1994 ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore [Mr. BARRETT of Nebraska] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources:

To the Congress of the United States:

I transmit herewith the 1994 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 3, 1995.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 5 p.m. today.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 716) to amend the Fishermen's Protective Act.

The Clerk read as follows:

H.R. 716

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

SECTION 1. AMENDMENT TO THE FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) Section 3(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1973(a)) is amended by inserting after ''prompt release of the vessel and crew,'' the following: ''or when a fee regarded by the United States as being inconsistent with international law must be paid for a vessel of the United States to transit the waters of a foreign nation on a voyage between points in the United States (including a point in the exclusive economic zone or an area whose jurisdiction is in dispute),''.

(b)(1) Section 5 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975) is amended by inserting after ''seizure;'' in the title, the following: ''or imposition of a fee regarded by the United States as inconsistent with international law''.

(2) Section 5(a)(1)(A) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975(a)) is amended by inserting after ''as a result of the seizure of,'' the following: ''or imposition of a fee regarded by the United States as inconsistent with international law on''.

(c) Subsections (a) and (b) shall take effect on June 15, 1995.

(d) Section 7 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977) is amended—

(1) in subsection (c)—

(A) by striking the third sentence, and

(B) by inserting after the first sentence the following: ''Fees may be collected regardless of whether needed to carry out the purposes of subsection (a).''; and

(2) in subsection (e) by striking ''October 1, 1993'' and inserting ''October 1, 1998''.

SEC. 2. CLEARANCE AND ENTRY OF COMMERCIAL FISHING VESSELS.

(a) Not later than 15 days after the date of enactment of this Act and at least once each year thereafter, the Secretary of State shall publish a list of those nations that impose fees for transit passage through their waters on commercial fishing vessels registered under the laws of the United States.

(b) Not later than 15 days after the publication of the list required under subsection (a), the Secretary of the Treasury shall withhold from commercial fishing vessels registered under the laws of a nation listed under subsection (a) the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) for entry into the navigable waters of the United States west of 122 degrees west longitude.

(c) Subsection (b) shall not apply to a commercial fishing vessel—

(1) that enters the navigable waters of the United States pursuant to a bilateral convention governing fishing for Pacific halibut or albacore tuna;

(2) that enters the navigable waters of the United States due to an emergency; or

(3) the master of which obtains clearance from the Secretary of the Treasury's designee by physically appearing before the designee at a designated port of entry and paying a fee equal to the fee charged to a commercial fishing vessel of the United States by the nation under whose laws the foreign vessel is registered.

(d) The owner or master of a vessel which enters the navigable waters of the United States in violation of this section shall be in violation of section 307(1)(A) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(1)(A)).

SEC. 3. TECHNICAL CORRECTION.

(a) Section 15(a) of Public Law 103–238 is amended by striking ''April 1, 1995,'' and inserting ''May 1, 1994.''.

(b) The amendment made by subsection (a) shall be effective on and after April 30, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I rise in strong support of H.R. 716, to reauthorize and improve the Fishermen's Protective Act. Originally enacted in 1967, this law established a system of economic safeguards for U.S. fishermen against illegal or unjustified seizure by a foreign government. One of these safeguards is the Fishermen's Guaranty Fund—which is a voluntary self-insurance program administered by the State Department. The fund compensates fishermen for vessels and catch confiscated by a foreign nation under claims of jurisdiction not recognized by the United States.

The amount of money each vessel owner pays into the program is based on the gross tonnage of the vessel. For example, during the history of the program the fees have ranged from $16 to $30 per vessel ton with participation ranging from 8 to 30 vessels, depending on the year. Disbursements or claims paid out from the fund have averaged less than $1 million each year. The largest claim occurred in 1984 for $5.5 million for a vessel that had been seized and ransacked off the Solomon Islands.

In 1986, a Federal court in the Brenda Jolene versus United States case decided that fees collected under the act must equal the amount Congress appropriates. Since historically, the President has not requested an appropriation, the State Department has been unable to collect additional fees. While there is approximately $2.9 million in the fund, there is a large settlement case pending from the seizure of four tuna boats off the coast of Costa Rica in 1992, and any further claims would deplete the assets of the fund.

The passage of this legislation is sorely needed due to unfair and illegal actions by the Canadian Government. Last year, the Canadian Government charged U.S. fishermen $1,100 each to access the Inside Passage. The Canadians stopped the charge, but not before many U.S. fishermen were subjected to it to the amount of $285,000. We must amend the Fishermen's Protective Act so these American fishermen can be compensated for the unfair charge.

During this crisis last year, the former Merchant Marine and Fisheries Committee was quick to act. Similar legislation was adopted by the committee and passed the House as part of a larger bill on October 7, 1994.

Mr. Speaker, I urge all of my colleagues to support this legislation and thank the chairman of the full committee, DON YOUNG, for introducing this bill, and the ranking minority member on the Fisheries, Wildlife and Oceans Subcommittee, GERRY STUDDS, for his support of this legislation.

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Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. STUDDS asked and was given permission to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, I rise in strong support of H.R. 716. The Fishermen's Protective Act of 1967 provides a mechanism for assisting U.S. fishermen by reimbursing them for fines and other costs incurred when their vessels are seized by a foreign nation, in violation of international law.

H.R. 716 reauthorizes this important act for an additional 2 years. The legislation also amends the statute to reimburse our fishermen for transit fees considered by our Government to be inconsistent with international law, and to assess a similar fee on vessels from the offending nation. These amendments are intended to address what was, in my opinion, an illegal move by Canada last year to charge U.S. vessels transiting Canadian waters en route to Alaska. While that fee was finally lifted, many fishermen were forced to pay and deserve reimbursement.

While I support these amendments, I want to be very clear that this legislative action should not be interpreted by the Canadian Government as a sign that we are willing to accept—or forget—this outrageous action taken against our fishermen purportedly in the name of conservation. The Canadian-Spanish shootout in the Northwest Atlantic last month, combined with last year's illegal transit fees, demonstrates a worrisome trend toward the use of unilateral actions to resolve international fisheries disputes on the high seas. Some of these actions are based on a conservation concern, others—such as the transit fees—are simply taken out of frustration over the slow pace of negotiations.

Regardless of the reason, unilateral actions such as these are not the answer. Instead, the Canadians, and all coastal nations, should seek to address these problems multilaterally through international agreements. The drastic, unilateral actions of one country cannot protect and restore our marine resources. All countries with a stake in the fishery must participate if we are to be successful, and they must be willing to agree to multilateral enforcement mechanisms to ensure that the terms of such agreements are not violated.

This Congress has passed several pieces of legislation in the past few weeks that will strengthen the U.S. resolve toward multilateral, cooperative management, and we will continue to encourage these efforts. In the meantime, this bill will protect U.S fishermen from those countries that choose to take matters into their own hands, and I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. I thank the gentleman for yielding this time to me.

Mr. Speaker, as the author of H.R. 716, I rise in strong support of this measure to reauthorize and improve the Fishermen's Protective Act of 1967.

Mr. Speaker, one of the major motivations for this legislation was an incident that occurred last year when 258 United States fishermen were unfairly charged $1,100 each by the Canadian Government to sail through the Inside Passage. While we were successful in convincing the Canadians to stop collecting these illegal transit fees, the Fishermen's Protective Act [FPA] must be amended to allow these Americans to be compensated for their financial loss.

My bill would reauthorize the FPA for the next 3 years; allow money to be deposited in the Fishermen's Guaranty Fund, regardless of whether Congress appropriates any money; expand the compensation provision to cover those Americans who paid the illegal fee assessed by the Canadians; and prohibit port entry to the vessels of any nation that assesses illegal fees on our vessels in the future.

Furthermore, we are making it clear that we will fully protect the rights of U.S. fishermen. We will not allow Canada, or any nation, to violate international maritime law or fishing treaties without a swift response.

I fully expect the United States State Department to vigorously seek reimbursement of these fees from the Canadians and not to simply make some weak or half-hearted effort because it may be inconvenient to our relationship with Canada. They broke the law and I want the more than $285,000 the Canadians collected paid back to our fishermen.

Mr. Speaker, I urge an ''aye'' vote on H.R. 716 and thank JIM SAXTON and GERRY STUDDS for their bipartisan subcommittee support in joining with me in this important legislative effort.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in strong support of H.R. 716, the Fishermen's Protective Act. While this is an important piece of legislation to fishermen across the country, the provisions of H.R. 716 are particularly vital to the salmon fishermen in the State of Washington. The United States and Canada have been engaged in negotiations, almost unending negotiations, since the Pacific Salmon Treaty was negotiated. Last summer, fishermen from my district in Washington State left for the annual trip north to fish in Alaskan waters. This 500 mile journey is usually a pleasant passage, I have made the round trip 3 times, incredibly scenic, mostly through calm, inside passage channels and bays. But in 1994, our fishermen were stopped by the Canadian Government, and forced to pay an illegal transit fee of approximately $1,100 per vessel, just for passing through Canadian waters. The U.S. fishermen had to pay the fee, or make the transit in the rough, open waters of the Pacific Ocean.

Mr. Speaker, for 500 years, the British have supported freedom of the seas and open waterways for trade. It seems ridiculous that in 1994, Canada no longer believes in this principle. But with the salmon treaty differences still not resolved, the prospect of this happening again this spring is very real.

The provisions of H.R. 716 will allow for the repayment of these fees to the fishermen involved, and provide the financial protections required to make the transit this year, should the Canadians impose this fee again. Mr. Speaker, it is my hope that the United States and Canada can reach agreement on a new Pacific Salmon Treaty before the start of this year's salmon season. If we should not, then the Congress must provide this method so the fishermen can establish the program contained in H.R. 716.

Mr. Speaker, I urge all of my colleagues to support our fishermen by supporting H.R. 716.

Mr. STUDDS. Mr. Speaker, I am as surprised as the gentleman from New Jersey [Mr. SAXTON] to learn that there will be a recorded vote on this measure.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. SAXON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just conclude by saying that on most issues, almost every issue with which we deal having to do with fishing and fisheries is complicated, contentious, confusing, confounding, and many other words that we could express that would indicate anything less than simple. This is one of the more simple issues that we deal with, but one that is very timely and one that is much needed.

Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 716.

The question was taken.

Mr. SAXTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and submit extraneous material in the RECORD, on the bill, H.R. 716.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.