Public Law 97-191
97th Congress

An Act

To regulate the operation of foreign fish processing vessels within State waters.

June 1, 1982
[S. 2535]

Foreign fish processing vessels within State waters, regulation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 306 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1856) is amended by adding at the end thereof the following new subsection:

"(c) EXCEPTION REGARDING FOREIGN FISH PROCESSING IN INTERNAL WATERS.—(1) A foreign fishing vessel may engage in fish processing within the internal waters of a State if, and only if—

"(A) the vessel is qualified for purposes of this paragraph pursuant to paragraph (4)(C); and

"(B) the owner or operator of the vessel applies to the Governor of the State for, and (subject to paragraph (2)) is granted, permission for the vessel to engage in such processing.

"(2) The Governor of a State may not grant permission for a foreign fishing vessel to engage in fish processing under paragraph (1)(B) if he determines that fish processors within the State have adequate capacity, and will utilize such capacity, to process all of the United States harvested fish from the fishery concerned that are landed in the State.

"(3) Nothing in this subsection may be construed as relieving a foreign fishing vessel from the duty to comply with all applicable Federal and State laws while operating within the internal waters of a State incident to permission obtained under paragraph (1)(B).

"(4) For purposes of this subsection— Definitions.

"(A) The term 'fish processing' includes, in addition to processing, the performance of any other activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, or transportation.

"(B) The phrase 'internal waters of a State' means all waters within the boundaries of a State except those seaward of the baseline from which the territorial sea is measured.

"(C) A foreign fishing vessel shall be treated as qualified for purposes of paragraph (1) if the foreign nation under which it is flagged will be a party to (i) a governing international fishery agreement or (ii) a treaty described in section 201(b) of this Act (16 U.S.C. 1821(b)) during the time the vessel will engage in the fish processing for which permission is sought under paragraph (1)(B).".

SEC. 2. Section 307(2) of such Act of 1976 (16 U.S.C. 1857(2)) is amended—

(1) by striking out "in fishing—" and inserting in lieu thereof a hyphen;

(2) by amending subparagraph (A) by inserting "in fishing" immediately after "(A)", and by striking out "or";

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(3) by amending subparagraph (B) by inserting "in fishing" immediately after "(B)", and by striking out "and" after the semicolon and inserting in lieu thereof "or"; and

(4) by adding at the end thereof the following new subparagraph:

"(C) except as permitted under section 306(c), in fish processing (as defined in paragraph (4)(A) of such section) within the internal waters of a State (as defined in paragraph (4)(B) of such section); and".

Effective date. 16 USC 1856 note.

SEC. 3. This Act shall take effect on June 1, 1982.

Approved June 1, 1982.

LEGISLATIVE HISTORY—S. 2535:

CONGRESSIONAL RECORD, Vol. 128 (1982):
May 17, considered and passed Senate.
May 25, considered and passed House, amended.
May 27, Senate concurred in House amendments.