

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3817

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IN THE SENATE OF THE UNITED STATES

JULY 14 (legislative day, JULY 11), 1994

Received

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## 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  
10 of the United States to transit the waters of a foreign na-  
11 tion on a voyage between points in the United States (in-  
12 cluding a point in the exclusive economic zone or an area  
13 whose jurisdiction is in dispute),".

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

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

11 (c) Subsections (a) and (b) shall take effect on June  
12 15, 1994.

13 (d) Section 7 of the Fishermen’s Protective Act of  
14 1967 (22 U.S.C. 1977) is amended—

15 (1) in subsection (c)—

16 (A) by striking the third sentence, and

17 (B) by inserting after the first sentence  
18 the following: “Fees may be collected regardless  
19 of whether needed to carry out the purposes of  
20 subsection (a).”; and

21 (2) in subsection (e) by striking “October 1,  
22 1993” and inserting “October 1, 1996”.

1 **SEC. 2. CLEARANCE AND ENTRY OF COMMERCIAL FISHING**  
2 **VESSELS.**

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

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

17 (c) Subsection (b) shall not apply to a commercial  
18 fishing vessel—

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

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

25 (3) the master of which obtains clearance from  
26 the Secretary of the Treasury's designee by phys-

1 ically appearing before the designee at a designated  
2 port of entry and paying a fee equal to the fee  
3 charged to a commercial fishing vessel of the United  
4 States by the nation under whose laws the foreign  
5 vessel is registered.

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

11 **SEC. 3. OLYMPIC COAST NATIONAL MARINE SANCTUARY.**

12 Notwithstanding section 304(b) of the National Ma-  
13 rine Sanctuaries Act (16 U.S.C. 1434(b)), the designation  
14 of the Olympic Coast National Marine Sanctuary and the  
15 implementing regulation for that designation, as described  
16 in the notice of designation submitted to the Congress on  
17 May 11, 1994, shall take effect on July 16, 1994.

18 **SEC. 4. TECHNICAL CORRECTION.**

19 (a) Section 15(a) of Public Law 103-238 is amended  
20 by striking "April 1, 1994," and inserting "May 1,  
21 1994."

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

Passed the House of Representatives July 12, 1994.

Attest: DONNALD K. ANDERSON,  
*Clerk.*