Public Law 95-6
95th Congress

Joint Resolution

Feb. 21, 1977
[H.J. Res. 240]

To give congressional approval to certain governing international fishery agreements negotiated in accordance with the Fishery Conservation and Management Act of 1976, and for other purposes.

Whereas the Government of the United States of America and the Governments of the People's Republic of Bulgaria, the Socialist Republic of Romania, the Republic of China, the German Democratic Republic, the Union of Soviet Socialist Republics, and the Polish People's Republic have signed governing international fishery agreements for the conservation, optimum utilization, and rational management of fisheries subject to the exclusive fishery management jurisdiction of the United States under the Fishery Conservation and Management Act of 1976 (Public Law 94-265) (hereinafter referred to as the "Act"); and

16 USC 1801 note.

Whereas the Act provides that after February 28, 1977, no foreign fishing is authorized within the fishery conservation zone, or for anadromous species or Continental Shelf fishery resources beyond the fishery conservation zone, unless (among other exceptions and requirements) such foreign fishing is authorized and conducted pursuant to a governing international fishery agreement; and

Whereas the Act also provides that no governing international fishery agreement shall become effective with respect to the United States before the close of the first 60 calendar days of continuous session of the Congress after the date on which the President transmits to the House of Representatives and to the Senate a document setting forth the text of such governing international agreement; and

Whereas the Act further provides that Congress may prohibit the entering into force and effect of any governing international fishery agreement by enactment of a joint resolution originating in either House of Congress during such 60-day period; and

Whereas, the sixty-day period will not elapse with respect to any governing international fishery agreement, referred to in the first clause of this preamble, before March 1, 1977, the date on which the fishery conservation zone of the United States takes effect; and

Whereas early congressional action on these governing international fishery agreements is necessary in order that fishing vessels of the foreign nations concerned may be permitted to fish in the fishery conservation zone after February 28, 1977, in compliance with such Act; and

Whereas these governing international fishery agreements substantially comply with the requirements relating to such agreements contained in section 201(c) of the Act: Now, therefore, be it

16 USC 1821.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Fishery Conservation Zone Transition Act".

Fishery Conservation Zone Transition Act.
16 USC 1801 note.

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SEC. 2. CONGRESSIONAL APPROVAL OF CERTAIN GOVERNING INTERNATIONAL FISHERY AGREEMENTS. 16 USC 1823 note.

Notwithstanding section 203 of the Fishery Conservation and Management Act of 1976, the governing international fishery agreement between the Government of the United States of America and— 16 USC 1823.

(1) the Government of the People's Republic of Bulgaria Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated January 14, 1974;

(2) the Government of the Socialist Republic of Romania Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated January 10, 1977;

(3) the Government of the Republic of China Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated January 10, 1977;

(4) the Government of the German Democratic Republic Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated January 10, 1977;

(5) the Government of the Union of Soviet Socialist Republics Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated January 10, 1977; and

(6) the Government of the Polish People's Republic Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated September 16, 1976,

is hereby approved by the Congress as a governing international fishery agreement for purposes of the Fishery Conservation and Management Act of 1976. Each such agreement shall enter into force and effect with respect to the United States on the date of the enactment of this joint resolution. 16 USC 1801 note.

SEC. 3. AMENDMENTS TO FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976.

The Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.) is amended—

(1) by adding immediately after section 205 the following new section:

"SEC. 206. TRANSITIONAL PROVISIONS. 16 USC 1826.

"(a) DEFINITION.—For purposes of this section, the term 'governing international fishery agreement' does not include any governing international fishery agreement other than a governing international fishery agreement approved by the Congress pursuant to section 2 of the Fishery Conservation Zone Transition Act, or pursuant to any amendment to such section 2 if the effective date of such amendment is not later than February 28, 1977. "Governing international fishery agreement." *Supra.*

"(b) ACTION BY COUNCILS.—Section 204(b)(5) shall not apply to any application submitted by a foreign nation pursuant to a governing international fishery agreement for permits authorizing fishing during 1977 by vessels of that nation within the fishery conservation zone or for anadromous species or Continental Shelf fishery resources beyond such zone, but each appropriate Council may prepare and submit comments to the Secretary on such application— 16 USC 1824.

"(1) if the application has been received by the Council on or before the date of the enactment of this section, within 7 days after such date; or

"(2) if the application is received by the Council from the Secretary of State after such date of enactment, within 7 days after the date on which the Council receives the application.

5 USC app. I. The provisions of the Federal Advisory Committee Act shall not apply to the actions of any Council in preparing such comments.

16 USC 1824. "(c) PERMITS.—Until May 1, 1977, the requirement in section 204(a) that foreign fishing vessels have on board a valid permit issued under section 204 shall not apply in the case of any foreign fishing vessel for which a permit is issued under an application to which subsection (b) applies. The failure of any such vessel to comply with such requirement before such date shall not be deemed to be a violation of section 307(1)(A).

16 USC 1857. "(d) PERMIT FEES.—Until May 1, 1977, the requirement in section 204(b)(11), regarding the payment of applicable fees before foreign fishing permits are issued, may be waived by the Secretary with respect to permits to be issued under any application to which subsection (b) applies if the Secretary is satisfied that the foreign nation which made the application will pay the applicable fees before such date. Any permit issued under the waiver provided by this subsection shall expire on May 1, 1977, if the Secretary does not receive on or before such date the applicable fees for the permit."; and

(2) by amending the table of contents by inserting immediately after

"Sec. 205. Import prohibitions."

the following:

"Sec. 206. Transitional provisions."

SEC. 4. REPEAL OF NORTHWEST ATLANTIC FISHERIES ACT OF 1950.

Repeal. The Northwest Atlantic Fisheries Act of 1950 (16 U.S.C. 981–991) is repealed as of March 1, 1977.

Approved February 21, 1977.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 123 (1977):
Feb. 8, considered and passed House.
Feb. 10, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 9:
Feb. 21, Presidential statement.