

copies thereof as may be necessary, for the prosecution by that Party of any violation of the provisions of the Convention or any law of that Party relating to the enforcement thereof.

(Pub. L. 102-567, title VIII, §809, Oct. 29, 1992, 106 Stat. 4312; Pub. L. 102-587, title VIII, §8009, Nov. 4, 1992, 106 Stat. 5101; 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 L. 102-587 was repealed by Pub.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.

§ 5009. Unlawful activities

It is unlawful for any person or fishing vessel subject to the jurisdiction of the United States—

(1) to fish for any anadromous fish in the Convention area;

(2) to retain on board any anadromous fish taken incidentally in a fishery directed at nonanadromous fish in the Convention area;

(3) to fail to return immediately to the sea any anadromous fish taken incidentally in a fishery directed at nonanadromous fish in the Convention area;

(4) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any anadromous fish taken or retained in violation of the Convention, this chapter, or any regulation issued under this chapter;

(5) to refuse to permit any enforcement officer to board a fishing vessel subject to such person's control for purposes of conducting any search, investigation, or inspection in connection with the enforcement of the Convention, this chapter, or any regulation issued under this chapter;

(6) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any enforcement officer in the conduct of any search, investigation, or inspection described in paragraph (5);

(7) to resist a lawful arrest or detection for any act prohibited by this section;

(8) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such person has committed any act prohibited by this section; or

(9) to violate any provision of the Convention, this chapter, or any regulation issued under this chapter.

(Pub. L. 102-567, title VIII, §810, Oct. 29, 1992, 106 Stat. 4313; Pub. L. 102-587, title VIII, §8010, Nov. 4, 1992, 106 Stat. 5103; Pub. L. 106-562, title III, §304(a), Dec. 23, 2000, 114 Stat. 2806; Pub. L. 114-81, title I, §103(a), Nov. 5, 2015, 129 Stat. 657.)

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.

AMENDMENTS

2015—Pars. (5), (6). Pub. L. 114-81 inserted “, investigation,” after “search”.

§ 5010. Additional prohibitions and enforcement

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

(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; Pub. L. 114-81, title I, §103(b), Nov. 5, 2015, 129 Stat. 657.)

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.

AMENDMENTS

2015—Pub. L. 114-81 amended section generally. Prior to amendment, section related to civil penalties, offenses, and forfeiture.

§ 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.

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§ 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

Pub. L. 103-206, title VIII, §801, Dec. 20, 1993, 107 Stat. 2447, 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.