

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

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§ 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

States not signatories to the Agreement, measured from the same baseline.

(3) The term “designated species of tuna” means yellowfin tuna, *Thunnus albacares* (Bonnaterre, 1788); bigeye tuna, *Thunnus obesus* (Lowe, 1839); albacore tuna, *Thunnus alalunga* (Bonnaterre, 1788); northern bluefin tuna, *Thunnus thynnus* (Linnaeus, 1758); southern bluefin tuna, *Thunnus maccoyl* (Castelnau, 1872); skipjack tuna, *Katsuwonus pelamis* (Linnaeus¹ 1578); black skipjack, *Euthynnus Lineatus* (Kishinouye¹ 1920); kawakawa, *Euthynnus affinis* (Cantor, 1849); bullet tuna, *Auxis rochei* (Risso, 1810),² frigate tuna, *Auxis³ thazard* (Lacepede, 1800); eastern Pacific bonito, *Sarda chiliensis* (Cuvier in Cuvier and Valenciennes, 1831); and Indo-Pacific bonito, *Sarda orientalis* (Temminck and Schlegel, 1844).

(4) The term “Council” means the body consisting of the representatives from each Contracting Party to the Agreement which is a Coastal State of the eastern Pacific Ocean or a member of the Inter-American Tropical Tuna Commission at the time of entry into force of the Agreement.

(Pub. L. 98-445, § 2, Oct. 4, 1984, 98 Stat. 1715.)

SHORT TITLE

Pub. L. 98-445, § 1, Oct. 4, 1984, 98 Stat. 1715, provided: “That this Act [enacting this chapter] may be cited as the ‘Eastern Pacific Tuna Licensing Act of 1984.’”

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 972a. United States representation on the Council

(a) Appointment by Secretary of State

The Secretary of State—

(1) shall appoint a United States representative to the Council; and

(2) may appoint not more than three alternate United States representatives to the Council.

(b) Qualification

An individual is not eligible for appointment as, or to serve as, the United States representative under subsection (a)(1) of this section unless the individual is an officer or employee of the United States Government.

(c) Compensation

An individual is not entitled to compensation for serving as the United States representative or an alternate United States representative.

(d) Travel expenses

While away from home or a regular place of business in the performance of service as the United States representative or an alternate United States representative, an individual is entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as individuals employed intermittently in Govern-

ment service are allowed expenses under section 5703(b)¹ of title 5.

(Pub. L. 98-445, § 3, Oct. 4, 1984, 98 Stat. 1716.)

REFERENCES IN TEXT

Section 5703 of title 5, referred to in subsec. (d), was amended generally by Pub. L. 94-22, § 4, May 19, 1975, 89 Stat. 85, and, as so amended, does not contain a subsec. (b).

§ 972b. Secretary of State to act for United States

The Secretary of State shall receive, on behalf of the United States Government, reports, requests, recommendations and other communications of the Council, and, in consultation with the Secretary of Commerce, shall act directly thereon or by reference to the appropriate authorities.

(Pub. L. 98-445, § 4, Oct. 4, 1984, 98 Stat. 1716.)

§ 972c. Application to other laws

(a) Notwithstanding section 4 of the Fishermen’s Protective Act of 1967 [22 U.S.C. 1974], such Act [22 U.S.C. 1971 et seq.] applies with respect to a seizure by a Contracting Party to the Agreement of a vessel of the United States within the Agreement Area for violation of the Agreement if the Secretary of State determines that the violation is not of such seriousness as to diminish the effectiveness of the Agreement.

(b) The seizure by a Contracting Party to the Agreement of a vessel of the United States shall not be considered to be a seizure described in section 1825(a)(4)(C) of this title if the seizure is consistent with the Agreement.

(Pub. L. 98-445, § 5, Oct. 4, 1984, 98 Stat. 1716; Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

REFERENCES IN TEXT

The Fishermen’s Protective Act of 1967, referred to in subsec. (a), is act Aug. 27, 1954, ch. 1018, 68 Stat. 883, as amended, which is classified generally to chapter 25 (§ 1971 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 1971 of Title 22 and Tables.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1825(a)(4)(C) of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

§ 972d. Disposition of fees

All fees accruing to the United States under Article III of the Agreement shall be deposited into the Treasury of the United States.

(Pub. L. 98-445, § 6, Oct. 4, 1984, 98 Stat. 1716.)

§ 972e. Regulations

The Secretary of Commerce, in cooperation with the Secretary of State and the Secretary of

¹ So in original. Probably should be followed by a comma.

² So in original. The comma probably should be a semicolon.

³ So in original. Probably should be “Auxis”.

¹ See References in Text note below.