

1978—Pars. (25) to (27). Pub. L. 95-354 added pars. (25) and (26) and redesignated former par. (25) as (27).

CHANGE OF NAME

“Pacific States Marine Fisheries Commission” substituted for “Pacific Marine Fisheries Commission” in par. (28) pursuant to section 1001(c) of Pub. L. 101-627, set out below.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 405(a) of Pub. L. 104-297 provided that: “Notwithstanding section 308 of the Act entitled ‘An Act to provide for the designation of the Flower Garden Banks National Marine Sanctuary’, approved March 9, 1992 (Public Law 102-251; 106 Stat. 66) [set out as a note under section 773 of this title] hereinafter referred to as the ‘FGB Act’, section 301(b) of that Act [amending this section, see Codification note above] (adding a definition of the term ‘special areas’) shall take effect on the date of enactment of this Act [Oct. 11, 1996].”

REDESIGNATION OF PACIFIC MARINE FISHERIES COMMISSION AS PACIFIC STATES MARINE FISHERIES COMMISSION

Section 1001 of Pub. L. 101-627 provided that:

“(a) IN GENERAL.—The Congress consents to and approves of the amendments described in subsection (b) to the interstate compact which constituted the Pacific Marine Fisheries Commission, approved by the Act of July 24, 1947 (61 Stat. 419; hereinafter in this section referred to as the ‘compact’).

“(b) AMENDMENT DESCRIBED.—The amendments referred to in subsection (a) are the amendments approved and ratified before the effective date of this section [Nov. 28, 1990] by the contracting States to the compact, which—

“(1) amend Article III of the compact to redesignate the Pacific Marine Fisheries Commission as the ‘Pacific States Marine Fisheries Commission’; and

“(2) make such other amendments to the compact as are necessary solely to conform to the text of the compact to the amendment described in paragraph (1).

“(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pacific Marine Fisheries Commission constituted by the compact is deemed to be a reference to the ‘Pacific States Marine Fisheries Commission’.”

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 1803. Authorization of appropriations

There are authorized to be appropriated to the Secretary to carry out the provisions of this chapter—

- (1) \$337,844,000 for fiscal year 2007;
- (2) \$347,684,000 for fiscal year 2008;
- (3) \$357,524,000 for fiscal year 2009;
- (4) \$367,364,000 for fiscal year 2010;
- (5) \$377,204,000 for fiscal year 2011;
- (6) \$387,044,000 for fiscal year 2012; and
- (7) \$396,875,000 for fiscal year 2013.

(Pub. L. 94-265, § 4, as added Pub. L. 104-297, title I, § 103, Oct. 11, 1996, 110 Stat. 3563; amended Pub. L. 109-479, § 7, Jan. 12, 2007, 120 Stat. 3579.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

AMENDMENTS

2007—Pub. L. 109-479 reenacted section catchline without change and amended text generally, substituting provisions authorizing appropriations for fiscal years 2007 to 2013 for provisions authorizing appropriations for fiscal years 1996 to 1999.

SUBCHAPTER II—UNITED STATES RIGHTS AND AUTHORITY REGARDING FISH AND FISHERY RESOURCES

§ 1811. United States sovereign rights to fish and fishery management authority

(a) In the exclusive economic zone

Except as provided in section 1812 of this title, the United States claims, and will exercise in the manner provided for in this chapter, sovereign rights and exclusive fishery management authority over all fish, and all Continental Shelf fishery resources, within the exclusive economic zone.

(b) Beyond the exclusive economic zone

The United States claims, and will exercise in the manner provided for in this chapter, exclusive fishery management authority over the following:

(1) All anadromous species throughout the migratory range of each such species beyond the exclusive economic zone; except that that management authority does not extend to any such species during the time they are found within any waters of a foreign nation.

(2) All Continental Shelf fishery resources beyond the exclusive economic zone.

(Pub. L. 94-265, title I, § 101, Apr. 13, 1976, 90 Stat. 336; Pub. L. 99-659, title I, § 101(b), Nov. 14, 1986, 100 Stat. 3706; Pub. L. 101-627, title I, § 102(b), Nov. 28, 1990, 104 Stat. 4438; Pub. L. 102-251, title III, § 301(c), Mar. 9, 1992, 106 Stat. 62.)

AMENDMENT OF SECTION

Pub. L. 102-251, title III, §§ 301(c), 308, Mar. 9, 1992, 106 Stat. 62, 66, provided that, effective on the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until the date on which the Agreement enters into force for the United States, subsection (a) is amended by inserting “and special areas” before the period at the end and subsection (b) is amended by inserting after paragraph (2) the following new paragraph:

(3) All fishery resources in the special areas.

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

AMENDMENTS

1990—Subsec. (b)(1). Pub. L. 101-627 substituted “any waters of a foreign nation” for “any foreign nation’s

territorial sea or exclusive economic zone (or the equivalent), to the extent that that sea or zone is recognized by the United States”.

1986—Pub. L. 99-659 amended section generally. Prior to amendment, section read as follows: “There is established a zone contiguous to the territorial sea of the United States to be known as the fishery conservation zone. The inner boundary of the fishery conservation zone is a line coterminous with the seaward boundary of each of the coastal States, and the outer boundary of such zone is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.”

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-251 effective on date on which Agreement between United States and Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until date on which Agreement enters into force for United States, see section 308 of Pub. L. 102-251, set out as a note under section 773 of this title.

§ 1812. Highly migratory species

(a) In general

The United States shall cooperate directly or through appropriate international organizations with those nations involved in fisheries for highly migratory species with a view to ensuring conservation and shall promote the achievement of optimum yield of such species throughout their range, both within and beyond the exclusive economic zone.

(b) Traditional participation

In managing any fisheries under an international fisheries agreement to which the United States is a party, the appropriate Council or Secretary shall take into account the traditional participation in the fishery, relative to other nations, by fishermen of the United States on fishing vessels of the United States.

(c) Promotion of stock management

If a relevant international fisheries organization does not have a process for developing a formal plan to rebuild a depleted stock, an overfished stock, or a stock that is approaching a condition of being overfished, the provisions of this chapter in this regard shall be communicated to and promoted by the United States in the international or regional fisheries organization.

(Pub. L. 94-265, title I, § 102, Apr. 13, 1976, 90 Stat. 336; Pub. L. 99-659, title I, § 101(b), Nov. 14, 1986, 100 Stat. 3707; Pub. L. 101-627, title I, § 103(a), Nov. 28, 1990, 104 Stat. 4439; Pub. L. 104-297, title I, § 104, Oct. 11, 1996, 110 Stat. 3563; Pub. L. 109-479, § 4, Jan. 12, 2007, 120 Stat. 3578.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

AMENDMENTS

2007—Pub. L. 109-479 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) and (c).

1996—Pub. L. 104-297 substituted “shall promote the achievement of optimum yield” for “promoting the objective of optimum utilization”.

1990—Pub. L. 101-627 amended section generally. Prior to amendment, section read as follows: “The sovereign rights and exclusive fishery management authority asserted by the United States under section 1811 of this title over fish do not include, and may not be construed to extend to, highly migratory species of fish.”

1986—Pub. L. 99-659 amended section generally. Prior to amendment, section read as follows: “The United States shall exercise exclusive fishery management authority, in the manner provided for in this chapter, over the following:

“(1) All fish within the fishery conservation zone.

“(2) All anadromous species throughout the migratory range of each such species beyond the fishery conservation zone; except that such management authority shall not extend to such species during the time they are found within any foreign nation’s territorial sea or fishery conservation zone (or the equivalent), to the extent that such sea or zone is recognized by the United States.

“(3) All Continental Shelf fishery resources beyond the fishery conservation zone.”

EFFECTIVE DATE OF 1990 AMENDMENT

Section 103(c) of Pub. L. 101-627 provided that: “The amendments made by this section [amending this section] shall take effect on January 1, 1992.”

§ 1813. Omitted

CODIFICATION

Section, Pub. L. 94-265, title I, § 103, Apr. 13, 1976, 90 Stat. 336, which related to exclusion of highly migratory species of fish from exclusive fishery management authority, was omitted in the general revision of this subchapter by section 101(b) of Pub. L. 99-659. See section 1812 of this title.

SUBCHAPTER III—FOREIGN FISHING AND INTERNATIONAL FISHERY AGREEMENTS

§ 1821. Foreign fishing

(a) In general

After February 28, 1977, no foreign fishing is authorized within the exclusive economic zone, or for anadromous species or Continental Shelf fishery resources beyond the exclusive economic zone, unless such foreign fishing—

(1) is authorized under subsections (b) or (c) of this section or section 1824(e) of this title, or under a permit issued under section 1824(d) of this title;

(2) is not prohibited under subsection (f) of this section; and

(3) is conducted under, and in accordance with, a valid and applicable permit issued pursuant to section 1824 of this title.

(b) Existing international fishery agreements

Foreign fishing described in subsection (a) of this section may be conducted pursuant to an international fishery agreement (subject to the provisions of section 1822(b) or (c) of this title), if such agreement—

(1) was in effect on April 13, 1976; and

(2) has not expired, been renegotiated, or otherwise ceased to be of force and effect with respect to the United States.

(c) Governing international fishery agreements

Foreign fishing described in subsection (a) of this section may be conducted pursuant to an