

## 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.*

#### Editorial Notes

##### 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, 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 estab-

lished 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.”

#### Statutory Notes and Related Subsidiaries

##### 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.)

#### Editorial Notes

##### 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, 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).