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CODIFICATION

This chapter is comprised of Pub. L. 98-613, Oct. 31, 1984, 98 Stat. 3187-3190, as amended, which was formerly set out as a note under section 1851 of this title.

§ 5151. Findings and purposes

(a) Findings

The Congress finds and declares the following:

(1) Atlantic striped bass are of historic commercial and recreational importance and economic benefit to the Atlantic coastal States and to the Nation.

(2) No single government entity has full management authority throughout the range of the Atlantic striped bass.

(3) The population of Atlantic striped bass—

(A) has been subject to large fluctuations due to natural causes, fishing pressure, environmental pollution, loss and alteration of habitat, inadequacy of fisheries conservation and management practices, and other causes; and

(B) risks potential depletion in the future without effective monitoring and conservation and management measures.

(4) It is in the national interest to implement effective procedures and measures to provide for effective interjurisdictional conservation and management of this species.

(b) Purpose

It is therefore declared to be the purpose of the Congress in this chapter to support and encourage the development, implementation, and enforcement of effective interstate action regarding the conservation and management of the Atlantic striped bass.

(Pub. L. 98-613, §2, Oct. 31, 1984, 98 Stat. 3187; Pub. L. 105-146, §2, Dec. 16, 1997, 111 Stat. 2672.)

AMENDMENTS

1997—Pub. L. 105-146 amended section catchline and text generally, reenacting subsecs. (a)(1), (4), and (b) without change. Prior to amendment, pars. (2) and (3) of subsec. (a) read as follows:

“(2) As a consequence of increased fishing pressure, environmental pollution, the loss and alteration of habitat, and the inadequacy of fishery conservation and management practices and controls, certain stocks of Atlantic striped bass have been severely reduced in number.

“(3) Because no single government entity has full management authority throughout the range of the Atlantic striped bass, the harvesting and conservation of these fish have been subject to diverse, inconsistent, and intermittent State regulation that has been detrimental to the long-term maintenance of stocks of the species and to the interests of fishermen and the Nation as a whole.”

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-146, §1, Dec. 16, 1997, 111 Stat. 2672, provided that: “This Act [enacting section 5158 of this

title, amending this section and sections 5152 to 5157 of this title, repealing section 757g of this title, amending provisions set out as a note under this section and listed in a table of National Wildlife Conservation Areas set out under section 668dd of this title, and repealing provisions set out as notes under section 1851 of this title] may be cited as the ‘Atlantic Striped Bass Conservation Act Amendments of 1997.’”

SHORT TITLE

Pub. L. 98-613, §1, Oct. 31, 1984, 98 Stat. 3187, as amended by Pub. L. 105-146, §2, Dec. 16, 1997, 111 Stat. 2672, provided that: “This Act [enacting this chapter] may be cited as the ‘Atlantic Striped Bass Conservation Act’.”

EX. ORD. NO. 13449. PROTECTION OF STRIPED BASS AND RED DRUM FISH POPULATIONS

Ex. Ord. No. 13449, Oct. 20, 2007, 72 F.R. 60531, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, to assist in ensuring faithful execution of the Magnuson-Stevens Fishery Conservation and Management Act, the Atlantic Coastal Fisheries Cooperative Management Act, and the Atlantic Striped Bass Conservation Act (chapters 38, 71, and 71A of title 16, United States Code), and to conserve striped bass and red drum fish, it is hereby ordered as follows:

SECTION 1. *Policy.* It shall be the policy of the United States to conserve striped bass and red drum for the recreational, economic, and environmental benefit of the present and future generations of Americans, based on sound science and in cooperation with State, territorial, local, and tribal governments, the private sector, and others, as appropriate.

SEC. 2. *Implementation.* (a) To carry out the policy set forth in section 1, the Secretary of Commerce shall:

(i) encourage, as appropriate, management under Federal, State, territorial, tribal, and local laws that supports the policy of conserving striped bass and red drum, including State designation as gamefish where the State determines appropriate under applicable law;

(ii) revise current regulations, as appropriate, to include prohibiting the sale of striped bass and red drum caught within the Exclusive Economic Zone of the United States off the Atlantic Ocean and the Gulf of Mexico;

(iii) periodically review the status of the striped bass and red drum populations within waters subject to the jurisdiction of the United States and:

(A) take such actions within the authority of the Secretary of Commerce as may be appropriate to carry out the policy set forth in section 1 of this order; and

(B) recommend to the President such actions as the Secretary may deem appropriate to advance the policy set forth in section 1 that are not within the authority of the Secretary.

(b) Nothing in this order shall preclude or restrict the production, possession, or sale of striped bass or red drum fish that have been produced by aquaculture.

(c) The Secretary of Commerce shall implement subsections 2(a)(i) and (iii), insofar as they relate to Atlantic striped bass, jointly with the Secretary of the Interior, as appropriate.

SEC. 3. *Definitions.* As used in this order:

(a) “Exclusive Economic Zone of the United States” means the marine area of the United States as defined in Presidential Proclamation 5030 of March 10, 1983, with, for purposes of this order, the inner boundary of that zone being a line coterminous with the seaward boundary of each of the coastal States;

(b) “red drum” means the species *Sciaenops ocellatus*; and

(c) “striped bass” means the species *Morone saxatilis*.

SEC. 4. *General Provisions.* (a) This order shall be implemented in a manner consistent with applicable law (including but not limited to interstate compacts to which the United States has consented by law, treaties