

H 7230

## CONGRESSIONAL RECORD — HOUSE

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installation of insulation material; storage of flammable materials; and fuel, ventilation, and electrical systems.

Manning requirements are also included. The provision creates a new category of able seamen known as "Able Seamen—Fishing Industry." This rating may be obtained after 6 months of sea service and may be used to fill the requirements for able seamen on medium-size fish processing vessels. This imposes a standard for manning of these vessels while readily permitting full employment in this industry. Large vessels covered by this provision would have to meet the higher standards for able seamen now contained in law. In addition, the provision creates appropriate watch-keeping requirements for the various sizes of fish processing vessels.

Mr. Speaker, in conclusion, I would only request the Members support this important piece of legislation.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Alaska.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 4997 and urge its adoption.

Among other things, this bill provides congressional approval for three fisheries agreements which are very important to the continued operation of joint fishing ventures between U.S. fishermen and foreign partners. The current agreements will expire on July 1, and this bill will allow them to be extended. Because the Congress is taking this step, it is our intent that the agreements be considered as remaining in effect even though there may be a small delay before Presidential signature of the bill.

The bill also amends our maritime laws to provide greater incentives for the development of the U.S. fishing industry. While I appreciate the cooperation shown by Members on the other side of the aisle, I must be honest in saying that I am only accepting this bill reluctantly. We all share the full goal of full development of the fishing industry and I am concerned that this bill does not go far enough in approaching that goal. I expect that we will have to rework some of the provisions in order to complete the effort we have started.

Mr. Speaker, I am including a section-by-section analysis of the amendments to title 46 of the United States Code which will serve as a legal and administrative interpretation of the bill. Again, I urge immediate passage.

SECTION-BY-SECTION OF AN AMENDMENT TO SUBTITLE II OF TITLE 46, UNITED STATES CODE, "SHIPPING", RELATING TO FISH PROCESSING AND FISH TENDER VESSELS

The first part sets forth the title as the "Commercial Fishing Industry Vessel Act".

The second amends Title 46, United States Code, to ensure that certain inspection and

manning requirements and exemptions and other provisions apply uniformly to all fish processing and fish tender vessels throughout the United States; to make the inspection exemptions for fish processing and fish tender vessels permanent; and to provide for the transportation of cargo to remote communities in Alaska. Certain technical, conforming, and clarifying amendments are also made. Fish processing vessels are divided into various categories of existing and future vessels, and according to tonnage or crew size for various categories of fish processing vessels.

Clause (1) makes several amendments to Section 2101. It eliminates the title-wide definition of "fisheries", because it is not used except for vessel documentation purposes. Further, it adds four definitions to this section for "fish", "fish processing vessel", "fish tender vessel", and "fishing vessel". These definitions have been carefully drafted so that "fish processing vessel" is meant to include only those vessels on which extensive processing work is done to prepare either fish or fish products for marketing and not vessels on which incidental or minimal processing takes place as a necessary part of the fishing activity to preserve the quality of the fish. Further, these definitions are in part based on Sections 3 and 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. §§ 1802 and 1858). "Fish" for the purposes of Title 46, however, includes highly migratory species. "A fishing vessel", "fish processing vessel", and "fish tender vessel" are limited to those vessels primarily engaged in or in support of commercial fishing. Therefore, a vessel would not be entitled to an exemption if fishing were incidental to its normal use, e.g., fishing with a rod and reel off a cruise ship. Further, it amends the definition of "passenger", so that fishing personnel are not considered passengers when carried on board a fishing or fish processing vessel. This is the same exception as afforded individuals employed in the offshore industry.

Clause (2) amends Section 3301 by adding two additional categories of vessels subject to inspection. These categories are for fish processing vessels and fish tender vessels. This provision eliminates the problem of forcing these vessels to be inspected under regulations designed for other types of vessels.

Clause (3) amends Section 3302 regarding exemptions from inspection to state that a fishing, fish processing, or fish tender vessel is permanently exempt from inspection as a freight, seagoing motor vessel, fish processing vessel, or fish tender vessel. An exemption from inspection as a seagoing barge is also included for a fish processing or fish tender vessel. This removes the current geographic, tonnage, fishery, and time limitations for these vessels. The exemption for fishing vessels includes those fishing vessels that are chartered part-time as fish tender vessels. "Part-time" should be considered on an annual basis and not strictly on a percentage calculation.

Clause (4) amends Section 3304 to permit 12 individuals employed in the fishing industry to be carried on board a fishing, fish processing, or fish tender vessel in addition to the crew without being inspected as a passenger or small passenger vessel. This provision will allow the industry to transport employees from place to place, including to and from vessels, without undue inspection requirements.

Clause (5) amends Section 3306 to require the Secretary of the department in which the Coast Guard is operating to consult the industry when prescribing regulations for fish processing or fish tender vessels. Consideration is also to be given to such items

as the specialized nature, economics, operation, and construction of these vessels. The Secretary is required to take these steps to fully consult with the industry to reinforce the need for specialized treatment of these vessels apart from other types of vessels.

Clause (6) amends Section 3702 to state simply that the provisions on the carriage of liquid bulk dangerous cargoes do not apply to a fishing or fish processing vessel of not more than 500 gross tons, when engaged in fishing, or fish processing vessel of not more than 5,000 gross tons. However, if a fish processing vessel carries flammable or combustible liquid cargo in bulk, it would be subject to regulation by the Secretary.

Clause (7) creates a new Chapter 45 in Title 46 specifically addressing the safety regulations to apply to larger future fish processing vessels that are not inspected. The Secretary is required to prescribe regulations for navigation equipment, lifesaving equipment, fire protection and firefighting equipment, the use and installation of insulation material, storage methods for flammable or combustible material, and fuel, ventilation, and electrical systems for fish processing vessels entering into service in 1988 and having more than 16 fish processing personnel on board. In prescribing these regulations, the Secretary is to consult with the industry and consider the specialized nature, economics, operation, and construction of these vessels. The regulations are not to require retrofitting. Further, it provides for the recognition of certificates of inspection of foreign countries that are parties to an International Convention for Safety of Life at Sea ratified by the United States. This recognition provision is similar to the one in Section 3303 of Title 46 and will permit foreign vessels to qualify for service in this industry without undergoing the additional expense of a domestic inspection. Finally, the provision establishes penalties for violation of these requirements. The phrase "entered into service" is used throughout this provision to mean those fish processing vessels actually operating as that type of vessel at the time it is placed into service.

Clause (8) amends Section 7111 so that the provisions regarding licensing individuals which apply to fishing vessels, apply equally to fish processing and fish tender vessels. The requirement for oral examinations is made discretionary for ease in taking these examinations and administration of this requirement.

Clause (9) provides for certain manning requirements. It permits the use of service on fishing, fish processing, and fish tender vessels to be used to qualify for merchant mariners' documents. In addition, it creates a new category of able seaman, known as "Able Seaman—Fishing Industry". To qualify for this category, an individual must have 6 months' sea service. Finally, it permits the use of this type of seaman on board uninspected fish processing vessels.

Clause (10) amends Section 8102 by adding a fire watch requirement for fish processing vessels of more than 100 gross tons.

Clause (11) amends Section 8104 to impose watch requirements on fish processing vessels. Specifically, it amends the watch requirements in subsections (b) and (c) to exempt fishing, fish processing, and fish tender vessels from watchstanding requirements of a large, oceangoing or coastwise vessel or a towing vessel. In addition, it exempts a fish tender and fish processing vessel of not more than 5,000 gross tons from the three-watch requirement in subsection (d) in the same manner as fishing vessels are currently exempted. Further, it

FISH PROCESSING VESSEL Definitions.

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ing their presence maximize the benefits to our fishing industry. This requested fishing allocation would be a significant step in that direction. If we don't provide this allocation to the Soviets, the State Department will allocate the fish to some other foreign nation and our fishing industry will receive fewer benefits in return.

Perhaps just as important, providing the Soviets with these privileges would illustrate that the administration is willing to negotiate with the Soviet Union on matters of mutual interest. I am convinced that such a decision—while neither major in a global, diplomatic sense nor of strategic importance—could help in a small way to make sure that a civil, bilateral relationship with the Soviets is not out of the question.

As to the Polish GIFA, I've had some serious concerns about their most recent joint venture proposal because of what a significant number of industry experts say could be its negative market implications for the American fishing industry. If we are going to grant foreign-built, foreign-crewed vessels large directed allocations from our FCZ so they can turn around and market it right into U.S. markets in competition with our own fishing industry—which must operate under our laws at higher costs—then I question whether this is a sound long-range policy.

The various management councils, and the Departments of State and Commerce, need to examine this question of market effects closely. At this point in the RECORD I ask unanimous consent to have Ambassador Wolfe's recent reassurance to me printed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS,

Washington, DC, June 22, 1984.

Hon. SLADE GORTON, U.S. Senate, Washington, DC.

DEAR SENATOR GORTON: I have recently learned of your concern regarding the ultimate disposition of fish allocated to Poland under the governing international fishery agreement. Among other factors, Section 201(e) of the Magnuson Fishery Conservation and Management Act of 1976, as amended, requires that the Secretary of State take into account whether and to what extent fish harvested in the U.S. exclusive economic zone is needed by the foreign nation for its domestic consumption. I wish to assure you that this factor has and will continue to be evaluated by the Department of State in reaching decisions on the level of allocations to be made available to specific nations.

If such fish is not needed by the foreign nation for its domestic consumption, a nation's performance based on the other factors contained in Section 201(e) must be sufficiently compelling to justify the level of allocations requested by or contemplated for that nation. In addition, whether and to what extent fish harvested under that nation's allocations will demonstrably compete in the U.S. marketplace with fish harvested

or processed by U.S. fishermen and processors will also be considered. I trust that this clarification is responsive to the concern you have raised. Sincerely,

EDWARD E. WOLFE, JR., Deputy Assistant Secretary for Oceans and Fisheries Affairs.

MR. GORTON. Mr. President, the Senate last Thursday passed legislation which tightens up our "fish and chips" policy governing fishery allocations. I will not repeat the remarks I made then, but I do wish to reemphasize their importance.

I should also like to note recent foreign fishery actions which could severely impact our U.S. salmon industry and which would have a major impact on "fish and chips" allocation decisions. Taiwanese fishermen have been conducting an illegal fishery on U.S. origin salmon in the North Pacific Ocean, and then exporting the resource to Japan via Korea, Hong Kong, and Singapore. The taking of U.S.-origin salmon violates both U.S. and international law. Needless to say, this is a matter of utmost concern to the Northwest fishing industry, the State Department and Members of Congress.

Illegal fishing of salmon by Taiwan and its subsequent sale to Japan via Korea, or any other country for that matter, will have a detrimental effect on our fish runs as well as our traditional salmon market in Japan. It should also be noted that any illegally caught salmon products by a foreign nation sold in Japan not only competes with U.S. products but with Japanese products as well. Illegal activity such as this necessitates a review of our foreign fishing allocation. Foreign nations, which fail to cooperate fully with efforts to stop this traffic immediately, would face the prospect of reduced allocations.

Mr. President, the Commercial Fishing Industry Vessel Act, which is also incorporated in this bill, is an important component in the Federal Government's program to provide the framework for growth and development of the American fishing industry. Since the passage of the Magnuson Fishery Conservation and Management Act in 1976, the Congress has worked steadily to help the industry supplant foreign fishing fleets and Americanize the fisheries in our 200-mile exclusive economic zone. Major advances have been made, particularly by the harvesting sector of the U.S. industry. But more work remains to be done.

The U.S. industry operates in a global market and must compete directly with highly developed foreign fishing fleets and processing industries. Production of fish products at competitive costs is a critical element if the industry is to be able to grow. In order to be competitive and productive, major investments must be made in vessels, particularly in the Pacific Northwest and Alaska. In order for the U.S. industry to make these neces-

sary investments, it must be able to work in a stable climate in which future costs will be reasonable and can be predicted with accuracy. Unfortunately, existing law is a complex maze of vessel requirements that has confused the industry and hindered development efforts. In reality, it is an ad hoc, patchwork system that no longer satisfactorily addresses the fishing industry's mode of operation.

This legislation—which is a compromise worked out over a number of months with the House Merchant Marine and Fisheries Committee—will establish permanent requirements for safety equipment and manning on vessels operating in the U.S. fishing industry. The requirements provide a set of safety standards to protect the personnel and to ensure safe operations. The requirements are also reasonable in terms of cost and will provide a reasonable and stable case for making major investments in the development of the fishing industry.

Although most of the provisions of these amendments are clear and straightforward, some section-by-section comments are appropriate to explain congressional intent.

TENDER CHARTERS

Fishing vessels are chartered as tenders, particularly in Alaska during peak salmon runs, to carry fish to processing plants and supplies to the active harvesting vessels. These charters may be for a few days to a few months, depending on the fishery. These vessels are treated as fishing vessels, even when chartered as tenders.

PROCESSING VESSEL

A processing vessel is difficult to define. The intent was to include vessels in the definition on which substantial work is done to prepare fish for marketing. Many fishing boats, however, do work on the fish that they catch, usually to preserve the quality of the fish. The definition is meant to include only those vessels with extensive processing work being done and not fishing vessels on which incidental "processing" takes place as a necessary part of the fishing activity.

UNINSPECTED VESSEL REGULATIONS

A new chapter is added to the requirements for uninspected vessels to provide for specific safety regulations which are tailored to the safety needs and unique operations of vessels in the fishing industry. The regulations require several types of equipment such as navigation equipment, life saving equipment, and so forth. The requirements are intended to be limited to the specified equipment in that section and similar equipment to the items included in the list. Legislation cannot foresee every reasonable requirement that might occur in the future, but it is not the intent to establish an open-ended regulatory scheme.

FISH PROCESSING U.S. DEFINITION.