

this title, of which \$3,000,000 shall be for the cooperative research program under section 971i(b)(2)(H) of this title.¹

(Pub. L. 94-70, § 10, Aug. 5, 1975, 89 Stat. 393; Pub. L. 95-33, § 1, May 26, 1977, 91 Stat. 173; Pub. L. 96-339, § 1(2), Sept. 4, 1980, 94 Stat. 1069; Pub. L. 98-44, title I, § 101, July 12, 1983, 97 Stat. 216; Pub. L. 99-659, title IV, § 404, Nov. 14, 1986, 100 Stat. 3737; Pub. L. 101-627, title II, § 208, Nov. 28, 1990, 104 Stat. 4462; Pub. L. 104-43, title III, § 307, Nov. 3, 1995, 109 Stat. 386; Pub. L. 105-384, title II, § 202(a), Nov. 13, 1998, 112 Stat. 3452; Pub. L. 107-372, title III, § 304, Dec. 19, 2002, 116 Stat. 3095; Pub. L. 109-479, title IV, § 405(a), Jan. 12, 2007, 120 Stat. 3633.)

REFERENCES IN TEXT

Section 971i(b)(2)(H) of this title, referred to in subsec. (b)(2), was in the original “section 3(b)(2)(H) of that section” and was translated as reading “section 3(b)(2)(H) of that Act”, meaning Pub. L. 96-339, to reflect the probable intent of Congress.

AMENDMENTS

2007—Pub. L. 109-479 amended section generally, substituting provisions authorizing appropriations for fiscal years 2007 to 2013 for provisions authorizing appropriations for fiscal years 2003 to 2006.

2002—Pub. L. 107-372 amended section generally, substituting provisions authorizing appropriations for fiscal years 2003 to 2006 for provisions authorizing appropriations for fiscal years 1995 to 2001.

1998—Par. (4), Pub. L. 105-384 substituted “For each of fiscal years 1998, 1999, 2000, and 2001,” for “For fiscal year 1998,”.

1995—Pub. L. 104-43 amended section generally, substituting provisions authorizing appropriations for fiscal years 1995 to 1998 for provisions authorizing appropriations for fiscal years 1989 to 1993.

1990—Pub. L. 101-627 amended section generally, substituting provisions authorizing appropriations for fiscal years 1989 to 1993 for provisions authorizing appropriations for fiscal years 1986 to 1989 and striking out provisions relating to use of sums for travel expenses.

1986—Pub. L. 99-659 substituted authorization of appropriations for fiscal years 1986 through 1989 for former authorization of appropriations for fiscal year 1976, the period beginning July 1, 1976, and ending Sept. 30, 1976, and fiscal years 1977 through 1986.

1983—Pub. L. 98-44 authorized appropriations for fiscal years 1984 through 1986.

1980—Pub. L. 96-339 authorized appropriations for fiscal years 1981 through 1983.

1977—Pub. L. 95-33 authorized appropriations for fiscal years 1978 through 1980.

§ 971i. Research on Atlantic highly migratory species

(a) Omitted

(b) Highly migratory species research and monitoring

(1) Within 6 months after November 3, 1995, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas (referred to elsewhere in this section as the “Commission”) and the Secretary of State, shall develop and implement a comprehensive

research and monitoring program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall—

(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

(B) provide for appropriate participation by nations which are members of the Commission.

(2) The program shall provide for, but not be limited to—

(A) statistically designed cooperative tagging studies;

(B) genetic and biochemical stock analyses;

(C) population censuses carried out through aerial surveys of fishing grounds and known migration areas;

(D) adequate observer coverage and port sampling of commercial and recreational fishing activity;

(E) collection of comparable real-time data on commercial and recreational catches and landings through the use of permits, logbooks, landing reports for charter operations and fishing tournaments, and programs to provide reliable reporting of the catch by private anglers;

(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species;

(G) integration of data from all sources and the preparation of data bases to support management decisions;

(H) include a cooperative research program on Atlantic billfish based on the Southeast Fisheries Science Center Atlantic Billfish Research Plan of 2002; and

(I) other research as necessary.

(3) In developing a program under this section, the Secretary shall—

(A) ensure that personnel and resources of each regional research center shall have substantial participation in the stock assessments and monitoring of highly migratory species that occur in the region;

(B) provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act of 1975 applies with respect to effort and species composition of catch and discards;

(C) consult with relevant Federal and State agencies, scientific and technical experts, commercial and recreational fishermen, and other interested persons, public and private, and shall publish a proposed plan in the Federal Register for the purpose of receiving public comment on the plan; and

(D) through the Secretary of State, encourage other member nations to adopt a similar program.

(Pub. L. 96-339, § 3, Sept. 4, 1980, 94 Stat. 1070; Pub. L. 104-43, title III, § 302(b), Nov. 3, 1995, 109 Stat. 382; Pub. L. 105-384, title II, § 202(b)(2), Nov. 13, 1998, 112 Stat. 3453; Pub. L. 109-479, title IV, § 405(b), Jan. 12, 2007, 120 Stat. 3633.)

REFERENCES IN TEXT

The Atlantic Tunas Convention Act of 1975, referred to in subsec. (b)(3)(B), is Pub. L. 94-70, Aug. 5, 1975, 89

¹ See References in Text note below.

Stat. 385, as amended, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 971 of this title and Tables.

CODIFICATION

Subsection (a), which required the Secretary of Commerce to prepare and submit to Congress a biennial report on the level of taking of bluefin tuna by United States fishermen in the Convention area as defined in Article I of the International Convention for the Conservation of Atlantic Tunas, the status of bluefin tuna stocks within the Convention area and the trends in their population level, and related information resulting from implementation of the observer program under section 1827 of this title, 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 50 of House Document No. 103-7.

Section was not enacted as part of the Atlantic Tunas Convention Act of 1975 which comprises this chapter.

AMENDMENTS

2007—Subsec. (b)(2)(H), (I). Pub. L. 109-479 added subpar. (H) and redesignated former subpar. (H) as (I).

1998—Subsec. (b)(3)(B). Pub. L. 105-384 inserted “of 1975” after “Act”.

1995—Pub. L. 104-43 amended section catchline generally, designated existing provisions as subsec. (a), inserted heading, struck out last sentence which read as follows: “There are authorized to be appropriated such sums as may be necessary to carry out this section.”, and added subsec. (b).

§ 971j. Annual report

Not later than April 1, 1996, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, that—

(1) details for the previous 10-year period the catches and exports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from Nations fishing on Atlantic stocks of such species that are subject to management by the Commission;

(2) identifies those fishing Nations whose harvests are inconsistent with conservation and management recommendations of the Commission;

(3) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party; and

(4) describes actions taken by the Secretary under section 971d of this title.

(Pub. L. 94-70, § 11, as added Pub. L. 104-43, title III, § 308, Nov. 3, 1995, 109 Stat. 386; amended Pub. L. 105-384, title II, § 202(b)(1)(E), Nov. 13, 1998, 112 Stat. 3453.)

PRIOR PROVISIONS

A prior section 11 of Pub. L. 94-70 was renumbered section 13 and is set out as a Separability note under section 971 of this title.

AMENDMENTS

1998—Pub. L. 105-384 made technical amendment to style of heading and section designation in original act.

CHANGE OF NAME

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.

§ 971k. Savings clause

Nothing in this chapter shall have the effect of diminishing the rights and obligations of any Nation under Article VIII(3) of the Convention.

(Pub. L. 94-70, § 12, as added Pub. L. 104-43, title III, § 308, Nov. 3, 1995, 109 Stat. 387; amended Pub. L. 105-384, title II, § 202(b)(1)(E), Nov. 13, 1998, 112 Stat. 3453.)

AMENDMENTS

1998—Pub. L. 105-384 made technical amendment to style of heading and section designation in original act.

CHAPTER 16B—EASTERN PACIFIC TUNA FISHING

Sec.	Definitions.
972.	
972a.	United States representation on the Council.
972b.	Secretary of State to act for United States.
972c.	Application to other laws.
972d.	Disposition of fees.
972e.	Regulations.
972f.	Prohibited acts.
972g.	Enforcement.
972h.	Authorization of appropriations.

§ 972. Definitions

As used in this chapter—

(1) The term “Agreement” means the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983.

(2) The term “Agreement Area” means the area within a perimeter determined as follows: From the point on the mainland where the parallel of 40 degrees north latitude intersects the coast westward along the parallel of 40 degrees north latitude to 40 degrees north latitude by 125 degrees west longitude, thence southerly along the meridian of 125 degrees west longitude to 20 degrees north latitude by 125 degrees west longitude, thence easterly along the parallel of 20 degrees north latitude to 20 degrees north latitude by 120 degrees west longitude, thence southerly along the meridian of 120 degrees west longitude to 5 degrees north latitude by 120 degrees west longitude, thence easterly along the parallel of 5 degrees north latitude to 5 degrees north latitude by 110 degrees west longitude, thence southerly along the meridian of 110 degrees west longitude to 10 degrees south latitude by 110 degrees west longitude, thence easterly along the parallel of 10 degrees south latitude to 10 degrees south latitude by 90 degrees west longitude, thence southerly along the meridian of 90 degrees west longitude to 30 degrees south latitude by 90 degrees west longitude, thence easterly along the parallel of 30 degrees south latitude to the point on the mainland where the parallel intersects the coast; but the Agreement Area does not include the zones within twelve nautical miles of the baseline from which the breadth of territorial sea is measured and the zones within two hundred nautical miles of the baselines of Coastal