

Union Calendar No. 322

103D CONGRESS
2D SESSION

H. R. 3817

[Report No. 103-585]

A BILL

To amend the Fishermen's Protective Act.

JULY 12, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1994

Mr. MANTON (for himself, Mr. STUDDS, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

JULY 12, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 8, 1994]

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 of*
6 *1967 (22 U.S.C. 1973(a)) is amended by inserting after*

1 “prompt release of the vessel and crew,” the following: “or
2 when a fee regarded by the United States as being inconsis-
3 tent with international law must be paid for a vessel of the
4 United States to transit the waters of a foreign nation on
5 a voyage between points in the United States (including
6 a point in the exclusive economic zone or an area whose
7 jurisdiction is in dispute),”.

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

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

18 (c) Subsections (a) and (b) shall take effect on June
19 15, 1994.

20 (d) Section 7 of the Fishermen’s Protective Act of 1967
21 (22 U.S.C. 1977) is amended—

22 (1) in subsection (c)—

23 (A) by striking the third sentence, and

24 (B) by inserting after the first sentence the

25 following: “Fees may be collected regardless of

1 *whether needed to carry out the purposes of sub-*
2 *section (a).”;* and

3 (2) *in subsection (e) by striking “October 1,*
4 *1993” and inserting “October 1, 1996”.*

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

7 (a) *Not later than 15 days after the date of enactment*
8 *of this Act, the Secretary of State shall publish a list of*
9 *those nations that impose fees for transit passage through*
10 *their waters on commercial fishing vessels registered under*
11 *the laws of the United States.*

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

20 (c) *Section (b) shall not apply to a commercial fishing*
21 *vessel—*

22 (1) *that enters the navigable waters of the United*
23 *States pursuant to a bilateral convention governing*
24 *fishing for Pacific halibut or albacore tuna;*

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

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

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