

# Legislation on Oceanography and Its Implications for Fisheries

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## Abstract

That oceanography is a subject of national interest is nowhere more evident than in the expressions of the Congress of the United States. Within the last five years at least 20 bills have been proposed (about four of which have been enacted into law) relevant to the enhancement and organization of the National Oceanographic Program of the United States. Bills introduced during the 88th Congress are described briefly and analyzed in terms of potential impact upon the National Oceanographic Program.

IN WITNESS to the ever growing influence of the oceans upon our national welfare, each session of the Congress sees a greater number of bills proposed (although few are enacted into law) which have to do with our utilization of the seas. This utilization takes many forms; it involves defense, weather forecasting, recreation, pollution, recovery of minerals, and, importantly, the living resources of the sea—our fisheries.

During the first and second sessions of the 88th Congress 19,239 bills and resolutions were introduced. The second session alone enacted 383 public laws. About 300 bills having to do with various aspects of oceanography and fisheries were proposed in the House and Senate. In terms of numbers, most of these were simply duplicates of one another, as various congressmen chose this way of expressing their interest in the oceans or support for the enhancement of the fishing industry and recognition of the problems faced therein.

Most of these bills died in committee; an additional number passed only in the house of their origination. By far the greater number of these involved matters of limited concern to local interests in one part of the country or another.

On the whole, however, the second session of the 88th Congress is considered by many to have been one of the most successful in history for fisheries purposes, in fact, for all of conservation. Not only did appropriations in this area exceed those of previous years, but nearly fifty laws were enacted of significance to inland or marine interests. At least five bills of importance to fisheries became law.

S 1006 became Public Law 88-498, the United States Fishing Fleet Improvement Act, on August 30, 1964. This act is intended to equalize more nearly the foreign and domestic construction costs of fishing vessels for the American fisherman and enable him to compete more effectively with his counterparts in other countries. It authorizes an annual outlay of \$10 million (formerly \$2½ million) until 1969 to provide a maximum subsidy of ½ (formerly 1/3) of the cost of constructing fishing vessels in American shipyards. The entire domestic fishing industry is eligible for these subsidy payments. The law requires that construction benefiting from this subsidy must be of advanced design and equipment.

S 627, the Commercial Fisheries Research and Development Act of 1964, became Public Law 88-309 on September 19, 1964. This became popularly known as the Federal Aid to State Fisheries Bill. This rather comprehensive

legislation gave the Secretary of Interior the following authorities: (a) to cooperate with state agencies in research and development to enhance the fisheries resources of the nation; (b) to receive \$5 million for each of five years to carry out this mission; (c) to receive an additional \$400,000 for Fiscal Years 1965 and 1966 and \$650,000 for 1967, 1968, and 1969 for use in combating fisheries failures and disasters in the several states; (d) to receive an additional \$100,000 for each of the next five fiscal years for developing new fisheries in the states. The apportionment of these funds is to follow roughly the individual states' contribution to the national fish harvest plus processed fisheries products. However, no state may receive less than 0.5% or more than 6% of the total available funds.

S 1988 became Public Law 88-308 on May 20, 1964. This act makes it unlawful for foreign-flag vessels to take fish within our territorial waters. It also prohibits such vessels from taking any continental shelf fishery resource which appertains to the United States, except as specifically permitted by international treaty or by authority of the Secretary of the Treasury. Even in the latter case the procedure is complicated. A final exception permits fisheries research in our waters, but only with joint permission of the Secretaries of State, Treasury, and Interior. Heavy penalties are imposed for violations of this act and enforcement is the joint responsibility of the same three departments.

S 978, Public Law 88-424 pertains to medical care for fishing vessel owners, and restores to self-employed fishermen eligibility for medical care by the Public Health Service. This covers owners of vessels of five tons or over if they actually work on the vessel.

Public Law 88-205 amended Public Law 480 to permit domestically produced products to be treated as surplus agricultural commodities under certain conditions. It will allow the sale of such fishery products in the currency of the country of destination as part of the Food for Peace Program.

As you can see, these are all bills dealing with fisheries for fisheries' sake and the histories leading to their passages are probably better known to you than to me. I have been primarily interested in bills having to do with the ocean environment. This year 13 significant bills were proposed, all enhancing in one way or another our National Oceanographic Program. Only one of these bills passed the House; none was enacted.

These bills, although of real significance to a number of groups, were still essentially parochial and technical in their nature. Of considerably greater importance to all marine interest were a few bills dealing with management of the National Oceanographic Program.

HR 13 reintroduced a bill that was passed but pocket-vetoed at the previous session. This would have focused responsibility for conduct of the National Oceanographic Program in the Office of Science and Technology by establishing the position of Associate Director for Oceanography.

HR 6997, introduced by Representative Lennon, was called the Oceanographic Act of 1963, and was essentially the language of HR 13, modified to suit the needs and desires of the Administration. It was more a declaration of national policy than a vehicle for program implementation, since the functions it authorized or assigned to the Administration (appointment of an Advisory Committee for Oceanography, development of a coordinated program, and submission of an annual report) had all been in being for the last five years. This bill was passed by the House on August 5, 1963, and sent to the Senate Committee on Commerce, where it reposed for a year until adjournment.

HR 10904 was introduced by Representative Bob Wilson of California to establish a National Oceanographic Agency. The agency was to centralize the oceanographic functions of all of the federal agencies and was to be directed by a Presidential appointee. Since few of the executive agencies have any desire to part with their oceanographic arms, this bill was reported unfavorably and received no action.

Finally, Senator Magnuson introduced S 2990, a bill to establish a National Oceanographic Council at the Cabinet level. The Council would plan and coordinate a National Oceanographic Program. The intent was to parallel the National Security Council and the National Space Council established by President Johnson when he was Senate Majority Leader. On the other hand, this bill was the first to provide the money to administer the program, specifically a half million dollars per year to support a technical staff to plan and analyze the process of the program.

Each of these bills died with the adjournment of Congress. However, each of their authors has declared his intention of reinstating his bill during the first week of the next session; this will allow ample time for their development.

Most of these latter bills were proposed at least partly in recognition of problems faced by the oceanographic community in obtaining congressional support. The government does have a National Oceanographic Program. The group assigned to spearhead this program is called the Interagency Committee on Oceanography. However, within the existing organization of the Executive Branch of government, the program must still be funded by each of the 22 participating agencies. Accordingly, each must seek its appropriations from a separate congressional subcommittee of the Appropriations Committee. In reviewing this particular problem, the Interagency Committee on Oceanography discovered that its member agencies report to no fewer than 35 separate House and Senate committees and subcommittees, including substantive and appropriations. There is no parallel coordination in the Congress. Therefore, the National Oceanographic Program is coherent up to, but not including, funding, a most important consideration, you will agree. Within the Congress that group most closely associated with the oceanographic program is the House Merchant Marine & Fisheries Committee; of all non-military aspects of the oceanographic program, fisheries development and exploitation appears to combine more importance, wide-spread recognition, funding, and congressional interest than any other.

Recitation of a number of bills doesn't really tell all the story. The question is, what is the trend of interest and activity that Congress is displaying in the seas around us and what is its implication for the future of oceanography in general and for fisheries in particular?

Broadly speaking, there appear to be two main classes of bills proposed over the last session. The first is the conventional type of bill calling for redress of wrong, application of funds to correct an imbalance in one or another program development, or for an infusion of strength into various sectors of the government program or geographic areas of the country. Within this category would be included bills protecting various types of marine mammals, assistance for fish hatcheries in the several states, or acceleration of research in various aspects of marine science. These bills are normally straightforward; their objectives are clear, and the factors bearing upon their progress are the attitude of the executive agencies, the enthusiasm and drive with which their proponents push them, and their acceptance by the membership of the Congress.

The second category concerns matters of organization, normally that of the Executive Branch of Government. Although a number of bills were introduced in Congress in 1959, immediately following the establishment of the Inter-agency Committee on Oceanography and the National Oceanographic Program, the first major legislation proposed in this field was the Marine Science and Research Act of 1961, S 2692, by Senator Warren Magnuson of Washington. The intent of this bill was the encouragement of a continuing national program, cooperation among the federal agencies concerned with the marine sciences, and evaluation of the effort carried out by the Executive Branch. This bill focused authority on the National Science Foundation, endowing that agency with an overview of all oceanography carried out in the Executive Branch of the Government.

In 1963 the most important proposed legislation was the previously mentioned Oceanographic Act of 1963 which although simple in appearance (merely expressing Congressional recognition of our program) does certainly contain a declaration of policy for the development and maintenance, by the United States, of a coordinated, comprehensive, and long-range national program in oceanography. Accordingly, this policy statement would indeed declare the intent of Congress.

Second, the bill directs the President to: (a) issue a statement of national goals (which has been done in the publication "Oceanography: The Ten Years Ahead"); (b) to survey the oceanographic activities of the various agencies (this is maintained on a continuing basis by the ICO); (c) to develop a comprehensive program to be conducted or supported by the agencies; (d) to designate and fix responsibility for the direction of oceanographic activities; and (e) to resolve differences between government agencies engaged in oceanography. Third, the bill authorizes the President to appoint an advisory committee to review the national program and make recommendations thereon. Fourth, the bill requires the President to report annually on the general status of oceanography, including its financial condition. This bill was sent to the Senate last year and has reposed there ever since; in all probability it will be reintroduced by Representative Lennon during the early part of next session of Congress.

HR 10904, introduced by Representative Wilson last spring, is important in its implications. In speaking to the National Security Industrial Association earlier this year, Mr. Wilson stated that the oceanography program appeared somewhat ill-starred—that its future could not be bright under the present condition of its organization. Mr. Wilson stated that the problem encountered by the oceanographic community was not financial—it was not organizational—it was entirely political. He bluntly stated that unless oceanography were to be monitored and blessed by a single national agency responsive to a unique congressional committee, we would always have the same problem.

Finally, in comparing the successful progress in fisheries legislation with the utter failure of that of oceanography, it becomes apparent that the latter requires a fresh approach. Obviously, a critical factor was the difference in industrial support. There is an excellent reason for this. Fisheries represents a clear case of enterprise with a market. On the other hand, in oceanography the route from research to sales is extremely tortuous. But we will never traverse this route without some investment, and I speak now not only of funds, but of work, of education of industry and of ourselves.