

109TH CONGRESS
1ST SESSION

H. R. 2059

To prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2005

Mr. PALLONE introduced the following bill; which was referred to the Committee on Resources

A BILL

To prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 As used in this Act, the terms “Atlantic striped bass”
5 and “coastal waters” have the same meanings that are
6 given such terms in section 3 of the Atlantic Striped Bass
7 Conservation Act (Public Law 98–613; 16 U.S.C. 1851
8 note).

1 **SEC. 2. PROHIBITION ON COMMERCIAL HARVESTING OF**
2 **ATLANTIC STRIPED BASS.**

3 (a) PROHIBITION.—It is unlawful to engage in, or to
4 attempt to engage in, the commercial harvesting of Atlan-
5 tic striped bass in the coastal waters or in the exclusive
6 economic zone established by Proclamation Numbered
7 5030, dated March 10, 1983.

8 (b) PENALTIES.—(1) Any person who is found by the
9 Secretary of Commerce after notice and an opportunity
10 for a hearing in accordance with section 554 of title 5,
11 United States Code, to have committed an act that is un-
12 lawful under subsection (a), is liable to the United States
13 for a civil penalty. The amount of the civil penalty may
14 not exceed \$1,000 for each violation. Each day of con-
15 tinuing violation constitutes a separate offense. The
16 amount of the civil penalty shall be assessed by the Sec-
17 retary of Commerce by written notice. In determining the
18 amount of the penalty, the Secretary of Commerce shall
19 take into account the nature, circumstances, extent, and
20 gravity of the prohibited act committed and, with respect
21 to the violator, the degree of culpability, any history of
22 prior violations, ability to pay, and such other matters as
23 justice may require.

24 (2) Subsections (b) through (e) of section 308 of the
25 Magnuson-Stevens Fishery Conservation and Manage-
26 ment Act (16 U.S.C. 1858(b)–(e)); relating to review of

1 civil penalties; acting upon failure to pay assessment, com-
2 promise, and subpoenas) shall apply to penalties assessed
3 under paragraph (1) to the same extent and in the same
4 manner as if those penalties were assessed under sub-
5 section (a) of such section 308.

6 (c) CIVIL FORFEITURES.—(1) Any vessel (including
7 its gear, equipment, appurtenances, stores, and cargo)
8 used, and any fish (or the fair market value thereof) taken
9 or retained, in any manner, in connection with, or the re-
10 sult of, the commission of any act that is unlawful under
11 subsection (a), is subject to forfeiture to the United
12 States. All or part of the vessel may, and all such fish
13 (or the fair market value thereof) shall, be forfeited to the
14 United States under a civil proceeding described in para-
15 graph (2). The district courts of the United States have
16 jurisdiction over proceedings under this subsection.

17 (2) Subsections (c) through (e) of section 310 of the
18 Magnuson-Stevens Fishery Conservation and Manage-
19 ment Act (16 U.S.C. 1860(c)–(e); relating to judgment,
20 procedure, and rebuttable presumptions) shall apply with
21 respect to proceedings for forfeiture commenced under
22 this subsection to the same extent and in the same manner
23 as if the proceeding were commenced under subsection (a)
24 of such section 310.

1 **SEC. 3. CONSEQUENTIAL EFFECTS ON EXISTING LAW.**

2 (a) COMMISSION ACTION.—The Atlantic States Ma-
3 rine Fisheries Commission shall promptly take action to
4 amend the Interstate Fisheries Management Plan for
5 Striped Bass, dated October 1, 1981, to take into account
6 the prohibition established under section 2 on the commer-
7 cial harvesting of Atlantic striped bass in coastal waters.

8 (b) STRIPED BASS STUDY.—The Director of the
9 United States Fish and Wildlife Service shall adjust the
10 scope of the study required under section 5 of Public Law
11 100–589 (16 U.S.C. 1851 note) to reflect the prohibition
12 established under section 2 on the commercial harvesting
13 of Atlantic striped bass.

14 (c) REPEAL OF PROVISIONS REGULATING FISHING
15 FOR ATLANTIC STRIPED BASS IN THE EXCLUSIVE ECO-
16 NOMIC ZONE.—Section 6 of Public Law 100–589 (16
17 U.S.C. 1851 note) is repealed.

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