Act, 1916, as amended (46 U.S.C. §802) for purposes of operating a vessel in the coastwise trade.
- e) "Secretary" means the Secretary of the Department in which the National Marine Fisheries Service is located.
- f) "Training Vessel" means a vessel of any documentation or registry that is similar in type, size and method of operation to an Advanced Fisheries Vessel and has been approved by the Secretary for interim training of United States citizens (including legally resident aliens) as fishermen and crew pursuant to an Underutilized Specie Development Plan.
- g) "Underutilized Specie" means any specie, at the time of the application, for which a total allowable level of foreign fishing has been determined in accordance with section 201(d) of the Fishery Conservation and Management Act (16 U.S.C. §1821(d)).
- h) "Underutilized Specie Development Plan" means a plan approved by the Secretary under section 4 of this act.

Sec. 4. (a) Any citizen of the United States, within two years after enactment of this act, may apply to the Secretary for approval of an Underutilized Specie Development Plan. The applicant shall specify:

- (i) its name, address, form of organization and ownership;
- (ii) the Advanced Fisheries Vessel(s) that the applicant proposes to build in the United States including its intended design, cost and delivery date;
- (iii) the fishery or fisheries in which the vessel shall engage;
- (iv) the Training Vessel(s) to be used in connection with the Underutilized Specie Development Plan;
- (v) such other information as may be required by the Secretary.

(b) The Secretary shall approve an Underutilized Specie Development Plan where he determines that it will facilitate the development by United States Citizens of an underutilized specie or species and is otherwise in accord with the policies of this act.

Sec. 5. Notwithstanding the provisions of the Fishery Conservation and Management Act (16 U.S.C. §§1801-1882), the provisions of section 4311 of the Revised Statutes of the United States (46 U.S.C. §251), and any other provision of law, a Training Vessel may operate in the fisheries of the United States within the territorial zone (as defined in 16 U.S.C. §1811) and land its catch in the United States subject to the following terms and conditions:

- (a) The Training Vessel shall engage only in fisheries for which there exists a total allowable level of foreign fishing pursuant to section 201(d) of the Fishery Conservation and Management Act (16 U.S.C. §1821(d)), and the normal bycatch of such fisheries.

- (b) No less than 10 percent of the gross revenues generated by the Training Vessel are to be applied to the cost of construction of the Advanced Fisheries Vessel.
- (c) The authority granted the Training Vessel under this section by the Secretary shall expire upon delivery of the Advanced Fisheries Vessel constructed in the United States pursuant to the Underutilized Specie Development Plan. The Secretary may extend such authority for such periods as he deems appropriate upon a determination that a total allowable level of foreign fishing exists for the particular fishery involved and extension would be in furtherance of the purposes of this act.
- (d) In the event that any Training Vessel is at any time lost, destroyed or otherwise unable to fulfill the purposes of this Act, the Secretary may authorize the substitution of another similar vessel which will be subject to the same rights and restrictions as the vessel for which it is substituted.

Sec. 6. The Secretary shall not approve an Underutilized Specie Development Plan where its approval would result in the applicant and its affiliates, in the aggregate, having in effect Underutilized Specie Development Plans pursuant to which Training Vessels would harvest a catch equal to more than 20 percent of the total allowable level of foreign fishing established for any specie at the time of such application, nor shall the Secretary approve an Underutilized Specie Development Plan where its approval would result in there being in effect Underutilized Specie Development Plans pursuant to which Training Vessels would harvest a catch equal to more than 50 percent of the total allowable level of foreign fishing established for any specie at the time of such application.

Sec. 7. For purposes of section 201(d) of the Fishery Conservation and Management Act (16 U.S.C. §1821(d)), fish to be harvested by a Training Vessel pursuant to an Underutilized Specie Development Plan shall be deemed fish harvested by vessels of the United States and the total allowable level of foreign fishing shall be reduced accordingly.