

In the Senate of the United States,

November 20, 2002.

Resolved, That the bill from the House of Representatives (H.R. 1989) entitled “An Act to reauthorize various fishing conservation management programs, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Fisheries Conservation*

3 *Act of 2002”.*

1 **TITLE I—INTERJURISDICTIONAL**
2 **FISHERIES ACT OF 1986**

3 **SEC. 101. REAUTHORIZATION OF INTERJURISDICTIONAL**
4 **FISHERIES ACT OF 1986.**

5 *Section 308 of the Interjurisdictional Fisheries Act of*
6 *1986 (16 U.S.C. 4107) is amended—*

7 *(1) by amending subsection (a) to read as fol-*
8 *lows:*

9 *“(a) GENERAL APPROPRIATIONS.—There are author-*
10 *ized to be appropriated to the Department of Commerce for*
11 *apportionment to carry out the purposes of this title—*

12 *“(1) \$4,900,000 for fiscal year 2002;*

13 *“(2) \$5,400,000 for each of fiscal years 2003 and*
14 *2004; and*

15 *“(3) \$5,900,000 for each of fiscal years 2005 and*
16 *2006.”; and*

17 *(2) in subsection (c) by striking “\$700,000 for*
18 *fiscal year 1997, and \$750,000 for each of the fiscal*
19 *years 1998, 1999, and 2000” and inserting “\$800,000*
20 *for fiscal year 2002, \$850,000 for each of fiscal years*
21 *2003 and 2004, and \$900,000 for each of fiscal years*
22 *2005 and 2006”.*

1 **SEC. 102. PURPOSES OF THE INTERJURISDICTIONAL FISH-**
 2 **ERIES ACT OF 1986.**

3 *Section 302 of the Interjurisdictional Fisheries Act of*
 4 *1986 (16 U.S.C. 4101) is amended—*

5 *(1) by striking “and” after the semicolon at the*
 6 *end of paragraph (1);*

7 *(2) by striking “range.” in paragraph (2) and*
 8 *inserting “range; and”; and*

9 *(3) adding at the end the following:*

10 *“(3) to promote and encourage research in prep-*
 11 *aration for the implementation of the use of eco-*
 12 *systems and interspecies approaches to the conserva-*
 13 *tion and management of interjurisdictional fishery*
 14 *resources throughout their range.”.*

15 **TITLE II—ANADROMOUS FISH**
 16 **CONSERVATION ACT**

17 **SEC. 201. REAUTHORIZATION OF ANADROMOUS FISH CON-**
 18 **SERVATION ACT.**

19 *Section 4 of the Anadromous Fish Conservation Act*
 20 *(16 U.S.C. 757d) is amended to read as follows:*

21 **“AUTHORIZATION OF APPROPRIATIONS**

22 **“SEC. 4. (a)(1) There are authorized to be appro-**
 23 **priated to carry out the purposes of this Act not to exceed**
 24 **the following sums:**

25 **“(A) \$4,500,000 for fiscal year 2002;**

1 “(B) \$4,750,000 for each of fiscal years 2003 and
2 2004; and

3 “(C) \$5,000,000 for each of fiscal years 2005 and
4 2006.

5 “(2) Sums appropriated under this subsection are au-
6 thorized to remain available until expended.

7 “(b) Not more than \$625,000 of the funds appropriated
8 under this section in any one fiscal year shall be obligated
9 in any one State.”.

10 **SEC. 202. RESEARCH ON AND USE OF ECOSYSTEMS AND**
11 **INTERSPECIES APPROACHES TO THE CON-**
12 **SERVATION AND MANAGEMENT.**

13 *The first section of the Anadromous Fish Conservation*
14 *Act (16 U.S.C. 757a) is amended in subsection (b) by in-*
15 *serting “(1)” after “(b)”, and by adding at the end the fol-*
16 *lowing:*

17 “(2) In carrying out responsibilities under this section,
18 the Secretary shall conduct, promote, and encourage re-
19 search in preparation for the implementation of the use of
20 ecosystems and interspecies approaches to the conservation
21 and management of anadromous and Great Lakes fishery
22 resources.”.

1 **TITLE III—ATLANTIC TUNAS**
2 **CONVENTION ACT OF 1975**

3 **SEC. 301. REAUTHORIZATION OF THE ATLANTIC TUNAS**
4 **CONVENTION ACT OF 1975.**

5 *Section 10 of the Atlantic Tunas Convention Act of*
6 *1975 (16 U.S.C. 971h) is amended to read as follows:*

7 “AUTHORIZATION OF APPROPRIATIONS

8 “SEC. 10. (a) *IN GENERAL.*—*There are authorized to*
9 *be appropriated to carry out this Act, including use for*
10 *payment of the United States share of the joint expenses*
11 *of the Commission as provided in Article X of the Conven-*
12 *tion, the following sums:*

13 “(1) *For each of fiscal years 2002, 2003, and*
14 *2004, \$5,480,000.*

15 “(2) *For each of fiscal years 2005 and 2006,*
16 *\$5,495,000.*

17 “(b) *ALLOCATION.*—*Of amounts available under this*
18 *section for each fiscal year—*

19 “(1) *\$150,000 are authorized for the advisory*
20 *committee established under section 4 and the species*
21 *working groups established under section 4A; and*

22 “(2) *\$4,240,000 are authorized for research ac-*
23 *tivities under this Act and the Act of September 4,*
24 *1980 (16 U.S.C. 971i).”.*

1 **TITLE IV—NORTHWEST ATLANTIC FISHERIES CONVENTION**
 2 **ACT OF 1995**
 3

4 **SEC. 401. REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.**
 5

6 *Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking*
 7 *“2001” and inserting “2006”.*
 8

9 **TITLE V—EXTENSION OF DEADLINE FOR SUBMISSION OF OCEAN POLICY REPORT**
 10
 11

12 **SEC. 501. EXTENSION OF DEADLINE.**

13 *(a) EXTENSION OF DEADLINE.—The Oceans Act of 2000 (Public Law 106–256) is amended—*
 14

15 *(1) in section 3(i) (114 Stat. 648) by striking*
 16 *“30 days” and inserting “90 days”; and*

17 *(2) in section 4(a) (114 Stat. 648; 33 U.S.C. 857–19 note) by striking “120 days” and inserting*
 18 *“90 days”.*
 19

20 *(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3(j) of such Act (114 Stat. 648) is amended by striking*
 21 *“\$6,000,000” and inserting “\$8,500,000”.*
 22

23 *(c) TECHNICAL CORRECTIONS.—Section 3(e) of such Act (114 Stat. 646) is amended—*
 24

1 (1) *by striking “it:” in paragraph (1) and in-*
2 *serting “it.”;*

3 (2) *by inserting immediately after such period*
4 *the following:*

5 “*(2) NOTICE; MINUTES; PUBLIC AVAILABILITY OF*
6 *DOCUMENTS.—*”; *and*

7 (3) *by redesignating paragraphs (2) and (3) as*
8 *paragraphs (3) and (4), respectively.*

9 ***TITLE VI—MISCELLANEOUS***
10 ***FISHERIES PROVISIONS***

11 ***SEC. 601. REPORT ON OVERCAPACITY.***

12 (a) *IN GENERAL.—The Secretary of Commerce shall,*
13 *within 12 months after the date of enactment of this Act,*
14 *and triennially thereafter, submit to the Congress a*
15 *report—*

16 (1) *identifying and describing the 20 fisheries in*
17 *United States waters with the most severe examples of*
18 *excess harvesting capacity in the fisheries, based on*
19 *value of each fishery and the amount of excess har-*
20 *vesting capacity as determined by the Secretary;*

21 (2) *in any such fisheries subject to a rebuilding*
22 *program, identifying and describing the current ca-*
23 *capacity relative to the capacity that can be supported*
24 *by the fishery once the fishery is rebuilt;*

1 (3) *recommending measures for reducing excess*
 2 *harvesting capacity, including the retirement of any*
 3 *latent fishing permits that could contribute to further*
 4 *excess harvesting capacity in those fisheries; and*

5 (4) *identifying potential sources of funding for*
 6 *such measures.*

7 (b) *BASIS FOR RECOMMENDATIONS.—The Secretary*
 8 *shall base the recommendations under subsection (a)(3)*
 9 *made with respect to a fishery on—*

10 (1) *the most cost-effective means of achieving vol-*
 11 *untary reduction in capacity for the fishery using the*
 12 *potential for industry financing; and*

13 (2) *including measures to prevent the capacity*
 14 *that is being removed from the fishery from moving*
 15 *to other fisheries in the United States, in the waters*
 16 *of a foreign nation, or on the high seas.*

17 **SEC. 602. WEST COAST GROUND FISH FISHERY CAPACITY**
 18 **REDUCTION.**

19 (a) *IN GENERAL.—*

20 (1) *PURPOSE OF SECTION.—The purpose of this*
 21 *section is to establish a fishing capacity reduction*
 22 *program for the West Coast groundfish fishery pursu-*
 23 *ant to section 212 of the 2002 Supplemental Appro-*
 24 *propriations Act for Further Recovery from and Re-*
 25 *sponse to Terrorist Attacks on the United States, and*

1 *subsections (b) through (e) of section 312 of the Mag-*
2 *nuson-Stevens Act (16 U.S.C. 1861a(b) through (e)).*

3 (2) *PROGRAM IMPLEMENTATION.*—*Within 90*
4 *days after the date of enactment of this Act, the Sec-*
5 *retary shall implement the program by publishing a*
6 *public notice in the Federal Register and issuing an*
7 *invitation to bid for reduction payments that specifies*
8 *the contractual terms and conditions under which*
9 *bids shall be made and accepted under this section.*

10 (3) *APPLICATION OF MAGNUSON-STEVENS ACT;*
11 *REGULATIONS.*—*Section 312 of the Magnuson-Stevens*
12 *Act (16 U.S.C. 1861a), and subpart L of part 600 of*
13 *title 50, Code of Federal Regulations, shall apply to*
14 *the program implemented under this section only to*
15 *the extent that—*

16 (A) *that section and that subpart are not*
17 *inconsistent with any specific provision of this*
18 *section; or*

19 (B) *made inapplicable to the program*
20 *under paragraph (3) of this section.*

21 (4) *INAPPLICABLE REGULATIONS.*—*Sections*
22 *600.1001, 600.1002, 600.1003, 600.1005, 600.1010(b),*
23 *600.1010(d)(1), 600.1011(d), the last sentence of sec-*
24 *tion 600.1011(a), and the last sentence of section*
25 *600.1014(f) of title 50, Code of Federal Regulations,*

1 *shall not apply to the program implemented under*
2 *this section.*

3 (5) *PROGRAM DEEMED ACCEPTED.*—*The pro-*
4 *gram implemented under this section is deemed to be*
5 *accepted under section 600.1004 of title 50, Code of*
6 *Federal Regulations.*

7 (b) *ELIGIBILITY.*—

8 (1) *IN GENERAL.*—*A reduction fishery is eligible*
9 *for capacity reduction under the program imple-*
10 *mented under this section.*

11 (2) *WHITING CATCHER-PROCESSOR EXCEP-*
12 *TION.*—*Notwithstanding paragraph (1), no vessel har-*
13 *vesting and processing whiting in the catcher-proc-*
14 *essors sector (as defined in section 660.323(a)(4)(A) of*
15 *title 50, Code of Federal Regulations) may partici-*
16 *pate in any capacity reduction referendum or indus-*
17 *try fee established under this section.*

18 (c) *APPLICATION OF SECTION 312 OF MAGNUSON-STE-*
19 *VENS ACT.*—*Subsections (b) through (e) of section 312 of*
20 *the Magnuson-Stevens Act (16 U.S.C. 1861a) shall apply*
21 *to the program implemented under this section, except that:*

22 (1) *The program may apply to multiple fish-*
23 *eries, as appropriate.*

1 (2) *A referendum on the industry fee system*
2 *shall occur after bids have been submitted, and such*
3 *bids have been accepted by the Secretary, as follows:*

4 (A) *The members of the reduction fishery,*
5 *and persons who have been issued WA, OR, or*
6 *CA Dungeness Crab and Pink Shrimp permits,*
7 *shall be eligible to vote in the referendum to ap-*
8 *prove an industry fee system.*

9 (B) *Referendum votes cast in each fishery*
10 *shall be weighted in proportion to the debt obli-*
11 *gation of each fishery, as calculated in subsection*
12 *(f) of this section.*

13 (C) *The industry fee system shall be ap-*
14 *proved if the referendum votes cast in favor of*
15 *the proposed system constitute a simple majority*
16 *of the participants voting.*

17 (3) *Notwithstanding section 553 of title 5,*
18 *United States Code, and section 312(e) of the Magnu-*
19 *son-Stevens Act (16 U.S.C. 1861a(e)), the Secretary*
20 *shall not prepare or publish proposed or final regula-*
21 *tions for the implementation of the program under*
22 *this section before the referendum is conducted.*

23 (d) *NO INTERFERENCE WITH OTHER PROPOSED PRO-*
24 *GRAM CHANGES OR SUBSEQUENT REGULATIONS.—Nothing*
25 *in this section shall be construed to prohibit—*

1 (1) *the Pacific Fishery Management Council*
2 *from recommending, or the Secretary from approving,*
3 *changes to any fishery management plan, in accord-*
4 *ance with applicable law; or*

5 (2) *the Secretary from promulgating regulations*
6 *(including regulations governing this program), after*
7 *an industry fee system has been approved by the re-*
8 *duction fishery.*

9 (e) *BIDS AND BID ACCEPTANCE.—*

10 (1) *IN GENERAL.—The Secretary shall deter-*
11 *mine, and state in the public notice published under*
12 *subsection (a)(2) of this section, all program imple-*
13 *mentation aspects the Secretary deems relevant.*

14 (2) *BIDS ARE IRREVOCABLE.—Any bid sub-*
15 *mitted in response to the invitation to bid issued by*
16 *the Secretary under this section shall be irrevocable.*

17 (3) *BID ACCEPTANCE PROCEDURE.—The Sec-*
18 *retary shall use a bid acceptance procedure that ranks*
19 *each bid in accordance with this paragraph and with*
20 *additional criteria, if any, established by the Sec-*
21 *retary.*

22 (A) *BID SCORE.—For each bid from a*
23 *qualified bidder that meets the bidding require-*
24 *ments in the public notice or the invitation to*
25 *bid, the Secretary shall determine a bid score by*

1 *dividing the bid's dollar amount by the average*
2 *annual total ex-vessel dollar value of landings of*
3 *Pacific groundfish, Dungeness crab, and Pink*
4 *shrimp based on the 3 highest total annual reve-*
5 *nuues earned from Pacific groundfish, Dungeness*
6 *crab, and Pink Shrimp that the bidder's reduc-*
7 *tion vessel landed during 1998, 1999, 2000, or*
8 *2001. For purposes of this subparagraph, the*
9 *term "total annual revenue" means the revenue*
10 *earned in a single year from the Pacific ground-*
11 *fish, Dungeness crab, and Pink shrimp fisheries.*

12 *(B) BID RANKING AND ACCEPTANCE.—The*
13 *Secretary shall accept each qualified bid in rank*
14 *order of bid score from the lowest to the highest*
15 *until acceptance of the next qualified bid with*
16 *the next lowest bid score would cause the reduc-*
17 *tion cost to exceed the reduction loan's maximum*
18 *amount.*

19 *(4) ACCEPTANCE CREATES CONTRACT.—Accept-*
20 *ance of a bid by the Secretary shall create a binding*
21 *reduction contract between the United States and the*
22 *person whose bid is accepted, the performance of*
23 *which shall be subject only to the conclusion of a suc-*
24 *cessful referendum.*

1 (5) *RELINQUISHMENT AND REVOCATION OF PER-*
2 *MITS.—A person whose bid is accepted by the Sec-*
3 *retary under this section shall relinquish all permits*
4 *in the reduction fishery and any Dungeness crab and*
5 *Pink shrimp permits issued by Washington, Oregon,*
6 *or California. The Secretary shall revoke the Pacific*
7 *groundfish permit, as well as all Federal fishery li-*
8 *censes, fishery permits, area, and species endorse-*
9 *ments, and any other fishery privileges issued to a*
10 *vessel or vessels (or to persons on the basis of their op-*
11 *eration or ownership of that vessel or vessels) removed*
12 *under the program.*

13 (f) *PROGRAM INDUSTRY FEE SYSTEM ALLOCATION.—*

14 (1) *IN GENERAL.—The Secretary shall establish*
15 *separate reduction loan sub-amounts and repayment*
16 *fees for fish sellers in the reduction fishery and for*
17 *fish sellers in each of the fee-share fisheries by—*

18 (A) *dividing the total ex-vessel dollar value*
19 *during the bid scoring period of all reduction*
20 *vessel landings from the reduction fishery and*
21 *from each of the fee-share fisheries by the total*
22 *such value of all such landings for all such fish-*
23 *eries; and*

1 (B) multiplying the reduction loan amount
2 by each of the quotients resulting from each of
3 the divisions above.

4 (2) *REDUCTION LOAN SUB-AMOUNT.*—Each of the
5 resulting products shall be the reduction loan sub-
6 amount for the reduction fishery and for each of the
7 fee-share fisheries to which each of such products per-
8 tains.

9 (3) *SELLER PAYMENTS.*—Each fish seller in the
10 reduction fishery and in each of the fee-share fisheries
11 shall pay the fees required by the reduction loan sub-
12 amounts allocated to it under this subsection.

13 (4) *STATE COLLECTION AGREEMENTS.*—The Sec-
14 retary may enter into agreements with the States of
15 Washington, Oregon, and California to collect any
16 fees established under this section.

17 (g) *LOAN TERM.*—Notwithstanding section 1111(b) of
18 the Merchant Marine Act, 1936 (46 U.S.C. App.
19 1279(b)(4)), the reduction loan's term shall not be less than
20 30 years.

21 (h) *SENSE OF THE CONGRESS REGARDING ADDI-*
22 *TIONAL POST-REDUCTION PROGRAM ACTIONS.*—It is the
23 sense of the Congress that the States of Washington, Oregon,
24 and California should revoke all relinquishment permits in
25 each of the fee-share fisheries immediately after reduction

1 *payment, and otherwise to implement appropriate State*
2 *fisheries management and conservation provisions in each*
3 *of the fee-share fisheries that establishes a program that*
4 *meets the requirements of section 312(b)(1)(B) of the Mag-*
5 *nuson-Stevens Act (16 U.S.C. 1861a(b)(1)(B)) as if it were*
6 *applicable to fee-share fisheries.*

7 (i) *DEFINITIONS.—In this section:*

8 (1) *FEE-SHARE FISHERY.—The term “fee-share*
9 *fishery” means a fishery, other than the reduction*
10 *fishery, whose members are eligible to vote in a ref-*
11 *erendum for an industry fee system under subsection*
12 *(c)(2).*

13 (2) *REDUCTION FISHERY.—The term “reduction*
14 *fishery” means that portion of a fishery holding lim-*
15 *ited entry fishing permits endorsed for the operation*
16 *of trawl gear and issued under the Federal Pacific*
17 *Coast Groundfish Fishery Management Plan.*

18 (3) *MAGNUSON-STEVENS ACT.—The term “Mag-*
19 *nuson-Stevens Act” means the Magnuson-Stevens*
20 *Fishery Conservation and Management Act (16*
21 *U.S.C. 1801 et seq.).*

22 (4) *SECRETARY.—The term “Secretary” means*
23 *the Secretary of Commerce.*

1 **SEC. 603. NEW ENGLAND GROUND FISH CAPACITY REDUC-**
2 **TION PLANNING.**

3 *The Secretary of Commerce, in consultation with the*
4 *New England Regional Fishery Management Council, shall*
5 *provide technical, planning, and other assistance requested*
6 *by Northeast multispecies fishery participants, affected*
7 *States and fishing communities, or other interested parties*
8 *for the development of an industry-funded capacity reduc-*
9 *tion plan for the fishery (such as that authorized by section*
10 *211 of the 2002 Supplemental Appropriations Act for Fur-*
11 *ther Recovery from and Response to Terrorist Attacks on*
12 *the United States), including planning for fishing commu-*
13 *nity transition to sustainable fisheries. The Secretary may*
14 *provide technical and other assistance under the Magnuson-*
15 *Stevens Fishery Conservation and Management Act (16*
16 *U.S.C. 1801 et seq.), the Coastal Zone Management Act of*
17 *1972 (16 U.S.C. 1451 et seq.), the National Sea Grant Col-*
18 *lege Program Act (33 U.S.C. 1121 et seq.), or other applica-*
19 *ble law implemented by the Secretary, and may include—*
20 *(1) quantification of overcapacity in the rebuilt*
21 *fishery;*
22 *(2) development of geographic and spatial infor-*
23 *mation and analyses for planning and projections;*
24 *(3) provision of socio-economic or fishery data;*
25 *(4) analyses of socio-economic effects of capacity*
26 *reduction options;*

1 (5) *public workshop planning and support or*
2 *other mechanisms for public input;*

3 (6) *small business financial planning and ad-*
4 *vice; and*

5 (7) *identification of Federal assistance programs.*

6 **SEC. 604. CLARIFICATION OF FLEXIBILITY.**

7 (a) *IN GENERAL.*—*The Secretary of Commerce has the*
8 *discretion under the Magnuson-Stevens Fishery Conserva-*
9 *tion and Management Act (16 U.S.C. 1851 et seq.) to extend*
10 *the time for rebuilding an overfished stock beyond the time*
11 *previously established by the Secretary in a fishery manage-*
12 *ment plan in order to meet substantially increased biomass*
13 *rebuilding targets subsequently established for the fishery by*
14 *the Secretary based on the best scientific information avail-*
15 *able, if—*

16 (1) *the extension will apply only to those stocks*
17 *for which the new biomass targets substantially exceed*
18 *the targets previously established by 100 percent or*
19 *more;*

20 (2) *the biomass rebuilding target previously ap-*
21 *plicable to such stock will be met or exceeded within*
22 *the time for rebuilding previously established by the*
23 *Secretary;*

24 (3) *the extension period is based on the biology*
25 *of the stock, the rate of rebuilding, and the increase*

1 *in the biomass rebuilding target, and is as short as*
2 *possible;*

3 *(4) monitoring will ensure rebuilding continues;*

4 *(5) the extension meets the requirements of sec-*
5 *tion 301(a)(1) of that Act (16 U.S.C. 1851(a)(1));*

6 *and*

7 *(6) the best scientific information available*
8 *shows that the extension will allow continued rebuild-*
9 *ing.*

10 *(b) AUTHORITY.—Nothing in this section shall be con-*
11 *strued to amend the Magnuson-Stevens Fishery Conserva-*
12 *tion and Management Act (16 U.S.C. 1851 et seq.) or to*
13 *limit or otherwise alter the authority of the Secretary under*
14 *that Act.*

15 **SEC. 605. REVIEW OF DATA COLLECTION AND ASSESSMENT**

16 **METHODS.**

17 *The Secretary of Commerce shall, commencing 60 days*
18 *after the date of enactment of this Act and annually every*
19 *7 years thereafter, conduct an independent peer review of*
20 *fishery management methods under this title, including*
21 *evaluation and recommendations for—*

22 *(1) survey sampling methods and protocols (in-*
23 *cluding inspection, calibration, and maintenance of*
24 *sampling gear) used in the collection of fishery and*
25 *fishery-independent data by or for the agency;*

- 1 (2) *stock assessment procedures (including meth-*
2 *ods for detecting and treating measurement error);*
- 3 (3) *risk assessment and management strategies;*
- 4 (4) *data collection quality control and validation*
5 *methods; and*
- 6 (5) *an evaluation of the need to develop new as-*
7 *essment, survey, and collection techniques designed to*
8 *accommodate incomplete or variable data or to evalu-*
9 *ate or forecast effects of environmental fluctuations on*
10 *fisheries.*

11 **SEC. 606. COOPERATIVE ENFORCEMENT AGREEMENTS.**

12 (a) *IN GENERAL.*—*The Governor of a State (as defined*
13 *in section 3(35) of the Magnuson-Stevens Fishery Conserva-*
14 *tion and Management Act (16 U.S.C. 1802(35)) may apply*
15 *to the Secretary of Commerce for execution of a cooperative*
16 *enforcement agreement with the Secretary that will author-*
17 *ize the deputization of State law enforcement officers with*
18 *marine law enforcement responsibilities to perform duties*
19 *of the Secretary relating to law enforcement provisions*
20 *under this title or any other marine resource laws enforced*
21 *by the Secretary. Upon receiving an application meeting*
22 *the requirements of this section, the Secretary shall enter*
23 *into a joint enforcement agreement with the requesting*
24 *State.*

1 (b) *REQUIREMENTS.*—*Joint enforcement agreements*
2 *executed under subsection (a)—*

3 (1) *shall be consistent with the purposes and in-*
4 *tent of section 311(a) of the Magnuson-Stevens Fish-*
5 *ery Conservation and Management Act (16 U.S.C.*
6 *1861(a)), to the extent applicable to the regulated ac-*
7 *tivities; and*

8 (2) *may include specifications for joint manage-*
9 *ment responsibilities as provided by the first section*
10 *of Public Law 91-412 (15 U.S.C. 1525).*

11 (c) *ALLOCATION OF FUNDS.*—*The Secretary shall in-*
12 *clude in each cooperative enforcement agreement an alloca-*
13 *tion of funds to assist in management of the agreement. The*
14 *allocation shall be equitably distributed among all States*
15 *participating in cooperative enforcement agreements under*
16 *this subsection, based upon consideration of the specific ma-*
17 *rine conservation enforcement needs of each participating*
18 *State. Such agreement may provide for amounts to be with-*
19 *held by the Secretary for the cost of any technical or other*
20 *assistance provided to the State by the Secretary under the*
21 *agreement.*

22 **SEC. 607. FISHERIES OUTREACH AND TRAINING.**

23 *The Secretary of Commerce shall establish a regional*
24 *fisheries outreach program within the National Marine*
25 *Fisheries Service to foster understanding and practical use*

1 *of knowledge and technical expertise relevant to living ma-*
2 *rine resources. In establishing the program, the Secretary*
3 *shall, in cooperation with the National Sea Grant College*
4 *Program and the Regional Fishery Management Councils*
5 *established under title III of the Magnuson-Stevens Fishery*
6 *Conservation and Management Act (16 U.S.C. 1851 et seq.),*
7 *develop a comprehensive effort to improve communication,*
8 *education, and outreach to fishing communities, the fishing*
9 *industry, the conservation community and interested mem-*
10 *bers of the public at the regional, State, and local levels.*

11 *The program shall —*

12 (1) *establish a program of demonstrations, work-*
13 *shops, townhall and industry and other non-scientific*
14 *meetings for public understanding of National Marine*
15 *Fisheries Service research, technology, or other infor-*
16 *mation relating the conservation and management of*
17 *fishery and other living marine resources;*

18 (2) *establish outreach programs and procedures*
19 *designed to improve the transparency and accessi-*
20 *bility of fishery stock assessments to the public, in-*
21 *cluding dissemination of explanatory materials*
22 *through the Internet;*

23 (3) *provide periodic training of members, staff,*
24 *and advisory committee members of the Regional*
25 *Fishery Management Councils established under that*

1 *title, on implementation of the National Standards*
2 *established under title III of the Magnuson Stevens*
3 *Fisheries Conservation and Management Act (16*
4 *U.S.C. 1851 et seq.), the requirements of National En-*
5 *vironmental Policy Act and chapter 6 of title 5,*
6 *United States Code, and any other law applicable to*
7 *the development of fishery management plans;*

8 *(4) identify, with the fishing industry, methods*
9 *of improving collection, quality, and reporting of fish-*
10 *ery dependent data;*

11 *(5) study the response of the regulated industry*
12 *to fishery management regulations and develop man-*
13 *agement approaches that consider such behavior;*

14 *(6) foster communications and technology-trans-*
15 *fer programs among regions to improve fish conserva-*
16 *tion and management;*

17 *(7) establish means of communicating informa-*
18 *tion to the general public in an accessible and under-*
19 *standable form (including web-based communica-*
20 *tions); and*

21 *(8) develop partnerships with other agencies,*
22 *academic institutions, and other entities to meet the*
23 *purposes of this section.*

1 **SEC. 608. COOPERATIVE RESEARCH AND MANAGEMENT**
2 **PROGRAM.**

3 (a) *IN GENERAL.*—*The Secretary of Commerce, in con-*
4 *sultation with the Regional Fishery Management Councils*
5 *established under title III of the Magnuson-Stevens Fishery*
6 *Conservation and Management Act (16 U.S.C. 1851 et seq.),*
7 *shall establish a national cooperative research and manage-*
8 *ment program to address needs identified under the Magnu-*
9 *son Stevens Fisheries Conservation and Management Act*
10 *and under any other marine resource laws enforced by the*
11 *Secretary. The program shall make funds available for co-*
12 *operative research and management activities that are de-*
13 *veloped through partnerships among Federal and State*
14 *managers and scientists, fishing industry participants, and*
15 *educational institutions.*

16 (b) *ELIGIBLE PROJECTS.*—*The Secretary shall make*
17 *funds available under the program for the support of*
18 *projects to address critical needs identified by the Secretary*
19 *in consultation with the Regional Fisheries Management*
20 *Councils established under such title, that pertain to the*
21 *collection and analysis of data and information on living*
22 *marine resources, including data on landings, fishing effort,*
23 *life history parameters, biology, habitat, economics and so-*
24 *cial sciences, including those information needs identified*
25 *pursuant to section 401 of that Act (16 U.S.C. 1881) or*
26 *the development of measures to promote innovative or coop-*

1 *erative management of fisheries, including development of*
2 *innovative gear, methods, and technology. Such program*
3 *shall promote and encourage efforts to mine and recover*
4 *useful sources of data maintained by other Federal agencies,*
5 *State agencies, or academia for use in such projects. In*
6 *making funds available the Secretary shall give priority to*
7 *the following projects:*

8 (1) *Projects to collect data to improve, supple-*
9 *ment, or enhance stock assessments, including through*
10 *the use of fishing vessels or acoustic or other innova-*
11 *tive marine technology.*

12 (2) *Projects to improve calibration and accuracy*
13 *of data collection gear and methods.*

14 (3) *Conservation engineering projects designed to*
15 *reduce bycatch, minimize mortality of bycatch, or*
16 *minimize fishery impacts on essential fish habitat.*

17 (4) *Projects to assess the amount and type of by-*
18 *catch occurring in a fishery.*

19 (5) *Projects for the identification, conservation,*
20 *or restoration of habitat areas of particular concern.*

21 (6) *Projects designed to identify ecosystem effects*
22 *of fishing, to monitor marine ecosystem trends and*
23 *dynamics, or to link climate forecasts to stock assess-*
24 *ments or otherwise explore ecosystem-based ap-*
25 *proaches to governance.*

1 (7) *Projects designed to collect and compile eco-*
2 *nomic and social data, including data to evaluate the*
3 *long-term impact of conservation and management*
4 *measures on fishing communities and data to evalu-*
5 *ate economic motivation of harvesters.*

6 (c) *SELECTION OF PROJECTS.—Each research project*
7 *shall be awarded by the Secretary on a competitive basis*
8 *under procedures established by the Secretary in consulta-*
9 *tion with the Regional Fisheries Management Councils es-*
10 *tablished under title III of the Magnuson-Stevens Fishery*
11 *Conservation and Management Act (16 U.S.C. 1851 et seq.).*
12 *To the extent practicable, the projects selected should collec-*
13 *tively conform to a coherent program of research leading*
14 *to solving priority programs. Each Regional Fisheries Man-*
15 *agement Council established under that title shall establish*
16 *a research steering committee to carry out this section.*

17 (d) *EXPERIMENTAL PERMITTING PROCESS.—The Sec-*
18 *retary, in consultation with the Regional Fisheries Manage-*
19 *ment Councils established under title III of that Act shall*
20 *establish an expedited permitting process for projects ap-*
21 *proved under this section.*

22 (e) *GUIDELINES.—The Secretary, in consultation with*
23 *the appropriate Regional Fisheries Management Council es-*
24 *tablished under title III of that Act, shall establish guide-*
25 *lines to ensure that participation in a research project*

1 *funded under this section does not result in loss of a partici-*
2 *part's catch history or unexpended days-at-sea as part of*
3 *a limited entry system.*

4 **SEC. 609. COOPERATIVE MARINE EDUCATION AND RE-**
5 **SEARCH.**

6 *For the purpose of developing adequate, coordinated,*
7 *cooperative research and training programs for living ma-*
8 *rine resources, the Secretary of Commerce may establish a*
9 *Cooperative Marine Education and Research Program.*
10 *Under this program the Secretary is authorized to enter*
11 *into cooperative agreements with universities and institu-*
12 *tions of higher learning in order to conduct basic research*
13 *in areas that support conservation and management of liv-*
14 *ing marine resources. Research conducted under this pro-*
15 *gram may include conservation engineering, research and*
16 *development (including development of fishing gear and*
17 *methods to reduce bycatch and habitat impacts) and bio-*
18 *logical research concerning the abundance and life history*
19 *parameters of stocks of fish, the interdependence of fisheries*
20 *or stocks of fish and other ecosystem components, and the*
21 *linkages between fish habitat and fish production or abun-*
22 *dance.*

1 **SEC. 610. GULF OF MEXICO FISHING QUOTA SYSTEMS.**

2 *Section 407 of the Magnuson-Stevens Fishery Con-*
3 *servation and Management Act (16 U.S.C. 1883) is*
4 *amended—*

5 *(1) in subsection (c) by inserting at the end the*
6 *following:*

7 *“(3) The initial referendum described in para-*
8 *graph (1) shall be used to determine support for*
9 *whether the sale, transfer, or lease of quota shares*
10 *shall be allowed.”.*

11 *(2) by inserting at the end the following:*

12 *“(e) In order to facilitate balanced and fair apportion-*
13 *ment of fishing interests, a Governor of a State submitting*
14 *names of individuals for appointment by the Secretary of*
15 *Commerce to the Gulf of Mexico Fisheries Management*
16 *Council under section 302(b)(2) of this Act during Fiscal*
17 *Years 2003-2004 shall include at least one nominee each*
18 *from the commercial fishing sector and the recreational fish-*
19 *ing sector (including the for-hire fishing sector). If the Sec-*
20 *retary determines that a submission from such a Governor*
21 *does not meet the requirements of subsection (a), the Sec-*
22 *retary shall-*

23 *“(1) for an at-large seat, select a nominee from*
24 *a list submitted by a State that complies with this*
25 *subsection; and*

1 “(2) for a seat assigned to that State, select no
2 nominee for that seat until the Governor complies
3 with this subsection.”.

4 **SEC. 611. AUTHORIZATION OF APPROPRIATIONS.**

5 *There are authorized to be appropriated to carry out*
6 *the provisions of this title—*

7 (1) *for science review and outreach—*

8 (A) *\$10,000,000 for fiscal year 2003;*

9 (B) *\$11,000,000 for fiscal year 2004;*

10 (C) *\$12,000,000 for fiscal year 2005;*

11 (D) *\$13,000,000 for fiscal year 2006; and*

12 (E) *\$14,000,000 for fiscal year 2007;*

13 (2) *for cooperative enforcement—*

14 (A) *\$27,000,000 for fiscal year 2003;*

15 (B) *\$29,000,000 for fiscal year 2004;*

16 (C) *\$31,000,000 for fiscal year 2005;*

17 (D) *\$33,000,000 for fiscal year 2006; and*

18 (E) *\$35,000,000 for fiscal year 2007; and*

19 (3) *for cooperative research—*

20 (A) *\$30,000,000 for fiscal year 2003;*

21 (B) *\$35,000,000 for fiscal year 2004;*

22 (C) *\$40,000,000 for fiscal year 2005;*

23 (D) *\$45,000,000 for fiscal year 2006; and*

24 (E) *\$50,000,000 for fiscal year 2007.*

1 **TITLE VII—MISCELLANEOUS**

2 **SEC. 701. CHESAPEAKE BAY OFFICE.**

3 (a) *REAUTHORIZATION OF OFFICE.*—Section 307 of
4 *the National Oceanic and Atmospheric Administration Au-*
5 *thorization Act of 1992 (15 U.S.C. 1511d) is amended to*
6 *read as follows:*

7 **“SEC. 307. CHESAPEAKE BAY OFFICE.**

8 “(a) *ESTABLISHMENT.*—(1) *The Secretary of Com-*
9 *merce shall establish, within the National Oceanic and At-*
10 *mospheric Administration, an office to be known as the*
11 *Chesapeake Bay Office (in this section referred to as the*
12 *‘Office’).*

13 “(2) *The Office shall be headed by a Director who shall*
14 *be appointed by the Secretary of Commerce, in consultation*
15 *with the Chesapeake Executive Council. Any individual ap-*
16 *pointed as Director shall have knowledge and experience in*
17 *research or resource management efforts in the Chesapeake*
18 *Bay.*

19 “(3) *The Director may appoint such additional per-*
20 *sonnel for the Office as the Director determines necessary*
21 *to carry out this section.*

22 “(b) *FUNCTIONS.*—*The Office, in consultation with the*
23 *Chesapeake Executive Council, shall—*

1 “(1) provide technical assistance to the Adminis-
2 trator, to other Federal departments and agencies,
3 and to State and local government agencies in—

4 “(A) assessing the processes that shape the
5 Chesapeake Bay system and affect its living re-
6 sources;

7 “(B) identifying technical and management
8 alternatives for the restoration and protection of
9 living resources and the habitats they depend
10 upon; and

11 “(C) monitoring the implementation and ef-
12 fectiveness of management plans;

13 “(2) develop and implement a strategy for the
14 National Oceanic and Atmospheric Administration
15 that integrates the science, research, monitoring, data
16 collection, regulatory, and management responsibil-
17 ities of the Secretary of Commerce in such a manner
18 as to assist the cooperative, intergovernmental Chesa-
19 peake Bay Program to meet the commitments of the
20 Chesapeake Bay Agreement;

21 “(3) coordinate the programs and activities of
22 the various organizations within the National Oce-
23 anic and Atmospheric Administration, the Chesa-
24 peake Bay Regional Sea Grant Programs, and the

1 *Chesapeake Bay units of the National Estuarine Re-*
2 *search Reserve System, including—*

3 *“(A) programs and activities in—*

4 *“(i) coastal and estuarine research,*
5 *monitoring, and assessment;*

6 *“(ii) fisheries research and stock assess-*
7 *ments;*

8 *“(iii) data management;*

9 *“(iv) remote sensing;*

10 *“(v) coastal management;*

11 *“(vi) habitat conservation and restora-*
12 *tion; and*

13 *“(vii) atmospheric deposition; and*

14 *“(B) programs and activities of the Cooper-*
15 *ative Oxford Laboratory of the National Ocean*
16 *Service with respect to—*

17 *“(i) nonindigenous species;*

18 *“(ii) estuarine and marine species pa-*
19 *thology;*

20 *“(iii) human pathogens in estuarine*
21 *and marine environments; and*

22 *“(iv) ecosystem health;*

23 *“(4) coordinate the activities of the National*
24 *Oceanic and Atmospheric Administration with the*

1 *activities of the Environmental Protection Agency*
2 *and other Federal, State, and local agencies;*

3 *“(5) establish an effective mechanism which shall*
4 *ensure that projects have undergone appropriate peer*
5 *review and provide other appropriate means to deter-*
6 *mine that projects have acceptable scientific and tech-*
7 *nical merit for the purpose of achieving maximum*
8 *utilization of available funds and resources to benefit*
9 *the Chesapeake Bay area;*

10 *“(6) remain cognizant of ongoing research, mon-*
11 *itoring, and management projects and assist in the*
12 *dissemination of the results and findings of those*
13 *projects; and*

14 *“(7) submit a biennial report to the Congress*
15 *and the Secretary of Commerce with respect to the ac-*
16 *tivities of the Office and on the progress made in pro-*
17 *tecting and restoring the living resources and habitat*
18 *of the Chesapeake Bay, which report shall include an*
19 *action plan consisting of—*

20 *“(A) a list of recommended research, moni-*
21 *toring, and data collection activities necessary to*
22 *continue implementation of the strategy de-*
23 *scribed in paragraph (2); and*

24 *“(B) proposals for—*

1 “(i) continuing any new National Oce-
2 anic and Atmospheric Administration ac-
3 tivities in the Chesapeake Bay; and

4 “(ii) the integration of those activities
5 with the activities of the partners in the
6 Chesapeake Bay Program to meet the com-
7 mitments of the Chesapeake 2000 agreement
8 and subsequent agreements.

9 “(c) CHESAPEAKE BAY FISHERY AND HABITAT RES-
10 TORATION SMALL WATERSHED GRANTS PROGRAM.—

11 “(1) IN GENERAL.—The Director of the Chesa-
12 peake Bay Office of the National Oceanic and Atmos-
13 pheric Administration (in this section referred to as
14 the ‘Director’), in cooperation with the Chesapeake
15 Executive Council, shall carry out a community-based
16 fishery and habitat restoration small grants and tech-
17 nical assistance program in the Chesapeake Bay wa-
18 tershed.

19 “(2) PROJECTS.—

20 “(A) SUPPORT.—The Director shall make
21 grants under this subsection to pay the Federal
22 share of the cost of projects that are carried out
23 by entities eligible under paragraph (3) for the
24 restoration of fisheries and habitats in the Chesa-
25 peake Bay.

1 “(B) *FEDERAL SHARE.*—*The Federal share*
2 *under subparagraph (A) shall not exceed 75 per-*
3 *cent.*

4 “(C) *TYPES OF PROJECTS.*—*Projects for*
5 *which grants may be made under this subsection*
6 *include—*

7 “(i) *the improvement of fish passage-*
8 *ways;*

9 “(ii) *the creation of natural or artifi-*
10 *cial reefs or substrata for habitats;*

11 “(iii) *the restoration of wetland or sea*
12 *grass;*

13 “(iv) *the production of oysters for res-*
14 *toration projects; and*

15 “(v) *the prevention, identification, and*
16 *control of nonindigenous species.*

17 “(3) *ELIGIBLE ENTITIES.*—*The following entities*
18 *are eligible to receive grants under this subsection:*

19 “(A) *The government of a political subdivi-*
20 *sion of a State in the Chesapeake Bay watershed,*
21 *and the government of the District of Columbia.*

22 “(B) *An organization in the Chesapeake*
23 *Bay watershed (such as an educational institu-*
24 *tion or a community organization)—*

1 “(i) that is described in section 501(c)
2 of the Internal Revenue Code of 1986 and is
3 exempt from taxation under section 501(a)
4 of that Code; and

5 “(ii) that will administer such grants
6 in coordination with a government referred
7 to in subparagraph (A).

8 “(4) *ADDITIONAL REQUIREMENTS.*—*The Director*
9 *may prescribe any additional requirements, including*
10 *procedures, that the Director considers necessary to*
11 *carry out the program under this subsection.*

12 “(d) *CHESAPEAKE EXECUTIVE COUNCIL.*—*For pur-*
13 *poses of this section, ‘Chesapeake Executive Council’ means*
14 *the representatives from the Commonwealth of Virginia, the*
15 *State of Maryland, the Commonwealth of Pennsylvania, the*
16 *Environmental Protection Agency, the District of Colum-*
17 *bia, and the Chesapeake Bay Commission, who are signato-*
18 *ries to the Chesapeake Bay Agreement, and any future sig-*
19 *natories to that Agreement.*

20 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
21 *authorized to be appropriated to the Department of Com-*
22 *merce for the Chesapeake Bay Office \$6,000,000 for each*
23 *of fiscal years 2002 through 2006.”.*

24 “(b) *CONFORMING AMENDMENT.*—*Section 2 of the Na-*
25 *tional Oceanic and Atmospheric Administration Marine*

1 *Fisheries Program Authorization Act (Public Law 98–210;*
2 *97 Stat. 1409) is amended by striking subsection (e).*

3 *(c) MULTIPLE SPECIES MANAGEMENT STRATEGY.—*

4 *(1) IN GENERAL.—Not later than 180 days after*
5 *the date of enactment of this Act, the Director of the*
6 *Chesapeake Bay Office of the National Oceanic and*
7 *Atmospheric Administration shall begin a 5-year*
8 *study, in cooperation with the scientific community*
9 *of the Chesapeake Bay, appropriate State and inter-*
10 *state resource management entities, and appropriate*
11 *Federal agencies—*

12 *(A) to determine and expand the under-*
13 *standing of the role and response of living re-*
14 *sources in the Chesapeake Bay ecosystem; and*

15 *(B) to develop a multiple species manage-*
16 *ment strategy for the Chesapeake Bay.*

17 *(2) REQUIRED ELEMENTS OF STUDY.—In order*
18 *to improve the understanding necessary for the devel-*
19 *opment of the strategy under paragraph (1)(B), the*
20 *study shall—*

21 *(A) determine the current status and trends*
22 *of fish and shellfish that live in the Chesapeake*
23 *Bay and its tributaries and are selected for*
24 *study;*

1 (B) evaluate and assess interactions among
2 the fish and shellfish referred to in subparagraph
3 (A) and other living resources, with particular
4 attention to the impact of changes within and
5 among trophic levels; and

6 (C) recommend management actions to op-
7 timize the return of a healthy and balanced eco-
8 system for the Chesapeake Bay.

9 **SEC. 702. CONVEYANCE OF NOAA LABORATORY IN**
10 **TIBURON, CALIFORNIA.**

11 (a) *IN GENERAL.*—Except as provided in subsection
12 (c), the Secretary of Commerce may convey to the Board
13 of Trustees of the California State University, by suitable
14 instrument, in accordance with this section, by as soon as
15 practicable, but not later than 180 days after the date of
16 the enactment of this Act, and without consideration, all
17 right, title, and interest of the United States in the balance
18 of the National Oceanic and Atmospheric Administration
19 property known as the Tiburon Laboratory, located in
20 Tiburon, California, as described in Exhibit A of the nota-
21 rized, revocable license between the Administration and
22 Romberg Tiburon Center for Environmental Studies at San
23 Francisco State University dated November 5, 2001 (license
24 number 01ABF779–N).

1 (b) *CONDITIONS.*—*As a condition of any conveyance*
2 *by the Secretary under this section the Secretary may re-*
3 *quire the following:*

4 (1) *The property conveyed shall be administered*
5 *by the Romberg Tiburon Center for Environmental*
6 *Studies at San Francisco State University and used*
7 *only for the following purposes:*

8 (A) *To enhance estuarine scientific research*
9 *and estuary restoration activities within San*
10 *Francisco Bay.*

11 (B) *To administer and coordinate manage-*
12 *ment activities at the San Francisco Bay Na-*
13 *tional Estuarine Research Reserve.*

14 (C) *To conduct education and interpreta-*
15 *tion and outreach activities to enhance public*
16 *awareness and appreciation of estuary resources,*
17 *and for other purposes.*

18 (2) *The Board shall—*

19 (A) *take title to the property as is;*

20 (B) *assume full responsibility for all facil-*
21 *ity maintenance and repair, security, fire pre-*
22 *vention, utilities, signs, and grounds mainte-*
23 *nance;*

24 (C) *allow the Secretary to have all nec-*
25 *essary ingress and egress over the property of the*

1 *Board to access Department of Commerce build-*
2 *ing and related facilities, equipment, improve-*
3 *ments, modifications, and alterations; and*

4 *(D) not erect or allow to be erected any*
5 *structure or structures or obstruction of whatever*
6 *kind that will interfere with the access to or op-*
7 *eration of property retained for the United*
8 *States under subsection (c)(1), unless prior writ-*
9 *ten consent has been provided by the Secretary*
10 *to the Board.*

11 *(c) RETAINED INTERESTS.—The Secretary shall retain*
12 *for the United States—*

13 *(1) all right, title, and interest in and to the*
14 *portion of the property referred to in subsection (a)*
15 *comprising Building 86, identified as Parcel C on*
16 *Exhibit A of the license referred to in subsection (a),*
17 *including all facilities, equipment, fixtures, improve-*
18 *ments, modifications, or alterations made by the Sec-*
19 *retary;*

20 *(2) rights-of-way and easements that are deter-*
21 *mined by the Secretary to be reasonable and conven-*
22 *ient to ensure all necessary ingress, egress, utilities,*
23 *drainage, and sewage disposal for the property re-*
24 *tained under paragraph (1), including access to the*

1 *existing boat launch ramp (or equivalent) and park-*
2 *ing that is suitable to the Secretary;*

3 *(3) the exclusive right to install, maintain, re-*
4 *pair, replace, and remove its facilities, fixtures, and*
5 *equipment on the retained property, and to authorize*
6 *other persons to take any such action;*

7 *(4) the right to grade, condition, and install*
8 *drainage facilities, and to seed soil on the retained*
9 *property, if necessary; and*

10 *(5) the right to remove all obstructions from the*
11 *retained property that may constitute a hindrance to*
12 *the establishment and maintenance of the retained*
13 *property.*

14 *(d) EQUIVALENT ALTERNATIVE.—*

15 *(1) IN GENERAL.—At any time, either the Sec-*
16 *retary or the Board may request of each other to enter*
17 *into negotiations pursuant to which the Board may*
18 *convey if appropriate to the United States, in ex-*
19 *change for property conveyed by the United States*
20 *under subsection (a), another building that is equiva-*
21 *lent in function to the property retained under sub-*
22 *section (c) that is acceptable to the Secretary.*

23 *(2) LOCATION.—Property conveyed by the Board*
24 *under this subsection is not required to be located on*
25 *the property referred to in subsection (a).*

1 (3) *COSTS.*—*If the Secretary and the Board en-*
2 *gage in a property exchange under this subsection, all*
3 *costs for repair, removal, and moving of facilities,*
4 *equipment, fixtures, improvements, modifications, or*
5 *alterations, including power, control, and utilities,*
6 *that are necessary for the exchange—*

7 (A) *shall be the responsibility of the Sec-*
8 *retary, if the action to seek an equivalent alter-*
9 *native was requested by the Secretary in re-*
10 *sponse to factors unrelated to the activities of the*
11 *Board or its operatives in the operation of its fa-*
12 *cilities; or*

13 (B) *shall be the responsibility of the Board,*
14 *if the Secretary's request for an equivalent alter-*
15 *native was in response to changes or modifica-*
16 *tions made by the Board or its operatives that*
17 *adversely affected the Secretary's interest in the*
18 *property retained under subsection (c).*

19 (e) *ADDITIONAL CONDITIONS.*—*As conditions of any*
20 *conveyance under subsection (a)—*

21 (1) *the Secretary shall require that—*

22 (A) *the Board remediate, or have remedi-*
23 *ated, at its sole cost, all hazardous or toxic sub-*
24 *stance contamination found on the property con-*
25 *veyed under subsection (a), whether known or*

1 *unknown at the time of the conveyance or later*
2 *discovered; and*

3 *(B) the Board of Trustees hold harmless the*
4 *Secretary for any and all costs, liabilities, or*
5 *claims by third parties that arise out of any haz-*
6 *ardous or toxic substance contamination found*
7 *on the property conveyed under subsection (a)*
8 *that are not directly attributable to the installa-*
9 *tion, operation, or maintenance of the Sec-*
10 *retary's facilities, equipment, fixtures, improve-*
11 *ments, modifications, or alterations;*

12 *(2) the Secretary shall remediate, at the sole cost*
13 *of the United States, all hazardous or toxic substance*
14 *contamination on the property retained under sub-*
15 *section (c) that is found to have occurred as a direct*
16 *result of the installation, operation, or maintenance*
17 *of the Secretary's facilities, equipment, fixtures, im-*
18 *provements, modifications, or alterations; and*

19 *(3) if the Secretary decides to terminate future*
20 *occupancy and interest of the property retained under*
21 *subsection (c), the Secretary may—*

22 *(A) provide written notice to the Board at*
23 *least 60 days prior to the scheduled date when*
24 *the property will be vacated;*

1 (B) remove facilities, equipment, fixtures,
2 improvements, modifications, or alterations and
3 restore the property to as good a condition as ex-
4 isted at the time the property was retained
5 under subsection (c), taking into account ordi-
6 nary wear and tear and exposure to natural ele-
7 ments or phenomena; or

8 (C) surrender all facilities, equipment, fix-
9 tures, improvements, modifications, or alter-
10 ations to the Board in lieu of restoration, where-
11 upon title shall vest in the Board of Trustees,
12 and whereby all obligations of restoration under
13 this subsection shall be waived, and all interests
14 retained under subsection (c) shall be revoked.

15 (f) REVERSIONARY INTEREST.—

16 (1) IN GENERAL.—All right, title, and interest in
17 and to all property and interests conveyed by the
18 United States under this section shall revert to the
19 United States on the date on which the Board uses
20 any of the property for any purpose other than the
21 purposes described in subsection (b)(1).

22 (2) ADMINISTRATION OF REVERTED PROP-
23 ERTY.—Any property that reverts to the United
24 States under this subsection shall be under the admin-

1 *istrative jurisdiction of the Administrator of General*
2 *Services.*

3 (3) *ANNUAL CERTIFICATION.*—*One year after the*
4 *date of a conveyance made pursuant to subsection (a),*
5 *and annually thereafter, the Board shall certify to the*
6 *Administrator of General Services or his or her des-*
7 *ignee that the Board and its designees are in compli-*
8 *ance with the conditions of conveyance under sub-*
9 *sections (b) and (e).*

10 (g) *DEFINITIONS.*—*In this section:*

11 (1) *BOARD.*—*The term “Board” means the*
12 *Board of Trustees of the California State University.*

13 (2) *CENTER.*—*The term “Center” means the*
14 *Romberg Tiburon Center for Environmental Studies*
15 *at San Francisco State University.*

16 (3) *SECRETARY.*—*The term “Secretary” means*
17 *the Secretary of Commerce.*

18 **SEC. 703. ARCTIC RESEARCH CENTER.**

19 (a) *ESTABLISHMENT.*—*The Secretary of Commerce, in*
20 *consultation with the Secretaries of Energy and the Inte-*
21 *rior, the Director of the National Science Foundation, and*
22 *the Administrator of the Environmental Protection Agency,*
23 *shall establish a joint research facility, to be known as the*
24 *Barrow Arctic Research Center, to support climate change*
25 *and other scientific research activities in the Arctic.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated to the Secretaries of Com-*
3 *merce, Energy, and the Interior, the Director of the Na-*
4 *tional Science Foundation, and the Administrator of the*
5 *Environmental Protection Agency, \$35,000,000 for the*
6 *planning, design, construction, and support of the Barrow*
7 *Arctic Research Center.*

8 **SEC. 704. EMERGENCY ASSISTANCE FOR SUBSISTENCE**
9 **WHALE HUNTERS.**

10 *Notwithstanding any provision of law, the use of a ves-*
11 *sel to tow a whale taken in a traditional subsistence whale*
12 *hunt permitted by Federal law and conducted in waters off*
13 *the coast of Alaska is authorized, if such towing is per-*
14 *formed upon a request for emergency assistance made by*
15 *a subsistence whale hunting organization formally recog-*
16 *nized by an agency of the United States Government, or*
17 *made by a member of such an organization, to prevent the*
18 *loss of a whale.*

19 **SEC. 705. INTERNATIONAL PACIFIC RESEARCH AND CO-**
20 **OPERATION.**

21 *The Secretary of Commerce, in cooperation with the*
22 *Administrator of the National Aeronautics and Space Ad-*
23 *ministration, shall conduct international research in the*
24 *Pacific region that will increase understanding of the na-*
25 *ture and predictability of climate variability in the Asia-*

1 *Pacific sector, including regional aspects of global environ-*
 2 *mental change. Such research activities shall be conducted*
 3 *in cooperation with other nations of the region. There are*
 4 *authorized to be appropriated for purposes of this section*
 5 *\$3,500,000 to the National Oceanic and Atmospheric Ad-*
 6 *ministration.*

7 **SEC. 706. TREATY ON PACIFIC COAST ALBACORE TUNA.**

8 (a) *FOREIGN FISHING UNDER TREATY; IMPLEMENTA-*
 9 *TION.*—Section 201 of the Magnuson-Stevens Fishery con-
 10 *servation and Management Act (16 U.S.C. 1821) is amend-*
 11 *ed by adding at the end the following:*

12 “(j) *TREATY ON PACIFIC COAST ALBACORE TUNA VES-*
 13 *SELS.*—

14 “(1) *Notwithstanding subsection (a) and section*
 15 *307(2)(B), foreign fishing may be conducted pursuant*
 16 *to the Treaty between the Government of the United*
 17 *States of America and the Government of Canada on*
 18 *Pacific Coast Albacore Tuna Vessels and Port Privi-*
 19 *leges, signed May 26, 1981, and any amendments*
 20 *thereto.*

21 “(2) *The Secretary of Commerce may promulgate*
 22 *regulations necessary to discharge Federal obligations*
 23 *under the Treaty between the Government of the*
 24 *United States of America and the Government of*
 25 *Canada on Pacific Coast Albacore Tuna Vessels and*

1 *Port Privileges, signed May 26, 1981, including its*
2 *Annexes and any amendments thereto. The proposed*
3 *rulemaking and public participation requirements of*
4 *section 553 of title 5, United States Code, shall not*
5 *apply to collection of information or recordkeeping re-*
6 *quirements established by regulations promulgated*
7 *under this subsection.”.*

8 (b) *TECHNICAL AMENDMENT.—Section 307(2)(B) of*
9 *such Act (16 U.S.C. 1857(2)(B)) is amended by striking*
10 *“201(i),” and inserting “201(i) and foreign fishing per-*
11 *mitted under section 201(j),”.*

12 **SEC. 707. AUTHORITY TO ACCEPT VOLUNTEER SERVICES.**

13 *Section 303 (33 U.S.C. 892a) is amended by adding*
14 *at the end the following:*

15 *“(d) AUTHORITY TO ACCEPT VOLUNTEER SERVICES.—*
16 *To help fulfill the duties of the Administrator, including*
17 *authorities under the Act of 1947 (33 U.S.C. 883a et seq.),*
18 *this Act, or in response to a maritime emergency, the Ad-*
19 *ministrator may—*

20 *“(1) establish a volunteer program;*

21 *“(2) enter into special agreements with qualified*
22 *organizations to assist in the implementation of a*
23 *volunteer program; and*

24 *“(3) provide funding under the special agree-*
25 *ment to the qualified organization for the purposes of*

1 *assisting in the administration of the volunteer pro-*
2 *grams and for procuring and maintaining insurance*
3 *or other coverage for the organization and its mem-*
4 *bers when conducting volunteer activities.*

5 *“(e) LEGAL STATUS OF VOLUNTEERS.—Paragraphs*
6 *(1) through (5) of section 7(c) of the Fish and Wildlife Act*
7 *of 1956 (16 U.S.C. 742f(c)) shall apply to volunteers pro-*
8 *viding services to the Administrator under subsection (c)*
9 *of this section, except that any reference in that section to*
10 *the Secretary of the Interior or the Secretary of Commerce*
11 *shall be deemed to refer to the Administrator.*

12 *“(f) QUALIFIED ORGANIZATION.—In this section, the*
13 *term ‘qualified organization’ means a non-governmental,*
14 *not-for-profit organization, determined by the Adminis-*
15 *trator to have demonstrated expertise in boating safety and*
16 *a commitment to improving the quality of hydrographic*
17 *services and related oceanographic and meteorological in-*
18 *formation that is made available to mariners.”.*

Attest:

Secretary.

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2D SESSION

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AMENDMENT