

104TH CONGRESS
1ST SESSION

H. R. 716

IN THE SENATE OF THE UNITED STATES

APRIL 5, 1995

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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
8 when a fee regarded by the United States as being incon-
9 sistent with international law must be paid for a vessel

1 of the United States to transit the waters of a foreign na-
2 tion on a voyage between points in the United States (in-
3 cluding a point in the exclusive economic zone or an area
4 whose jurisdiction is in dispute),”.

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

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

15 (c) Subsections (a) and (b) shall take effect on June
16 15, 1994.

17 (d) Section 7 of the Fishermen’s Protective Act of
18 1967 (22 U.S.C. 1977) is amended—

19 (1) in subsection (c)—

20 (A) by striking the third sentence, and

21 (B) by inserting after the first sentence
22 the following: “Fees may be collected regardless
23 of whether needed to carry out the purposes of
24 subsection (a).”; and

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

3 **SEC. 2. CLEARANCE AND ENTRY OF COMMERCIAL FISHING**
4 **VESSELS.**

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

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

19 (c) Subsection (b) shall not apply to a commercial
20 fishing vessel—

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

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

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

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
13 Magnuson Fishery Conservation and Management Act (16
14 U.S.C. 1857(1)(A)).

15 **SEC. 3. TECHNICAL CORRECTION.**

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

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

Passed the House of Representatives April 3, 1995.

Attest:

ROBIN H. CARLE,

Clerk.