

TRACT B

Township 96 north, range 3 west, fifth principal meridian, Allamakee County, Iowa: Southwest quarter southeast quarter of section 33, containing 40 acres more or less.

TRACT C

Township 96 north, range 3 west, fifth principal meridian, Allamakee County, Iowa: South half northeast quarter and south half northeast quarter northeast quarter of section 33, excepting the right-of-way of Iowa State Highway Numbered 13; containing 93.7 acres more or less.

SEC. 2. The lands under the administrative control and jurisdiction of the United States Fish and Wildlife Service within tract A are included in the monument subject to such terms and conditions as the Secretary of the Interior may deem necessary and desirable in order to facilitate and control public access to the adjacent lands of the Upper Mississippi River Wild Life and Fish Refuge, and subject to the authority of the Secretary of the Interior to return them to the jurisdiction of the United States Fish and Wildlife Service when they are no longer required for purposes of the monument. The lands under the administrative control and jurisdiction of the Corps of Engineers, United States Army, within tract A are included in the monument subject to the right of the Corps of Engineers to retain adequate flowage and navigation rights thereon to facilitate the operation and maintenance of lock and dam numbered 10, Upper Mississippi River, or the construction, operation, and maintenance of any dam affecting this location.

SEC. 3. The Secretary of the Interior is hereby authorized to acquire the lands designated tract C by purchase or through donations.

SEC. 4. All laws, rules, and regulations applicable to such national monument shall be applicable with respect to the lands described in the first section of this Act upon the addition of such land to such national monument.

SEC. 5. There is hereby authorized the sum of not to exceed \$2,000 for the purpose of acquiring lands, interests in lands, and improvements thereon as may be necessary for carrying out this Act.

Approved May 27, 1961.

Applicability.

Appropriation.

Public Law 87-45

AN ACT

To amend title VI of the Merchant Marine Act, 1936, to authorize the payment of operating-differential subsidy for cruises.

May 27, 1961
[H. R. 6100]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1171-1182), is amended by inserting at the end thereof a new section 613, to read as follows:

Vessels.
Off-season
cruises.
49 Stat. 2001;
52 Stat. 961.

"SEC. 613. (a) In this section, 'passenger vessel' means a vessel which (1) is of not less than ten thousand gross tons, and (2) has accommodations for not less than one hundred passengers.

"(b) If the Board finds that the operation of passenger vessels with respect to which an application for operating-differential subsidy has been filed under section 601 of this title is required for at least two-thirds of each year, but not for all of each year, in order to fur-

46 USC 1171.

nish adequate service on the service, route, or line with respect to which the application was filed, the Board may approve the application for payment of operating-differential subsidy for operation of the vessels (1) on such service, route, or line for such part of each year, and (2) on cruises for all or part of the remainder of each year if such specific cruise is approved by the Board under subsection (e) of this section.

Conditions for operation on cruises.

“(c) Cruises authorized by this section must begin and end at a domestic port or ports on the same seacoast of the United States from which the operator operates or conducts the regular service to which the vessels are assigned. When a vessel is being operated on cruises—

“(1) it shall carry no mail unless required by law, or cargo except passengers' luggage, except between those ports between which it may carry mail and cargo on its regular service assigned by contract;

“(2) it shall carry passengers on a round-trip basis, except between those ports between which it may carry one-way passengers on its regular service assigned by contract;

“(3) it shall embark passengers only at domestic ports on the same seacoast of the United States as that to which the vessel is assigned on its regular service; and

“(4) it shall stop at other domestic ports only for the same time and the same purposes as is permitted with respect to a foreign-flag vessel which is carrying passengers who embarked at a domestic port.

46 USC 1175.

Section 605(c) of this Act shall not apply to cruises authorized under this section.

Subsidy contracts. Review.

“(d) The Board may from time to time review operating differential subsidy contracts entered into under this title for the operation of passenger vessels, and upon a finding that operation of such vessels upon a service, route, or line is required in order to furnish adequate service on such service, route, or line, but is not required for the entire year, may amend such contracts to agree to pay operating differential subsidy for operation of such vessels on cruises, as authorized by this section, for part or all of the remainder, but not exceeding one-third, of each year, if each specific cruise is approved by the Board under subsection (e) of this section.

Cruise application.

“(e) Upon the application of any operator for approval of a specific cruise, the Board, after notice to all other American flag operators who may be affected and after affording all such operators an opportunity to submit written data, views or arguments, with or without opportunity to present the same orally in any manner, and after consideration of all relevant matter presented, shall, if it determines that the proposed cruise will not substantially adversely affect an existing operator's service performed with passenger vessels of United States registry, approve the proposed cruise. Such approval shall not be given more than two years in advance of the beginning of the cruise.

Seacoasts of U. S.

“(f) As used in this section the following three are the seacoasts of the United States: (1) the Atlantic coast, including the Great Lakes but excluding the Gulf of Mexico; (2) the Gulf of Mexico; and (3) the Pacific coast, including Alaska and Hawaii.”

49 Stat. 2001.

SEC. 2. Section 601(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1171), is amended as follows:

(a) The first sentence thereof is amended by inserting immediately before the period at the end thereof the words “or in such service and in cruises authorized under section 613 of this title”.

(b) By inserting in the second sentence thereof after the words "to promote the foreign commerce of the United States" the words "except to the extent such vessels are to be operated on cruises authorized under section 613 of this title".

Ante, p. 89.

(c) By inserting at the end thereof a new sentence to read as follows: "To the extent the application covers cruises, as authorized under section 613 of this title, the Board may make the portion of this last determination relating to parity on the basis that any foreign flag cruise from the United States competes with any American flag cruise from the United States".

SEC. 3. Section 602 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1172), is amended by striking out the word "No" and inserting in lieu thereof the following: "Except with respect to cruises authorized under section 613 of this title, no".

49 Stat. 2002.

SEC. 4. Section 603 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1173), is amended as follows:

49 Stat. 2002.

(a) Subsection (a) is amended by inserting after the words "in such service, route, or line" the words "and in cruises authorized under section 613 of this title".

(b) Subsection (b) is amended by inserting after the words "operating-differential subsidy" the words "for the operation of vessels on a service, route, or line", and by inserting at the end thereof the following new sentence: "For any period during which a vessel cruises as authorized by section 613 of this Act, operating-differential subsidy shall be computed as though the vessel were operating on the essential service to which the vessel is assigned: *Provided, however*, That if the cruise vessel calls at a port or ports outside of its assigned service, but which is served with passenger vessels (as defined in section 613 of this Act) by another subsidized operator at an operating-differential subsidy rate for wages lower than the cruise vessel has on its assigned essential service, the operating-differential subsidy rates for each of the subsidizable items for each day (a fraction of a day to count as a day) that the vessel stops at such port shall be at the respective rates applicable to the subsidized operator regularly serving the area."

SEC. 5. Section 606 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1176), is amended by inserting in subdivision (6) after the words "services, routes, and lines" a comma and the words "and any cruises authorized under section 613 of this title" and a comma.

49 Stat. 2004.

SEC. 6. Section 607(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177), is amended by inserting in the second sentence of the second paragraph thereof after the words "on an essential foreign-trade line, route or service approved by the Commission" the words "and on cruises, if any, authorized under section 613 of this title".

49 Stat. 2005.

Ante, p. 89.

SEC. 7. The cruises authorized by section 613 shall be in addition to and not in derogation of the right of an operator to make voyages on his regular service, route or line, including approved deviations within the general area of his essential service. There shall be no adjustment of subsidy in the event of such deviations if they are without prejudice to the adequacy of service.

Deviations.

Approved May 27, 1961.