

has committed an act prohibited by section 5009 of this title;

(B) board, and search or inspect, any fishing vessel subject to the provisions of the Convention and this chapter;

(C) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of the Convention, this chapter, or regulations issued under this chapter;

(D) seize any fish (wherever found) taken or retained in violation of any provision referred to in subparagraph (C);

(E) seize any other evidence related to any violation of any provision referred to in subparagraph (C);

(2) execute any warrant or other process issued by any court of competent jurisdiction; and

(3) exercise any other lawful authority.

(d) Additional powers

(1) An authorized officer may in the Convention area—

(A) board a vessel of any Party that reasonably can be believed to be engaged in directed fishing for, incidental taking of, or processing of anadromous fish, and, without warrant or process, inspect equipment, logs, documents, catch, and other articles, and question persons, on board the vessel, for the purpose of carrying out the provisions of the Convention, this chapter, or any regulation issued under this chapter; and

(B) If¹ any such vessel or person on board is actually engaged in operations in violation of any such provision, or there is reasonable ground to believe any person or vessel was obviously so engaged before the boarding of such vessel by the authorized officer, arrest or seize such person or vessel and further investigate the circumstance if necessary.

If an authorized officer, after boarding and investigation, has reasonable cause to believe that any such fishing vessel or person engaged in operations in violation of any provision referred to in subparagraph (A), the officer shall deliver the vessel or person as promptly as practicable to the enforcement officers of the appropriate Party, in accordance with the provisions of the Convention.

(2) When requested by the appropriate authorities of a Party, an authorized officer may be directed to attend as a witness, and to produce such available records and files or duly certified 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.)

¹ So in original. Probably should not be capitalized.

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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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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.)

Editorial Notes

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