

sively work to identify and minimize conflicts between recreational fisheries and their respective responsibilities under the Endangered Species Act of 1973 ("ESA") (16 U.S.C. 1531 *et seq.*). Within 6 months of the date of this order, the Fish and Wildlife Service and the National Marine Fisheries Service will promote compatibility and reduce conflicts between the administration of the ESA and recreational fisheries by developing a joint agency policy that will: (1) ensure consistency in the administration of the ESA between and within the two agencies, (2) promote collaboration with other Federal, State, and Tribal fisheries managers, and (3) improve and increase efforts to inform nonfederal entities of the requirements of the ESA.

SEC. 5. *Sport Fishing and Boating Partnership Council.* To assist in the implementation of this order, the Secretary of the Interior shall expand the role of the Sport Fishing and Boating Partnership Council to: (a) monitor specific Federal activities affecting aquatic systems and the recreational fisheries they support;

(b) review and evaluate the relation of Federal policies and activities to the status and conditions of recreational fishery resources; and

(c) prepare an annual report of its activities, findings, and recommendations for submission to the Coordination Council.

SEC. 6. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.

§ 1802. Definitions

As used in this chapter, unless the context otherwise requires—

(1) The term "anadromous species" means species of fish which spawn in fresh or estuarine waters of the United States and which migrate to ocean waters.

(2) The term "bycatch" means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.

(3) The term "charter fishing" means fishing from a vessel carrying a passenger for hire (as defined in section 2101(21a) of title 46) who is engaged in recreational fishing.

(4) The term "commercial fishing" means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.

(5) The term "conservation and management" refers to all of the rules, regulations, conditions, methods, and other measures (A) which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring, or maintaining, any fishery resource and the marine environment; and (B) which are designed to assure that—

(i) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis;

(ii) irreversible or long-term adverse effects on fishery resources and the marine environment are avoided; and

(iii) there will be a multiplicity of options available with respect to future uses of these resources.

(6) The term "Continental Shelf" means the seabed and subsoil of the submarine areas adjacent to the coast, but outside the area of the territorial sea, of the United States, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of such areas.

(7) The term "Continental Shelf fishery resources" means the following:

CNIDARIA

Bamboo Coral—*Acanella* spp.;
Black Coral—*Antipathes* spp.;
Gold Coral—*Callogorgia* spp.;
Precious Red Coral—*Corallium* spp.;
Bamboo Coral—*Keratoisis* spp.; and
Gold Coral—*Parazoanthus* spp.

CRUSTACEA

Tanner Crab—*Chionoecetes tanneri*;
Tanner Crab—*Chionoecetes opilio*;
Tanner Crab—*Chionoecetes angulatus*;
Tanner Crab—*Chionoecetes bairdi*;
King Crab—*Paralithodes camtschatica*;
King Crab—*Paralithodes platypus*;
King Crab—*Paralithodes brevipes*;
Lobster—*Homarus americanus*;
Dungeness Crab—*Cancer magister*;
California King Crab—*Paralithodes californiensis*;
California King Crab—*Paralithodes rathbuni*;
Golden King Crab—*Lithodes aequispinus*;
Northern Stone Crab—*Lithodes maja*;
Stone Crab—*Menippe mercenaria*; and
Deep-sea Red Crab—*Chaceon quinquedens*.

MOLLUSKS

Red Abalone—*Haliotis rufescens*;
Pink Abalone—*Haliotis corrugata*;
Japanese Abalone—*Haliotis kamtschaticana*;
Queen Conch—*Strombus gigas*;
Surf Clam—*Spisula solidissima*; and
Ocean Quahog—*Arctica islandica*.

SPONGES

Glove Sponge—*Spongia cheiris*;
Sheepswool Sponge—*Hippiospongia lachne*;
Grass Sponge—*Spongia graminea*; and
Yellow Sponge—*Spongia barbera*.

If the Secretary determines, after consultation with the Secretary of State, that living organisms of any other sedentary species are, at the harvestable stage, either—

(A) immobile on or under the seabed, or

(B) unable to move except in constant physical contact with the seabed or subsoil,

of the Continental Shelf which appertains to the United States, and publishes notice of such determination in the Federal Register, such sedentary species shall be considered to be added to the foregoing list and included in such term for purposes of this chapter.

(8) The term "Council" means any Regional Fishery Management Council established under section 1852 of this title.

(9) The term "economic discards" means fish which are the target of a fishery, but which

are not retained because they are of an undesirable size, sex, or quality, or for other economic reasons.

(10) The term “essential fish habitat” means those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.

(11) The term “exclusive economic zone” means the zone established by Proclamation Numbered 5030, dated March 10, 1983. For purposes of applying this chapter, the inner boundary of that zone is a line coterminous with the seaward boundary of each of the coastal States.

(12) The term “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

(13) The term “fishery” means—

(A) one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

(B) any fishing for such stocks.

(14) The term “regional fishery association” means an association formed for the mutual benefit of members—

(A) to meet social and economic needs in a region or subregion; and

(B) comprised of persons engaging in the harvest or processing of fishery resources in that specific region or subregion or who otherwise own or operate businesses substantially dependent upon a fishery.

(15) The term “fishery resource” means any fishery, any stock of fish, any species of fish, and any habitat of fish.

(16) The term “fishing” means—

(A) the catching, taking, or harvesting of fish;

(B) the attempted catching, taking, or harvesting of fish;

(C) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(D) any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

Such term does not include any scientific research activity which is conducted by a scientific research vessel.

(17) The term “fishing community” means a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community.

(18) The term “fishing vessel” means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(A) fishing; or

(B) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

(19) The term “foreign fishing” means fishing by a vessel other than a vessel of the United States.

(20) The term “high seas” means all waters beyond the territorial sea of the United States and beyond any foreign nation’s territorial sea, to the extent that such sea is recognized by the United States.

(21) The term “highly migratory species” means tuna species, marlin (*Tetrapturus* spp. and *Makaira* spp.), oceanic sharks, sailfishes (*Istiophorus* spp.), and swordfish (*Xiphias gladius*).

(22) The term “import”—

(A) means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States; but

(B) does not include any activity described in subparagraph (A) with respect to fish caught in the exclusive economic zone or by a vessel of the United States.

(23) The term “individual fishing quota” means a Federal permit under a limited access system to harvest a quantity of fish, expressed by a unit or units representing a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person. Such term does not include community development quotas as described in section 1855(i) of this title.

(24) The term “international fishery agreement” means any bilateral or multilateral treaty, convention, or agreement which relates to fishing and to which the United States is a party.

(25) The term “large-scale driftnet fishing” means a method of fishing in which a gillnet composed of a panel or panels of webbing, or a series of such gillnets, with a total length of two and one-half kilometers or more is placed in the water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing.

(26) The term “limited access privilege”—

(A) means a Federal permit, issued as part of a limited access system under section 1853a of this title to harvest a quantity of fish expressed by a unit or units representing a portion of the total allowable catch of the fishery that may be received or held for exclusive use by a person; and

(B) includes an individual fishing quota; but

(C) does not include community development quotas as described in section 1855(i) of this title.

(27) The term “limited access system” means a system that limits participation in a fishery to those satisfying certain eligibility criteria or requirements contained in a fishery management plan or associated regulation.

(28) The term “Marine Fisheries Commission” means the Atlantic States Marine Fisheries Commission, the Gulf States Marine Fisheries Commission, or the Pacific States Marine Fisheries Commission.

(29) The term “migratory range” means the maximum area at a given time of the year within which fish of an anadromous species or stock thereof can be expected to be found, as determined on the basis of scale pattern analysis, tagging studies, or other reliable scientific information, except that the term does not include any part of such area which is in the waters of a foreign nation.

(30) The term “national standards” means the national standards for fishery conservation and management set forth in section 1851 of this title.

(31) The term “observer” means any person required or authorized to be carried on a vessel for conservation and management purposes by regulations or permits under this chapter.

(32) The term “observer information” means any information collected, observed, retrieved, or created by an observer or electronic monitoring system pursuant to authorization by the Secretary, or collected as part of a cooperative research initiative, including fish harvest or processing observations, fish sampling or weighing data, vessel logbook data, vessel or processor-specific information (including any safety, location, or operating condition observations), and video, audio, photographic, or written documents.

(33) The term “optimum”, with respect to the yield from a fishery, means the amount of fish which—

(A) will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems;

(B) is prescribed on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant social, economic, or ecological factor; and

(C) in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the maximum sustainable yield in such fishery.

(34) The terms “overfishing” and “overfished” mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.

(35) The term “Pacific Insular Area” means American Samoa, Guam, the Northern Mariana Islands, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Island, Wake Island, or Palmyra Atoll, as applicable, and includes all islands and reefs appurtenant to such island, reef, or atoll.

(36) The term “person” means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

(37) The term “recreational fishing” means fishing for sport or pleasure.

(38) The term “regulatory discards” means fish harvested in a fishery which fishermen are required by regulation to discard whenever

caught, or are required by regulation to retain but not sell.

(39) The term “Secretary” means the Secretary of Commerce or his designee.

(40) The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States.

(41)¹ The term “special areas” means the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990. In particular, the term refers to those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.

(42) The term “stock of fish” means a species, subspecies, geographical grouping, or other category of fish capable of management as a unit.

(43) The term “treaty” means any international fishery agreement which is a treaty within the meaning of section 2 of article II of the Constitution.

(44) The term “tuna species” means the following:

Albacore Tuna—*Thunnus alalunga*;
Bigeye Tuna—*Thunnus obesus*;
Bluefin Tuna—*Thunnus thynnus*;
Skipjack Tuna—*Katsuwonus pelamis*; and
Yellowfin Tuna—*Thunnus albacares*.

(45) The term “United States”, when used in a geographical context, means all the States thereof.

(46) The term “United States fish processors” means facilities located within the United States for, and vessels of the United States used or equipped for, the processing of fish for commercial use or consumption.

(47) The term “United States harvested fish” means fish caught, taken, or harvested by vessels of the United States within any fishery regulated under this chapter.

(48) The term “vessel of the United States” means—

(A) any vessel documented under chapter 121 of title 46;

(B) any vessel numbered in accordance with chapter 123 of title 46 and measuring less than 5 net tons;

(C) any vessel numbered in accordance with chapter 123 of title 46 and used exclusively for pleasure; or

(D) any vessel not equipped with propulsion machinery of any kind and used exclusively for pleasure.

(49) The term “vessel subject to the jurisdiction of the United States” has the same meaning such term has in section 70502(c) of title 46.

(50) The term “waters of a foreign nation” means any part of the territorial sea or exclu-

¹ See Codification note below.

sive economic zone (or the equivalent) of a foreign nation, to the extent such territorial sea or exclusive economic zone is recognized by the United States.

(Pub. L. 94-265, § 3, Apr. 13, 1976, 90 Stat. 333; Pub. L. 95-354, § 3, Aug. 28, 1978, 92 Stat. 519; Pub. L. 97-453, § 15(a), Jan. 12, 1983, 96 Stat. 2492; Pub. L. 99-659, title I, §§ 101(a), 112, Nov. 14, 1986, 100 Stat. 3706, 3715; Pub. L. 100-239, § 2, Jan. 11, 1988, 101 Stat. 1778; Pub. L. 101-627, title I, § 102(a), title X, § 1001(c), Nov. 28, 1990, 104 Stat. 4438, 4468; Pub. L. 102-251, title III, § 301(b), Mar. 9, 1992, 106 Stat. 62; Pub. L. 104-297, title I, § 102, Oct. 11, 1996, 110 Stat. 3561; Pub. L. 109-479, § 3(b), (c), Jan. 12, 2007, 120 Stat. 3577, 3578.)

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.

Proclamation Numbered 5030, referred to in par. (11), is set out under section 1453 of this title.

CODIFICATION

In par. (49), “section 70502(c) of title 46” substituted for “section 3(c) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c))” on authority of Pub. L. 109-304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 70502 of Title 46, Shipping.

Pub. L. 102-251, § 301(b), which directed amendment of this section by adding a new par. (24) defining “special areas” and redesignating former pars. (24) to (32) as (25) to (33), respectively, was to be 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 United States, but will not be executed, to reflect the probable intent of Congress, because the amendments would be inconsistent with the amendments by Pub. L. 104-297 which added par. (36) (now par. (41)) which is substantially identical to the par. (24) added by Pub. L. 102-251, made successive redesignations of pars. (2) to (44), and added and amended various other pars. See 1996 Amendment notes below and section 308 of Pub. L. 102-251, set out as an Effective Date of 1992 Amendment note under section 773 of this title.

AMENDMENTS

2007—Pub. L. 109-479 added pars. (13A) defining “regional fishery association”, (20A) defining “import”, (23A) defining “limited access privilege”, (23B) defining “limited access system”, and (27A) defining “observer information” and redesignated pars. (1) to (45) as (1) to (50), respectively.

1996—Pars. (2) to (6). Pub. L. 104-297, § 102(1), added pars. (2) to (4) and redesignated former pars. (2) and (3) as (5) and (6), respectively. Former pars. (4) to (6) redesignated (7) to (9), respectively.

Par. (7). Pub. L. 104-297, § 102(2)(B), substituted “Deep-sea Red Crab—Chaceon quinquegens” for “Deep-sea Red Crab—Geryon quinquegens” in list under heading “Crustacea”.

Pub. L. 104-297, § 102(2)(A), which directed substitution of “Cnidaria” for “Coelenterata” in heading of list of corals, was executed by making the substitution for “Colenterata” in that heading to reflect the probable intent of Congress.

Pub. L. 104-297, § 102(1), redesignated par. (4) as (7). Former par. (7) redesignated (10).

Par. (8). Pub. L. 104-297, § 102(1), redesignated par. (5) as (8). Former par. (8) redesignated (11).

Par. (9). Pub. L. 104-297, § 102(3), added par. (9). Former par. (9) redesignated (11).

Pub. L. 104-297, § 102(1), redesignated par. (6) as (9). Former par. (9) redesignated (12).

Par. (10). Pub. L. 104-297, § 102(3), added par. (10). Former par. (10) redesignated (12).

Pub. L. 104-297, § 102(1), redesignated par. (7) as (10). Former par. (10) redesignated (13).

Pars. (11) to (15). Pub. L. 104-297, § 102(3), redesignated pars. (9) to (13) as (11) to (15), respectively. Former pars. (14) and (15) redesignated (16) and (17), respectively.

Pub. L. 104-297, § 102(1), redesignated pars. (8) to (12) as (11) to (15), respectively. Former pars. (13) to (15) redesignated (16) to (18), respectively.

Par. (16). Pub. L. 104-297, § 102(4), added par. (16). Former par. (16) redesignated (17).

Pub. L. 104-297, § 102(3), redesignated par. (14) as (16). Former par. (16) redesignated (18).

Pub. L. 104-297, § 102(1), redesignated par. (13) as (16). Former par. (16) redesignated (19).

Pars. (17) to (20). Pub. L. 104-297, § 102(4), redesignated pars. (16) to (19) as (17) to (20), respectively. Former par. (20) redesignated (21).

Pub. L. 104-297, § 102(3), redesignated pars. (15) to (18) as (17) to (20), respectively. Former pars. (19) and (20) redesignated (21) and (22), respectively.

Pub. L. 104-297, § 102(1), redesignated pars. (14) to (17) as (17) to (20), respectively. Former pars. (18) to (20) redesignated (21) to (23), respectively.

Par. (21). Pub. L. 104-297, § 102(5), added par. (21). Former par. (21) redesignated (22).

Pub. L. 104-297, § 102(4), redesignated par. (20) as (21). Former par. (21) redesignated (22).

Pub. L. 104-297, § 102(3), redesignated par. (19) as (21). Former par. (21) redesignated (23).

Pub. L. 104-297, § 102(1), redesignated par. (18) as (21). Former par. (21) redesignated (24).

Par. (22). Pub. L. 104-297, § 102(5), redesignated par. (21) as (22). Former par. (22) redesignated (23).

Pub. L. 104-297, § 102(4), redesignated par. (21) as (22). Former par. (22) redesignated (23).

Pub. L. 104-297, § 102(3), redesignated par. (20) as (22). Former par. (22) redesignated (24).

Pub. L. 104-297, § 102(1), redesignated par. (19) as (22). Former par. (22) redesignated (25).

Par. (23). Pub. L. 104-297, § 102(6), substituted “of two and one-half kilometers” for “of one and one-half miles”.

Pub. L. 104-297, § 102(5), redesignated par. (22) as (23). Former par. (23) redesignated (24).

Pub. L. 104-297, § 102(4), redesignated par. (22) as (23). Former par. (23) redesignated (24).

Pub. L. 104-297, § 102(3), redesignated par. (21) as (23). Former par. (23) redesignated (25).

Pub. L. 104-297, § 102(1), redesignated par. (20) as (23). Former par. (23) redesignated (26).

Pars. (24) to (27). Pub. L. 104-297, § 102(5), redesignated pars. (23) to (26) as (24) to (27), respectively. Former par. (27) redesignated (28).

Pub. L. 104-297, § 102(4), redesignated pars. (23) to (26) as (24) to (27), respectively. Former par. (27) redesignated (28).

Pub. L. 104-297, § 102(3), redesignated pars. (22) to (25) as (24) to (27), respectively. Former pars. (26) and (27) redesignated (28) and (29), respectively.

Pub. L. 104-297, § 102(1), redesignated pars. (21) to (24) as (24) to (27), respectively. Former pars. (25) to (27) redesignated (28) to (30), respectively.

Par. (28). Pub. L. 104-297, § 102(7), added par. (28) and struck out former par. (28) which read as follows: “The term ‘optimum’, with respect to the yield from a fishery, means the amount of fish—

“(A) which will provide the greatest overall benefit to the Nation, with particular reference to food production and recreational opportunities; and

“(B) which is prescribed as such on the basis of the maximum sustainable yield from such fishery, as modified by any relevant economic, social, or ecological factor.”

Pub. L. 104-297, § 102(5), redesignated par. (27) as (28). Former par. (28) redesignated (29).

Pub. L. 104-297, § 102(4), redesignated par. (27) as (28). Former par. (28) redesignated (29).

Pub. L. 104-297, §102(3), redesignated par. (26) as (28). Former par. (28) redesignated (30).

Pub. L. 104-297, §102(1), redesignated par. (25) as (28). Former par. (28) redesignated (31).

Pars. (29), (30). Pub. L. 104-297, §102(8), added pars. (29) and (30). Former pars. (29) and (30) redesignated (31) and (32), respectively.

Pub. L. 104-297, §102(5), redesignated pars. (28) and (29) as (29) and (30), respectively. Former par. (30) redesignated (31).

Pub. L. 104-297, §102(4), redesignated pars. (28) and (29) as (29) and (30), respectively. Former par. (30) redesignated (31).

Pub. L. 104-297, §102(3), redesignated pars. (27) and (28) as (29) and (30), respectively. Former pars. (29) and (30) redesignated (31) and (32), respectively.

Pub. L. 104-297, §102(1), redesignated pars. (26) and (27) as (29) and (30), respectively. Former pars. (29) and (30) redesignated (32) and (33), respectively.

Par. (31). Pub. L. 104-297, §102(8), redesignated par. (29) as (31). Former par. (31) redesignated (33).

Pub. L. 104-297, §102(5), redesignated par. (30) as (31). Former par. (31) redesignated (32).

Pub. L. 104-297, §102(4), redesignated par. (30) as (31). Former par. (31) redesignated (32).

Pub. L. 104-297, §102(3), redesignated par. (29) as (31). Former par. (31) redesignated (33).

Pub. L. 104-297, §102(1), redesignated par. (28) as (31). Former par. (31) redesignated (34).

Pars. (32), (33). Pub. L. 104-297, §102(9), added pars. (32) and (33). Former pars. (32) and (33) redesignated (34) and (35), respectively.

Pub. L. 104-297, §102(8), redesignated pars. (30) and (31) as (32) and (33), respectively. Former pars. (32) and (33) redesignated (34) and (35), respectively.

Pub. L. 104-297, §102(5), redesignated pars. (31) and (32) as (32) and (33), respectively. Former par. (33) redesignated (34).

Pub. L. 104-297, §102(4), redesignated pars. (31) and (32) as (32) and (33), respectively. Former par. (33) redesignated (34).

Pub. L. 104-297, §102(3), redesignated pars. (30) and (31) as (32) and (33), respectively. Former pars. (32) and (33) redesignated (34) and (35), respectively.

Pub. L. 104-297, §102(1), redesignated pars. (29) and (30) as (32) and (33), respectively. Former par. (32) redesignated (35).

Pars. (34), (35). Pub. L. 104-297, §102(9), redesignated pars. (32) and (33) as (34) and (35), respectively. Former pars. (34) and (35) redesignated (36) and (37), respectively.

Pub. L. 104-297, §102(8), redesignated pars. (32) and (33) as (34) and (35), respectively. Former pars. (34) and (35) redesignated (36) and (37), respectively.

Pub. L. 104-297, §102(5), redesignated pars. (33) and (34) as (34) and (35), respectively. Former par. (35) redesignated (36).

Pub. L. 104-297, §102(4), redesignated pars. (33) and (34) as (34) and (35), respectively. Former par. (35) redesignated (36).

Pub. L. 104-297, §102(3), redesignated pars. (32) and (33) as (34) and (35), respectively. Former pars. (34) and (35) redesignated (36) and (37), respectively.

Pub. L. 104-297, §102(1), redesignated pars. (31) and (32) as (34) and (35), respectively.

Par. (36). Pub. L. 104-297, §102(10), added par. (36). Former par. (36) redesignated (37).

Pub. L. 104-297, §102(9), redesignated par. (34) as (36). Former par. (36) redesignated (38).

Pub. L. 104-297, §102(8), redesignated par. (34) as (36). Former par. (36) redesignated (38).

Pub. L. 104-297, §102(5), redesignated par. (35) as (36). Former par. (36) redesignated (37).

Pub. L. 104-297, §102(4), redesignated par. (35) as (36). Former par. (36) redesignated (37).

Pub. L. 104-297, §102(3), redesignated par. (34) as (36). Par. (37). Pub. L. 104-297, §102(10), redesignated par. (36) as (37). Former par. (37) redesignated (38).

Pub. L. 104-297, §102(9), redesignated par. (35) as (37). Former par. (37) redesignated (39).

Pub. L. 104-297, §102(8), redesignated par. (35) as (37). Former par. (37) redesignated (39).

Pub. L. 104-297, §102(5), redesignated par. (36) as (37). Former par. (37) redesignated (38).

Pub. L. 104-297, §102(4), redesignated par. (36) as (37). Former par. (37) redesignated (38).

Pub. L. 104-297, §102(3), redesignated par. (35) as (37). 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

par. (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 “Arctica 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