

TITLE 16 - CONSERVATION

CHAPTER 16C - SOUTH PACIFIC TUNA FISHING

§ 973. Definitions

As used in this chapter—

- (1) The term “Administrator” means the individual or organization designated by the Pacific Island Parties to act on their behalf under the Treaty and notified to the United States Government.
- (2) The term “Authorized Officer” means any officer who is authorized by the Secretary, or the Secretary of the department in which the Coast Guard is operating, or the head of any Federal or State agency which has entered into an enforcement agreement with the Secretary under section 973h (a) of this title.
- (3) The term “Authorized Party Officer” means any officer authorized by a Pacific Island Party to enforce the provisions of the Treaty.
- (4) The term “applicable national law” means any provision of law of a Pacific Island Party which is described in paragraph 1(a) of Annex I of the Treaty.
- (5) The term “Closed Area” means any of the closed areas identified in Schedule 2 of Annex I of the Treaty.
- (6) The term “fishing” means—
 - (A) searching for, catching, taking, or harvesting fish;
 - (B) attempting to search for, catch, take, or harvest fish;
 - (C) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking, or harvesting of fish;
 - (D) placing, searching for, or recovering fish aggregating devices or associated electronic equipment such as radio beacons;
 - (E) any operations at sea directly in support of, or in preparation for, any activity described in this paragraph; or
 - (F) aircraft use, relating to the activities described in this paragraph except for flights in emergencies involving the health or safety of crew members or the safety of a vessel.
- (7) The term “fishing vessel” or “vessel” means any boat, ship, or other craft which is used for, equipped to be used for, or of a type normally used for commercial fishing, and which is documented under the laws of the United States.
- (8) The term “Licensing Area” means all waters in the Treaty Area except for—
 - (A) those waters subject to the jurisdiction of the United States in accordance with international law;
 - (B) those waters within Closed Areas; and
 - (C) those waters within Limited Areas closed to fishing.
- (9) The term “licensing period” means the period of validity of licenses issued in accordance with the Treaty.
- (10) The term “Limited Area” means any area so identified in Schedule 3 of Annex I of the Treaty.
- (11) The term “operator” means any person who is in charge of, directs or controls a vessel, including the owner, charterer, and master.
- (12) The term “Pacific Island Party” means a Pacific Island nation which is a party to the Treaty.
- (13) The term “Party” means a nation which is a party to the Treaty.
- (14) 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.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

(15) The term “Secretary” means the Secretary of Commerce, or the designee of the Secretary of Commerce.

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

(17) The term “Treaty” means the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, signed in Port Moresby, Papua New Guinea, April 2, 1987, and its Annexes, Schedules, and implementing agreements.

(18) The term “Treaty Area” means the area so described in paragraph 1(k) of Article 1 of the Treaty.

(Pub. L. 100–330, § 2, June 7, 1988, 102 Stat. 591.)

Effective Date

Section 21 of Pub. L. 100–330 provided that:

“(a) Except as provided in subsection (b) of this section, this Act [enacting this chapter] shall be effective on the date on which the Treaty enters into force for the United States. [The Treaty entered into force for the United States June 15, 1988.]

“(b)(1) The authority to promulgate regulations pursuant to this Act shall be effective on the date of enactment of this Act [June 7, 1988].

“(2) Any regulation promulgated pursuant to this Act shall not be effective before the date on which the Treaty enters into force for the United States.”

Short Title

Section 1 of Pub. L. 100–330 provided: “That this Act [enacting this chapter] may be cited as the ‘South Pacific Tuna Act of 1988’.”

Transfer of Functions

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468 (b), 551 (d), 552 (d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.