

months, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any enforcement officer, or places any such officer in fear of imminent bodily injury, the offense is a felony punishable by a fine under title 18 or imprisonment for not more than 10 years, or both.

**(c) Forfeiture**

(1) Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish (or a fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 5009 of this title shall be subject to forfeiture to the United States. All or part of such vessel may, and all such fish shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(2) Any district court of the United States shall have jurisdiction, upon application of the Attorney General on behalf of the United States, to order any forfeiture authorized under paragraph (1) and any action provided for under paragraph (4).

(3) If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this chapter or for which security has not previously been obtained. The provisions of the customs laws relating to—

- (A) the seizure, forfeiture, and condemnation of property for violation of the customs law;
- (B) the disposition of such property or the proceeds from the sale thereof; and
- (C) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, unless such provisions are inconsistent with the purposes, policy, and provisions of this chapter.

(4)(A) Any officer authorized to serve any process in rem that is issued by a court having jurisdiction under section 5008(b) of this title shall—

- (i) stay the execution of such process; or
- (ii) discharge any fish seized pursuant to such process;

upon receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(B) Any fish seized pursuant to this chapter may be sold, subject to the approval and direction of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

(5) For purposes of this section, it shall be a rebuttable presumption that all fish found on board a fishing vessel and which is seized in connection with an act prohibited by section 5009 of this title were taken or retained in violation of the Convention and this chapter.

(Pub. L. 102-567, title VIII, §811, Oct. 29, 1992, 106 Stat. 4314; Pub. L. 102-587, title VIII, §8011, Nov. 4, 1992, 106 Stat. 5103; Pub. L. 106-562, title III, §304(a), Dec. 23, 2000, 114 Stat. 2806.)

CODIFICATION

Title VIII of Pub. L. 102-567 and Pub. L. 102-587 enacted substantially identical sections. Title VIII of Pub. L. 102-587 was repealed by Pub. L. 106-562.

**§ 5011. Funding requirements**

**(a) Authorization**

There are authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this chapter, including—

- (1) necessary travel expenses of the United States Commissioners or Alternate Commissioners; and
- (2) the United States' share of the joint expenses of the Commission.

**(b) Research**

Such funds as shall be made available to the Secretary of Commerce for research and related activities shall be expended to carry out the program of the Commission in accordance with the recommendations of the United States Section and to carry out other research and observer programs pursuant to the Convention.

(Pub. L. 102-567, title VIII, §812, Oct. 29, 1992, 106 Stat. 4316; Pub. L. 102-587, title VIII, §8012, Nov. 4, 1992, 106 Stat. 5105; Pub. L. 106-562, title III, §304(a), Dec. 23, 2000, 114 Stat. 2806.)

CODIFICATION

Title VIII of Pub. L. 102-567 and Pub. L. 102-587 enacted substantially identical sections. Title VIII of Pub. L. 102-587 was repealed by Pub. L. 106-562.

**§ 5012. Disposition of property**

The Secretary shall dispose of any United States property held by the International North Pacific Fisheries Commission on the date of its termination in a manner that would further the purposes of this chapter.

(Pub. L. 102-567, title VIII, §813, Oct. 29, 1992, 106 Stat. 4316; Pub. L. 102-587, title VIII, §8013, Nov. 4, 1992, 106 Stat. 5106; Pub. L. 106-562, title III, §304(a), Dec. 23, 2000, 114 Stat. 2806.)

CODIFICATION

Title VIII of Pub. L. 102-567 and Pub. L. 102-587 enacted identical sections. Title VIII of Pub. L. 102-587 was repealed by Pub. L. 106-562.

**CHAPTER 71—ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT**

Sec. 5101.	Findings and purpose.
5102.	Definitions.
5103.	State-Federal cooperation in Atlantic coastal fishery management.
5104.	State implementation of coastal fishery management plans.

Sec.	
5105.	State noncompliance with coastal fishery management plans.
5106.	Secretarial action.
5107.	Financial assistance.
5107a.	State permits valid in certain waters.
5107b.	Transition to management of American lobster fishery by Commission.
5108.	Authorization of appropriations.

### § 5101. Findings and purpose

#### (a) Findings

The Congress finds the following:

(1) Coastal fishery resources that migrate, or are widely distributed, across the jurisdictional boundaries of two or more of the Atlantic States and of the Federal Government are of substantial commercial and recreational importance and economic benefit to the Atlantic coastal region and the Nation.

(2) Increased fishing pressure, environmental pollution, and the loss and alteration of habitat have reduced severely certain Atlantic coastal fishery resources.

(3) Because no single governmental entity has exclusive management authority for Atlantic coastal fishery resources, harvesting of such resources is frequently subject to disparate, inconsistent, and intermittent State and Federal regulation that has been detrimental to the conservation and sustainable use of such resources and to the interests of fishermen and the Nation as a whole.

(4) The responsibility for managing Atlantic coastal fisheries rests with the States, which carry out a cooperative program of fishery oversight and management through the Atlantic States Marine Fisheries Commission. It is the responsibility of the Federal Government to support such cooperative interstate management of coastal fishery resources.

(5) The failure by one or more Atlantic States to fully implement a coastal fishery management plan can affect the status of Atlantic coastal fisheries, and can discourage other States from fully implementing coastal fishery management plans.

(6) It is in the national interest to provide for more effective Atlantic State fishery resource conservation and management.

#### (b) Purpose

The purpose of this chapter is to support and encourage the development, implementation, and enforcement of effective interstate conservation and management of Atlantic coastal fishery resources.

(Pub. L. 103-206, title VIII, § 802, Dec. 20, 1993, 107 Stat. 2447; Pub. L. 106-555, title I, § 122(b)(1)(A), Dec. 21, 2000, 114 Stat. 2766.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this title”, meaning title VIII of Pub. L. 103-206, Dec. 20, 1993, 107 Stat. 2447, which is classified principally to this chapter. For complete classification of title VIII to the Code, see Short Title note below and Tables.

#### AMENDMENTS

2000—Subsec. (a)(3). Pub. L. 106-555, which directed amendment of par. (3) of this section by substituting

“such resources is” for “such resources in”, was executed by making the substitution in par. (3) of subsec. (a), to reflect the probable intent of Congress.

#### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-555, title I, § 121, Dec. 21, 2000, 114 Stat. 2766, provided that: “This subtitle [subtitle B (§§ 121, 122) of title I of Pub. L. 106-555, amending this section and sections 5102, 5103, 5106, and 5107a to 5108 of this title and enacting provisions set out as a note under section 5107 of this title] may be cited as the ‘Atlantic Coastal Fisheries Act of 2000’.”

#### SHORT TITLE

Section 801 of title VIII of Pub. L. 103-206 provided that: “This title [enacting this chapter and amending section 4107 of this title and provisions set out as a note under section 1851 of this title] may be cited as the ‘Atlantic Coastal Fisheries Cooperative Management Act’.”

### § 5102. Definitions

In this chapter, the following definitions apply:

(1) The term “coastal fishery management plan” means a plan for managing a coastal fishery resource, or an amendment to such plan, prepared and adopted by the Commission, that—

(A) contains information regarding the status of the resource and related fisheries; and

(B) specifies conservation and management actions to be taken by the States.

(2) The term “coastal fishery resource” means any fishery, any species of fish, or any stock of fish that moves among, or is broadly distributed across, waters under the jurisdiction of two or more States or waters under the jurisdiction of one or more States and the exclusive economic zone.

(3) The term “Commission” means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by the Congress in Public Laws 77-539 and 81-721.

(4) The term “conservation” means the restoring, rebuilding, and maintaining of any coastal fishery resource and the marine environment, in order to assure the availability of coastal fishery resources on a long-term basis.

(5) The term “Councils” means Regional Fishery Management Councils established under section 1852 of this title.

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

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

(8) The term “fishery” means—

(A) one or more stocks of fish that can be treated as a unit for purposes of conserva-