

Union Calendar No. 24

104TH CONGRESS
1ST SESSION

H. R. 716

[Report No. 104-47]

To amend the Fishermen's Protective Act.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1995

Mr. YOUNG of Alaska (for himself, Mr. SAXTON, and Mr. STUDDS) introduced the following bill; which was referred to the Committee on Resources

FEBRUARY 23, 1995

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Fishermen's Protective Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENT TO THE FISHERMEN'S PROTEC-**
4 **TIVE ACT OF 1967.**

5 (a) Section 3(a) of the Fishermen's Protective Act
6 of 1967 (22 U.S.C. 1973(a)) is amended by inserting after
7 "prompt release of the vessel and crew," the following: "or

1 when a fee regarded by the United States as being incon-
2 sistent with international law must be paid for a vessel
3 of the United States to transit the waters of a foreign na-
4 tion on a voyage between points in the United States (in-
5 cluding a point in the exclusive economic zone or an area
6 whose jurisdiction is in dispute),”.

7 (b)(1) Section 5 of the Fishermen’s Protective Act
8 of 1967 (22 U.S.C. 1975) is amended by inserting after
9 “seizure;” in the title, the following: “or imposition of a
10 fee regarded by the United States as inconsistent with
11 international law”.

12 (2) Section 5(a)(1)(A) of the Fishermen’s Protective
13 Act of 1967 (22 U.S.C. 1975(a)) is amended by inserting
14 after “as a result of the seizure of,” the following: “or
15 imposition of a fee regarded by the United States as incon-
16 sistent with international law on”.

17 (c) Subsections (a) and (b) shall take effect on June
18 15, 1994.

19 (d) Section 7 of the Fishermen’s Protective Act of
20 1967 (22 U.S.C. 1977) is amended—

21 (1) in subsection (c)—

22 (A) by striking the third sentence, and

23 (B) by inserting after the first sentence
24 the following: “Fees may be collected regardless

1 of whether needed to carry out the purposes of
2 subsection (a).”; and

3 (2) in subsection (e) by striking “October 1,
4 1993” and inserting “October 1, 1998”.

5 **SEC. 2. CLEARANCE AND ENTRY OF COMMERCIAL FISHING**
6 **VESSELS.**

7 (a) Not later than 15 days after the date of enact-
8 ment of this Act and at least once each year thereafter,
9 the Secretary of State shall publish a list of those nations
10 that impose fees for transit passage through their waters
11 on commercial fishing vessels registered under the laws
12 of the United States.

13 (b) Not later than 15 days after the publication of
14 the list required under subsection (a), the Secretary of the
15 Treasury shall withhold from commercial fishing vessels
16 registered under the laws of a nation listed under sub-
17 section (a) the clearance required by section 4197 of the
18 Revised Statutes of the United States (46 U.S.C. App.
19 91) for entry into the navigable waters of the United
20 States west of 122 degrees west longitude.

21 (c) Subsection (b) shall not apply to a commercial
22 fishing vessel—

23 (1) that enters the navigable waters of the
24 United States pursuant to a bilateral convention

1 governing fishing for Pacific halibut or albacore
2 tuna;

3 (2) that enters the navigable waters of the
4 United States due to an emergency; or

5 (3) the master of which obtains clearance from
6 the Secretary of the Treasury's designee by phys-
7 ically appearing before the designee at a designated
8 port of entry and paying a fee equal to the fee
9 charged to a commercial fishing vessel of the United
10 States by the nation under whose laws the foreign
11 vessel is registered.

12 (d) The owner or master of a vessel which enters the
13 navigable waters of the United States in violation of this
14 section shall be in violation of section 307(1)(A) of the
15 Magnuson Fishery Conservation and Management Act (16
16 U.S.C. 1857(1)(A)).

17 **SEC. 3. TECHNICAL CORRECTION.**

18 (a) Section 15(a) of Public Law 103-238 is amended
19 by striking "April 1, 1994," and inserting "May 1,
20 1994."

21 (b) The amendment made by subsection (a) shall be
22 effective on and after April 30, 1994.

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