

- Sec.  
1979. Fishermen's Protective Fund.  
1980. Compensation for loss or destruction of commercial fishing vessel or gear.  
1980a. Reimbursement of owner for fee paid to navigate foreign waters if fee inconsistent with international law.  
1980b. Sanctions for imposition of conditions on U.S. fishing vessel found inconsistent with international law.

STATEMENT OF POLICY AND SENSE OF CONGRESS ON, AND STRATEGY TO FULFILL OBLIGATIONS UNDER, MUTUAL DEFENSE TREATY WITH THE REPUBLIC OF THE PHILIPPINES

Pub. L. 116-92, div. A, title XII, §1258, Dec. 20, 2019, 133 Stat. 1674, provided that:

“(a) STATEMENT OF POLICY.—It is the policy of the United States that—

“(1) while the United States has long adopted an approach that takes no position on the ultimate disposition of the disputed sovereignty claims in the South China Sea, disputing states should—

“(A) resolve their disputes peacefully without the threat or use of force; and

“(B) ensure that their maritime claims are consistent with international law; and

“(2) an armed attack on the armed forces, public vessels, or aircraft of the Republic of the Philippines in the Pacific, including the South China Sea, would trigger the mutual defense obligations of the United States under Article IV of the Mutual Defense Treaty ‘to meet common dangers in accordance with its constitutional processes’.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State and the Secretary of Defense should—

“(1) affirm the commitment of the United States to the Mutual Defense Treaty;

“(2) preserve and strengthen the military alliance of the United States with the Republic of the Philippines;

“(3) prioritize efforts to develop a shared understanding of alliance commitments and defense planning; and

“(4) provide appropriate support to the Republic of the Philippines to strengthen the self-defense capabilities of the Republic of the Philippines, particularly in the maritime domain.

“(c) STRATEGY REQUIRED.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a report that sets forth the strategy of the Department of Defense for achieving the objectives described in subsection (b).

“(2) ELEMENTS OF STRATEGY.—The strategy required by paragraph (1) shall include the following:

“(A) A description of the national security interests and objectives of the United States furthered by the Mutual Defense Treaty.

“(B) A description of the regional security environment, including—

“(i) an assessment of threats to both the United States and the Republic of the Philippines national security interests in the region and the role of the Department in addressing such threats;

“(ii) a description of the strategic security challenges that are detrimental to regional peace and global stability, including challenges posed by the People's Republic of China, violent extremist organizations, and natural disasters; and

“(iii) a description of each violent extremist organization that presents a threat to the Republic of the Philippines, including, with respect to each such organization—

“(I) the primary objectives of the organization;

“(II) an assessment of—

“(aa) the capacity and capability of the organization;

“(bb) the transnational threat posed by the organization;

“(cc) recent trends in the capability and influence of the organization;

“(dd) the potential for the organization to reconstitute, expand, or otherwise pose a significant transnational threat; and

“(ee) the conditions that contribute to efforts of the organization to reconstitute, expand, or pose such a threat; and

“(III) a description of the metrics used to assess the capability and influence of the organization.

“(C) A description of Department objectives with the Republic of the Philippines, including—

“(i) the benchmarks for assessing progress towards such objectives; and

“(ii) the Department strategy to achieve such objectives, including through—

“(I) defense cooperation;

“(II) use of security cooperation authorities; and

“(III) other support or activities in the Republic of the Philippines.

“(D) An identification of all current and planned Department resources, programs, and activities to support the strategy required by paragraph (1), including a review of the necessity of an ongoing named operation and the criteria used to determine such necessity.

“(d) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]; and

“(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(2) MUTUAL DEFENSE TREATY.—The term ‘Mutual Defense Treaty’ means the Mutual Defense Treaty between the Republic of the Philippines and the United States of America, done at Washington August 30, 1951.”

FREEDOM OF NAVIGATION AND OVERFLIGHT; PROMOTION OF INTERNATIONAL LAW

Pub. L. 115-409, title II, §213, Dec. 31, 2018, 132 Stat. 5401, provided that:

“(a) FREEDOM OF NAVIGATION.—It is the policy of the United States—

“(1) to conduct, as part of its global Freedom of Navigation Program, regular freedom of navigation, and overflight operations in the Indo-Pacific region, in accordance with applicable international law; and

“(2) to promote genuine multilateral negotiations to peacefully resolve maritime disputes in the South China Sea, in accordance with applicable international law.

“(b) JOINT INDO-PACIFIC DIPLOMATIC STRATEGY.—It is the sense of Congress that the President should develop a diplomatic strategy that includes working with United States allies and partners to conduct joint maritime training and freedom of navigation operations in the Indo-Pacific region, including the East China Sea and the South China Sea, in support of a rules-based international system benefitting all countries.”

[Nothing in section 213 of Pub. L. 115-409, set out above, to be construed as authorizing the use of military force, see section 412 of Pub. L. 115-409, set out as a note under section 2656 of this title.]

§ 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)<sup>1</sup> 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.

#### 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;<sup>1</sup>

(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—

(i) for the protection of such vessel and for the health and welfare of its crew;

(ii) to secure the release of such vessel and its crew; and

(iii) to determine the amount of any fine, license, fee, registration fee, or other direct charge reimbursable under section 1973(a) of this title.

(Aug. 27, 1954, ch. 1018, §2, 68 Stat. 883; Pub. L. 92-569, §1, Oct. 26, 1972, 86 Stat. 1182; Pub. L. 94-265, title IV, §403(a)(1), Apr. 13, 1976, 90 Stat. 360; Pub. L. 96-561, title II, §238(b), Dec. 22, 1980, 94 Stat. 3300; Pub. L. 98-364, title III, §303(a), July 17, 1984, 98 Stat. 444; 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

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in par. (2)(C), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended. Title I of the Act is classified generally to subchapter II (§1811 et seq.) of chapter 38 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 16 and Tables.

#### AMENDMENTS

1996—Par. (2)(C). Pub. L. 104-208 substituted “Magnuson-Stevens Fishery” for “Magnuson Fishery”.

1984—Pub. L. 98-364, in par. (1), substituted “any vessel of the United States is seized by a foreign country

<sup>1</sup> See References in Text note below.

<sup>1</sup> So in original. Probably should be followed by “or”.