

CHAPTER 25—PROTECTION OF VESSELS ON THE HIGH SEAS AND IN TERRITORIAL WATERS OF FOREIGN COUNTRIES

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§ 1971. “Vessel of the United States” defined

For the purposes of this chapter the term “vessel of the United States” shall mean any private vessel documented or certificated under the laws of the United States. Notwithstanding any other law, the documentation or certification of any such vessel shall not be considered to be affected, for the purposes of this chapter, in any manner or to any extent if at any time during any voyage for the purpose of fishing beyond the fishery conservation zone (as defined in section 1802(8)¹ of title 16), the vessel is commanded by other than a citizen of the United States.

(Aug. 27, 1954, ch. 1018, §1, 68 Stat. 883; Pub. L. 95-541, §14(a), Oct. 28, 1978, 92 Stat. 2057; Pub. L. 96-561, title II, §238(b), Dec. 22, 1980, 94 Stat. 3300; Pub. L. 104-208, div. A, title I, §101(a) [title II, §211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

REFERENCES IN TEXT

Section 1802(8) of title 16, referred to in text, which defined “fishery conservation zone”, was repealed and section 1802(6) of Title 16, Conservation, defining the term “exclusive economic zone”, was added by Pub. L. 99-659, title I, §101(a), Nov. 14, 1986, 100 Stat. 3706. Section 1802 was subsequently amended and the term “exclusive economic zone” is defined elsewhere in that section.

AMENDMENTS

1996—Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1802(8) of title 16.

1980—Pub. L. 96-561 made technical amendment to reference in original act which appears in text as reference to section 1802(8) of title 16.

1978—Pub. L. 95-541 provided that the documentation or certification of a vessel of the United States not be affected if at any time during the voyage for the purpose of fishing beyond the fishery conservation zone, the vessel is commanded by other than a citizen of the United States.

¹ See References in Text note below.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, §101(a) [title II, §211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-561, title II, §238(b), Dec. 22, 1980, 94 Stat. 3300, provided that the amendment made by that section is effective 15 days after Dec. 22, 1980.

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95-541, §14(b), Oct. 28, 1978, 92 Stat. 2057, provided that the amendment made by section 14(a) of Pub. L. 95-541, amending this section, was to take effect Jan. 1, 1978, prior to the general amendment by Pub. L. 104-227, title I, §107, Oct. 2, 1996, 110 Stat. 3042.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-450, title I, §101, Nov. 7, 2000, 114 Stat. 1941, provided that: “This title [amending section 1977 of this title] may be cited as the ‘Fishermen’s Protective Act Amendments of 2000’.”

SHORT TITLE

Pub. L. 90-482, §4, Aug. 12, 1968, 82 Stat. 730, provided that: “The Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971-1976), as amended by this Act [this chapter], may be cited as the ‘Fishermen’s Protective Act of 1967’.”

§ 1972. Action by Secretary of State upon seizure of vessel by foreign country; preconditions

If—

(1) any vessel of the United States is seized by a foreign country on the basis of claims to jurisdiction that are not recognized by the United States, or on the basis of claims to jurisdiction recognized by the United States but exercised in a manner inconsistent with international law as recognized by the United States;¹

(2) any general claim of any foreign country to exclusive fishery management authority is recognized by the United States, and any vessel of the United States is seized by such foreign country on the basis of conditions and restrictions under such claim, if such conditions and restrictions—

(A) are unrelated to fishery conservation and management,

(B) fail to consider and take into account traditional fishing practices of vessels of the United States,

(C) are greater or more onerous than the conditions and restrictions which the United States applies to foreign fishing vessels subject to the exclusive fishery management authority of the United States (as established in title I of the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1811 et seq.]), or

(D) fail to allow fishing vessels of the United States equitable access to fish subject to such country’s exclusive fishery management authority;

the Secretary of State, unless there is clear and convincing credible evidence that the seizure did not meet the requirements under paragraph (1) or (2), as the case may be, shall immediately take such steps as are necessary—

¹ So in original. Probably should be followed by “or”.