

Par. (38). Pub. L. 104-297, §102(10), redesignated par. (37) as (38). Former par. (38) redesignated (39).

Pub. L. 104-297, §102(9), redesignated par. (36) as (38). Former par. (38) redesignated (40).

Pub. L. 104-297, §102(8), redesignated par. (36) as (38). Former par. (38) redesignated (40).

Pub. L. 104-297, §102(5), redesignated par. (37) as (38). Former par. (38) redesignated (39).

Pub. L. 104-297, §102(4), redesignated par. (37) as (38).

Par. (39). Pub. L. 104-297, §102(10), redesignated par. (38) as (39). Former par. (39) redesignated (40).

Pub. L. 104-297, §102(9), redesignated par. (37) as (39). Former par. (39) redesignated (41).

Pub. L. 104-297, §102(8), redesignated par. (37) as (39). Former par. (39) redesignated (41).

Pub. L. 104-297, §102(5), redesignated par. (38) as (39).

Pars. (40), (41). Pub. L. 104-297, §102(10), redesignated pars. (39) and (40) as (40) and (41), respectively. Former par. (41) redesignated (42).

Pub. L. 104-297, §102(9), redesignated pars. (38) and (39) as (40) and (41), respectively. Former pars. (40) and (41) redesignated (42) and (43), respectively.

Pub. L. 104-297, §102(8), redesignated pars. (38) and (39) as (40) and (41), respectively.

Par. (42). Pub. L. 104-297, §102(11), which directed the substitution of “regulated under this chapter” for “for which a fishery management plan prepared under subchapter IV of this chapter or a preliminary fishery management plan prepared under section 1821(g) of this title has been implemented”, was executed by making substitution for language which referred to “section 1821(h)”, notwithstanding directory language directing substitution for language which referred to “section 1821(g)” to reflect the probable intent of Congress.

Pub. L. 104-297, §102(10), redesignated par. (41) as (42). Former par. (42) redesignated (43).

Pub. L. 104-297, §102(9), redesignated par. (40) as (42).

Par. (43). Pub. L. 104-297, §102(10), redesignated par. (42) as (43). Former par. (43) redesignated (44).

Pub. L. 104-297, §102(9), redesignated par. (41) as (43).

Par. (44). Pub. L. 104-297, §102(12), added par. (44). Former par. (44) redesignated (45).

Pub. L. 104-297, §102(10), redesignated par. (43) as (44).

Par. (45). Pub. L. 104-297, §102(12), redesignated par. (44) as (45).

1990—Par. (7). Pub. L. 101-627, §102(a)(2), substituted “and birds” for “, birds, and highly migratory species”.

Par. (14). Pub. L. 101-627, §102(a)(3), amended par. (14) generally. Prior to amendment, par. (14) read as follows: “The term ‘highly migratory species’ means species of tuna which, in the course of their life cycle, spawn and migrate over great distances in waters of the ocean.”

Par. (16). Pub. L. 101-627, §102(a)(4), added par. (16). Former par. (16) redesignated (17).

Par. (17). Pub. L. 101-627, §102(a)(1), redesignated par. (16) as (17). Former par. (17) redesignated (19).

Par. (18). Pub. L. 101-627, §102(a)(5), added par. (18). Former par. (18) redesignated (21).

Par. (19). Pub. L. 101-627, §102(a)(1), redesignated par. (17) as (19). Former par. (19) redesignated (22).

Par. (20). Pub. L. 101-627, §102(a)(6), added par. (20). Former par. (20) redesignated (23).

Pars. (21) to (26). Pub. L. 101-627, §102(a)(1), redesignated pars. (18) to (23) as (21) to (26), respectively. Former pars. (24) to (26) redesignated (28) to (30), respectively.

Par. (27). Pub. L. 101-627, §102(a)(7), added par. (27). Former par. (27) redesignated (31).

Pars. (28) to (31). Pub. L. 101-627, §102(a)(1), redesignated pars. (24) to (27) as (28) to (31), respectively.

Par. (32). Pub. L. 101-627, §102(a)(8), added par. (32).

1988—Par. (27). Pub. L. 100-239 amended par. (27) generally. Prior to amendment, par. (27) read as follows: “The term ‘vessel of the United States’ means—

“(A) any vessel documented under the laws of the United States;

“(B) any vessel numbered in accordance with the Federal Boat Safety Act of 1971 and measuring less than 5 net tons; or

“(C) any vessel numbered under the Federal Boat Safety Act of 1971 and used exclusively for pleasure.”

1986—Par. (4). Pub. L. 99-659, §112, in provisions under heading “Mollusks” substituted “*Arctica islandica*” for “*Artica islandica*” and under heading “Sponges” substituted “*Spongia cheiris*” for “*Hippiospongia canaliculata*”.

Pars. (6) to (8). Pub. L. 99-659, §101(a), added par. (6), redesignated former pars. (6) and (7) as (7) and (8), respectively, and struck out former par. (8) which defined “fishery conservation zone” as the fishery conservation zone established by section 1811 of this title.

1983—Par. (27). Pub. L. 97-453 designated existing provisions as subpar. (A), struck out “or registered under the laws of any State” after “United States”, and added subpars. (B) and (C).

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

Pub. L. 104-297, title IV, §405(a), Oct. 11, 1996, 110 Stat. 3620, 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

Pub. L. 101-627, title X, §1001, Nov. 28, 1990, 104 Stat. 4467, 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 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 in-

serting “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,