

105TH CONGRESS
2^D SESSION

H. R. 3460

AN ACT

To approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes.

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To approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. GOVERNING INTERNATIONAL FISHERY AGREE-**
2 **MENT WITH LATVIA.**

3 Notwithstanding section 203 of the Magnuson-Ste-
4 vens Fishery Conservation and Management Act (16
5 U.S.C. 1823), the governing international fishery agree-
6 ment between the Government of the United States of
7 America and the Government of the Republic of Latvia,
8 as contained in the message to Congress from the Presi-
9 dent of the United States dated February 3, 1998, is ap-
10 proved as a governing international fishery agreement for
11 the purposes of such Act and shall enter into force and
12 effect with respect to the United States on the date of
13 enactment of this Act.

14 **SEC. 2. REAUTHORIZATION OF THE NORTHWEST ATLANTIC**
15 **FISHERIES CONVENTION ACT OF 1995.**

16 (a) REAUTHORIZATION.—Section 211 of the North-
17 west Atlantic Fisheries Convention Act of 1995 (16
18 U.S.C. 5610) is amended by striking “for each of” and
19 all that follows through the end of the sentence and insert-
20 ing “for each fiscal year through fiscal year 2001.”.

21 (b) MISCELLANEOUS TECHNICAL AMENDMENTS.—
22 The Northwest Atlantic Fisheries Convention Act of 1995
23 is further amended—

24 (1) in section 207(e) (16 U.S.C. 5606(e)), by
25 striking “sections” and inserting “section”;

1 (2) in section 209(c) (16 U.S.C. 5608(e)), by
2 striking “chapter 17” and inserting “chapter 171”;
3 and

4 (3) in section 210(6) (16 U.S.C. 5609(6)), by
5 striking “the Magnuson Fishery” and inserting “the
6 Magnuson-Stevens Fishery”.

7 (c) REPORT REQUIREMENT.—The Northwest Atlan-
8 tic Fisheries Convention Act of 1995 (16 U.S.C. 201 et
9 seq.) is further amended by adding at the end the follow-
10 ing:

11 **“SEC. 212. ANNUAL REPORT.**

12 “The Secretary shall annually report to the Congress
13 on the activities of the Fisheries Commission, the General
14 Council, the Scientific Council, and the consultative com-
15 mittee established under section 208.”.

16 (d) NORTH ATLANTIC FISHERIES ORGANIZATION
17 QUOTA ALLOCATION PRACTICE.—The Northwest Atlantic
18 Fisheries Convention Act of 1995 (16 U.S.C. 201 et seq.)
19 is further amended by adding at the end the following:

20 **“SEC. 213. QUOTA ALLOCATION PRACTICE.**

21 “(a) IN GENERAL.—The Secretary of Commerce, act-
22 ing through the Secretary of State, shall promptly seek
23 to establish a new practice for allocating quotas under the
24 Convention that—

25 “(1) is predictable and transparent;

1 “(2) provides fishing opportunities for all mem-
2 bers of the Organization; and

3 “(3) is consistent with the Straddling Fish
4 Stocks Agreement.

5 “(b) REPORT.—The Secretary of Commerce shall in-
6 clude in annual reports under section 212—

7 “(1) a description of the results of negotiations
8 held pursuant to subsection (a);

9 “(2) an identification of barriers to achieving
10 such a new allocation practice; and

11 “(3) recommendations for any further legisla-
12 tion that is necessary to achieve such a new practice.

13 “(c) DEFINITION.—In this section the term ‘Strad-
14 dling Fish Stocks Agreement’ means the United Nations
15 Agreement for the Implementation of the Provisions of the
16 United Nations Convention on the Law of the Sea of 10
17 December 1982 Relating to the Conservation and Manage-
18 ment of Straddling Fish Stocks and Highly Migratory
19 Fish Stocks.”.

20 **SEC. 3. REAUTHORIZATION OF THE ATLANTIC TUNAS CON-**
21 **VENTION ACT OF 1975.**

22 (a) REAUTHORIZATION.—Section 10(4) of the Atlan-
23 tic Tunas Convention Act of 1975 (16 U.S.C. 971h(4))
24 is amended by striking “For fiscal year 1998,” and insert-

1 ing “For each of fiscal years 1998, 1999, 2000, and
2 2001,”.

3 (b) MISCELLANEOUS TECHNICAL AMENDMENTS.—

4 (1) The Atlantic Tunas Convention Act of 1975 is further
5 amended—

6 (A) in section 2 (16 U.S.C. 971), by redesignat-
7 ing the second paragraph (4) as paragraph (5);

8 (B) in section 5(b) (16 U.S.C. 971c(b)), by
9 striking “fisheries zone” and inserting “exclusive
10 economic zone”;

11 (C) in section 6(c)(6) (16 U.S.C. 971d(c)(6))—

12 (i) by designating the last sentence as sub-
13 paragraph (B), and by indenting the first line
14 thereof; and

15 (ii) in subparagraph (A)(iii), by striking
16 “subparagraph (A)” and inserting “clause (i)”;

17 (D) by redesignating the first section 11 (16
18 U.S.C. 971 note) as section 13, and moving that
19 section so as to appear after section 12 of that Act;

20 (E) by amending the style of the heading and
21 designation for each of sections 11 and 12 so as to
22 conform to the style of the headings and designa-
23 tions of the other sections of that Act; and

1 (F) by striking “Magnuson Fishery” each place
2 it appears and inserting “Magnuson-Stevens Fish-
3 ery”.

4 (2) Section 3(b)(3)(B) of the Act of September 4,
5 1980 (Public Law 96–339; 16 U.S.C. 971i(b)(3)(B)), is
6 amended by inserting “of 1975” after “Act”.

7 **SEC. 4. AUTHORITY OF STATES OF WASHINGTON, OREGON,**
8 **AND CALIFORNIA TO MANAGE DUNGENESS**
9 **CRAB FISHERY.**

10 (a) IN GENERAL.—Subject to the provisions of this
11 section and notwithstanding section 306(a) of the Magnu-
12 son-Stevens Fishery Conservation and Management Act
13 (16 U.S.C. 1856(a)), each of the States of Washington,
14 Oregon, and California may adopt and enforce State laws
15 and regulations governing fishing and processing in the
16 exclusive economic zone adjacent to that State in any
17 Dungeness crab (*Cancer magister*) fishery for which there
18 is no fishery management plan in effect under that Act.

19 (b) REQUIREMENTS FOR STATE MANAGEMENT.—
20 Any law or regulation adopted by a State under this sec-
21 tion for a Dungeness crab fishery—

22 (1) except as provided in paragraph (2), shall
23 apply equally to vessels engaged in the fishery in the
24 exclusive economic zone and vessels engaged in the
25 fishery in the waters of the State, and without re-

1 gard to the State that issued the permit under which
2 a vessel is operating;

3 (2) shall not apply to any fishing by a vessel in
4 exercise of tribal treaty rights; and

5 (3) shall include any provisions necessary to im-
6 plement tribal treaty rights pursuant to the decision
7 in *United States v. Washington*, D.C. No. CV-70-
8 09213.

9 (c) **LIMITATION ON ENFORCEMENT OF STATE LIM-**
10 **ITED ACCESS SYSTEMS.**—Any law of the State of Wash-
11 ington, Oregon, or California that establishes or imple-
12 ments a limited access system for a Dungeness crab fish-
13 ery may not be enforced against a vessel that is otherwise
14 legally fishing in the exclusive economic zone adjacent to
15 that State and that is not registered under the laws of
16 that State, except a law regulating landings.

17 (d) **STATE PERMIT OR TREATY RIGHT REQUIRED.**—
18 No vessel may harvest or process Dungeness crab in the
19 exclusive economic zone adjacent to the State of Washing-
20 ton, Oregon, or California, except as authorized by a per-
21 mit issued by any of those States or pursuant to any tribal
22 treaty rights to Dungeness crab pursuant to the decision
23 in *United States v. Washington*, D.C. No. CV-70-09213.

24 (e) **STATE AUTHORITY OTHERWISE PRESERVED.**—
25 Except as expressly provided in this section, nothing in

1 this section reduces the authority of any State under the
2 Magnuson-Stevens Fishery Conservation and Manage-
3 ment Act (16 U.S.C. 1801 et seq.) to regulate fishing, fish
4 processing, or landing of fish.

5 (f) TERMINATION OF AUTHORITY.—The authority of
6 the States of Washington, Oregon, and California under
7 this section with respect to a Dungeness crab fishery shall
8 expire on the effective date of a fishery management plan
9 for the fishery under the Magnuson-Stevens Fishery Con-
10 servation and Management Act.

11 (g) REPEAL.—Section 112(d) of Public Law 104–
12 297 (16 U.S.C. 1856 note) is repealed.

13 (h) DEFINITIONS.—The definitions set forth in sec-
14 tion 3 of the Magnuson-Stevens Fishery Conservation and
15 Management Act (16 U.S.C. 1802) shall apply to this sec-
16 tion.

Passed the House of Representatives August 3,
1998.

Attest:

Clerk.