CODIFICATION

Pub. L. 101–537 and Pub. L. 101–646 enacted substantially identical provisions of subsec. (a), but Pub. L. 101–537 did not enact a subsec. (b).

AMENDMENTS

1996—Pub. L. 104–332 made technical amendment to Pub. L. 101–646, § 2009, which enacted this section.

CHAPTER 15C—GREAT LAKES FISH AND WILDLIFE TISSUE BANK

Sec.
943. Tissue bank.
(a) In general.
(b) Guidance.
943a. Data base.
(a) Maintenance.
(b) Access.
943b. Definitions.
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§ 943. Tissue bank

(a) In general

The Secretary shall coordinate existing facilities for the storage, preparation, examination, and archiving of tissues from selected Great Lakes fish and wildlife, which shall be known as the ''Great Lakes Fish and Wildlife Tissue Bank''.

(b) Guidance

The Secretary shall, in consultation with appropriate Federal and State agencies and the Council of Great Lakes Research Managers, issue guidance, after an opportunity for public review and comment, for Great Lakes fish and wildlife tissue collection, preparation, archiving, quality control procedures, and access that will ensure—

(1) appropriate uniform methods and standards for those activities to provide confidence in Great Lakes fish and wildlife tissue samples used for research;

(2) documentation of procedures used for collecting, preparing, and archiving those samples; and

(3) appropriate scientific use of the tissues in the Great Lakes Fish and Wildlife Tissue Bank.

(Pub. L. 102–440, title II, § 202, Oct. 23, 1992, 106 Stat. 2233.)

SHORT TITLE

Section 201 of title II of Pub. L. 102–440 provided that: ''This title [enacting this chapter] may be cited as 'The Great Lakes Fish and Wildlife Tissue Bank Act'.''

§ 943a. Data base

(a) Maintenance

The Secretary shall maintain a central data base which provides an effective means for tracking and assessing relevant reference data on Great Lakes fish and wildlife, including data on tissues collected for and maintained in the Great Lakes Fish and Wildlife Tissue Bank.

(b) Access

The Secretary shall establish criteria, after an opportunity for public review and comment, for access to the data base which provides for appropriate use of the information by the public.

(Pub. L. 102–440, title II, § 203, Oct. 23, 1992, 106 Stat. 2233.)

§ 943b. Definitions

In this chapter—

(1) ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(2) ''Great Lakes fish and wildlife'' means fauna, fish, and invertebrates dependent on Great Lakes resources, and located within the Great Lakes Basin.

(Pub. L. 102–440, title II, § 204, Oct. 23, 1992, 106 Stat. 2233.)

§ 943c. Authorization of appropriations

There is authorized to be appropriated to the Secretary, $250,000 for each of fiscal years 1993 and 1994 to carry out this chapter.

(Pub. L. 102–440, title II, § 205, Oct. 23, 1992, 106 Stat. 2234.)

CHAPTER 16—TUNA CONVENTIONS

Sec.
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953. Advisory Committee; composition; appointment; compensation; duties.
954. Repealed.
955. Secretary of State to act for United States.
(a) Approval of commission bylaws and rules; action on reports, requests, and recommendations.
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957. Violations; fines and forfeitures; application of related laws.
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959. Enforcement of chapter.
(a) Issuance of process.
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960. Commissions' functions not restrained by this chapter or State laws.
961. Authorization of appropriations.
962. Reduction of bycatch in eastern tropical Pacific Ocean.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3377 of this title.

§ 951. Definitions

As used in this chapter, the term—

(a) ''convention'' includes (1) the Convention for the Establishment of an International Commission for the Scientific Investigation of Tuna, signed at Mexico City, January 25, 1949, by the United States of America and the United Mexican States, (2) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America

and the Republic of Costa Rica, or both such conventions, as the context requires;

(b) ''commission'' includes (1) the International Commission for the Scientific Investigation of Tuna, (2) the Inter-American Tropical Tuna Commission provided for by the conventions referred to in subsection (a) of this section, or both such commissions, as the context requires;

(c) ''United States Commissioners'' means the members of the commissions referred to in subsection (b) of this section representing the United States of America and appointed pursuant to the terms of the pertinent convention and section 952 of this title;

(d) ''person'' means every individual, partnership, corporation, and association subject to the jurisdiction of the United States; and

(e) ''United States'' shall include all areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(Sept. 7, 1950, ch. 907, §2, 64 Stat. 777; Oct. 15, 1962, Pub. L. 87–814, §1, 76 Stat. 923.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in subsec. (e), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1962—Subsec. (e). Pub. L. 87–814 substituted definition of ''United States'' for definition of ''enforcement agency''.

EFFECTIVE DATE

Section 14 of act Sept. 7, 1950, provided: ''This Act [this chapter] shall take effect with respect to each of the conventions upon the entry into force of that convention, unless such entry into force shall be prior to the date of approval of this Act [Sept. 7, 1950] in which case this Act [this chapter] shall take effect immediately.'' The Costa Rican convention was ratified on March 3, 1950, and the Mexican convention on July 11, 1950. Therefore, the act took effect upon its approval on Sept. 7, 1950.

SHORT TITLE

Section 1 of act Sept. 7, 1950, provided: ''That this Act [enacting this chapter] may be cited as the 'Tuna Conventions Act of 1950'.''

SEPARABILITY

Section 13 of act Sept. 7, 1950, provided: ''If any provision of this Act [this chapter] or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.''

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

LANDING OF CATCH OF FISH BY FOREIGN VESSELS

Section 6 of Pub. L. 87–814 provided that: ''Nothing in this Act [amending this section and sections 955 to 957, 959 of this title] shall be construed to amend or repeal the provisions of section 4311 of the Revised Statutes, as amended (46 U.S.C. 251).''

§952. Commissioners; number, appointment, and qualification

The United States shall be represented on the two commissions by a total of not more than four United States Commissioners, who shall be appointed by the President, serve as such during his pleasure, and receive no compensation for their services as such Commissioners. Of such Commissioners—

(a) not more than one shall be a person residing elsewhere than in a State whose vessels maintain a substantial fishery in the areas of the conventions;

(b) at least one of the Commissioners who are such legal residents shall be a person chosen from the public at large, and who is not a salaried employee of a State or of the Federal Government;

(c) at least one shall be an officer of the Department of Commerce; and

(d) at least one shall be chosen from a nongovernmental conservation organization.

(Sept. 7, 1950, ch. 907, §3, 64 Stat. 777; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Oct. 26, 1992, Pub. L. 102–523, §3(a)(1), 106 Stat. 3433; Aug. 15, 1997, Pub. L. 105–42, §7(a), 111 Stat. 1137.)

AMENDMENT OF SUBSECTION (c)

Pub. L. 105–42, §§7(a), 8, Aug. 15, 1997, 111 Stat. 1137, 1139, provided that, effective as provided by section 8 of Pub. L. 105–42, see Effective Date of 1997 Amendment note below, subsection (c) is amended to read as follows:

''(c) at least one shall be either the Administrator, or an appropriate officer, of the National Marine Fisheries Service; and''.

AMENDMENTS

1992—Par. (d). Pub. L. 102–523 added par. (d).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–42, effective upon certification by Secretary of Commerce that sufficient funding is available to complete first year of study required by section 1414a(a) of this title and that study has commenced, and certification by Secretary of State to Congress that binding resolution of Inter-American Tropical Tuna Commission or other legally binding instrument establishing International Dolphin Conservation Program has been adopted and is in force, see section 8 of Pub. L. 105–42, set out as a note under section 1362 of this title.

TRANSFER OF FUNCTIONS

''Department of Commerce'' substituted in text for ''United States Fish and Wildlife Service'' in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

ALTERNATE UNITED STATES COMMISSIONERS

Secretary of State authorized to designate Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 951, 1413 of this title.

§ 953. Advisory Committee; composition; appointment; compensation; duties

The United States Commissioners shall (a) appoint an advisory committee which shall be composed of not less than five nor more than fifteen persons who shall be selected from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations, and (b) shall fix the terms of office of the members of such committee, who shall receive no compensation for their services as such members. The advisory committee shall be invited to attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the commissions. The advisory committee may attend all meetings of the international commissions to which they are invited by such commissions.

(Sept. 7, 1950, ch. 907, § 4, 64 Stat. 778; Oct. 26, 1992, Pub. L. 102–523, § 3(a)(2), 106 Stat. 3433; Aug. 15, 1997, Pub. L. 105–42, § 7(b), 111 Stat. 1137.)

AMENDMENT OF SECTION

Pub. L. 105–42, §§ 7(b), 8, Aug. 15, 1997, 111 Stat. 1137, 1139, provided that, effective as provided by section 8 of Pub. L. 105–42, see Effective Date of 1997 Amendment note below, this section is amended to read as follows:

§ 953. General Advisory Committee and Scientific Advisory Subcommittee

(a) Appointments; public participation; compensation

The Secretary, in consultation with the United States Commissioners, shall—

(1) appoint a General Advisory Committee which shall be composed of not less than 5 nor more than 15 persons with balanced representation from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations;

(2) appoint a Scientific Advisory Subcommittee which shall be composed of not less than 5 nor more than 15 qualified scientists with balanced representation from the public and private sectors, including nongovernmental conservation organizations;

(3) establish procedures to provide for appropriate public participation and public meetings and to provide for the confidentiality of confidential business data; and

(4) fix the terms of office of the members of the General Advisory Committee and Scientific Advisory Subcommittee, who shall receive no compensation for their services as such members.

(b) Functions

(1) General Advisory Committee

The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and regulations of the Commission. The General Advisory Committee may attend all meetings of the international commissions to which they are invited by such commissions.

(2) Scientific Advisory Subcommittee

(A) Advice

The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters including—

(i) the conservation of ecosystems;

(ii) the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean; and

(iii) the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean.

(B) Other functions and assistance

The Scientific Advisory Subcommittee shall, as requested by the General Advisory Committee, the United States Commissioners, or the Secretary, perform functions and provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. These functions may include—

(i) the review of data from the Program, including data received from the Inter-American Tropical Tuna Commission;

(ii) recommendations on research needs, including ecosystems, fishing practices, and gear technology research, including the development and use of selective, environmentally safe and cost-effective fishing gear, and on the coordination and facilitation of such research;

(iii) recommendations concerning scientific reviews and assessments required under the Program and engaging, as appropriate, in such reviews and assessments;

(iv) consulting with other experts as needed; and

(v) recommending measures to assure the regular and timely full exchange of data among the parties to the Program and each nation's National Scientific Advisory Committee (or its equivalent).

(3) Attendance at meetings

The Scientific Advisory Subcommittee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and the General Advisory Subcommittee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

AMENDMENTS

1992—Pub. L. 102–523 inserted ''and from nongovernmental conservation organizations,'' after ''under the conventions,''.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–42, effective upon certification by Secretary of Commerce that sufficient fund-

ing is available to complete first year of study required by section 1414a(a) of this title and that study has commenced, and certification by Secretary of State to Congress that binding resolution of Inter-American Tropical Tuna Commission or other legally binding instrument establishing International Dolphin Conservation Program has been adopted and is in force, see section 8 of Pub. L. 105–42, set out as a note under section 1362 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 954. Repealed. Pub. L. 92–471, title II, § 203(b), Oct. 9, 1972, 86 Stat. 787

Section, act Sept. 7, 1950, ch. 907, § 5, 64 Stat. 778, provided that service of individuals appointed as United States Commissioners shall not be treated as service for the purposes of certain sections of Title 18, Crimes and Criminal Procedure, and Title 5, Government Organization and Employees.

§ 955. Secretary of State to act for United States

(a) Approval of commission bylaws and rules; action on reports, requests, and recommendations

The Secretary of State is authorized to approve or disapprove, on behalf of the United States Government, bylaws and rules, or amendments thereof, adopted by each commission and submitted for approval of the United States Government in accordance with the provisions of the conventions, and, with the concurrence of the Secretary of Commerce, to approve or disapprove the general annual programs of the commissions. The Secretary of State is further authorized to receive, on behalf of the United States Government, reports, requests, recommendations, and other communications of the commissions, and to take appropriate action thereon either directly or by reference to the appropriate authority.

(b) Regulations

Regulations recommended by each commission pursuant to the convention requiring the submission to the commission of records of operations by boat captains or other persons who participate in the fisheries covered by the convention, upon the concurrent approval of the Secretary of State and the Secretary of Commerce, shall be promulgated by the latter and upon publication in the Federal Register, shall be applicable to all vessels and persons subject to the jurisdiction of the United States.

(c) Rulemaking procedures; prohibitions

Regulations required to carry out recommendations of the commission made pursuant to paragraph 5 of article II of the Convention for the Establishment of an Inter-American Tropical Tuna Commission shall be promulgated as hereinafter provided by the Secretary of Commerce upon approval of such recommendations by the Secretary of State and the Secretary of Commerce. The Secretary of Commerce shall cause to be published in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (1) submission of written data, views, or arguments, and (2) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations. After publication in the Federal Register such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary of Commerce shall prescribe, but in no event prior to an agreed date for the application by all countries whose vessels engage in fishing for species covered by the convention in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program, of effective measures for the implementation of the commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions. The Secretary of Commerce shall suspend at any time the application of any such regulations when, after consultation with the Secretary of State and the United States Commissioners, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the commission's recommendations. The regulations thus promulgated may include the selection for regulation of one or more of the species covered by the convention; the division of the convention waters into areas; the establishment of one or more open or closed seasons as to each area; the limitation of the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed; the limitation or prohibition of the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish; the requiring of such clearance certificates for vessels as may be necessary to carry out the purposes of the convention and this chapter; and such other measures incidental thereto as the Secretary of Commerce may deem necessary to implement the recommendations of the commission: *Provided*, That upon the promulgation of any such regulations the Secretary of Commerce shall promulgate additional regulations, with the concurrence of the Secretary of State, which shall become effective simultaneously with the application of the regulations hereinbefore referred to (1) to prohibit the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the regulatory area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area; and (2) to prohibit entry into the United States, from any country, of fish in any form of those species

which are subject to regulation pursuant to a recommendation of the commission and which were taken from the regulatory area by vessels other than those of such country in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the commission. In the case of repeated and flagrant fishing operations in the regulatory area by the vessels of any country which seriously threaten the achievement of the objectives of the commission's recommendations, the Secretary of Commerce, with the concurrence of the Secretary of State, may, in his discretion, also prohibit the entry from such country of such other species of tuna, in any form, as may be under investigation by the commission and which were taken in the regulatory area. The aforesaid prohibitions shall continue until the Secretary of Commerce is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.

(Sept. 7, 1950, ch. 907, § 6, 64 Stat. 778; Oct. 15, 1962, Pub. L. 87–814, § 2, 76 Stat. 923; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1962—Subsecs. (a), (b). Pub. L. 87–814 substituted ''Secretary of the Interior'' for ''head of the enforcement agency''.

Subsec. (c). Pub. L. 87–814 added subsec. (c).

TRANSFER OF FUNCTIONS

''Secretary of Commerce'' substituted in text for ''Secretary of the Interior'' in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 957 of this title.

§ 956. Inspection of returns, records, or other reports

Any person authorized to carry out enforcement activities under this chapter and any person authorized by the commissions shall have power without warrant or other process, to inspect, at any reasonable time, catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished.

(Sept. 7, 1950, ch. 907, § 7, 64 Stat. 778; Oct. 15, 1962, Pub. L. 87–814, § 3, 76 Stat. 924.)

AMENDMENTS

1962—Pub. L. 87–814 substituted provisions respecting inspection of returns, records, or other reports for provisions authorizing a fine not exceeding $1,000 and proceedings for injunction against fishing for or possessing the kind of fish covered by the convention for failure to make, keep, furnish, or refusal to permit inspection of returns, records, or reports or for furnishing a false return, record, or report.

§ 957. Violations; fines and forfeitures; application of related laws

(a) It shall be unlawful for any master or other person in charge of a fishing vessel of the United States to engage in fishing in violation of any regulation adopted pursuant to section 955(c) of this title or for any person knowingly to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations.

(b) It shall be unlawful for the master or any person in charge of any fishing vessel of the United States or any person on board such vessel to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished; or to fail to stop upon being hailed by a duly authorized official of the United States; or to refuse to permit the duly authorized officials of the United States or authorized officials of the commissions to board such vessel or inspect its catch, equipment, books, documents, records, or other articles or question the persons on board in accordance with the provisions of this chapter, or the convention, as the case may be.

(c) It shall be unlawful for any person to import, in violation of any regulation adopted pursuant to section 955(c) of this title, from any country, any fish in any form of those species subject to regulation pursuant to a recommendation of the commission, or any tuna in any form not under regulation but under investigation by the commission, during the period such fish have been denied entry in accordance with the provisions of section 955(c) of this title. In the case of any fish as described in this subsection offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to him that such fish is not ineligible for such entry under the terms of section 955(c) of this title.

(d) Any person violating any provisions of subsection (a) of this section shall be fined not more than $25,000, and for a subsequent violation of any provisions of said subsection (a) shall be fined not more than $50,000.

(e) Any person violating any provision of subsection (b) of this section shall be fined not more than $1,000, and for a subsequent violation of any provision of subsection (b) shall be fined not more than $5,000.

(f) Any person violating any provision of subsection (c) of this section shall be fined not more than $100,000.

(g) All fish taken or retained in violation of subsection (a) of this section, or the monetary value thereof, may be forfeited.

(h) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of

such 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.

(Sept. 7, 1950, ch. 907, § 8, 64 Stat. 779; Oct. 15, 1962, Pub. L. 87–814, § 4, 76 Stat. 924; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

AMENDMENTS

1962—Pub. L. 87–814 substituted provisions respecting violations, fines, and forfeitures, and application of related laws for provisions respecting enforcement of chapter.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, see note set out under section 955 of this title.

§ 958. Cooperation with other agencies

(a) Coordination of programs

In order to provide coordination between the general annual programs of the commissions and programs of other agencies, relating to the exploration, development, and conservation of fishery resources, the Secretary of State may recommend to the United States Commissioners that they consider the relationship of the commissions' programs to those of such agencies and when necessary arrange, with the concurrence of such agencies, for mutual cooperation between the commissions and such agencies for carrying out their respective programs.

(b) Scientific and other programs; facilities and personnel

All agencies of the Federal Government are authorized on request of the commissions to cooperate in the conduct of scientific and other programs, or to furnish facilities and personnel for the purpose of assisting the commissions in the performance of their duties.

(c) Facilities and personnel to non-Federal agencies

The commissions are authorized and empowered to supply facilities and personnel to existing non-Federal agencies to expedite research work which in the judgment of the commissions is contributing or will contribute directly to the purposes of the conventions.

(Sept. 7, 1950, ch. 907, § 9, 64 Stat. 779.)

§ 959. Enforcement of chapter

(a) Issuance of process

The judges of the United States district courts and United States magistrate judges may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this chapter and the regulations issued pursuant thereto.

(b) Federal law enforcement agents

Enforcement of the provisions of this chapter and the regulations issued pursuant thereto shall be the joint responsibility of the United States Coast Guard, the United States Department of Commerce, and the United States Customs Service. In addition, the Secretary of Commerce may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of American Samoa to carry out enforcement activities hereunder. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes.

(c) Execution of process

Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this chapter.

(d) Arrests

Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any persons subject to the jurisdiction of the United States at any place within the jurisdiction of the United States committing in his presence or view a violation of this chapter or the regulations issued thereunder;

(2) with or without a warrant or other process, to search any vessel subject to the jurisdiction of the United States, and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of the provisions of this chapter or the regulations issued thereunder, then to arrest such person.

(e) Seizures and disposition of fish

Such person so authorized may seize, whenever and wherever lawfully found, all fish taken or retained in violation of the provisions of this chapter or the regulations issued pursuant thereto. Any fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction, pursuant to the provisions of subsection (f) of this section or, if perishable, in a manner prescribed by regulations of the Secretary of Commerce.

(f) Security

Notwithstanding the provisions of section 2464 of title 28, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the

registry of the court pending judgment in the case.

(Sept. 7, 1950, ch. 907, § 10, 64 Stat. 779; Oct. 15, 1962, Pub. L. 87–814, § 5, 76 Stat. 925; Oct. 17, 1968, Pub. L. 90–578, title IV, § 402(b)(2), 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Dec. 1, 1990, Pub. L. 101–650, title III, § 321, 104 Stat. 5117.)

AMENDMENTS

1962—Subsec. (a). Pub. L. 87–814 substituted provisions for issuance of process for provisions respecting arrest and execution of process, incorporated in subsecs. (c) and (d)(1) of this section.

Subsec. (b). Pub. L. 87–814 substituted provisions respecting Federal law enforcement agents for provisions relating to inspections, incorporated in section 956 of this title.

Subsec. (c). Pub. L. 87–814 substituted provisions for execution of process, formerly incorporated in subsec. (a), for provisions respecting the functioning of officers and law enforcement officers, incorporated in subsec. (b) of this section.

Subsec. (d). Pub. L. 87–814 incorporated provisions of former subsec. (a) in par. (1) and added par. (2).

Subsecs. (e), (f). Pub. L. 87–814 added subsecs. (e) and (f).

CHANGE OF NAME

''United States magistrate judges'' substituted for ''United States magistrates'' in subsec. (a) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, ''United States magistrates'' substituted for ''United States commissioners'' pursuant to Pub. L. 90–578. See chapter 43 (§ 631 et seq.) of Title 28.

''Customs Service'' substituted for ''Bureau of Customs'' in subsec. (b) pursuant to Treasury Department Order 165–23, Apr. 4, 1973, eff. Aug. 1, 1973, 38 F.R. 13037. See, also, section 308 of Title 31, Money and Finance.

TRANSFER OF FUNCTIONS

In subsecs. (b) and (e), ''Department of Commerce'' substituted for ''Department of the Interior'' and ''Secretary of Commerce'' for ''Secretary of the Interior'' pursuant to Reorg. Plan No. 4 of 1970, see note set out under section 955 of this title.

§ 960. Commissions' functions not restrained by this chapter or State laws

None of the prohibitions contained in this chapter or in the laws and regulations of the States shall prevent the commissions from conducting or authorizing the conduct of fishing operations and biological experiments at any time for the purpose of scientific investigations as authorized by the conventions, or shall prevent the commissions from discharging any of its or their functions or duties prescribed by the conventions.

(Sept. 7, 1950, ch. 907, § 11, 64 Stat. 779.)

§ 961. Authorization of appropriations

There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of each convention and of this chapter, including—

(a) contributions to each commission for the United States share of any joint expenses of the commission and the expenses of the United States Commissioners and their staff, including personal services in the District of Columbia and elsewhere;

(b) travel expenses without regard to the Standardized Government Travel Regulations, as amended, subchapter I of chapter 57 of title 5, or section 5731(a) of title 5;

(c) printing and binding without regard to section 501 of title 44, or section 5 of title 41;

(d) stenographic and other services by contract, if deemed necessary, without regard to section 5 of title 41; and

(e) purchase, hire, operation, maintenance, and repair of aircraft, motor vehicles (including passenger-carrying vehicles), boats and research vessels.

(Sept. 7, 1950, ch. 907, § 12, 64 Stat. 780.)

CODIFICATION

In par. (b), ''subchapter I of chapter 57 of title 5, or section 5731(a) of title 5'' substituted for ''the Travel Expense Act of 1949, or section 10 of the Act of March 3, 1933 (U.S.C., title 5, sec. 73b)'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In par. (c), ''section 501 of title 44'' substituted for ''section 11 of the Act of March 1, 1919 (U.S.C., title 44, sec. 111)'' on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

§ 962. Reduction of bycatch in eastern tropical Pacific Ocean

The Secretary of State, in consultation with the Secretary of Commerce and acting through the United States Commissioners, shall seek, in cooperation with other nations whose vessel[1] fish for tuna in the eastern tropical Pacific Ocean, to establish standards and measures for a bycatch reduction program for vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The bycatch reduction program shall include measures—

(1) to require, to the maximum extent practicable, that sea turtles and other threatened species and endangered species are released alive;

(2) to reduce, to the maximum extent practicable, the harvest of nontarget species;

(3) to reduce, to the maximum extent practicable, the mortality of nontarget species; and

(4) to reduce, to the maximum extent practicable, the mortality of juveniles of the target species.

(Sept. 7, 1950, ch. 907, § 15, as added Aug. 15, 1997, Pub. L. 105–42, § 7(c), 111 Stat. 1138.)

CODIFICATION

Section 7(c) of Pub. L. 105–42, which directed the addition of this section at the end of the Tuna Conventions Act, was executed by adding this section at the end of the Tuna Conventions Act of 1950, to reflect the probable intent of Congress.

EFFECTIVE DATE

Section effective upon certification by Secretary of Commerce that sufficient funding is available to complete first year of study required by section 1414a(a) of

[1] So in original. Probably should be ''vessels''.

this title and that study has commenced, and certification by Secretary of State to Congress that binding resolution of Inter-American Tropical Tuna Commission or other legally binding instrument establishing International Dolphin Conservation Program has been adopted and is in force, see section 8 of Pub. L. 105–42, set out as an Effective Date of 1997 Amendment note under section 1362 of this title.

CHAPTER 16A—ATLANTIC TUNAS CONVENTION

Sec.
971. Definitions.
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(b) Alternate Commissioners.
(c) Compensation.
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971b–1. Species working groups.
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(a) Recommendations from Commission.
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(e) Sanctions.
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(b) Scientific and other programs; facilities and personnel.
(c) Fishing operations and biological experiments.
(d) State jurisdiction; preemption by Federal regulations.
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971i. Research on Atlantic highly migratory species.
(a) Biennial report on bluefin tuna.
(b) Highly migratory species research and monitoring.
971j. Annual report.
971k. Savings clause.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 971i, 1854, 3377 of this title.

§ 971. Definitions

For the purpose of this chapter—

(1) The term ''Convention'' means the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, including any amendments or protocols which are or become effective for the United States.

(2) The term ''Commission'' means the International Commission for the Conservation of Atlantic Tunas provided for in article III of the Convention.

(3) The term ''conservation recommendation'' means any recommendation of the Commission made pursuant to Article VIII of the Convention and acted upon favorably by the Secretary of State under section 971c(a) of this title.

(4) The term ''Council'' means the Council established within the International Commission for the Conservation of Atlantic Tunas pursuant to article V of the Convention.

(4)[1] The term ''exclusive economic zone'' means an exclusive economic zone as defined in section 1802 of this title.

(6) The term ''fishing'' means the catching, taking, or fishing for or the attempted catching, taking, or fishing for any species of fish covered by the Convention, or any activities in support thereof.

(7) The term ''fishing vessel'' means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

(8) The term ''Panel'' means any panel established by the Commission pursuant to article VI of the Convention.

(9) The term ''person'' means every individual, partnership, corporation, and association subject to the jurisdiction of the United States.

(10) The term ''Secretary'' means the Secretary of Commerce.

(11) The term ''State'' includes each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(Pub. L. 94–70, § 2, Aug. 5, 1975, 89 Stat. 385; Pub. L. 94–265, title IV, § 405(a), Apr. 13, 1976, 90 Stat. 361; Pub. L. 95–33, § 2, May 26, 1977, 91 Stat. 173; Pub. L. 104–43, title III, § 303(1), (2), Nov. 3, 1995, 109 Stat. 384; Pub. L. 104–208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009–41.)

AMENDMENTS

1996—Par. (4). Pub. L. 104–208 made technical amendment to reference in original act which appears in text as reference to section 1802 of this title.

1995—Par. (3). Pub. L. 104–43, § 303(1), added par. (3). Former par. (3) redesignated (4).

Par. (4). Pub. L. 104–43, § 303(2), added par. (4) defining ''exclusive economic zone''. Former par. (4) redesignated (5).

Pub. L. 104–43, § 303(1), redesignated par. (3) defining ''Council'' as (4).

Par. (5). Pub. L. 104–43, § 303(2), struck out par. (5) which read as follows: ''The term 'fisheries zone' means the waters included within a zone contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward

[1] So in original. Probably should be ''(5)''.