

Public Law 96-339
96th Congress

An Act

To authorize appropriations for fiscal years 1981, 1982, and 1983 for the Atlantic Tunas Convention Act of 1975, and for other purposes.

Sept. 4, 1980

[S. 2549]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Atlantic Tunas
Convention Act
of 1975,
appropriation
authorization.

SECTION 1. AMENDMENTS TO ATLANTIC TUNAS CONVENTION ACT OF 1975.

The Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.) is amended as follows:

(1) Section 4 is amended—

Advisory
committee.
16 USC 971b.

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking out “paragraph (1)” in subparagraph (B) (as so redesignated) and inserting in lieu thereof “subparagraph (A)”; and

(C) by amending the first and second sentences to read as follows:

“There is established an advisory committee which shall be composed of—

Membership.

“(1) not less than five nor more than twenty individuals appointed by the United States Commissioners who shall select such individuals from the various groups concerned with the fisheries covered by the Convention; and

“(2) the chairmen (or their designees) of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf Fishery Management Councils established under section 302(a) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852(a)).

Each member of the advisory committee appointed under paragraph (1) shall serve for a term of two years and shall be eligible for reappointment.”

Term of office.

(2) Section 10 is amended by striking out “and 1980” and inserting in lieu thereof “1980, 1981, 1982, and 1983”.

16 USC 971h.

SEC. 2. OBSERVER PROGRAM REGARDING CERTAIN FOREIGN FISHING.

16 USC 1827.

(a) **DEFINITIONS.**—As used in this section—

(1) The term “Act of 1976” means the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

(2) The term “billfish” means any species of marlin, spearfish, sailfish or swordfish.

(3) The term “Secretary” means the Secretary of Commerce.

(b) **OBSERVER PROGRAM.**—The Secretary shall establish a program under which a United States observer will be stationed aboard each foreign fishing vessel while that vessel—

(1) is in waters that are within—

(A) the fishery conservation zone established under section 101 of the Act of 1976, and

16 USC 1811.

20 UST 2887.

(B) the Convention area as defined in Article I of the International Convention for the Conservation of Atlantic Tunas; and

(2) is taking or attempting to take any species of fish if such taking or attempting to take may result in the incidental taking of billfish.

The Secretary may acquire observers for such program through contract with qualified private persons.

(c) **FUNCTIONS OF OBSERVERS.**—United States observers, while aboard foreign fishing vessels as required under subsection (b), shall carry out such scientific and other functions as the Secretary deems necessary or appropriate to carry out this section.

(d) **FEES.**—There is imposed for each year after 1980 on the owner or operator of each foreign fishing vessel that, in the judgment of the Secretary, will engage in fishing in waters described in subsection (b)(1) during that year which may result in the incidental taking of billfish a fee in an amount sufficient to cover all of the costs of providing an observer aboard that vessel under the program established under subsection (a). The fees imposed under this subsection for any year shall be paid to the Secretary before that year begins. All fees collected by the Secretary under this subsection shall be deposited in the Fund established by subsection (e).

Foreign Fishing
Observer Fund,
establishment.

(e) **FUND.**—There is established in the Treasury of the United States the Foreign Fishing Observer Fund. The Fund shall be available to the Secretary as a revolving fund for the purpose of carrying out this section. The Fund shall consist of the fees deposited into it as required under subsection (d). All payments made by the Secretary to carry out this section shall be paid from the Fund, only to the extent and in the amounts provided for in advance in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(f) **PROHIBITED ACTS.**—(1) It is unlawful for any person who is the owner or operator of a foreign fishing vessel to which this section applies—

(A) to violate any regulation issued under subsection (g);

(B) to refuse to pay the fee imposed under subsection (d) after being requested to do so by the Secretary; or

(C) to refuse to permit an individual who is authorized to act as an observer under this section with respect to that vessel to board the vessel for purposes of carrying out observer functions.

16 USC 1858.

(2) Section 308 of the Act of 1976 (relating to civil penalties) applies to any act that is unlawful under paragraph (1), and for purposes of such application the commission of any such act shall be treated as an act the commission of which is unlawful under section 307 of the Act of 1976.

16 USC 1857.

(g) **REGULATIONS.**—The Secretary shall issue such regulations as are necessary or appropriate to carry out this section.

16 USC 971i.

SEC. 3. REPORTS REGARDING BLUEFIN TUNA.

Submittal to
Congress.

The Secretary of Commerce shall prepare, for each biennial period commencing with the period covering calendar years 1981 and 1982, and submit to the Congress a report setting forth, with respect to such biennial period—

(1) the level of taking of bluefin tuna by United States fishermen in the Convention area as defined in Article I of the International Convention for the Conservation of Atlantic Tunas;

20 UST 2887.

(2) the status of bluefin tuna stocks within such Convention area and the trends in their population level; and

(3) related information resulting from the implementation of the observer program under section 2 of this Act.

The report required under this section shall be submitted to the Congress within sixty days after the close of the biennial period covered by the report. There are authorized to be appropriated such sums as may be necessary to carry out this section.

Appropriation
authorization.

Approved September 4, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1017 accompanying H.R. 6310 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 96-708 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 126 (1980):

May 20, considered and passed Senate.

June 3, H.R. 6310 considered and passed House; passage vacated and S. 2549, amended, passed in lieu.

July 28, Senate concurred in House amendments with amendments.

Aug. 22, House concurred in Senate amendments.