

Public Law 98-364
98th Congress

An Act

July 17, 1984
[H.R. 4997]

To authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes.

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

TITLE I

Fish and fishing.

SEC. 101. The last sentence of section 101(a)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2)) is amended to read as follows: "For purposes of applying the preceding sentence, the Secretary—

"(A) shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States; and

Tuna.

"(B) in the case of yellowfin tuna harvested with purse seines in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

"(i) the government of the harvesting nation has adopted a regulatory program governing the incidental taking of marine mammals in the course of such harvesting that is comparable to that of the United States; and

"(ii) the average rate of that incidental taking by the vessels of the harvesting nation is comparable to the average rate of incidental taking of marine mammals by United States vessels in the course of such harvesting."

SEC. 102. Section 104(h) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(h)) is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end thereof the following paragraphs:
"(2)(A) Subject to subparagraph (B), the general permit issued under paragraph (1) on December 1, 1980 to the American Tunaboat Association is extended to authorize and govern the taking of marine mammals incidental to commercial purse seine fishing for yellowfin tuna during each year after December 31, 1984.

"(B) The extension granted under subparagraph (A) is subject to the following conditions:

"(i) The extension shall cease to have force and effect at the time the general permit is surrendered or terminated.

"(ii) The permittee and certificate holders shall use the best marine mammal safety techniques and equipment that are economically and technologically practicable.

"(iii) During the period of the extension, the terms and conditions of the general permit that are in effect on the date of the enactment of this paragraph shall apply, except that—

"(I) the Secretary may make such adjustments as may be appropriate to those terms and conditions that pertain to fishing gear and fishing practice requirements and to permit administration;

"(II) any such term and condition may be amended or terminated if the amendment or termination is based on the best scientific information available, including that obtained under the monitoring program required under paragraph (3)(A); and

"(III) during each year of the extension, not to exceed 250 coastal spotted dolphin (*Stenella attenuata*) and not to exceed 2,750 eastern spinner dolphin (*Stenella longirostris*) may be incidentally taken under the general permit, and no accidental taking of either species is authorized at any time when incidental taking of that species is permitted.

Dolphin.

"(C) The quota on the incidental taking of coastal spotted dolphin and eastern spinner dolphin under paragraph (2)(B)(iii)(III) shall be treated—

Dolphin.

"(i) as within, and not in addition to, the overall annual quota under the general permit on the incidental taking of marine mammals; and

"(ii) for purposes of paragraph (2)(B)(iii)(II), as a term of the general permit in effect on the date of the enactment of this paragraph.

"(3)(A) The Secretary shall, commencing on January 1, 1985, undertake a scientific research program to monitor for at least five consecutive years, and periodically as necessary thereafter, the indices of abundance and trends of marine mammal population stocks which are incidentally taken in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

Research and
development.
Tuna.

"(B) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the monitoring program), that the incidental taking of marine mammals permitted under the general permit referred to in paragraph (2) is having a significant adverse effect on a marine mammal population stock, the Secretary shall take such action as is necessary, after notice and an opportunity for an agency hearing on the record, to modify the applicable incidental take quotas or requirements for gear and fishing practices (or both such quotas and requirements) for such fishing so as to ensure that the marine mammal population stock is not significantly adversely affected by the incidental taking.

"(C) For each year after 1984, the Secretary shall include in his annual report to the public and the Congress under section 103(f) a discussion of the proposed activities to be conducted each year as part of the monitoring program required by subparagraph (A).

Report.

"(D) There are authorized to be appropriated to the Department of Commerce for purposes of carrying out the monitoring program required under this paragraph not to exceed \$4,000,000 for the period beginning October 1, 1984, and ending September 30, 1988."

SEC. 103. (a) Section 201(b)(1) of the Marine Mammal Act of 1972 (16 U.S.C. 1401(b)(1)) is amended by striking the second sentence thereof and inserting in lieu thereof the following: "The President shall make his selection from a list of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals. Such list shall be submitted to him by the Chairman of the Council on

President of
U.S.

Environmental Quality and unanimously agreed to by that Chairman, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation and the Chairman of the National Academy of Sciences.”

(b) The first sentence of section 206 of such Act of 1972 (16 U.S.C. 1406) is amended by adding immediately before the period at the end thereof the following: “; except that no fewer than 11 employees must be employed under paragraph (1) at any time”.

SEC. 104. 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 and 1407) is amended—

(1) by amending subsection (a)—

(A) by inserting “(other than section 104(h)(3))” immediately after “title I”, and

(B) by striking out “for fiscal year 1984.” and inserting in lieu thereof “for each of fiscal years 1984, 1985, 1986, 1987, and 1988.”;

(2) by striking out “and \$2,000,000 for fiscal year 1984.” in subsection (b) and inserting in lieu thereof “\$2,000,000 for fiscal year 1984, \$2,500,000 for fiscal year 1985, and \$3,000,000 for each of fiscal years 1986, 1987, and 1988.”; and

(3) by striking out “for fiscal year 1984.” in subsection (c) and inserting in lieu thereof “for each of fiscal years 1984, 1985, 1986, 1987, and 1988.”.

SEC. 105. Section 2(c) of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended—

(1) by striking out “July 1, 1984” in each of paragraphs (1) and (2) and inserting in lieu thereof “December 31, 1985”;

(2) by striking out “May 3, 1983” in paragraph (1) and inserting in lieu thereof “May 8, 1984”;

(3) by striking out “May 3, 1983” in paragraph (2) and inserting in lieu thereof “May 7, 1984”; and

(4) by amending the last sentence thereof by striking out “Each such governing international fishery agreement” and inserting in lieu thereof “The government international fishery agreements referred to in paragraphs (1) and (2) shall enter into force and effect with respect to the United States on July 1, 1984; and the governing international fishery agreement referred to in paragraph (3)”.

SEC. 106. Notwithstanding any provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and upon certification by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives that a new governing international fishery agreement in conformity with such Act has been negotiated by the United States and the European Economic Community, the existing governing international fishery agreement referred to in section 2(a)(7) of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823, note) may be extended or reinstated, as the case may be, and may be in force and effect with respect to the United States, for the period of time ending on the earlier of (1) the effective date of the new governing international fishery agreement, or (2) September 30, 1984.

97 Stat. 217.

International
fishery
agreement.

16 USC 1823
note.

TITLE II

SEC. 201. (a) The Secretary of Commerce shall provide for the establishment of a National Coastal Resources Research and Development Institute (hereinafter in this title referred to as the "Institute") to be administered by the Oregon State Marine Science Center.

National Coastal
Resources
Research and
Development
Institute.
16 USC 1463b.

(b) The Institute shall conduct research and carry out educational and demonstration projects designed to promote the efficient and responsible development of ocean and coastal resources, including arctic resources. Such projects shall be based on biological, geological, genetic, economic and other scientific research applicable to the purposes of this title and shall include studies on the economic diversification and environmental protection of the Nation's coastal areas.

(c)(1) The policies of the Institute shall be determined by a Board of Governors composed of—

- (A) two representatives appointed by the Governor of Oregon;
- (B) one representative appointed by the Governor of Alaska;
- (C) one representative appointed by the Governor of Washington;
- (D) one representative appointed by the Governor of California; and
- (E) one representative appointed by the Governor of Hawaii.

(2) Such policies shall include the selection, on a nationally competitive basis, of the research, projects, and studies to be supported by the Institute in accordance with the purposes of this title.

(d)(1) The Board of Governors shall establish an Advisory Council composed of specialists in ocean and coastal resources from the academic community.

Advisory
Council.

(2) To the maximum extent practicable, the Advisory Council shall be composed of such specialists from every coastal region of the Nation.

(3) The Advisory Council shall provide such advice to the Board of Governors as such Board shall request, including recommendations regarding the support of research, projects, and studies in accordance with the purposes of this title.

(e) The Institute shall be administered by a Director who shall be appointed by the Chancellor of the Oregon Board of Higher Education in consultation with the Board of Governors.

(f) The Secretary of Commerce shall conduct an ongoing evaluation of the activities of the Institute to ensure that funds received by the Institute under this title are used in a manner consistent with the provisions of this title.

Study.

(g) The Institute shall report to the Secretary of Commerce on its activities within 2 years after the date of enactment of this Act.

Report.

(h) The Comptroller General of the United States, and any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers and records of the Institute that are pertinent to the funds received under this title.

(i) Employees of the Institute shall not, by reason of such employment, be considered to be employees of the Federal Government for any purpose.

(j) For the purposes of this title, there are authorized to be appropriated in each fiscal year \$5,000,000, commencing with fiscal year 1985.

Flood control.
Cameron Parish,
La.

SEC. 202. For purposes of sections 1305(c), 1315, and 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012(c), 4022, and 4104) and section 202(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106(a)), the flood elevation determination made by the Director of the Federal Emergency Management Agency with respect to Cameron Parish in the State of Louisiana, and published in the Federal Register on July 28, 1983, and November 22, 1983, shall not be considered final before the expiration of the one-year period following the date of enactment of this Act.

TITLE III

SEC. 301. Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "October 1, 1984" and inserting in lieu thereof "October 1, 1987".

SEC. 302. (a) Section 3 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1973) is amended—

(1) by striking "Secretary of the Treasury in the amount certified to him by the Secretary of State" in the first sentence of subsection (a) and inserting in lieu thereof "Secretary of State in the amount determined and certified by him"; and

(2) by amending subsection (b)—

(A) by inserting "determination and" immediately before "certification" in the first sentence thereof; and

(B) by striking "the Treasury" in the second and third sentences and inserting in lieu thereof "State".

(b) Section 5(a)(1)(A) of such Act of 1967 (22 U.S.C. 1975(a)(1)(A)) is amended by striking "the Secretary of the Treasury" and inserting in lieu thereof "him".

(c) The first sentence of section 9 of such Act of 1967 (22 U.S.C. 1979) is amended by striking "Secretary of the Treasury" and inserting in lieu thereof "Secretary of State"; and by striking "certified to him by the Secretary of State" and inserting in lieu thereof "determined and certified by him".

Vessels.

SEC. 303. (a) Section 2 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1972) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) any vessel of the United States is seized by a foreign country on the basis of claims to jurisdiction that are not recognized by the United States, or on the basis of claims to jurisdiction recognized by the United States but exercised in a manner inconsistent with international law as recognized by the United States"; and

(2) by amending the matter appearing between subparagraph (D) and clause (i) of paragraph (2) to read as follows:

"the Secretary of State, unless there is clear and convincing credible evidence that the seizure did not meet the requirements under paragraph (1) or (2), as the case may be, shall immediately take such steps as are necessary—"

(b) Section 4 of such Act of 1967 (22 U.S.C. 1974) is amended by striking "any fishery convention or treaty to which the United States is a party." and inserting in lieu thereof "any applicable convention or treaty, if that treaty or convention was made with advice and consent to the Senate and was in force and effect for the United States and the seizing country at the time of the seizure."

(c) The amendments made by subsections (a) and (b) apply with respect to seizures made after April 1, 1983, by foreign countries of vessels of the United States.

22 USC 1972
note.

TITLE IV

SEC. 401. This title may be cited as the "Commercial Fishing Industry Vessel Act".

Commercial
Fishing Industry
Vessel Act.
46 USC 2101
note.
Shipping.

SEC. 402. Subtitle II of title 46, United States Code, "Shipping", is amended as follows:

97 Stat. 501.

(1) Section 2101 is amended by—

(A) amending clause (11) thereof to read as follows:

"(11) 'fish' means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, except marine mammals and birds.";

(B) inserting immediately after clause (11) the following:

"(11a) 'fishing vessel' means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

"(11b) 'fish processing vessel' means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, or brine chilling.

"(11c) 'fish tender vessel' means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, or fish tender vessel or a fish processing facility."; and

(C) adding the following at the end of clause (21):

"(E) on a fishing, fish processing, or fish tender vessel, means an individual transported on the vessel except—

"(i) the owner;

"(ii) a representative of the owner;

"(iii) the managing operator;

"(iv) the master;

"(v) a crewmember engaged in the business of the vessel who has not contributed consideration for transportation on board and who is paid for services on board;

"(vi) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

"(vii) a charterer of the vessel;

"(viii) a person with the same relationship to a charterer as a person in subclause (ii) or (vi) of this subclause has to an owner; or

"(ix) a guest who has not contributed consideration for transportation on board.".

(2) Section 3301 is amended by adding at the end thereof the following:

97 Stat. 510.

"(11) fish processing vessels.

"(12) fish tender vessels."

(3) Section 3302 (b) and (c) is amended to read as follows:

97 Stat. 510.

"(b) A fishing vessel, including a vessel chartered part-time as a fish tender vessel, is exempt from section 3301 (1), (7), (11), and (12) of this title.

"(c)(1) A fish processing vessel of not more than 5,000 gross tons is exempt from section 3301 (1), (6), (7), (11), and (12) of this title.

"(2) A fish tender vessel of not more than 500 gross tons is exempt from section 3301 (1), (6), (7), (11), and (12) of this title."

97 Stat. 513.

(4) Section 3304 is amended by adding at the end thereof the following:

"(d) A fishing, fish processing, or fish tender vessel that transports not more than 12 individuals employed in the fishing industry in addition to the crew is not subject to inspection as a passenger or small passenger vessel."

97 Stat. 513.

(5) Section 3306 is amended by adding at the end thereof the following:

"(g) In prescribing regulations for fish processing or fish tender vessels, the Secretary shall consult with representatives of the private sector having experience in the operation of these vessels. The regulations shall reflect the specialized nature and economics of fish processing or fish tender vessel operations and the character, design, and construction of fish processing or fish tender vessels."

97 Stat. 521.

(6) Section 3702 is amended by—

(A) amending subsection (c) to read as follows:

"(c) This chapter does not apply to a fishing or fish tender vessel of not more than 500 gross tons when engaged only in the fishing industry."; and

(B) amending the first sentence in subsection (d) to read as follows: "This chapter does not apply to a fish processing vessel of not more than 5,000 gross tons."

(7)(A) The analysis of part B is amended by striking—

"41. Uninspected vessels	4101
"43. Recreational vessels	4301"

and inserting in lieu thereof the following:

"41. Uninspected vessels generally	4101
"43. Recreational vessels	4301
"45. Fish processing vessels	4501"

(B) The title of chapter 41 is amended to read as follows:

"CHAPTER 41—UNINSPECTED VESSELS GENERALLY".

(C) Part B is amended by adding the following immediately after chapter 43:

"CHAPTER 45—FISH PROCESSING VESSELS

"Sec.

"4501. Application.

"4502. Regulations.

"4503. Equivalency.

"4504. Penalties.

46 USC 4501.

"§ 4501. Application

"(a) This chapter applies to an uninspected fish processing vessel entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products—

"(1) on the navigable waters of the United States; or

"(2) owned in the United States and operating on the high seas.

"(b) This chapter does not apply to the carriage of liquid bulk dangerous cargoes regulated under chapter 37 of this title.

97 Stat. 520.
46 USC 3701 *et seq.*
46 USC 4502.

"§ 4502. Regulations

"(a) For each vessel to which this chapter applies, the Secretary shall prescribe regulations for—

"(1) navigation equipment, including radars, fathometers, compasses, radar reflectors, lights, sound-producing devices, nautical charts, and anchors;

"(2) life saving equipment, including life preservers, exposure suits, lifeboats or life rafts, emergency position indicating radio beacons, signaling devices, bilge pumps, bilge alarms, life- and grab-rails, and medicine chests;

"(3) fire protection and firefighting equipment, including fire alarms, portable and semi-portable fire extinguishing equipment, and flame arrestors;

"(4) the use and installation of insulation material;

"(5) storage methods for flammable or combustible material; and

"(6) fuel, ventilation, and electrical systems.

"(b) In prescribing regulations under subsection (a) of this section, the Secretary shall—

"(1) consider the specialized nature and economics of fish processing vessel operations and the character, design, and construction of fish processing vessels;

"(2) consult with representatives of the private sector having experience in the operation of these vessels to ensure the practicability of these regulations; and

"(3) not compel alteration of a vessel to which the exemption applies or item of equipment on that vessel, or of the construction of a vessel or manufacture of a particular item of equipment which is begun before the effective date of the regulation.

"§ 4503. Equivalency

46 USC 4503.

"A vessel to which this chapter applies shall be deemed to comply with the requirements of this chapter if it has an unexpired certificate of inspection issued by a foreign country that is a party to an International Convention for Safety of Life at Sea to which the United States Government is currently a party and shall not be required by the Secretary to alter or replace the equipment or structural requirements required under this chapter.

16 UST 185.

"§ 4504. Penalties

46 USC 4504.

"If a vessel to which this chapter applies is operated in violation of this chapter or a regulation prescribed under this chapter, the owner, charterer, managing operator, agent, master, and individual in charge are each liable to the United States Government for a civil penalty of not more than \$1,000. The vessel also is liable in rem for the penalty."

(8)(A) Item 7111 in the analysis of chapter 71 is amended to read as follows:

"7111. Oral examinations for licenses."

(B) Section 7111 is amended to read as follows:

97 Stat. 541.

46 USC 7111.

"§ 7111. Oral examinations for licenses"

"An individual may take an oral examination for a license to serve on a fishing, fish processing, or fish tender vessel not required to be inspected under Part B of this subtitle."

97 Stat. 509.

(9)(A) The analysis of chapter 73 is amended by inserting immediately after item 7311 the following:

"7311a. Able seamen—fishing industry."

97 Stat. 541.

(B) Section 7301(a)(1) is amended by striking "decked fishing vessels" and inserting in lieu thereof "fishing, fish processing, fish tender vessels".

97 Stat. 542.

(C) Section 7306(b) is amended by adding at the end thereof the following:

"(6) able seaman—fishing industry."

(D) Chapter 73 is amended by inserting immediately after 7311 the following:

46 USC 7311a.

"§ 7311a. Able seamen—fishing industry"

"For service on a fish processing vessel, an individual may be rated as able seaman—fishing industry if the individual has at least 6 months' service on deck on board vessels operating on the oceans or the navigable waters of the United States (including the Great Lakes)."

97 Stat. 543.

(E) Section 7312 is amended by adding at the end thereof the following:

"(f) Individuals qualified as able seamen—fishing industry under section 7311a of this title may constitute—

Supra.

"(1) all of the able seamen required on a fish processing vessel entered into service before January 1, 1988, and of more than 1,600 gross tons but not more than 5,000 gross tons; and

"(2) all of the able seamen required on a fish processing vessel entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products but of not more than 5,000 gross tons."

97 Stat. 548.

(10) Section 8102 is amended by

(A) inserting "(a)" immediately before the first paragraph; and

(B) adding at the end thereof the following:

"(b) The owner, charterer, managing operator, agent, master, or individual in charge of a fish processing vessel of more than 100 gross tons shall keep a suitable number of watchmen trained in firefighting on board when hotwork is being done to guard against and give alarm in case of a fire."

97 Stat. 549.

(11) Section 8104 is amended by—

(A) striking "100 gross tons," in subsection (b) and inserting in lieu thereof "100 gross tons (except a fishing, fish processing, or fish tender vessel),";

(B) striking "fishing" in subsection (c) and inserting in lieu thereof "fishing, fish processing, fish tender,";

(C) striking "a fishing or whaling vessel," in subsection (d) and inserting in lieu thereof "a fishing, fish tender, or whaling vessel, a fish processing vessel of not more than 5,000 gross tons,"; and

(D) adding at the end thereof the following:

“(k) On a fish processing vessel subject to inspection under part B of this subtitle, the licensed individuals and deck crew may be divided, when at sea, into at least 3 watchers.

97 Stat. 509.

“(l) Except as provided in subsection (k) of this section, on a fish processing vessel, the licensed individuals and deck crew may be divided, when at sea, into at least 2 watches if the vessel—

“(1) entered into service before January 1, 1988, and is more than 1,600 gross tons; or

“(2) entered into service after December 31, 1987, and has more than 16 individuals on board primarily employed in the preparation of fish or fish products.

“(m) This section does not apply to a fish processing vessel—

“(1) entered into service before January 1, 1988, and not more than 1,600 gross tons; or

“(2) entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products.”.

(12)(A) Section 8701(a) is amended by—

97 Stat. 554.

(i) striking “fishing or whaling” and inserting in lieu thereof “fishing, fish tender, or whaling”; and

(ii) striking “and” after the semicolon at the end of clause (4);

(iii) striking the period at the end of clause (5) and inserting in lieu thereof a semicolon; and

(iv) adding at the end thereof the following:

“(6) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products; and

“(7) a fish processing vessel (except a vessel to which clause (6) of this subsection applies) with respect to individuals on board primarily employed in the preparation of fish or fish products or in a support position not related to navigation.”.

(B) Section 8702(a) is amended by—

97 Stat. 554.

(i) striking “fishing or whaling” and inserting in lieu thereof “fishing, fish tender, or whaling”; and

(ii) striking “and” after the semicolon at the end of clause (4);

(iii) striking the period at the end of clause (5) and inserting in lieu thereof a semicolon; and

(iv) adding at the end thereof the following:

“(6) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products; and

“(7) a fish processing vessel (except a vessel to which clause (6) of this subsection applies) with respect to individuals on board primarily employed in the preparation of fish or fish products or in a support position not related to navigation.”.

(13) Section 10101(a) is amended by adding at the end thereof the following:

97 Stat. 560.

“(4) “fishing vessel” includes—

“(A) a fish tender vessel; or

“(B) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons or

entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products.”

97 Stat. 580.

(14) Section 11108 is amended by striking “a fisherman employed on a fishing vessel” and inserting in lieu thereof “an individual employed on a fishing vessel or any fish processing vessel”.

97 Stat. 580.

(15) Section 11109(c) is amended to read as follows:

“(c) This section applies to an individual employed on a fishing vessel or any fish processing vessel.”

97 Stat. 585.

(16) Section 12101 is amended by adding at the end thereof the following:

“(6) ‘fisheries’ includes planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation in the navigable waters of the United States or in the fishery conservation zone established by section 101 of the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1811).”

46 USC 3302
note.

SEC. 403. (a) Before January 1, 1990, a fishing, fish processing, or fish tender vessel, that is (1) not more than 500 gross tons and (2) in operation, or contracted for purchase to be used as a vessel of this type, before July 1, 1984, may transport cargo to or from a place in Alaska not receiving weekly transportation service from a port of the United States by an established water common carrier, except that the service limitation does not apply to transporting cargo of a type not accepted by that carrier.

(b) A fish processing vessel entered into service before January 1, 1988, and more than 1,600 gross tons or entered into service after December 31, 1987, and having more than 16 individuals on board primarily employed in the preparation of fish or fish products is exempt from section 8702(b) of title 46, United States Code, until 18 months after the date of enactment of this Act.

97 Stat. 554.

(c) As used in subsections (a) and (b) of this section, the terms “fishing vessel”, “fish processing vessel” and “fish tender vessel” shall have the meaning given to such terms in section 2101 of title 46, United States Code.

Ante, p. 445.

Approved July 17, 1984.

LEGISLATIVE HISTORY—H.R. 4997:

HOUSE REPORT No. 98-758 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 130 (1984):

June 5, considered and passed House.

June 27, considered and passed Senate, amended; House concurred in Senate amendment.