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House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The following Senate amendments made technical, clarifying, or conforming changes: 1, 2, 4, 5, and 6. With respect to these amendments (1) the House concurs in its disagreement; or (2) the Senate recedes in order to conform to other actions agreed upon by the committee of conference.

Amendment No. 3: The House bill amended section 5 of the Fishermen’s Protective Act of 1967, in part, to require that upon the failure or refusal of a foreign country which seized a United States fishing vessel to pay (within 120 days after notification) a claim of the United States for any reimbursement made by the Treasury to the vessel owner (for fines, fees, charges, damages, and losses incurred by the owner incident to the seizure), the Secretary of State shall transfer the amount of the claim from any funds programmed to that country under the Foreign Assistance Act of 1961 for the current fiscal year to the Fishermen’s Protective Fund or to the separate account established in section 1(e) of the Act (depending upon the nature of the reimbursement). The House bill further provided that if the programmed funds for any foreign country are inadequate for such purposes in any year, the transfer will be made from funds so programmed for any succeeding year. Senate amendment number 3 would prohibit any such transfer if the President certifies to Congress that it is in the national interest not to do so. The House recedes with a clerical amendment. It is understood that if the President decides to apply the provision of Senate amendment number 3 to unreimbursed claims arising from the seizure of more than one United States vessel by a particular country on the same day or within a period of several days, he may include all such claims within one certification to Congress.

Amendments Nos. 7, 8, and 9: Senate amendment number 7 would add a new section 4A to the Fishermen’s Protective Act of 1967 to authorize the Secretary of Commerce to provide reinsurance (through contracts, agreements, and other arrangements) to insurance carriers to cover any excess losses incurred by such carriers on claims for losses resulting from storm damage to commercial fishing property (including vessels and gear). Premium rates for such reinsurance would be established by the Secretary and a separate revolving fund would be established to finance the reinsurance program. Senate amendment number 8 would establish a program under which the Secretary of Commerce is authorized to make grants to commercial fishing operators to enable them to meet those usual business expenses of their fishing operations which they would ordinarily be able to meet but are unable to do so because of the imposition of any prohibitive Federal or State restriction designed to prevent the deterioration of the quality of the aquatic environment. The amendment would also provide that any such grant made to a person would operate as an assignment of the rights of that person to the Secretary of Commerce to recover damages against any party whose commission, or failure to commit, acts resulted in the imposition of the Federal or State restriction.

Section 7 of the Fishermen’s Protective Act of 1967 presently authorizes the Secretary of Commerce to enter into agreements with

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fishing vessel owners to reimburse any such owner for damages to his vessel or vessel gear and for other losses which are incurred incident to seizure by a foreign government. Senate amendment number 9 would extend such reimbursement provisions to cover such damages and losses when caused, under certain conditions, by a vessel operated by a foreign government.

The House bill contained no provisions comparable to Senate amendments numbers 7, 8, and 9.

The managers on the part of the House, while recognizing that these Senate amendments (which were adopted as floor amendments) are addressed to very real problems now affecting the commercial fishing industry, reluctantly would not agree to them. The amendments are complex in nature and were not subject to hearings in the House. Therefore, with the assurance that hearings in the House on the legislative proposals contained in Senate amendments numbered 7, 8, and 9 will be held early in the 93d Congress, the Senate recedes.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
THOMAS M. PELLY,
Managers on the Part of the House.
WARREN G. MAGNUSSON,
ERNST F. HOLLINGS,
TED STEVENS,
Managers on the Part of the Senate.

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Senate Report (Labor and Public Welfare Committee) No. 92-835, June 5, 1972 [To accompany S. 3419]

House Report ( Interstate and Foreign Commerce Committee) No. 92-1153, June 20, 1972 [To accompany H.R. 15009]

House Conference Report No. 1693, Oct. 12, 1972 [To accompany S. 3419]

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DATES OF CONSIDERATION AND PASSAGE
Senate June 21, October 14, 1972
House September 20, October 13, 1972
The Senate bill was passed in lieu of the House bill.

The Senate Report and the House Conference Report are set out.

SENATE REPORT NO. 92-835

The Committee on Labor and Public Welfare, to which was referred the bill (S. 3419), having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.