

Fishermen's Protective Act of 1967 (22 U.S.C. 1980) [subsec. (c)(1) of this section] applications for compensation under such Act [this chapter], filed within 90 days after the date of enactment of this subsection [June 28, 1980] shall be deemed to be timely filed."

§ 1980a. Reimbursement of owner for fee paid to navigate foreign waters if fee inconsistent with international law

(a) Reimbursable fees

In any case on or after June 15, 1994, in which a vessel of the United States exercising its right of passage is charged a fee by the government of a foreign country to engage in transit passage between points in the United States (including a point in the exclusive economic zone or in an area over which jurisdiction is in dispute), and such fee is regarded by the United States as being inconsistent with international law, the Secretary of State shall, subject to the availability of appropriated funds, reimburse the vessel owner for the amount of any such fee paid under protest.

(b) Documentation

In seeking such reimbursement, the vessel owner shall provide, together with such other information as the Secretary of State may require—

- (1) a copy of the receipt for payment;
- (2) an affidavit attesting that the owner or the owner's agent paid the fee under protest; and
- (3) a copy of the vessel's certificate of documentation.

(c) Timeliness

Requests for reimbursement shall be made to the Secretary of State within 120 days after the date of payment of the fee, or within 90 days after November 3, 1995, whichever is later.

(d) Funding; appropriations

Such funds as may be necessary to meet the requirements of this section may be made available from the unobligated balance of previously appropriated funds remaining in the Fishermen's Protective Fund established under section 1979 of this title. To the extent that requests for reimbursement under this section exceed such funds, there are authorized to be appropriated such sums as may be needed for reimbursements authorized under subsection (a) of this section, which shall be deposited in the Fishermen's Protective Fund established under section 1979 of this title.

(e) Claim against foreign government

The Secretary of State shall take such action as the Secretary deems appropriate to make and collect claims against the foreign country imposing such fee for any amounts reimbursed under this section.

(f) "Owner" defined

For purposes of this section, the term "owner" includes any charterer of a vessel of the United States.

(Aug. 27, 1954, ch. 1018, §11, as added Pub. L. 104-43, title IV, §402(a), Nov. 3, 1995, 109 Stat. 389.)

CONGRESSIONAL FINDINGS

Section 401 of Pub. L. 104-43 provided that: "The Congress finds that—

"(1) customary international law and the United Nations Convention on the Law of the Sea guarantee the right of passage, including innocent passage, to vessels through the waters commonly referred to as the 'Inside Passage' off the Pacific Coast of Canada;

"(2) in 1994 Canada required all commercial fishing vessels of the United States to pay 1,500 Canadian dollars to obtain a 'license which authorizes transit' through the Inside Passage;

"(3) this action was inconsistent with international law, including the United Nations Convention on the Law of the Sea, and, in particular, Article 26 of that Convention, which specifically prohibits such fees, and threatened the safety of United States commercial fishermen who sought to avoid the fee by traveling in less protected waters;

"(4) the Fishermen's Protective Act of 1967 [22 U.S.C. 1971 et seq.] provides for the reimbursement of vessel owners who are forced to pay a license fee to secure the release of a vessel which has been seized, but does not permit reimbursement of a fee paid by the owner in advance in order to prevent a seizure;

"(5) Canada required that the license fee be paid in person in 2 ports on the Pacific Coast of Canada, or in advance by mail;

"(6) significant expense and delay was incurred by commercial fishing vessels of the United States that had to travel from the point of seizure back to one of those ports in order to pay the license fee required by Canada, and the costs of that travel and delay cannot be reimbursed under the Fishermen's Protective Act;

"(7) the Fishermen's Protective Act of 1967 should be amended to permit vessel owners to be reimbursed for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country if the United States considers that fee to be inconsistent with international law;

"(8) the Secretary of State should seek to recover from Canada any amounts paid by the United States to reimburse vessel owners who paid the transit license fee;

"(9) the United States should review its current policy with respect to anchorage by commercial fishing vessels of Canada in waters of the United States off Alaska, including waters in and near the Dixon Entrance, and should accord such vessels the same treatment that commercial fishing vessels of the United States are accorded for anchorage in the waters of Canada off British Columbia;

"(10) the President should ensure that, consistent with international law, the United States Coast Guard has available adequate resources in the Pacific Northwest and Alaska to provide for the safety of United States citizens, the enforcement of United States law, and to protect the rights of the United States and keep the peace among vessels operating in disputed waters;

"(11) the President should continue to review all agreements between the United States and Canada to identify other actions that may be taken to convince Canada that any reinstatement of the transit license fee would be against Canada's long-term interests, and should immediately implement any actions which the President deems appropriate if Canada reinstates the fee;

"(12) the President should continue to convey to Canada in the strongest terms that the United States will not now, nor at any time in the future, tolerate any action by Canada which would impede or otherwise restrict the right of passage of vessels of the United States in a manner inconsistent with international law; and

"(13) the United States should continue its efforts to seek expeditious agreement with Canada on appropriate fishery conservation and management measures that can be implemented through the Pacific Salmon Treaty to address issues of mutual concern."

§ 1980b. Sanctions for imposition of conditions on U.S. fishing vessel found inconsistent with international law

(a) Certification

If the Secretary of State finds that the government of any nation imposes conditions on the operation or transit of United States fishing vessels which the United States regards as being inconsistent with international law or an international agreement, the Secretary of State shall certify that fact to the President.

(b) Sanctions

Upon receipt of a certification under subsection (a) of this section, the President shall direct the heads of Federal agencies to impose similar conditions on the operation or transit of fishing vessels registered under the laws of the nation which has imposed conditions on United States fishing vessels.

(c) "Fishing vessel" defined

For the purposes of this section, the term "fishing vessel" has the meaning given that term in section 2101(11a) of title 46.

(d) Sanctions commensurate with conditions certified

It is the sense of the Congress that any action taken by any Federal agency under subsection (b) of this section should be commensurate with any conditions certified by the Secretary of State under subsection (a) of this section.

(Aug. 27, 1954, ch. 1018, §12, as added Pub. L. 104-43, title IV, §402(b), Nov. 3, 1995, 109 Stat. 390.)

CHAPTER 26—ARMED FORCES PARTICIPATION IN INTERNATIONAL AMATEUR SPORTS COMPETITIONS

§§ 1981 to 1985. Repealed. Pub. L. 85-861, §36A, Sept. 2, 1958, 72 Stat. 1569

Section 1981, acts July 1, 1947, ch. 203, §1, 61 Stat. 243; Mar. 14, 1955, ch. 11, 69 Stat. 11, defined terms used in sections 1981 to 1985 of this title. See section 716 of Title 10, Armed Forces.

Section 1982, act July 1, 1947, ch. 203, §2, as added Mar. 14, 1955, ch. 11, 69 Stat. 11, related to training, attendance, and participation, report to Congress, and to funds and equipment. See section 716 of Title 10.

Section 1983, act July 1, 1947, ch. 203, §3, as added Mar. 14, 1955, ch. 11, 69 Stat. 11, prescribed limitations on expenditure of funds, and related to use of appropriations. See section 716 of Title 10.

Sections 1984, 1985, act July 1, 1947, ch. 203, §§4, 5, as added Mar. 14, 1955, ch. 11, 69 Stat. 11, authorized payment of allowances, travel and transportation, and subsistence and quarters. See section 419 of Title 37, Pay and Allowances of the Uniformed Services.

CHAPTER 27—INTERNATIONAL CULTURAL EXCHANGE AND TRADE FAIR PARTICIPATION

§§ 1991 to 2001. Repealed. Pub. L. 87-256, § 111(a)(3), Sept. 21, 1961, 75 Stat. 538

Sections, act Aug. 1, 1956, ch. 811, §§2-12, 70 Stat. 778-780, related to international cultural exchange and trade fair participation. See section 2451 et seq. of this title.

Section 1991 stated purpose of chapter.

Section 1992 prescribed authority of President, and appointment and compensation of Commissioner General and principal representatives.

Section 1993 encouraged private participation and contributions of funds, property, and services.

Section 1994 authorized appropriations.

Section 1995 permitted utilization of other laws in carrying out chapter.

Section 1996 authorized expenditures for acquisition of exhibits.

Section 1997 related to performance of functions without regard to other laws.

Section 1998 required reports to Congress.

Section 1999 created Advisory Committee on Arts; prescribed qualifications, duties, terms of office and compensation of members; and provided for staff and secretarial services.

Section 2000 authorized creation of interagency committees.

Section 2001 prescribed extent of cultural program.

CONTINUATION OF CERTAIN EXECUTIVE ORDERS, AGREEMENTS, DETERMINATION, REGULATIONS, CONTRACTS, APPOINTMENTS, AND OTHER ACTIONS

Continuation in full force and effect, and applicability to the appropriate provisions of the Mutual Educational and Cultural Exchange Act of 1961, set out as section 2451 et seq. of this title, until modified or superseded by appropriate authority, of all Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded; or taken under authority of these sections, see section 111(b) of Pub. L. 87-256, set out as a note under section 2451 of this title.

CHAPTER 28—INTERNATIONAL ATOMIC ENERGY AGENCY PARTICIPATION

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§ 2021. Agency appointments by President

(a) Representative and deputy representative; terms; functions

The President, by and with the advice and consent of the Senate, shall appoint a representative and a deputy representative of the United States to the International Atomic Energy Agency (referred to in this chapter as the "Agency"), who shall hold office at the pleasure of the President. Such representative and deputy representative shall represent the United States on the Board of Governors of the Agency, may represent the United States at the General Conference, and may serve ex officio as United States representative on any organ of that Agency, and shall perform such other functions in connection with the participation of the United States in the Agency as the President may from time to time direct. The Representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the Agency.

(b) Specified sessions

The President, by and with the advice and consent of the Senate, may appoint or designate