

Public Law 101-224
101st Congress

An Act

To authorize appropriations for certain ocean and coastal programs of the National Oceanic and Atmospheric Administration.

Dec. 12, 1989

[H.R. 1668]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National
Oceanic and
Atmospheric
Administration
Ocean and
Coastal
Programs
Authorization
Act of 1989.

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Oceanic and Atmospheric Administration Ocean and Coastal Programs Authorization Act of 1989”.

SEC. 2. NATIONAL OCEAN SERVICE.

(a) MAPPING, CHARTING, AND GEODESY.—There are authorized to be appropriated to the Department of Commerce for carrying out mapping, charting, and geodesy activities of the National Oceanic and Atmospheric Administration (including geodetic data collection and analysis) under the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes”, approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than \$47,694,000 for fiscal year 1990.

(b) OBSERVATIONS AND ASSESSMENTS.—There are authorized to be appropriated to the Department of Commerce for carrying out observation and assessment activities of the National Oceanic and Atmospheric Administration—

(1) under the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes”, approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than \$28,533,000 for fiscal year 1990;

(2) under the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701 et seq.), not more than \$4,000,000 for fiscal year 1990; and

(3) under title II of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1441 et seq.), not more than \$17,000,000 for fiscal year 1990.

(c) OCEAN AND COASTAL MANAGEMENT.—There are authorized to be appropriated to the Department of Commerce for carrying out ocean and coastal management activities of the National Oceanic and Atmospheric Administration under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1401 et seq.), and any other law involving those activities, not more than \$57,752,000 for fiscal year 1990.

SEC. 3. OCEAN AND GREAT LAKES RESEARCH.

There are authorized to be appropriated to the Department of Commerce for carrying out ocean and Great Lakes research activi-

ties of the National Oceanic and Atmospheric Administration under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 833a et seq.), the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and any other law involving those activities, not more than \$95,855,000 for fiscal year 1990.

SEC. 4. OYSTER DISEASE RESEARCH.

Pursuant to section 206 of the National Sea Grant College Program Act (33 U.S.C. 1125), \$3,000,000 may be appropriated for priority oyster disease research in fiscal year 1990.

SEC. 5. PROGRAM SUPPORT.

(a) **ADMINISTRATION AND SERVICES.**—There are authorized to be appropriated to the Department of Commerce for carrying out executive direction and administrative activities of the National Oceanic and Atmospheric Administration (including management, administrative support, provision of retired pay of National Oceanic and Atmospheric Administration commissioned officers, and policy development) under the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970 (33 U.S.C. 857-1 et seq.), and any other law involving those activities, not more than \$73,994,000 for fiscal year 1990.

(b) **FACILITIES.**—There are authorized to be appropriated to the Department of Commerce for acquisition, construction, maintenance, and operation of facilities of the National Oceanic and Atmospheric Administration under any law involving those activities, not more than \$4,082,000 for fiscal year 1990.

(c) **MARINE SERVICES.**—There are authorized to be appropriated to the Department of Commerce for carrying out marine services activities of the National Oceanic and Atmospheric Administration (including ship operations, maintenance, and support) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than \$59,910,000 for fiscal year 1990.

(d) **AIRCRAFT SERVICES.**—There are authorized to be appropriated to the Department of Commerce for carrying out aircraft services activities of the National Oceanic and Atmospheric Administration (including aircraft operations, maintenance, and support) under the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), and any other law involving those activities, not more than \$8,446,000 for fiscal year 1990.

SEC. 6. REQUIREMENT OF NOTICE OF REPROGRAMMING.

The Secretary of Commerce shall not reprogram an amount appropriated under the authority of this Act unless, before carrying out that reprogramming, the Secretary provides notice of that reprogramming to the Committee on Commerce, Science, and

Transportation of the Senate and to the Committee on Merchant Marine and Fisheries and the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 7. INTERNATIONAL FISHERY AGREEMENT.

Notwithstanding any provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the governing international fishery agreement entered into between the Government of the United States and the Government of Japan, as contained in the message to the Congress from the President of the United States dated October 30, 1989, is approved by the Congress and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

Japan.
16 USC 1823
note.

SEC. 8. LOBSTER CONSERVATION.

Section 307(l) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(l)) is amended—

- (1) in subparagraph (H) by striking “or” at the end;
- (2) in subparagraph (I) by striking the period at the end and inserting in lieu thereof “; or”; and
- (3) by adding at the end the following new subparagraph:

“(J) to ship, transport, offer for sale, sell, or purchase, in interstate or foreign commerce, any whole live lobster of the species *Homarus americanus*, that—

 - “(i) is smaller than the minimum possession size in effect at the time under the American Lobster Fishery Management Plan, as implemented by regulations published in part 649 of title 50, Code of Federal Regulations, or any successor to that plan, implemented under this title;
 - “(ii) is bearing eggs attached to its abdominal appendages; or
 - “(iii) bears evidence of the forcible removal of extruded eggs from its abdominal appendages.”.

Approved December 12, 1989.

LEGISLATIVE HISTORY—H.R. 1668:

HOUSE REPORTS: No. 101-119, Pt. 1 (Comm. on Merchant Marine and Fisheries), Pt. 2 (Comm. on Public Works and Transportation), and Pt. 3 (Comm. on Science, Space, and Technology).

SENATE REPORTS: No. 101-187 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 135 (1989):

Sept. 6, considered and passed House.

Nov. 17, considered and passed Senate, amended.

Nov. 20, House concurred in Senate amendment.