

tation of fish products of the offending country for as long as he determines appropriate and to the extent such prohibition is sanctioned by the General Agreement on Tariffs and Trade, and added pars. (2) and (3).

Subsec. (b). Pub. L. 95-376, §2(2), inserted “or the Secretary of the Interior” after “Secretary of Commerce” and inserted “or wildlife products” after “fish products” in two places.

Subsec. (c). Pub. L. 95-376, §2(3), inserted “or wildlife products” after “fish products”.

Subsecs. (d)(2), (e)(1). Pub. L. 95-376, §2(4), (5)(A), inserted “and wildlife products” after “fish products”.

Subsec. (e)(4)(B). Pub. L. 95-376, §2(5)(B), inserted “or other conveyance” after “vessel” wherever appearing.

Subsec. (e)(5). Pub. L. 95-376, §2(5)(A), (C), inserted “and wildlife products” after “all fish products”, and substituted “Fish products and wildlife products” for “Any fish products”.

Subsec. (f). Pub. L. 95-376, §2(6), inserted references to the Secretary of Commerce and the Secretary of the Interior.

Subsec. (g)(3). Pub. L. 95-376, §2(7)(A), (B), substituted “in effect” for “in force”, and “which is in force with respect to the United States” for “to which the United States is a signatory party”.

Subsec. (g)(5) to (7). Pub. L. 95-376, §2(7)(C), added pars. (5) to (7).

CHANGE OF NAME

“United States magistrate judges” substituted for “United States magistrates” in subsec. (f)(2) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously “United States magistrates” substituted for “United States commissioners” pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in subsec. (f)(5) pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 sections 1371, 1821, 1826, 1826a, 4242, 5301.

§ 1979. Fishermen's Protective Fund

There is created a Fishermen's Protective Fund which shall be used by the Secretary of State to reimburse owners of vessels for amounts determined and certified by him under section 1973 of this title. The amount of any claim or portion thereof collected by the Secretary of State from any foreign country pursuant to section 1975(a) of this title shall be deposited in the fund and shall be available for the purpose of reimbursing vessel owners under section 1973 of this title; except that if a transfer to the fund was made pursuant to section 1975(b)(1) of this title with respect to any such claim, an amount from the fund equal to the amount so collected shall be covered into the Treasury as miscellaneous receipts. There is authorized to be appropriated to the fund (1) the sum of \$3,000,000 to provide initial capital, and (2) such additional sums as may be necessary from time to time to supplement the fund in order to meet the requirements of the fund.

(Aug. 27, 1954, ch. 1018, §9, as added Pub. L. 92-569, §5, Oct. 26, 1972, 86 Stat. 1183; amended Pub. L. 98-364, title III, §302(c), July 17, 1984, 98 Stat. 444.)

AMENDMENTS

1984—Pub. L. 98-364 substituted “Secretary of State” for “Secretary of the Treasury” and “determined and

certified by him” for “certified to him by the Secretary of State”.

EFFECTIVE DATE

Section applicable with respect to seizure of vessels of the United States occurring on or after Oct. 26, 1972, except that reimbursements under section 1973 of this title may be made from the fund established by this section with respect to seizure of vessels occurring after Dec. 31, 1970 and before Oct. 26, 1972, if no reimbursement was made before Oct. 26, 1972, see section 6 of Pub. L. 92-569, set out as an Effective Date of 1972 Amendment note under section 1972 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1973, 1975, 1980, 1980a of this title.

§ 1980. Compensation for loss or destruction of commercial fishing vessel or gear

(a) Definitions

For purposes of this section—

(1) The terms “fishery”, “fishery conservation zone”, “fishing”, “fishing vessel”, “Secretary”, and “vessel of the United States” shall each have the same respective meaning as is given to such terms in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).¹

(2) The term “fishing gear” means any equipment or appurtenance which is necessary for the carrying out of fishing operations by a fishing vessel, whether or not such equipment or appurtenance is attached to such vessel.

(3) The term “fund” means the Fishing Vessel and Gear Damage Compensation Fund established under subsection (f) of this section.

(4) The term “resulting economic loss” means the gross income, as estimated by the Secretary, that a fishing vessel owner or operator who is eligible for compensation under this section for damage to, loss of, or destruction of, a fishing vessel or the fishing gear used with such vessel will lose by reason of not being able to engage in fishing, or having to reduce his fishing effort, during the period before the vessel or gear, or both, are repaired or replaced and available for use.

(b) Causes of loss or destruction

Subject to the provisions of this section, the owner or operator (hereinafter referred to as the “vessel owner”) of any fishing vessel which is a vessel of the United States is eligible for monetary compensation under this section for any damage to, loss of, or destruction of such vessel, or any fishing gear used with such vessel, or both, and for any resulting economic loss, if the damage, loss, or destruction—

(1) in the case of such vessel—

(A) occurs when such vessel is engaged in any fishery subject to the exclusive fishery management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1801 et seq.], and

(B) is attributable to any vessel (or its crew or fishing gear) other than a vessel of the United States; or

(2) in the case of such fishing gear—

¹ See References in Text note below.