Public Law 95-194
95th Congress

An Act

To extend the provisions of the Fishermen's Protective Act of 1967, relating to the reimbursement of seized commercial fishermen, until October 1, 1978.

Nov. 18, 1977
[S. 1184]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking out "October 1, 1977" and inserting in lieu thereof "October 1, 1978".

Fishermen's Protective Act of 1967, amendment.

SEC. 2. The Fishermen's Protective Act of 1967, as amended, is further amended by adding the following new section at the end thereof:

Seized commercial fishermen, reimbursement.

"SEC. 10. (a) After July 1, 1977, the Secretary may make a loan to the owner or operator of any vessel of the United States which is documented or certified as a commercial fishing vessel if—

Loans.

"(1) he receives an application for a loan under this section after such date;

Effective date.
22 USC 1980.

"(2) he reasonably determines that such vessel, or its fishing gear, was lost, damaged, or destroyed by any vessel (or its crew or fishing gear) of a foreign nation operating within the fishery conservation zone established by sections 101 and 102 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1811); and

16 USC 1812.

"(3) the amount of such loss, damage, or destruction exceeds $2,000.

Any such loan—

"(A) may be for an amount not exceeding the value of such loss, damage, or destruction;

"(B) shall be conditional upon assignment to the Secretary of any right to recover for such loss, damage, or destruction;

"(C) shall bear interest at a rate not to exceed 3½ per centum per annum; and

Interest rate.

"(D) shall be subject to such terms and conditions as the Secretary deems necessary and appropriate for the purposes of this section.

The Secretary shall use the Fishermen's Protective Fund created under section 9 for the amounts of any loan made under this section. Loans may be made for any loss, damage, or destruction occurring after July 1, 1976 for which claims are not already substantially resolved.

22 USC 1979.

"(b) The Secretary, in conjunction with other agencies or departments, shall investigate each incident of loss, damage, or destruction for which a loan was made under this section. If he determines that the owner or operator who received the loan was not at fault, the Secretary shall cancel repayment of such loan and refund to such owner or operator any principal and interest payments thereon made prior to the date of such cancellation. If he determines that the owner or operator who received the loan was at fault, the loan shall not continue for its term and shall be repaid within a reasonable time as determined by the Secretary.

Investigation.
Cooperation.
Loan repayment, cancellation.

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Collection.

"(c) The Secretary, with the assistance of the Attorney General, the Secretary of State, and the claimant, shall take appropriate action, pursuant to the provisions of title 28, United States Code, to collect on any right assigned to him under subsection (a). Amounts collected under this subsection shall—

"(1) if such loan was canceled pursuant to subsection (b), be paid into the Fishermen's Protective Fund created under section 9, to the extent of the amount so canceled;

22 USC 1979.

"(2) if not so canceled, be applied to the repayment of such loan; or

"(3) to the extent not used pursuant to paragraph (1) or (2), paid to the owner or operator who assigned such claim.

"Secretary."

"(d) For the purposes of this section, the term 'Secretary' means the Secretary of Commerce.

Fees.

"(e) The Secretary may from time to time establish by regulation fees to recover the cost of administering this section. Such fees shall be paid by the owner or operator making claims under this section."

Approved November 18, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-319 accompanying H.R. 4140 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 95-178 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 16, H.R. 4140 considered in House.

May 24, considered and passed Senate.

Oct. 18, considered and passed House, amended, in lieu of H.R. 4140.

Nov. 3, Senate agreed to House amendments with an amendment; House agreed to Senate amendment.