

Public Law 108–219  
108th Congress

An Act

To provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes.

Apr. 13, 2004  
[H.R. 2584]

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

**TITLE I—UTROK ATOLL RADIOLOGICAL  
MONITORING SUPPORT**

**SEC. 101. UTROK ATOLL RADIOLOGICAL MONITORING SUPPORT.**

(a) In support of radiological monitoring, rehabilitation, and resettlement of Utrok Atoll, whose residents were affected by United States nuclear testing, the Secretary of Commerce may convey to the Utrok Atoll local government without consideration, all right, title, and interest of the United States in and to a decommissioned National Oceanic and Atmospheric Administration ship in operable condition.

(b) The Government of the United States shall not be responsible or liable for any maintenance or operation of a vessel conveyed under this section after the date of the delivery of the vessel to Utrok.

(c) Within 120 days after the date of enactment of this Act, the Utrok Atoll local government, in consultation with the Government of the Republic of the Marshall Islands, shall submit a plan for the use of the vessel to be conveyed under subsection (a) to the House of Representatives Committee on Resources, the House of Representatives Committee on Science, the Senate Committee on Energy and Natural Resources, and the Senate Committee on Commerce, Science, and Transportation.

Deadline.

**TITLE II—RATIFICATION OF CERTAIN  
NOAA APPOINTMENTS, PROMOTIONS,  
AND ACTIONS**

**SEC. 201. RATIFICATION OF CERTAIN NOAA APPOINTMENTS, PROMOTIONS, AND ACTIONS.**

Deadline.

All action in the line of duty by, and all Federal agency actions in relation to (including with respect to pay, benefits, and retirement) a de facto officer of the commissioned corps of the National Oceanic and Atmospheric Administration who was appointed or

promoted to that office without Presidential action, and without the advice and consent of the Senate, during such time as the officer was not properly appointed in or promoted to that office, are hereby ratified and approved if otherwise in accord with the law, and the President alone may, without regard to any other law relating to appointments or promotions in such corps, appoint or promote such a de facto officer temporarily, without change in the grade currently occupied in a de facto capacity, as an officer in such corps for a period ending not later than 180 days from the date of enactment of this Act.

International  
Fisheries  
Reauthorization  
Act of 2004.

16 USC 5701  
note.

### **TITLE III—INTERNATIONAL FISHERIES REAUTHORIZATION**

#### **SEC. 301. SHORT TITLE.**

This title may be cited as the “International Fisheries Reauthorization Act of 2004”.

#### **SEC. 302. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN’S PROTECTIVE ACT OF 1967.**

Section 7(e) of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking “2003” and inserting “2008”.

#### **SEC. 303. REAUTHORIZATION OF YUKON RIVER SALMON ACT OF 2000.**

Section 208 of the Yukon River Salmon Act of 2000 (16 U.S.C. 5727) is amended by striking “2000” and all that follows through “2003” and inserting “2004 through 2008”.

#### **SEC. 304. REBUILDING FISH STOCKS.**

Section 105 of division H of the Consolidated Appropriations Act, 2004, is repealed.

*Ante*, p. 437.

### **TITLE IV—PACIFIC ALBACORE TUNA TREATY**

16 USC 1821  
note.

#### **SEC. 401. IMPLEMENTATION.**

(a) **IN GENERAL.**—Notwithstanding anything to the contrary in section 201, 204, or 307(2) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1821, 1824, and 1857(2)), foreign fishing may be conducted pursuant to the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, signed at Washington May 26, 1981, including its Annexes and any amendments thereto.

(b) **REGULATIONS.**—The Secretary of Commerce, with the concurrence of the Secretary of State, may—

(1) promulgate regulations necessary to discharge the obligations of the United States under the Treaty and its Annexes; and

(2) provide for the application of any such regulation to any person or vessel subject to the jurisdiction of the United States, wherever that person or vessel may be located.

(c) **ENFORCEMENT.**—

(1) **IN GENERAL.**—The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) shall

be enforced as if subsection (a) were a provision of that Act. Any reference in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to “this Act” or to any provision of that Act, shall be considered to be a reference to that Act as it would be in effect if subsection (a) were a provision of that Act.

(2) REGULATIONS.—The regulations promulgated under subsection (b), shall be enforced as if—

(A) subsection (a) were a provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); and

(B) the regulations were promulgated under that Act.

**SEC. 402. SOUTH PACIFIC TUNA TREATY ACT AMENDMENT.**

Section 6 of the South Pacific Tuna Act of 1988 (16 U.S.C. 973d(a)) is amended by striking “outside of the 200 nautical mile fisheries zones of the Pacific Island Parties.” and inserting “or to fishing by vessels using the longline method in the high seas areas of the Treaty area.”.

Approved April 13, 2004.

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**LEGISLATIVE HISTORY—H.R. 2584 (S. 886):**

HOUSE REPORTS: No. 108–378 (Comm. on Resources).

SENATE REPORTS: No. 108–58 accompanying S. 886 (Comm. on Commerce, Science, and Transportation).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Nov. 21, considered and passed House.

Vol. 150 (2004): Mar. 24, considered and passed Senate, amended.

Mar. 29, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Apr. 13, Presidential statement.