

forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

(Pub. L. 94-70, § 7, Aug. 5, 1975, 89 Stat. 390; Pub. L. 104-43, title III, § 306, Nov. 3, 1995, 109 Stat. 385; Pub. L. 105-384, title II, § 202(b)(1)(F), Nov. 13, 1998, 112 Stat. 3453; Pub. L. 114-81, title I, § 107(2), Nov. 5, 2015, 129 Stat. 658.)

REFERENCES IN TEXT

Section 971d(d) of this title, referred to in subsec. (d), was amended generally by Pub. L. 101-627, title II, § 207, Nov. 28, 1990, 104 Stat. 4461. Prior to amendment, subsec. (d) related to Commission recommendations concerning bluefin tuna and issuance of regulations in that regard.

AMENDMENTS

2015—Subsecs. (e) to (g). Pub. L. 114-81 redesignated subsec. (g) as (e) and struck out former subsecs. (e) and (f), which related to sanctions and forfeiture, respectively.

1998—Subsec. (e). Pub. L. 105-384 made technical amendment to reference in original act which appears in text as reference to section 1858 of this title.

1995—Subsec. (e). Pub. L. 104-43 amended subsec. (e) generally, substituting present provisions for provisions establishing civil penalties for violations of this section, providing for authority of Secretary to assess, remit, or mitigate any civil penalty, providing for notice and hearing prior to assessment, and providing for civil action upon failure to pay penalty.

§ 971f. Enforcement

(a) For additional prohibitions relating to this chapter and enforcement of this chapter, see section 1826g of this title.

(b) To the extent authorized under the convention or by agreements between the United States and any contracting party concluded pursuant to section 971c(b) of this title for international enforcement, the duly authorized officials of such party shall have the authority to carry out enforcement activities with respect to this chapter that are otherwise authorized by law with respect to persons or vessels subject to the jurisdiction of the United States, and the officials of the United States authorized pursuant to this section shall have the authority to carry out enforcement activities with respect to this chapter that are otherwise authorized by law with respect to persons or vessels subject to the jurisdiction of such party, except that where any agreement provides for arrest or seizure of persons or vessels under United States jurisdiction it shall also provide that the person or vessel arrested or seized shall be promptly handed over to a United States enforcement officer or another authorized United States official.

(Pub. L. 94-70, § 8, Aug. 5, 1975, 89 Stat. 391; Pub. L. 114-81, title I, § 107(3), (4), Nov. 5, 2015, 129 Stat. 658.)

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-81, § 107(3), added subsec. (a) and struck out former subsec. (a) which related to particular powers of persons authorized to enforce the provisions of this chapter and the regulations issued thereunder.

Subsec. (b). Pub. L. 114-81, § 107(4), substituted “enforcement activities with respect to this chapter that

are otherwise authorized by law” for “the enforcement activities specified in subsection (a) of this section” in two places.

Subsec. (c). Pub. L. 114-81, § 107(3)(A), struck out subsec. (c) which related to bonds or stipulations.

§ 971g. Cooperation in carrying out Convention

(a) Federal and State agencies; private institutions and organizations

The United States Commissioners, through the Secretary of State and with the concurrence of the agency, institution, or organization concerned, may arrange for the cooperation of agencies of the United States Government, and of State and private institutions and organizations in carrying out the provisions of article IV of the Convention.

(b) Scientific and other programs; facilities and personnel

All agencies of the Federal Government are authorized, upon the request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the Convention.

(c) Fishing operations and biological experiments

None of the prohibitions deriving from this chapter, or contained in the laws or regulations of any State, shall prevent the Commission from conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation, or shall prevent the Commission from discharging any other duties prescribed by the Convention.

(d) State jurisdiction; preemption by Federal regulations

(1) Except as provided in paragraph (2) of this subsection, nothing in this chapter shall be construed so as to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(2) In the event a State does not request a formal hearing and after notice by the Secretary, the regulations promulgated pursuant to this chapter to implement recommendations of the Commission shall apply within the boundaries of any State bordering on any Convention area if the Secretary determines that any such State—

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this chapter, enacted laws or promulgated regulations which implement any such recommendation of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations which (i) are less restrictive than the regulations promulgated pursuant to this chapter, or (ii) are not effectively enforced.

If a State requests the opportunity for an agency hearing on the record, the Secretary shall not apply regulations promulgated pursuant to this chapter within that State's boundaries unless the hearing record supports a determination under paragraph (A) or (B). Such regulations shall apply until the Secretary determines that the State is effectively enforcing within its