

Public Law 96-61
96th Congress

An Act

To authorize appropriations to carry out the Fishery Conservation and Management Act of 1976 during fiscal years 1980, 1981, and 1982, and for other purposes.

Aug. 15, 1979

[S. 917]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 406 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1882) is amended by inserting at the end thereof the following:

"(6) \$33,000,000 for the fiscal year ending September 30, 1980.

"(7) \$40,000,000 for the fiscal year ending September 30, 1981.

"(8) \$47,000,000 for the fiscal year ending September 30, 1982."

SEC. 2. Section 4311(a) of the Revised Statutes of the United States (46 U.S.C. 251(a)) is amended by adding at the end thereof the following new sentence: "For the purposes of this subsection, the term 'fisheries' shall include the planting, cultivation, catching, taking, or harvesting of fish, shellfish, marine animals, pearls, shells, or marine vegetation at any place within the fishery conservation zone established by section 101 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1811)."

SEC. 3. (a) Section 201(e) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) and (D), respectively;

(2) by inserting "(1)" immediately after "ALLOCATION OF ALLOWABLE LEVEL.—"; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) For the purposes of this paragraph—

"(i) The term 'certification' means a certification made by the Secretary that nationals of a foreign country, directly or indirectly, are conducting fishing operations or engaging in trade or taking which diminishes the effectiveness of the International Convention for the Regulation of Whaling. A certification under this section shall also be deemed a certification for the purposes of section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)).

"(ii) The term 'remedial period' means the 365-day period beginning on the date on which a certification is issued with respect to a foreign country.

"(B) If the Secretary issues a certification with respect to any foreign country, then each allocation under paragraph (1) that—

"(i) is in effect for that foreign country on the date of issuance; or

"(ii) is not in effect on such date but would, without regard to this paragraph, be made to the foreign country within the remedial period;

shall be reduced by the Secretary of State, in consultation with the Secretary, by not less than 50 percent.

"(C) The following apply for purposes of administering subparagraph (B) with respect to any foreign country:

Fishery
Conservation
and
Management
Act of 1976,
amendment.
Appropriation
authorization.
"Fisheries."

"Certification."

"Remedial
period."

Allocation,
reduction.

“(i) If on the date of certification, the foreign country has harvested a portion, but not all, of the quantity of fish specified under any allocation, the reduction under subparagraph (B) for that allocation shall be applied with respect to the quantity not harvested as of such date.

Reallocation.

Infra.

“(ii) If the Secretary notified the Secretary of State that it is not likely that the certification of the foreign country will be terminated under section 8(d) of the Fishermen's Protective Act of 1967 before the close of the period for which an allocation is applicable or before the close of the remedial period (whichever close first occurs) the Secretary of State, in consultation with the Secretary, shall reallocate any portion of any reduction made under subparagraph (B) among one or more foreign countries for which no certification is in effect.

“(iii) If the certification is terminated under such section 8(d) during the remedial period, the Secretary of State shall return to the foreign country that portion of any allocation reduced under subparagraph (B) that was not reallocated under clause (ii); unless the harvesting of the fish covered by the allocation is otherwise prohibited under this Act.

16 USC 1824.

“(iv) The Secretary may refund or credit, by reason of reduction of any allocation under this paragraph, any fee paid under section 204.

“(D) If the certification of a foreign country is not terminated under section 8(d) of the Fishermen's Protective Act of 1967 before the close of the last day of the remedial period, the Secretary of State—

“(i) with respect to any allocation made to that country and in effect (as reduced under subparagraph (B)) on such last day, shall rescind, effective on and after the day after such last day, any harvested portion of such allocation; and

“(ii) may not thereafter make any allocation to that country under paragraph (1) until the certification is terminated.”.

(b) Section 8 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978) is amended—

(1) by amending subsection (a) by redesignating paragraph (3) as paragraph (4), and by inserting immediately after paragraph (2) the following new paragraph:

“(3) In administering this subsection, the Secretary of Commerce or the Secretary of the Interior, as appropriate, shall—

“(A) periodically monitor the activities of foreign nationals that may affect the international programs referred to in paragraphs (1) and (2);

“(B) promptly investigate any activity by foreign nationals that, in the opinion of the Secretary, may be cause for certification under paragraph (1) or (2); and

“(C) promptly conclude; and reach a decision with respect to; any investigation commenced under subparagraph (B).”.

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(3) by adding immediately after subsection (c) the following new subsection:

“(d) After making a certification to the President under subsection (a), the Secretary of Commerce or the Secretary of the Interior, as the case may be, shall periodically review the activities of the nationals of the offending country to determine if the reasons for which the

certification was made no longer prevail. Upon determining that such reasons no longer prevail, the Secretary concerned shall terminate the certification and publish notice thereof, together with a statement of the facts on which such determination is based, in the Federal Register."

Publication in
Federal
Register.

SEC. 4. Notwithstanding the provisions of section 4132 of the Revised Statutes of the United States (46 U.S.C. 11), or any other provision of law, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel *Widow Maker*, owned by Strohe Brothers of Lake Charles, Louisiana, to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwide trade and the fisheries so long as such vessel is owned by a citizen of the United States.

Widow Maker,
documentation.

Approved August 15, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-170 accompanying H.R. 1798 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 96-72 (Comm. on Commerce, Science, and Transportation). CONGRESSIONAL RECORD, Vol. 125 (1979):

Apr. 30, considered and passed Senate.

June 25, H.R. 1798 considered and passed House; passage vacated and S. 917, amended, passed in lieu.

Aug. 1, Senate concurred in House amendment; action vitiated and Senate concurred in House amendment with an amendment.

Aug. 2, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 33:

Aug. 15, Presidential statement.