



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

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FINANCIAL ADMINISTRATION MEMORANDUM NO. 92-018 (II.J.)

To: Bureau Assistant Directors, Administration  
Director, Administrative Services  
Bureau Finance Officers  
Chief, Division of Fiscal Services

From: Chief, Division of Financial Administration  
Office of Financial Management

Subject: Amendment to the Prompt Payment Act

The Office of Management and Budget has recently informed executive departments and agencies that the Defense Authorization Act (P.L. 102-190) amended the Prompt Payment Act (31 U.S.C. 3903(a) (2)), to add fresh or frozen fish to the list of products for which agencies must pay within seven days after delivery. This change was effective on December 5, 1991.

Please disseminate this information to appropriate staff so that payments for the purchase of fresh or frozen fish are made in accordance with the guidelines in section 4.f.(1) of OMB Circular A-125 Revised, Prompt Payment, published December 12, 1989.

Attached for your information are copies of Section 842 of the Defense Authorization Act (Prompt Payment for Purchase of Fish) and a legal definition of fish. Should you have any questions or require additional information, please contact Linh Luu on (202) 208-6295 or FTS 268-6295.

Stephen J. Varholy

## Attachments

Prior Financial Administration Memorandum  
on this subject:

No. 89-111 (II.J.) dated, January 3, 1990 - Active

of the 180-day period beginning on the date of the enactment of this Act.

(c) **REPORT ON EXEMPTIONS.**—The Secretary of Defense shall review all exemptions granted for the Department of Defense, and the Administrator of the General Services Administration shall review all exemptions granted for Federal agencies and departments, to the requirements of section 2398 of title 10, United States Code, and section 271 of the Energy Security Act (Public Law 96-294; 42 U.S.C. 8871) and shall terminate any exemption that the Secretary or the Administrator determines is no longer appropriate. Not later than 90 days after the date of the enactment of this Act, the Secretary and the Administrator shall submit jointly to Congress a report on the results of the review, with a justification for the exemptions that remain in effect under those provisions of law.

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that whenever any motor vehicle capable of operating on gasoline or alcohol-gasoline blends that is owned or operated by the Department of Defense or any other department or agency of the Federal Government is refueled, it shall be refueled with an alcohol-gasoline blend containing at least 10 percent domestically produced alcohol if available along the normal travel route of the vehicle at the same or lower price than unleaded gasoline.

**SEC. 842. PROMPT PAYMENT FOR PURCHASE OF FISH.**

Section 3903(a)(2) of title 31, United States Code, is amended—

(1) by striking out "provide" and inserting in lieu thereof "or of fresh or frozen fish (as defined in section 204(3) of the Fish and Seafood Promotion Act of 1986 (16 U.S.C. 4003(3)), provide";

and

(2) by striking out "meat or meat food product" and inserting in lieu thereof "meat, meat food product, or fish".

**SEC. 843. WHISTLEBLOWER PROTECTIONS FOR MEMBERS OF THE ARMED FORCES.**

(a) **REGULATIONS REQUIRED.**—The Secretary of Defense shall prescribe regulations prohibiting members of the Armed Forces from taking or threatening to take any unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, as a reprisal against any member of the Armed Forces for making or preparing a lawful communication to any employee of the Department of Defense or any member of the Armed Forces who is assigned to or belongs to an organization which has as its primary responsibility audit, inspection, investigation, or enforcement of any law or regulation.

(b) **VIOLATIONS BY PERSONS SUBJECT TO THE UCMJ.**—The Secretary shall provide in the regulations that a violation of the prohibition by a person subject to chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is punishable as a violation of section 892 of such title (article 92 of the Uniform Code of Military Justice).

(c) **DEADLINE.**—The regulations required by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

- (4) increased consumption of seafood in the United States could significantly lower the risk of many cardiovascular diseases;
- (5) Federally supported development programs for commercial fisheries are unable to meet present and future marketing needs;
- (6) many fish species are underutilized by the United States fishing industry because of underdeveloped markets; and
- (7) the United States fishing industry has the potential to expand greatly its contribution to interstate and foreign commerce, favorably affecting the balance of trade.

(Pub.L. 99-659, Title II, § 202, Nov. 14, 1986, 100 Stat. 3715.)

**Historical and Statutory Notes**

**Short Title.** Section 201 of Pub.L. 99-659 provided that: "This title [enacting sections 4001 to 4017 of this title, amending section 713c-3 of Title 15, Commerce and Trade, and enacting provisions set out as notes under this section] may be cited as the 'Fish and Seafood Promotion Act of 1986'."

**Report to Congress on Fish and Seafood Promotion.** Section 219 of Pub.L. 99-659 provided

that: "The Secretary shall, not later than March 1, 1989, submit to the Congress a report on the effectiveness of the implementation of this title [this chapter] in achieving the purposes of this title [this chapter]."

**Legislative History.** For legislative history and purpose of Pub.L. 99-659, see 1986 U.S. Code Cong. and Adm. News, p. 6240.

**§ 4002. Congressional statement of purpose**

The purpose of this chapter is to—

- (1) strengthen the competitive position of the United States commercial fishing industry in the domestic and international marketplace;
- (2) encourage the development and utilization of all species of fish available for harvest by the United States fishing industry;
- (3) encourage the utilization of domestically-produced fish through enhancement of markets, promotion, and public relations;
- (4) help the United States fishing industry develop methods to improve quality and efficiency in the marketplace;
- (5) educate and inform consumers on the use of fish;
- (6) develop better coordination of fisheries marketing and promotion activities with commercial fisheries research and development programs; and
- (7) educate and inform the public about the nutritional value of fish in the diet.

(Pub.L. 99-659, Title II, § 203, Nov. 14, 1986, 100 Stat. 3716.)

**Historical and Statutory Notes**

**Legislative History.** For legislative history and purpose of Pub.L. 99-659, see 1986 U.S. Code Cong. and Adm. News, p. 6240.

**Library References**

Fish ¶12.  
C.J.S. Fish § 28 et seq.

**§ 4003. Definitions**

As used in this chapter, the term—

- (1) "consumer education" means actions undertaken to inform consumers on matters related to the consumption of fish and fish products;
- (2) "council" means a seafood promotional council established under section 4009 of this title;
- (3) "fish" means finfish, mollusks, crustaceans, and all other forms of aquatic animal life used for human consumption; the term does not include marine mammals and seabirds;
- (4) "Fund" means the Fisheries Promotional Fund established in section 4008 of this title;
- (5) "harvester" means any individual who is in the business of catching or growing fish for purposes of sale;
- (6) "importer" means any person in the business of importing fish or fish products into the United States from another country for commercial purposes or who acts as an agent, broker, or consignee for any person or nation that