Public Law 95-73
95th Congress

An Act

To amend the Fishery Conservation Zone Transition Act in order to give effect during 1977 to the Reciprocal Fisheries Agreement between the United States and Canada.

July 26, 1977
[H.R. 5638]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fishery Conservation Zone Transition Act (Public Law 95-6; 91 Stat. 14-16) is amended by adding at the end thereof the following new section:

Fishery Conservation Zone Transition Act, amendment.

"SEC. 5. RECIPROCAL FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND CANADA.

"(a) CONGRESSIONAL APPROVAL.—The Congress hereby approves the Reciprocal Fisheries Agreement between the Government of the United States and the Government of Canada (hereinafter in this section referred to as the 'Agreement'), as contained in the message to Congress from the President of the United States dated February 28, 1977. The Agreement shall be in force and effect with respect to the United States during the period beginning March 1, 1977, and ending at the close of December 31, 1977.

16 USC 1823 note.

Agreement; effective date.

"(b) APPLICATION.—During the period when the Agreement is in force and effect with respect to the United States—

"(1) vessels and nationals of Canada may fish within the fishery conservation zone, or for anadromous species and Continental Shelf fishery resources beyond such zone, but only pursuant to, and in accordance with, the provisions of the Agreement; and

"(2) title II of the Fishery Conservation and Management Act of 1976 (relating to foreign fishing and international fishery agreements) and section 307 of such Act of 1976 (relating to prohibited acts) shall not apply with respect to fishing within the fishery conservation zone, or for anadromous species and Continental Shelf fishery resources beyond such zone, by vessels and nationals of Canada which is pursuant to, and in accordance with, the provisions of the Agreement.

16 USC 1821.
16 USC 1857.

"(c) FISHING STATISTICS.—(1) Any person who—

"(A) owns or operates any fishing vessel which—

"(i) is a vessel of the United States, and

"(ii) engages in fishing to which the Agreement applies; or

"(B) directly or indirectly receives, or may receive, fish to which the Agreement applies in the course of a commercial activity in quantities determined by the Secretary to be sufficient to assist in the carrying out of this paragraph,

shall submit to the Secretary such statistics (including, but not limited to, catch data) regarding such fishing or such receipt of fish as are necessary to fulfill the obligations of the United States under article XIII of the Agreement. The Secretary, after consultation with the Secretary of State, shall issue such regulations as are necessary and appropriate to carry out the purposes of this paragraph. Section 303(d) of the Fishery Conservation and Management Act of 1976 (relating to the confidentiality of statistics) shall apply with respect to all statistics submitted under this paragraph.

Regulations.

16 USC 1853.

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"(2) Any violation of paragraph (1), or of any regulation issued pursuant to paragraph (1), by any person shall be deemed to be an act prohibited by section 307 of the Fishery Conservation and Management Act of 1976. Any person who commits any such violation shall be liable to the United States for a civil penalty as provided for in section 308 of such Act of 1976. Sections 309 (relating to criminal offenses) and 310 (relating to civil forfeiture) of such Act of 1976 shall not apply with respect to any such violation.

16 USC 1857.
Penalty.
16 USC 1858.
16 USC 1859.
16 USC 1860.

"(d) DEFINITIONS.—As used in this section, the terms 'anadromous species', 'Continental Shelf fishery resources', 'fishery conservation zone', 'fishing', 'fishing vessel', 'Secretary', and 'vessel of the United States' shall have the same respective meanings as are given to such terms in section 3 of the Fishery Conservation and Management Act of 1976.".

16 USC 1802.

Approved July 26, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-193 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 95-317 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 123 (1977):
Apr. 25, considered and passed House.
July 12, considered and passed Senate.