

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MARINE FISHERIES PROGRAM AUTHORIZATION ACT**

[Public Law 98–210, Approved Dec. 6, 1983, 97 Stat. 1409]

[Amended through Public Law 107–372, Dec. 19, 2002]

AN ACT To consolidate and authorize certain marine fishery programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce.

*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 “National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act”.*

FISHERIES INFORMATION COLLECTION AND ANALYSIS

SEC. 2. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its Fisheries Information Collection and Analysis duties under law, \$47,933,000 for fiscal year 1992 and \$59,162,000 for fiscal year 1993. These moneys shall be used to fund those duties relating to fisheries information collection and analysis specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), the Act entitled, “An Act to promote the conservation of wildlife, fish, and game, and for other purposes”, approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, collection analysis and dissemination of scientific data necessary to manage: marine fishery resources, marine mammals, endangered species, and their habitats.

(b) This authorization shall be in addition to any Fisheries Information Collection Analysis moneys authorized under the Magnuson Fishery Conservation and Management Act<sup>1</sup> (16 U.S.C. 1801 et seq.), the Marine Mammal Protection Act of 1972 (16 U.S.C.

<sup>1</sup>So in law. Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1997 (as contained in section 101(a), title I of Division A of Public Law 104–208; 110 Stat. 3009–41) provides:

SEC. 211. (a) Effective 15 days after the enactment of the Sustainable Fisheries Act, section 1 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801) shall be amended to read as follows: “That this Act may be cited as the ‘Magnuson-Stevens Fishery Conservation and Management Act.’”

(b) Effective 15 days after the enactment of the Sustainable Fisheries Act, all references to the Magnuson Fishery Conservation and Management Act shall be redesignated as references to the Magnuson-Stevens Fishery Conservation and Management Act.

Since such section did not actually amend each occurrence of the short title in law, the former short title appears here.

1361 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(c) The duties authorized in subsection (a) of this section shall be considered separate and distinct from duties and functions performed pursuant to moneys authorized in subsection (b) of this section. The total authorization for all such duties and functions shall be the sum of amounts specified in such subsections.

(d) Of the sums authorized under subsection (a) of this section, \$1,000,000 for each of the fiscal years 1992 and 1993 are authorized to be appropriated for the purpose of developing dolphin-safe methods of locating and catching yellowfin tuna. Such authorization shall be in addition to moneys authorized under section 7 of the Act entitled "An Act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes", approved October 9, 1981 (16 U.S.C. 1384). Within six months after the date of enactment of this subsection, the Secretary, in cooperation with the Inter-American Tropical Tuna Commission and after consultation with interested persons, shall publish a program plan for public comment that shall provide for—

(1) cooperative research to improve understanding of the behavioral association of dolphins and yellowfin tuna in the eastern tropical Pacific Ocean;

(2) development, testing, and implementation of new methods of locating and catching yellowfin tuna without the incidental taking of dolphins; and

(3) appropriate measures to ensure program participation and sharing of associated costs by each foreign government that conducts, or authorizes its nationals to conduct, yellowfin tuna fishing in the eastern tropical Pacific Ocean.

#### FISHERIES CONSERVATION AND MANAGEMENT OPERATIONS

SEC. 3. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its fisheries conservation and management operations duties under law, \$27,290,000 for fiscal year 1992 and \$35,594,000 for fiscal year 1993. These moneys shall be used to fund those duties relating to fisheries conservation and management operations specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), and the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources; including hatchery operations, fishery management plan activities, habitat conservation, and protected species management.

(b) This authorization shall be in addition to any fisheries conservation and management moneys authorized under the Magnuson Fishery Conservation and Management Act of 1976<sup>2</sup> (16 U.S.C. 1801 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531

<sup>2</sup> See footnote to section 2(b).

et seq.), the Salmon and Steelhead Conservation Act of 1980 (16 U.S.C. 3301 et seq.), and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

(c) The duties authorized in subsection (a) of this section shall be considered separate and distinct from duties and functions performed pursuant to moneys authorized in subsection (b) of this section. The total authorization for all such duties and functions shall be the sum of amounts specified in such subsections.

#### FISHERIES STATE AND INDUSTRY ASSISTANCE PROGRAMS

SEC. 4. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its fisheries State and industry assistance program duties under law, \$12,182,000 for fiscal year 1992 and \$18,838,000 for fiscal year 1993. These moneys shall be used to fund those duties specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law affecting State and industry fisheries assistance. These duties include, but are not limited to, financial assistance for fishing vessels and fish processing plants, market development for fishery products, product quality and grants to States for improving management of interstate fisheries and stimulating fishery development.

(b) This authorization shall be in addition to any fisheries State and industry assistance program moneys authorized under the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779 et seq.), the Act entitled "An Act to authorize the Secretary of the Interior to initiate with several States a cooperative program for the conservation, development, and enhancement of the Nation's anadromous fish, and for other purposes", approved October 30, 1965 (16 U.S.C. 757a et seq.), the Central, Western, and South Pacific Fishery Development Act (16 U.S.C. 758e), and the Magnuson Fishery Conservation and Management Act<sup>3</sup>

(c) The duties authorized in subsection (a) of this section shall be considered separate and distinct from duties and functions performed pursuant to moneys authorized in subsection (b) of this section. The total authorization for all such duties and functions shall be the sum of amounts specified in such subsections.

#### PAY INCREASE AUTHORIZATIONS

SEC. 5. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its duties indicated under this Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

#### FREIGHT FORWARDER AMENDMENTS

SEC. 6. Subsection (c) of section 1608 of the Act of August 13, 1981 (95 Stat. 752) is repealed.

<sup>3</sup> See footnote to section 2(b). (16 U.S.C. 1801 et seq.).

COASTWISE VESSELS

SEC. 7. (a)<sup>4</sup> That, notwithstanding the failure of the vessel named below to meet the requirements contained in 46 U.S.C. 12105, 46 U.S.C. 12106, and 46 U.S.C. 12107, and section 27 of the Merchant Marine Act, 1920, as amended (46 App. U.S.C. 883), on the date of this Act, the Secretary of the department in which the Coast Guard is operating shall cause the vessel Protector Alpha, Official Number 394610, to be documented as a vessel of the United States with the privilege of engaging in the coastwise trade, if (1) such vessel complies with all other requirements of law and (2) all repairs and modifications totalling at least \$3,000,000 are performed on such vessel in a shipyard in the United States.

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<sup>4</sup> So in law. This section was enacted without including a subsection (b).