Public Law 94–150
94th Congress

An Act

To authorize the employment of certain foreign citizens on the vessel *Seafreeze Atlantic*, Official Number 517242.

Dec. 15, 1975
[H.R. 5197]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the purposes and objectives of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401–1413) are not being fulfilled in the case of the large stern trawler *Seafreeze Atlantic*, Official Number 517242 (hereafter referred to in this Act as the "*Seafreeze Atlantic*"), a vessel of advanced design built under the provisions of that Act, because of the unavailability of skilled United States citizens or skilled aliens legally domiciled in the United States who can be employed as fish processors and fishermen aboard such vessel.

Seafreeze Atlantic.
Certain foreign citizens, employment.
46 USC 1402 note.

SEC. 2. (a) Notwithstanding any requirement of item (5), section 2, of the United States Fishing Fleet Improvement Act, of any other provision of law, or of any provision of any contract to which the United States is a party, during the four-year period beginning on the date of the enactment of this Act, the owner of the *Seafreeze Atlantic* may employ foreign citizens as crew members of such vessel for service as fish processors and fishermen if at all times during such four-year period—

Conditions.
46 USC 1402 note.
46 USC 1402.

(1) the master and all of the officers of the vessel are citizens of the United States;

(2) citizens of the United States and aliens legally domiciled in the United States comprise not less than 40 percent of the crew;

(3) any foreign citizen so employed is only used as a fisherman or fish processor aboard the vessel; and

(4) the owner of the vessel undertakes to hire and train United States citizens or aliens legally domiciled in the United States as fish processors or fishermen aboard the vessel in order to assure a future supply of available United States citizens or aliens legally domiciled in the United States who will be qualified as fish processors or fishermen aboard advanced design trawlers.

(b) If at any time during such four-year period the Secretary of Commerce finds that the owner of the *Seafreeze Atlantic* is not in compliance with one or more of the conditions set forth in paragraphs (1) through (4) of subsection (a), the Secretary may prohibit the owner from employing foreign citizens as crew members of such vessel for such period of time as the Secretary deems appropriate.

SEC. 3. Section 2(a) of this Act shall cease to apply at the close of the four-year period referred to in such section; except that if the owner of the *Seafreeze Atlantic* provides evidence satisfactory to the Secretary of Commerce that—

46 USC 1402 note.

(1) qualified fish processors or fishermen who are citizens of the United States or aliens legally domiciled in the United States will not be available in sufficient number for employment on the vessel after the close of such period;

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(2) he has instituted and will continue a program to train United States citizens or legally domiciled aliens as fish processors or fishermen; and

(3) he is making satisfactory progress, as determined by the Secretary, in employing only United States citizens or legally domiciled aliens on the vessel;

the Secretary of Commerce may permit the *Seafreeze Atlantic* to be operated with fishermen or fish processors who are foreign citizens for such additional periods and under such conditions as he deems appropriate; except that the conditions set forth in paragraphs (1), (2), and (3) of section 2(a) shall apply during any such additional period.

46 USC 1402 note.

SEC. 4. The provisions of this Act shall not be construed as an amendment of the United States Fishing Fleet Improvement Act, except to the extent applicable to *Seafreeze Atlantic*, and any contract with the United States entered into before the date of the enactment of this Act with respect to the construction and operation of such vessel shall continue in full force and effect except that the Secretary of Commerce may amend any such contract in such a manner as he deems necessary in order to implement the provisions of this Act. The Secretary may impose such conditions as may be necessary to assure that the provisions of this Act will be complied with by the owner of the *Seafreeze Atlantic* and may undertake to amend appropriately any documents executed in connection with the construction and operation of such vessel, but if the owner does not consent to any such amendment, the Act shall cease to apply.

46 USC 1401 note.

Approved December 15, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–292 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 94–474 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 16, considered and passed House.
Dec. 1, considered and passed Senate.