

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2193

To amend the Fishermen's Protective Act of 1967 to require the Secretary of State to reimburse owners of certain fishing vessels for certain fees paid by such owners to governments of foreign countries, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 15 (legislative day, JUNE 7), 1994

Mrs. MURRAY (for herself and Mr. GORTON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Fishermen's Protective Act of 1967 to require the Secretary of State to reimburse owners of certain fishing vessels for certain fees paid by such owners to governments of foreign countries, 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,*

3       **SECTION 1. REIMBURSEMENT AND RECOVERY OF FEES.**

4       (a) IN GENERAL.—The Fishermen's Protective Act  
5       of 1967 (22 U.S.C. 1971 et seq.) is amended by adding  
6       at the end the following new section:

1       “SEC. 11. (a) Subject to subsection (c), the Secretary  
2 of State shall reimburse an owner of a commercial fishing  
3 vessel of the United States for the amount of any fee de-  
4 scribed in subsection (b) that is collected from the owner.

5       “(b) Subsection (a) applies to any fee collected from  
6 an owner of a vessel referred to in that subsection by the  
7 government of a foreign country in order to permit the  
8 vessel to navigate in waters of the country that connect  
9 with waters of the United States if—

10           “(1) the owner pays the fee under protest; and

11           “(2) the Secretary determines that the collec-  
12 tion of the fee is contrary to applicable international  
13 law.

14       “(c)(1) An owner of a commercial fishing vessel seek-  
15 ing reimbursement for the amount of a fee under this sec-  
16 tion shall submit to the Secretary a request for reimburse-  
17 ment of the amount of the fee.

18       “(2) The request shall include any information with  
19 respect to the payment of the fee that the Secretary deter-  
20 mines appropriate, including—

21           “(A) a copy of the receipt indicating payment  
22 of the fee; and

23           “(B) an affidavit attesting that the owner paid  
24 the fee under protest.

1       “(3) The owner shall submit the request not later  
2 than 90 days after the payment of the fee.

3       “(d) The Secretary shall take any actions that the  
4 Secretary considers appropriate in order to recover from  
5 a foreign country the amount of any reimbursement made  
6 by the Secretary under this section with respect to a fee  
7 collected by that country.

8       “(e) For purposes of this section:

9               “(1) The term ‘commercial fishing vessel of the  
10 United States’ means any vessel of the United  
11 States engaged in commercial fishing activities or  
12 operations.

13              “(2) The term ‘owner’, in the case of a com-  
14 mercial fishing vessel, includes any charterer of the  
15 vessel.”.

16       (b) EFFECTIVE DATE.—(1) The amendment made by  
17 subsection (a) shall take effect on June \_\_\_\_, 1994.

18       (2) An owner of a commercial fishing vessel who pays  
19 a fee referred to in subsection (b) of section 11 of the  
20 Fishermen’s Protective Act of 1967, as added by sub-  
21 section (a), during the period beginning on June \_\_\_\_,  
22 1994, and ending on the date of the enactment of this  
23 Act shall submit to the Secretary of State a request for  
24 reimbursement for the fee under such section 11 not later  
25 than 90 days after the date of the enactment of this Act.

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