

(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.

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.

¹ See References in Text note below.

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 rates for individuals not to exceed \$100 per diem); and
- (5) incur such necessary expenses and exercise such other powers, as are consistent with and reasonably required to perform its functions under this subchapter; except that no fewer than 11 employees must be employed

under paragraph (1) at any time. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

(Pub. L. 92-522, title II, § 206, Oct. 21, 1972, 86 Stat. 1045; Pub. L. 97-58, § 6(2), Oct. 9, 1981, 95 Stat. 987; Pub. L. 98-364, title I, § 103(b), July 17, 1984, 98 Stat. 442.)

AMENDMENTS

1984—Par. (5). Pub. L. 98-364 inserted “; except that no fewer than 11 employees must be employed under paragraph (1) at any time” at end.

1981—Par. (3). Pub. L. 97-58 substituted “contracts or agreements with, or provide such grants to, other organizations” for “contracts or agreements with other organizations”.

§ 1407. Authorization of appropriations

There are authorized to be appropriated to the Marine Mammal Commission, for purposes of carrying out this subchapter, \$1,500,000 for fiscal year 1994, \$1,550,000 for fiscal year 1995, \$1,600,000 for fiscal year 1996, \$1,650,000 for fiscal year 1997, \$1,700,000 for fiscal year 1998, and \$1,750,000 for fiscal year 1999.

(Pub. L. 92-522, title II, § 207, Oct. 21, 1972, 86 Stat. 1046; Pub. L. 95-136, § 3, Oct. 18, 1977, 91 Stat. 1167; Pub. L. 95-316, § 4, July 10, 1978, 92 Stat. 381; Pub. L. 103-238, § 9(b), Apr. 30, 1994, 108 Stat. 543.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 97-58, § 7(c), Oct. 9, 1981, 95 Stat. 987; Pub. L. 98-364, title I, § 104(3), July 17, 1984, 98 Stat. 442; Pub. L. 100-711, § 6(3), Nov. 23, 1988, 102 Stat. 4771, prior to repeal by Pub. L. 103-238, § 9(c).

AMENDMENTS

1994—Pub. L. 103-238 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated for the fiscal year in which this subchapter is enacted and for the next five fiscal years thereafter such sums as may be necessary to carry out this subchapter, but the sums appropriated for any fiscal year other than the fiscal year ending September 30, 1978, shall not exceed \$1,000,000, the sum appropriated for the fiscal year ending September 30, 1978, shall not exceed \$2,000,000, the sum appropriated for the fiscal year ending September 30, 1979, shall not exceed \$1,000,000, the sum appropriated for the fiscal year ending September 30, 1980, shall not exceed \$1,000,000, and the sum appropriated for the fiscal year ending September 30, 1981, shall not exceed \$1,000,000.”

1978—Pub. L. 95-316 added provisions authorizing appropriations for the fiscal years ending Sept. 30, 1979, Sept. 30, 1980, and Sept. 30, 1981.

1977—Pub. L. 95-136 substituted “five fiscal years” for “four fiscal years” and “the sums appropriated for any fiscal year other than the fiscal year ending September 30, 1978, shall not exceed \$1,000,000, and the sum appropriated for the fiscal year ending September 30, 1978, shall not exceed \$2,000,000” for “the sums appropriated for any such year shall not exceed \$1,000,000” and struck out requirement that not less than two-thirds of the sums appropriated pursuant to this section for any such year be expended on research and studies under authority of section 1402(a)(2) and (3) of this title.