

that the amendment made by that section is effective 15 days after Oct. 11, 1996.

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.

§ 5155. Continuing studies of striped bass populations

(a) In general

For the purposes of carrying out this chapter, the Secretaries shall conduct continuing, comprehensive studies of Atlantic striped bass stocks. These studies shall include, but shall not be limited to, the following:

(1) Annual stock assessments, using fishery-dependent and fishery-independent data, for the purposes of extending the long-term population record generated by the annual striped bass study conducted by the Secretaries before 1994 and understanding the population dynamics of Atlantic striped bass.

(2) Investigations of the causes of fluctuations in Atlantic striped bass populations.

(3) Investigations of the effects of water quality, land use, and other environmental factors on the recruitment, spawning potential, mortality, and abundance of Atlantic striped bass populations, including the Delaware River population.

(4) Investigations of—

(A) the interactions between Atlantic striped bass and other fish, including bluefish, menhaden, mackerel, and other forage fish or possible competitors, stock assessments of these species, to the extent appropriate; and

(B) the effects of interspecies predation and competition on the recruitment, spawning potential mortality, and abundance of Atlantic striped bass.

(b) Socio-economic study

The Secretaries, in consultation with with¹ the Atlantic States Marine Fisheries Commission, shall conduct a study of the socio-economic benefits of the Atlantic striped bass resource. The Secretaries shall issue a report to the Congress concerning the findings of this study no later than September 30, 1998.

(c) Reports

The Secretaries shall make biennial reports to the Congress and to the Commission concerning the progress and findings of studies conducted under subsection (a) of this section and shall make those reports public. Such reports shall, to the extent appropriate, contain recommendations of actions which could be taken to encourage the sustainable management of Atlantic striped bass.

(Pub. L. 98-613, § 6, Oct. 31, 1984, 98 Stat. 3190; Pub. L. 105-146, § 2, Dec. 16, 1997, 111 Stat. 2675.)

¹ So in original.

AMENDMENTS

1997—Pub. L. 105-146 amended section catchline and text generally, substituting provisions relating to continuing studies of striped bass populations for provisions relating to comprehensive annual surveys.

§ 5156. Authorization of appropriations; cooperative agreements

(a) Authorization

For each of fiscal years 2007, 2008, 2009, 2010,¹ 2011, there are authorized to be appropriated to carry out this chapter—

(1) \$1,000,000 to the Secretary of Commerce; and

(2) \$250,000 to the Secretary of the Interior.

(b) Cooperative agreements

The Secretaries may enter into cooperative agreements with the Atlantic States Marine Fisheries Commission or with States, for the purpose of using amounts appropriated pursuant to this section to provide financial assistance for carrying out the purposes of this chapter.

(Pub. L. 98-613, § 7, Oct. 31, 1984, 98 Stat. 3190; Pub. L. 99-432, § 4, Oct. 1, 1986, 100 Stat. 990; Pub. L. 100-589, § 1, Nov. 3, 1988, 102 Stat. 2984; Pub. L. 102-130, § 2(b), Oct. 17, 1991, 105 Stat. 626; Pub. L. 105-146, § 2, Dec. 16, 1997, 111 Stat. 2676; Pub. L. 106-555, title I, § 101, Dec. 21, 2000, 114 Stat. 2765; Pub. L. 109-479, title III, § 302(a), Jan. 12, 2007, 120 Stat. 3623.)

AMENDMENTS

2007—Subsec. (a). Pub. L. 109-479 amended subsec. (a) generally, substituting “For each of fiscal years 2007, 2008, 2009, 2010, 2011,” for “For each of fiscal years 2001, 2002, and 2003,” in introductory provisions.

2000—Subsec. (a). Pub. L. 106-555 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “For each of fiscal years 1998, 1999, and 2000, there are authorized to be appropriated to carry out this chapter—

“(1) \$800,000 to the Secretary of Commerce; and

“(2) \$250,000 to the Secretary of the Interior.”

1997—Pub. L. 105-146 amended section catchline and text generally. Prior to amendment, section authorized appropriations for fiscal years 1986 through 1994 and authorized the Secretaries to enter into cooperative agreements with the Atlantic States Marine Fisheries Commission.

1991—Pub. L. 102-130, § 2(b)(4), in section catchline inserted at end “; cooperative agreements”.

Pub. L. 102-130, § 2(b)(1)-(3), designated existing provisions as subsec. (a), inserted subsec. heading, substituted “1991, 1992, 1993, and 1994,” for “and 1991,” and added subsec. (b).

1988—Pub. L. 100-589 substituted “1988, 1989, 1990, and 1991,” for “and 1988.”

1986—Pub. L. 99-432 amended section catchline and text generally. Prior to amendment, text read as follows: “Funds for activities in fiscal year 1985 under this chapter shall be made available only from funds appropriated for the Department of Commerce and the Department of the Interior for fiscal year 1985. For fiscal year 1986, there are authorized such sums as may be necessary or appropriate to carry out the provisions of this chapter.”

§ 5157. Public participation in preparation of management plans and amendments

(a) Standards and procedures

In order to ensure the opportunity for public participation in the preparation of management

¹ So in original. Probably should be followed by “and”.

plans and amendments to management plans for Atlantic striped bass, the Commission shall prepare such plans and amendments in accordance with the standards and procedures established under section 5104(a)(2) of this title.

(b) Application

Subsection (a) of this section shall apply to management plans and amendments adopted by the Commission after the 6-month period beginning on December 16, 1997.

(Pub. L. 98-613, §8, Oct. 31, 1984, 98 Stat. 3190; Pub. L. 105-146, §2, Dec. 16, 1997, 111 Stat. 2676.)

AMENDMENTS

1997—Pub. L. 105-146 amended section catchline and text generally, substituting provisions relating to public participation in preparation of management plans and amendments for provisions requiring the Secretaries to review the existing Plan and report to the Commission and Committees of Congress on its adequacy.

§ 5158. Protection of striped bass in the exclusive economic zone

(a) Regulation of fishing in exclusive economic zone

The Secretary shall promulgate regulations governing fishing for Atlantic striped bass in the exclusive economic zone that the Secretary determines—

- (1) are consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851);
- (2) are compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State;
- (3) ensure the effectiveness of State regulations on fishing for Atlantic striped bass within the coastal waters of a coastal State; and
- (4) are sufficient to assure the long-term conservation of Atlantic striped bass populations.

(b) Consultation; periodic review of regulations

In preparing regulations under subsection (a) of this section, the Secretary shall consult with the Atlantic States Marine Fisheries Commission, the appropriate Regional Fishery Management Councils, and each affected Federal, State, and local government entity. The Secretary shall periodically review regulations promulgated under subsection (a) of this section, and if necessary to ensure their continued consistency with the requirements of subsection (a) of this section, shall amend those regulations.

(c) Applicability of Magnuson Act provisions

The provisions of sections 307, 308, 309, 310, and 311 of the Magnuson Act (16 U.S.C. 1857, 1858, 1859, 1860, and 1861) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement shall apply with respect to regulations and any plan issued under subsection (a) of this section as if such regulations or plan were issued under the Magnuson Act.

(Pub. L. 98-613, §9, as added Pub. L. 105-146, §2, Dec. 16, 1997, 111 Stat. 2676.)

PRIOR PROVISIONS

A prior section 9 of Pub. L. 98-613, Oct. 31, 1984, 98 Stat. 3190; Pub. L. 99-432, §5, Oct. 1, 1986, 100 Stat. 990;

Pub. L. 100-589, §2, Nov. 3, 1988, 102 Stat. 2984; Pub. L. 102-130, §2(c), Oct. 17, 1991, 105 Stat. 626, related to the period of effectiveness of sections 1 to 8 of Pub. L. 98-613, prior to repeal by Pub. L. 103-206, title VIII, §812, formerly §810, Dec. 20, 1993, 107 Stat. 2453, renumbered §812, Pub. L. 104-297, title IV, §404(c), Oct. 11, 1996, 110 Stat. 3619. Section 812 of Pub. L. 103-206 was itself repealed by Pub. L. 106-555, title I, §122(b)(1)(B), (2), Dec. 21, 2000, 114 Stat. 2766.

CHAPTER 72—RECREATIONAL HUNTING SAFETY

Sec.	
5201.	Obstruction of a lawful hunt.
5202.	Civil penalties.
5203.	Other relief.
5204.	Relationship to State and local law and civil actions.
5205.	Regulations.
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§ 5201. Obstruction of a lawful hunt

It is a violation of this section intentionally to engage in any physical conduct that significantly hinders a lawful hunt.

(Pub. L. 103-322, title XXXII, §320802, Sept. 13, 1994, 108 Stat. 2121.)

SHORT TITLE

Pub. L. 103-322, title XXXII, §320801, Sept. 13, 1994, 108 Stat. 2121, provided that: "This subtitle [subtitle H (§§ 320801-320808) of title XXXII of Pub. L. 103-322, enacting this chapter] may be cited as the 'Recreational Hunting Safety and Preservation Act of 1994'."

§ 5202. Civil penalties

(a) In general

A person who violates section 5201 of this title shall be assessed a civil penalty in an amount computed under subsection (b) of this section.

(b) Computation of penalty

The penalty shall be—

- (1) not more than \$10,000, if the violation involved the use of force or violence, or the threatened use of force or violence, against the person or property of another person; and
- (2) not more than \$5,000 for any other violation.

(c) Relationship to other penalties

The penalties established by this section shall be in addition to other criminal or civil penalties that may be levied against the person as a result of an activity in violation of section 5201 of this title.

(d) Procedure

Upon receipt of—

- (1) a written complaint from an officer, employee, or agent of the Forest Service, Bureau of Land Management, National Park Service, United States Fish and Wildlife Service, or other Federal agency that a person violated section 5201 of this title; or
- (2) a sworn affidavit from an individual and a determination by the Secretary that the statement contains sufficient factual allegations to create a reasonable belief that a violation of section 5201 of this title has occurred;

the Secretary may request the Attorney General of the United States to institute a civil action