

(e) Executive Director

The Commission shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5 governing appointments in the competitive service) by the Chairman with the approval of the Commission and shall be paid at a rate not in excess of the rate for GS-18 of the General Schedule under section 5332 of title 5. The Executive Director shall have such duties as the Chairman may assign.

(Pub. L. 92-522, title II, §201, Oct. 21, 1972, 86 Stat. 1043; Pub. L. 97-389, title II, §202, Dec. 29, 1982, 96 Stat. 1951; Pub. L. 98-364, title I, §103(a), July 17, 1984, 98 Stat. 441.)

AMENDMENTS

1984—Subsec. (b)(1). Pub. L. 98-364 substituted “The President shall make his selection from a list of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals. Such list shall be submitted to him by the Chairman of the Council on Environmental Quality and unanimately agreed to by that Chairman, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation and the Chairman of the National Academy of Sciences” for “The President shall make his selection from a list, submitted to him by the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences, of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals”.

1982—Subsec. (b)(1). Pub. L. 97-389 inserted requirement that, effective Sept. 1, 1982, the three members of the Commission be appointed by and with the advice and consent of the Senate.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 1402. Duties of Commission**(a) Reports and recommendations**

The Commission shall—

(1) undertake a review and study of the activities of the United States pursuant to existing laws and international conventions relating to marine mammals, including, but not limited to, the International Convention for the Regulation of Whaling, the Whaling Convention Act of 1949 [16 U.S.C. 916 et seq.], the Interim Convention on the Conservation of North Pacific Fur Seals, and the Fur Seal Act of 1966 [16 U.S.C. 1151 et seq.];

(2) conduct a continuing review of the condition of the stocks of marine mammals, of methods for their protection and conservation, of humane means of taking marine mammals, of research programs conducted or proposed to be conducted under the authority of this chapter, and of all applications for permits for scientific research, public display, or enhancing the survival or recovery of a species or stock;

(3) undertake or cause to be undertaken such other studies as it deems necessary or desir-

able in connection with its assigned duties as to the protection and conservation of marine mammals;

(4) recommend to the Secretary and to other Federal officials such steps as it deems necessary or desirable for the protection and conservation of marine mammals;

(5) recommend to the Secretary of State appropriate policies regarding existing international arrangements for the protection and conservation of marine mammals, and suggest appropriate international arrangements for the protection and conservation of marine mammals;

(6) recommend to the Secretary such revisions of the endangered species list and threatened species list published pursuant to section 1533(c)(1) of this title, as may be appropriate with regard to marine mammals; and

(7) recommend to the Secretary, other appropriate Federal officials, and Congress such additional measures as it deems necessary or desirable to further the policies of this chapter, including provisions for the protection of the Indians, Eskimos, and Aleuts whose livelihood may be adversely affected by actions taken pursuant to this chapter.

(b) Consultation with Secretary; reports to Secretary before publication

The Commission shall consult with the Secretary at such intervals as it or he may deem desirable, and shall provide each annual report required under section 1404¹ of this title, before submission to Congress, to the Secretary for comment.

(c) Availability of reports for public inspection

The reports and recommendations which the Commission makes shall be matters of public record and shall be available to the public at all reasonable times. All other activities of the Commission shall be matters of public record and available to the public in accordance with the provisions of section 552 of title 5.

(d) Recommendations; explanation for nonadoption

Any recommendations made by the Commission to the Secretary and other Federal officials shall be responded to by those individuals within one hundred and twenty days after receipt thereof. Any recommendations which are not followed or adopted shall be referred to the Commission together with a detailed explanation of the reasons why those recommendations were not followed or adopted.

(Pub. L. 92-522, title II, §202, Oct. 21, 1972, 86 Stat. 1044; Pub. L. 93-205, §13(e)(4), Dec. 28, 1973, 87 Stat. 903; Pub. L. 97-58, §6(1), Oct. 9, 1981, 95 Stat. 987; Pub. L. 100-711, §5(e)(4), Nov. 23, 1988, 102 Stat. 4771.)

REFERENCES IN TEXT

The Whaling Convention Act of 1949, referred to in subsec. (a)(1), is act Aug. 9, 1950, ch. 653, 64 Stat. 421, as amended, which is classified generally to subchapter II (§916 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 916 of this title and Tables.

¹ See References in Text note below.

The Fur Seal Act of 1966, referred to in subsec. (a)(1), is Pub. L. 89-702, Nov. 2, 1966, 80 Stat. 1091, as amended, which is classified generally to chapter 24 (§1151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1151 of this title and Tables.

Section 1404 of this title, referred to in subsec. (b), was omitted from the Code.

AMENDMENTS

1988—Subsec. (a)(2). Pub. L. 100-711 inserted “, public display, or enhancing the survival or recovery of a species or stock” after “scientific research”.

1981—Subsec. (b). Pub. L. 97-58 substituted “provide each annual report required under section 1404 of this title, before submission to Congress, to the Secretary for comment” for “furnish its reports and recommendations to him, before publication, for his comment”.

1973—Subsec. (a)(6). Pub. L. 93-205 substituted “such revisions of the endangered species list and threatened species list published pursuant to section 1533(c)(1) of this title” for “of the Interior such revisions of the Endangered Species List, authorized by the Endangered Species Conservation Act of 1969.”.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as an Effective Date note under section 1531 of this title.

§ 1403. Committee of Scientific Advisors on Marine Mammals

(a) Establishment; membership

The Commission shall establish, within ninety days after its establishment, a Committee of Scientific Advisors on Marine Mammals (hereafter referred to in this subchapter as the “Committee”). Such Committee shall consist of nine scientists knowledgeable in marine ecology and marine mammal affairs appointed by the Chairman after consultation with the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences.

(b) Compensation; reimbursement for travel expenses

Except for United States Government employees, members of the Committee shall each be compensated at a rate equal to the daily equivalent of the rate for GS-18 of the General Schedule under section 5332 of title 5, for each day such member is engaged in the actual performance of duties vested in the Committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in Government service employed intermittently.

(c) Consultation with Commission on studies and recommendations; explanation for nonadoption

The Commission shall consult with the Committee on all studies and recommendations which it may propose to make or has made, on research programs conducted or proposed to be conducted under the authority of this chapter, and on all applications for permits for scientific research. Any recommendations made by the Committee or any of its members which are not adopted by the Commission shall be transmitted by the Commission to the appropriate Federal

agency and to the appropriate committees of Congress with a detailed explanation of the Commission’s reasons for not accepting such recommendations.

(Pub. L. 92-522, title II, §203, Oct. 21, 1972, 86 Stat. 1044.)

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 for 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.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 1404. Omitted

CODIFICATION

Section, Pub. L. 92-522, title II, §204, Oct. 21, 1972, 86 Stat. 1045, which required the Marine Mammal Commission to transmit to Congress, by January 31 of each year, a report including a description of the Commission’s activities and accomplishments during the preceding year and all findings and recommendations made by and to the Commission pursuant to section 1402 of this title together with responses made to those recommendations, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 176 of House Document No. 103-7.

§ 1405. Coordination with other Federal agencies

The Commission shall have access to all studies and data compiled by Federal agencies regarding marine mammals. With the consent of the appropriate Secretary or Agency head, the Commission may also utilize the facilities or services of any Federal agency and shall take every feasible step to avoid duplication of research and to carry out the purposes of this chapter.

(Pub. L. 92-522, title II, §205, Oct. 21, 1972, 86 Stat. 1045.)

§ 1406. Administration

The Commission, in carrying out its responsibilities under this subchapter, may—

- (1) employ and fix the compensation of such personnel;
- (2) acquire, furnish, and equip such office space;
- (3) enter into such contracts or agreements with, or provide such grants to, other organizations, both public and private;
- (4) procure the services of such experts or consultants or an organization thereof as is authorized under section 3109 of title 5 (but at