END NOTES: Introduction
CHAPTER 1


2. This discussion of the role of international law in fisheries management is based on G. KNIGHT, MANAGING THE SEA'S LIVING RESOURCES 17 (1977), a brief but comprehensive overview of fisheries management up to and including the FCMA.

3. Maximum sustainable yield is the highest point to which a given fishery can be harvested on an indefinite basis without reducing the size of the stock to a level where replacement can no longer occur. Id. at 8. For a more detailed discussion of the concept, see F. CHRISTY & A. SCOTT, THE COMMON WEALTH IN OCEAN FISHERIES: SOME PROBLEMS OF GROWTH AND ECONOMIC ALLOCATION 6-16 (1965).


6. For information regarding specific international fishery agreements, see F. CHRISTY & A. SCOTT, supra note 3, at 192-214; A. KOERS, INTERNATIONAL REGULATION OF MARINE FISHERIES: A STUDY OF REGIONAL FISHERIES ORGANIZATIONS (1973). For information on international agreements to which the United States was a party in 1975, see Jacobs, United States Participation in International Fisheries Agreements, 6 J. MAR. L. & COM. 471-529 (1975).


13. U.S. GENERAL ACCOUNTING OFFICE, THE U.S. FISHING INDUSTRY -- PRESENT CONDITION AND FUTURE OF MARINE FISHERIES 13 (1976). This report is a very detailed analysis of the condition of the U.S. fishing industry prior to the FCMA.

14. The following stocks were considered seriously overfished: Atlantic: haddock, herring, yellowtail flounder; Pacific: mackerel, sablefish, shrimp; Atlantic (but not Gulf of Mexico): menhaden; Atlantic and Pacific: halibut.

Alaska pollock (Pacific), yellowfin sole (Pacific) and hake (Pacific) were also listed as species that were overfished, but of less significance to U.S. fishermen. S. REP. NO. 416, 94th Cong., 1st Sess. 16 (1975) reprinted in LIBRARY OF CONGRESS, CONGRESSIONAL RESEARCH SERVICE, OCEAN AND COASTAL RESOURCES PROJECT, 94th Cong., 2d Sess., A LEGISLATIVE HISTORY OF THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976, at 670 (Comm. Print 1976) [hereinafter cited as LEGISLATIVE HISTORY].
15. The Foreign Relations Committee believed that the bill was inconsistent with existing U.S. legal obligations, particularly the 1958 Convention on the High Seas. The Committee was further concerned that the bill would undermine treaty negotiation efforts at the Third Law of the Sea Conference. S. REP. NO. 459, 94th Cong., 1st Sess. 5 (1975), reprinted in LEGISLATIVE HISTORY, supra note 14, at 587.

16. President Ford made the following statement upon signing the FCMA into law:

I am today signing a bill which provides a comprehensive domestic and international program for the conservation and management of our fisheries.

Some specific aspects of this legislation require comment. I supported this legislation on the condition that the effective date of the legislation would be delayed so that the Law of the Sea Conference could complete its work and to permit sufficient time for a proper transition.

The tasks of continuing our negotiating efforts at the Law of the Sea Conference and at the same time establishing new fishery plans issuing hundreds of new fishing permits and negotiating specific fishery agreements with foreign governments will require substantial resources in excess of those presently allocated to international fisheries affairs. The Departments of State, Commerce, and Transportation must do their best to implement the act fully. Since available resources are finite, however, it is possible that full implementation may take more time than is provided in the act.

I am concerned about our ability to fulfill the tasks in the time and manner provided in the act. I am particularly anxious that no action be taken which would compromise our commitment to protect the freedom of navigation and the welfare of our distant-water fisheries. Surely we would not wish to see the United States engaged in international disputes because of the absence of needed flexibility.
Additionally, I am concerned about four specific problem areas which are raised by this legislation:

First, absent affirmative action, the subject bill could raise serious impediments for the United States in meeting its obligations under existing treaty and agreement obligations;

Second, the bill contemplates unilateral enforcement of a prohibition on foreign fishing for native anadromous species, such as salmon, seaward of the 200-mile zone. Enforcement of such a provision, absent bilateral or multilateral agreement, would be contrary to the sound precepts of international jurisprudence;

Third, the enforcement provisions of H.R. 200 dealing with the seizure of unauthorized fishing vessels, lack adequate assurances of reciprocity in keeping with the tenets of international law; and

Fourth, the measure purports to encroach upon the exclusive province of the Executive relative to matters under international negotiations.

Although these matters are of major importance, I am hopeful they can be resolved by responsible administrative action and, if necessary, by curative legislation. Accordingly, I am instructing the Secretary of State to lead Administration efforts towards their effective resolution.

Statement By The President Upon Signing H.R. 200 Into Law, 94th Cong., 1st Sess. (1975), reprinted in LEGISLATIVE HISTORY, supra note 14, at 34.

17. For a helpful discussion of the arguments for and against passage of the FCMA, see the report of the Senate Commerce Committee, S. REP. NO. 416, 94th Cong., 1st Sess. (1975), reprinted in LEGISLATIVE HISTORY, supra note 14, at 653.


END NOTES: Foreign Fishing

CHAPTER 2


2. Id. § 1811. "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." Id. In effect, therefore, the FCZ is a 197-nautical-mile zone contiguous to the present three-mile territorial sea.


4. Id. at 431.

5. Id. at 432.

6. Id. at 431.


8. For example, during the 10-year period ending in 1976, the size of certain herring stocks in the Georges Bank fishing area off New England had declined by more than
80 percent. U.S. DEPT. OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE, FINAL ENVIRONMENTAL IMPACT STATEMENT/PRELIMINARY FISHERY MANAGEMENT PLAN FOR THE ATLANTIC HERRING FISHERY OF THE NORTHWESTERN ATLANTIC 68 (1977) [hereinafter cited as ATLANTIC HERRING FMP]. In 1960 U.S. vessels had harvested 88 percent of the total fish catch from Georges Bank, but by 1972 the U.S. catch had decreased to only 10 percent of the total fish catch. S. REP. NO. 416, supra note 7, at 15, reprinted in LEGISLATIVE HISTORY, supra note 7, at 669.


10. FCMA § 1801(a).

11. In 1974, the International Court of Justice in the Fisheries Jurisdiction Cases, 1974 I.C.J. 3, declared Iceland's 50-mile fishery zone invalid under international law because its claim was for exclusive, rather than preferential, fishing rights.


13. Id., reprinted in LEGISLATIVE HISTORY, supra note 7, at 228, 440-41 (statements of Senators Magnuson and Gravel).


15. An Act of Registering and Clearing Vessels, Regulating the Coastal Trade, and for Other Purposes, ch. 8, 1 Stat. 305 (1793). Section 1 of this Act corresponds with 46 U.S.C. § 251 (1976). Under the Coasting and Fishing Act, U.S. fishermen have the exclusive right to fish within three miles of the U.S. coastline. Aside from a prohibition on the direct landing of fish in the U.S. by foreign vessels, the law is without sanctions.

16. FCMA § 1857(2)(A). Foreign fishing within state waters is now punishable by a fine of not more than $100,000. Id. § 1859(b).


18. See infra notes 133-155 and accompanying text.
19. FCMA § 1821(c).
20. Id. § 1821(g).
21. Id. § 1824.
22. Id. §§ 1821(c), 1824.
23. Id. § 1824.
24. Id. § 1853(a)(3).
25. Id. § 1853(a)(4).
26. Id. § 1821(d).
27. Id. § 1821(e).
29. FCMA § 1824(b)(6)(B)(i).
30. Id. § 1824(b)(10).
31. APPA, §§ 232, 236.
33. Included within the Act's jurisdiction are anadromous species such as salmon, which spawn in U.S. waters and migrate out to sea. FCMA § 1812(2).
34. The Act also extends to 31 species of coral, crustaceans, mollusks, and sponges, which are listed as Continental Shelf fishery resources, even if found in waters beyond the FCZ. Id. §§ 1801(b)(1), 1802(4), 1812. Other sedentary species may be added to the list in the future by the Secretary of Commerce. Id. § 1802(4).
35. Id. § 1821(a),(c).
36. Id. §§ 1821(a),(b), 1822(b),(c).
37. Id. § 1821(b).
38. Id. § 1824(b).
39. Id. § 1821(c).
40. Id. § 1821(c)(1).
41. **Id. § 1821(g)(2).**

42. **Id. § 1821(c)(2)(A)(iii).**

43. **Id. § 1821(c)(2)(C).**

44. **Id. § 1821(c)(2).**

45. **Id. § 1821(c)(2)(D).** Under 1980 amendments to the FCMA, a United States observer is to be stationed aboard each foreign fishing vessel engaged in fishing in the FCZ unless the Secretary of Commerce determines that it would be impractical or dangerous to do so. **APFA § 236** (amending FCMA § 1821). The observer program is discussed in Part VI of this chapter.

46. **FCMA § 1821(c)(2)(E).**

47. **Id. § 1821(c)(2)(F).**

48. **Id. § 1821(c)(2)(G).**

49. **Id. § 1821(c)(3).** For a discussion of TALFF and its allocation among foreign nations, see Part III of this chapter.

50. **FCMA §§ 1821(c)(4), 1824(b)(7).**

51. **Id. § 1822(a)(2).**

52. **Id. § 1823.**

53. **Id. § 1823(d).**

54. Due to the delay in obtaining GIFAs with foreign nations seeking to fish in the U.S. FCZ and the delay in transmitting the signed GIFAs to Congress, it became apparent to Congress in February 1977 that the 60-day congressional GIFA review would not be completed before March 1, 1977, the implementation date of the FCMA. Congress responded with a joint resolution, approved on February 21, 1977, that gave congressional approval to GIFAs negotiated with Bulgaria, Taiwan, the German Democratic Republic, the Soviet Union, and Poland, before the lapse of the 60-day review period. See Fishery Conservation Zone Transition Act, Pub. L. No. 95-6, § 2, 91 Stat. 14 (1977).


56. **FCMA § 1821(c).**
57. The Constitution provides that the President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur." U.S. CONST. art. II, § 2, cl. 2.


59. FCMA § 1821(c).

60. Id. § 1822(a)(2), (c)(2).

61. Id. § 1823.

62. Past fishing agreements were not subject to ratification because they had not been submitted to the Senate as treaties; the congressional role was limited to an after-the-fact examination. A House report on an earlier version of the Act reported that, because of the perceived failure of the previous agreements:

There is an overwhelming need to insure that the utterly bankrupt negotiating procedures of the past decade are not repeated after enactment of this Act. No longer will it be necessary for the United States to go, hat in hand, to foreign capitals to give concessions in return for minimal recognition of conservation principles by the many foreign nations now fishing off our shores ....

These procedures [for congressional review of GIPAs] recognize that the oversight role of Congress cannot be effectively undertaken unless there is adequate review and deliberation before these amendments become a reality.

H.R. REP. NO. 445, supra note 9, at 59-60, reprinted in LEGISLATIVE HISTORY, supra note 7, at 1112.

63. FCMA § 1821(g).

64. The illusory effect of a reciprocity provision as a method to ensure access for the U.S. distant-water fleet was recognized by Senator Stevens of Alaska:

It is to me ... a principle of reciprocity but not reciprocity of one nation to the other .... [W]e must keep in mind that the South American fleets do not
fish off our shores and we do not fish off the shores of Russia. We do, however, fish off the shores of some South American nations. It is not really reciprocity on a bilateral or multilateral basis. It is reciprocity in a statement of principle rather than anything else.

Senate Debate and Passage of H.R. 200, supra note 12, reprinted in LEGISLATIVE HISTORY, supra note 7, at 228, 417 (statement of Senator Stevens).


66. 81 DEP'T ST. BULL. 31 (1982).

67. Department Reviews Developments in International Fisheries Policy, 76 DEP'T ST. BULL. 175, 177 (1977) (statement by Rozanne L. Ridgway, Deputy Assistant Secretary for Oceans and Fisheries Affairs).

68. Provisional Limits Established for Fishery Conservation Zone, 76 DEP'T ST. BULL. 273 (1977) (statement by Frederick Z. Brown, Director, Office of Press Relations).

69. FCMA § 1853(a)(4).

70. H.R. REP. NO. 445, supra note 9, at 29, reprinted in LEGISLATIVE HISTORY, supra note 7, at 1098.


72. FCMA § 1802(18).


74. 50 C.F.R. § 602.11(c)(1983).

75. Zuboy & Jones, Everything You Always Wanted to Know About MSY and OSY (But Were Afraid to Ask), NOAA TECHNICAL MEMORANDUM NMFS F/SEC-17, June 1980, at 2.


77. Id.
78. See generally, S. REP. NO. 416, supra note 7, at 21, reprinted in LEGISLATIVE HISTORY, supra note 7, at 677.

79. H.R. REP. NO. 445, supra note 9, reprinted in LEGISLATIVE HISTORY, supra note 7, at 1051, described a situation involving haddock in the Northwest Atlantic, in which severe overfishing had driven the stock close to extinction. The report noted that a zero quota for haddock would not permit the species to restore itself since haddock was incidentally caught in the harvest of other species in the Northwest Atlantic. Accordingly, the harvest of other species must be reduced below MSY to reduce the incidental catch of haddock. Id. at 47 reprinted in LEGISLATIVE HISTORY, supra note 7, at 1099.

80. See, e.g., S. REP. NO. 416, supra note 7, at 21, reprinted in LEGISLATIVE HISTORY, supra note 7, at 677 ("use of the [MSY] objective in fisheries management may lead to substantial economic waste").

81. See, e.g., J. GULLAND, supra note 76, at 108.

82. See, e.g., S. REP. NO. 416, supra note 7, at 18, reprinted in LEGISLATIVE HISTORY, supra note 7, at 673 ("any coastal areas are dependent on fishing and related activities, and their economies have been badly damaged by the overfishing of fishery resources").

83. F. CHRISTY, ALTERNATIVE ARRANGEMENTS FOR MARINE FISHERIES: AN OVERVIEW 23 (1973).

84. See, e.g., S. REP. NO. 416, supra note 7, at 21, reprinted in LEGISLATIVE HISTORY, supra note 7, at 677; H.R. REP. NO. 445, supra note 9, at 45, reprinted in LEGISLATIVE HISTORY, supra note 7, at 1098.

85. P. 1802; see, e.g., S. REP. NO. 416, supra note 7, at 22, reprinted in LEGISLATIVE HISTORY, supra note 7, at 677.


87. Id.

88. The House Report defines a fish stock as depleted when MSY "has been exceeded and yields are currently less than MSY ...." Note that the Act directs NOAA and the Councils to modify, but not necessarily ignore or supersede, MSY. H.R. REP. 445, supra note 9, at 95, reprinted in LEGISLATIVE HISTORY, supra note 7, at 1149.
89. S. REP. NO. 416, supra note 9, at 22, reprinted in LEGISLATIVE HISTORY, supra note 7, at 677.

90. 50 C.F.R. § 602.11(e) and 602.10(b)(1) (1983). The national interest in conservation and management of the fisheries is expressed in section 2 of the FCMA, supra note 1, at § 1801, and the national standards in section 301(a) of the FCMA, id. at § 1851(a).


92. FCMA § 1853(a).


94. The "national considerations" are those set forth in section 3(18) of the Act. FCMA, supra note 1, at § 1802(18).

95. 50 C.F.R. § 602.11(e) (1983).

96. See also 1979 REPORT, supra note 91, at 11.

97. The plan projected optimum yields of 18.0 million pounds for Columbia River fall-run chinook (4.3 million pounds less than MSY) and 31.3 million pounds for the five coho stocks (3.9 million pounds less than MSY). FINAL ENVIRONMENTAL IMPACT STATEMENT/FISHERY MANAGEMENT PLAN FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON AND CALIFORNIA, April 1977, at 22.

98. Values under the Plan included an estimated $19.9 million for Columbia River fall-run chinook ($6.2 million more than the MSY value of $13.7 million), and $45.3 million for the five coho stocks ($8.8 million more than the MSY value of $34.7 million). Id.

99. Id. at 22-23.

100. Id. at 23.

101. Id.

102. FCMA § 1821(d).
103. Letter from Jim H. Branson, Executive Director of the North Pacific Council, to Mr. David H. Wallace, Acting Assistant Administrator for Fisheries, NOAA, NMFS (Feb. 27, 1978).

104. Id.

105. Id.

106. FCMA § 1854(a)(2).

107. FISHERY MANAGEMENT PLAN FOR THE COMMERCIAL TANNER CRAB FISHERY OFF THE COAST OF ALASKA, July 1, 1981, at F-13 through F-15. "Acceptable biological catch" is defined as a seasonally determined catch that may differ from MSY for biological reasons. It may be lower or higher than MSY for species with fluctuating recruitment or may be set lower than MSY to rebuild overfished stocks. Id. at 2-3.

108. Id. at F-12.

109. The Tanner Crab FMP reported a 40 percent increase in the number of new boats entering the U.S. tanner crab fishery. Id. at F-15.

110. Article 61(2) of the newly adopted Convention on the Law of the Sea states that coastal nations "shall promote the objective of optimum utilization of the living resources in the [200-mile] exclusive economic zone." While the Convention is not yet in force, and the U.S. is not a signatory, this "optimum utilization" principle is arguably currently binding customary law.

111. FCMA § 1821(h).


113. The figure was subsequently revised by the National Marine Fisheries Service to an initial size of 234,000 m/t for the 1977 herring stock. Id. at 1048 n.7.

114. Id. at 1047. Recruitment failure occurs when a fish stock cannot survive natural mortality fluctuations, even in the absence of fishing.

115. Id. at 1047-48.

116. ATLANTIC HERRING FMP, supra note 8, at 70. The United States withdrew from the ICNAF on December 31, 1976, two months before the Act took effect.

117. 563 F.2d 1043 (1st Cir. 1977).
118. Id. at 1049.
119. Id. at 1048-49.
120. FCMA, § 1802(18)(A).
122. Id. at 1054-55.
123. See Kittay, Foreign Fishing Quotas and Administrative Discretion Under the 200-Mile Act, 58 B. L. REV. 95 (1978).
124. See text accompanying notes 103-110, supra.
126. Id. at 1056.
127. FCMA § 1821(d).
128. Id. § 1853(4)(A).
131. Id. at 17.
132. Id. at 17-18.
134. 1980 HOUSE REPORT, supra note 130, at 23.
135. FCMA § 1821(d)(2). The 1980 Act as passed was a compromise version of H.R. 7039. As reported by the Committee on Merchant Marine and Fisheries, H.R. 7039 mandated that TALFF be the lesser of (1) the allowable level of foreign fishing under the OY system of FCMA, or (2) the fishing level as determined by a complex foreign fishing phaseout formula. 1980 HOUSE REPORT, supra note 130, at 8.
136. FCMA § 1821(d)(1)(A).
137. Id. § 1821(d)(1)(C).
138. Id. § 1821(d)(1)(D).
139. Id.
140. Id. § 1821(d)(4).

141. Id.


143. Id. at H9402 (remarks of Rep. Forsythe).


145. The "phaseout reduction" formula of H.R. 7039, as reported by the Committee on Merchant Marine and Fisheries, required a mandatory 15 percent reduction of the 1979 TALFF for the 1981 harvesting season with further reductions based on U.S. harvesting performance. It also mandated that the amount calculated as the TALFF for a fishery be the lesser amount of either the OY minus DAH formula or the "phaseout reduction" formula. 1980 HOUSE REPORT, supra note 130, at 8.

146. See id. at 70-72 (dissenting view of Rep. Paul N. McCloskey, Jr.).


149. Id. § 1821(e)(l)(E)(viii).

150. S. REP. NO. 416, supra note 7, at 26, reprinted in LEGISLATIVE HISTORY, supra note 7, at 680.

151. Id.


153. 1980 HOUSE REPORT, supra note 130, at 33.

On July 25, 1984, President Reagan announced a relaxation of these economic sanctions, allowing a directed groundfish fishery for both the U.S.S.R. and Poland. See note 153, supra.


FCMA § 1821(d)(4).

Id. § 1821(e)(1).

See MARINE FISH MANAGEMENT Dec., 1981, at 6-7; see also PACIFIC FISHING, Feb., 1981, at 12.

FCMA § 1824(b)(1).

Id. § 1824(b)(3).

Id.

Id. § 1824(b)(4).

Id. § 1824(b)(6).


Id. at III-5.

FCMA § 1824(b)(7).

Id. § 1824(b)(7)(A),(C). For the requirements set out in the GIFA, see text accompanying notes 35-50, supra.

FCMA § 1824(b)(7)(B).

Id. § 1824(b)(7)(E).

Id. § 1824(b)(7)(F).

FCMA OPERATIONS HANDBOOK, supra note 166, at III-5.

FCMA § 1824(b)(10).

Id. § 1824(b)(12).

177. See Kaczinski, Joint Ventures in Fisheries between Distant-Water and Developed Coastal Nations: An Economic View, 5 OCEAN MGMT. 39, 41, 45 (1979).

178. Id.

179. FCMA § 1802(11).

180. Id. § 1821(a)(3).


182. See H.R. REP. NO. 1334, 95th Cong., 2d Sess. 6 (1978) [hereinafter cited as 1978 HOUSE REPORT]. As an example of the disparate wage scales, it was reported that some foreign fish processors pay their workers 30 cents per hour, while the average U.S. wage for seafood processing in February and March of 1978 was $4.54 per hour.


184. Id. at 233 (statement of Dr. Walter Pereyra).

185. Id.


189. Id; see also Senate Oversight Hearings, supra note 183, at 16-17 (statement of James P. Walsh, Deputy Administrator, NOAA).

190. Tom Lazzio Fish Co. v. Kreps, No. 78-0914 (D.D.C. filed May 19, 1978); Pacific Seafood Processors Ass'n v. Kreps, No. C78-3135 (W.D. Wash. filed May 23, 1978). With the passage of the FCMA amendments, the causes of action have become moot.

192. Id. at § 2 (amending FCMA § 1801(a)(7), (b)(6)).


194. Id.


196. Id. § 1824(b)(3).

197. Id. § 1824(b)(4).

198. Id.

199. Id. § 1824(b)(6)(B).

200. Id. § 1853(a)(4)(C) - (a)(5).

201. 1978 SENATE REPORT, supra note 193, at 5.


204. Id. at 10.

205. Id. at 6; 1978 SENATE REPORT, supra note 193, at 5-6.


210. FCMA § 1824(b)(7)(F).

211. Id.

212. 1978 SENATE REPORT, supra note 193, at 4.

213. Id.
214. FCMA § 1801(b)(6).


217. Id.

218. See supra note 17.

219. See, e.g., FCMA § 1821(e)(1)(A), (B), (E). An example of the "fish and chips" policy is President Reagan's recent decision to allow up to 50,000 metric tons of groundfish to be directly harvested by the U.S.S.R., on the condition that they buy 50,000 tons from U.S. fishermen. The Oregonian, Thursday, July 26, 1984, Section F, p.1.


221. Sabella, supra note 220, at 39.

222. Id.

223. Id. Joint ventures have also been initiated on the Atlantic Coast, though on a smaller scale. See, e.g., Sullivan, supra note 215.


225. Sabella, supra note 220, at 37.


227. Id. Dr. Pereyra has noted that Marine Resources Co. has allowed members of the U.S. processing industry to board leased Soviet processing vessels to observe processing techniques that are necessary for a product to be internationally marketable.

228. Christy, supra note 216, at 97 n.81.
Chandler, Arctic Trawler's First Voyage Turns Skeptics Into Believers, NAT'L FISHERMAN, Nov. 1980, at 1.

Frozen Fish vs. Cold War, Marine Resources Roots for Detente, PAC. FISHING, Apr. 1980, at 41.

See supra text accompanying notes 148-153.

FCMA § 1821(c)(2)(D).


FCMA OPERATIONS HANDBOOK, supra note 166, at III-7.

1980 REPORT, supra note 233, at 38.

FCMA OPERATIONS HANDBOOK, supra note 166, at III-7.

Id.

Id.


Id. § 611.8(a)(3).

Id. § 611.8(a)(4).

Id. § 611.8(a)(5).

Id. § 611.8(c).

Id. § 611.8(b)

1980 REPORT, supra note 233, at 38.

249. 1979 REPORT, supra note 91. at 29.
250. 1980 REPORT, supra note 233, at 80.
251. 1980 HOUSE REPORT, supra note 130, at 33-34.
252. Id.
253. Id.
254. 1979 REPORT, supra note 91, at 9.
256. Id. § 236(1) (amending the FCMA § 1821(i)).
257. Id. § 236(2)(A) (codified at FCMA § 1821(i)(2)(A)).
258. Id. § 236(2)(B)(ii) (codified at FCMA § 1821(i)(2)(B)(ii)).
259. Id. § 236(2)(b)(i) (codified at FCMA § 1821(i)(2)(B)(i)).
260. Id. § 236(3) (codified as FCMA § 1821(i)(4)).
261. Id. § 236(4) (codified at FCMA § 1821(i)(4)).
263. AFPA § 236(2)(C) (codified at FCMA § 1821(i)(2)(C)).
264. Id. § 236(4) (codified at FCMA § 1821(i)(5)).
265. As of February 1982, the Reagan Administration's budget item for observers called for an expenditure of one million dollars, which was enough to keep observation at a level of between 8 and 10 percent. Sullivan, supra note 262, at 12.
267. See generally, Ray, Administration of the FCMA, OCEAN LAW MEMO No. 23 (May 1983); and FCMA § 1821(i).
268. FCMA § 1821(i)(6)(C).
269. Id. § 1821(i)(2)(C).

FCMA § 1821(c)(2)(D).

Id. § 1821(i)(3); see also, H.R. Rep. No. 97-982, 97th Cong. 2d Sess. 15 (1982), which cites the monitoring of sea bird mortality as an example of these expanded functions.

FCMA § 1821(c)(2)(D).

FCMA § 1821(c)(2)(E).

Id.

See generally, FCMA § 1824(b)(10).


Id. § 611.22(b) (1983).

Id.


Id.


Id.

Id.

50 C.F.R. § 611.22(a)(2)(i), (b) (1980).


See text accompanying notes 148-153, supra.