

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-238, §24(c)(11), made technical amendment to reference to subchapter V of this chapter to reflect renumbering of corresponding title of original act.

Subsec. (e). Pub. L. 103-238, §7(a), added subsec. (e).

1992—Subsec. (c). Pub. L. 102-587 inserted “or subchapter V of this chapter” after “of this subchapter”.

1980—Subsec. (d). Pub. L. 96-470 substituted “include in the annual report to the public and the Congress required under section 1373(f) of this title” for “forthwith submit to Congress”.

§ 1383. Application to other treaties and conventions

(a) Generally; findings; waiver of penalties

The provisions of this subchapter shall be deemed to be in addition to and not in contravention of the provisions of any existing international treaty, convention, or agreement, or any statute implementing the same, which may otherwise apply to the taking of marine mammals. Upon a finding by the Secretary that the provisions of any international treaty, convention, or agreement, or any statute implementing the same has been made applicable to persons subject to the provisions of this subchapter in order to effect essential compliance with the regulatory provisions of this chapter so as to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations, section 1375 of this title may not apply to such persons.

(b) Review of effectiveness of Agreement on the Conservation of Polar Bears

Not later than 1 year after April 30, 1994, the Secretary of the Interior shall, in consultation with the contracting parties, initiate a review of the effectiveness of the Agreement on the Conservation of Polar Bears, as provided for in Article IX of the Agreement, and establish a process by which future reviews shall be conducted.

(c) Review of implementation of Agreement on the Conservation of Polar Bears; report

The Secretary of the Interior, in consultation with the Secretary of State and the Marine Mammal Commission, shall review the effectiveness of United States implementation of the Agreement on the Conservation of Polar Bears, particularly with respect to the habitat protection mandates contained in Article II. The Secretary shall report the results of this review to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than April 1, 1995.

(d) Consultation regarding conservation of polar bears in Russia and Alaska; report

Not later than 6 months after April 30, 1994, the Secretary of the Interior, acting through the Secretary of State and in consultation with the Marine Mammal Commission and the State of Alaska, shall consult with the appropriate officials of the Russian Federation on the development and implementation of enhanced cooperative research and management programs for the conservation of polar bears in Alaska and Russia. The Secretary shall report the results of

this consultation and provide periodic progress reports on the research and management programs to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate.

(Pub. L. 92-522, title I, §113, Oct. 21, 1972, 86 Stat. 1042; Pub. L. 103-238, §7(b), Apr. 30, 1994, 108 Stat. 542.)

CODIFICATION

A prior subsec. (b) of section 113 of Pub. L. 92-522 amended section 659 of this title.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-238, §7(b)(1), directed the amendment of this section by “designating the existing paragraph” as subsec. (a), notwithstanding the existing first par. of this section was already designated (a).

Subsecs. (b) to (d). Pub. L. 103-238, §7(b)(2), added subsecs. (b) to (d). See Codification note above.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 1383a. Interim exemption for commercial fisheries

(a) Effective and termination dates of preemp-tive provisions; law governing incidental taking of marine mammals in course of commercial yellowfin tuna fishing

(1) During the period beginning on November 23, 1988, and until superseded by regulations prescribed under section 1387 of this title, or until September 1, 1995, whichever is earlier, except as provided in paragraph (2), the provisions of this section, rather than sections 1371, 1373, and 1374 of this title, shall govern the incidental taking of marine mammals in the course of commercial fishing operations by persons using vessels of the United States and vessels which have valid fishing permits issued by the Secretary in accordance with section 1824(b) of this title. In any event it shall be the immediate goal that the incidental kill or serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate.

(2) The provisions of this section other than subsection (e)(6)(A) of this section shall not govern the incidental taking of marine mammals in the course of commercial yellowfin tuna fishing subject to section 1374(h)(2) of this title.