

(c) Civil forfeitures

Any vessel (including its fishing gear, appurtenances, stores, and cargo) used, and any fish (or its fair market value) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by this section shall be subject to forfeiture to the United States in the manner provided in section 1860 of this title.

(Pub. L. 92-522, title III, §307, as added Pub. L. 102-523, §2(a), Oct. 26, 1992, 106 Stat. 3431; amended Pub. L. 104-208, div. A, title I, §101(a) [title II, §211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41; Pub. L. 105-42, §6(d), Aug. 15, 1997, 111 Stat. 1136.)

CODIFICATION

Another section 307 of Pub. L. 92-522 was renumbered section 407 and is classified to section 1421f of this title.

AMENDMENTS

1997—Subsec. (a)(1) to (3). Pub. L. 105-42, §6(d)(1), added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows:

“(1) for any person, after June 1, 1994, to sell, purchase, offer for sale, transport, or ship, in the United States, any tuna or tuna product that is not dolphin safe;

“(2) for any person or vessel that is subject to the jurisdiction of the United States, intentionally to set a purse seine net on or to encircle any marine mammal during any tuna fishing operation after February 28, 1994, except—

“(A) as necessary for scientific research approved by the Inter-American Tropical Tuna Commission;

“(B) in accordance with a recommendation that is approved under section 1412(c)(2) of this title; or

“(C) as authorized by the general permit issued to the American Tunaboat Association on December 1, 1980 (including any additional restrictions applicable under section 1416(a) of this title), notwithstanding any agreement under section 1412 of this title with a country that is not a major purse seine tuna fishing country (as that term is defined in section 1416(c) of this title);

“(3) for any person to import any yellowfin tuna or yellowfin tuna product or any other fish or fish product in violation of a ban on importation imposed under section 1415(b)(1) or (2) of this title;”.

Subsec. (b)(2). Pub. L. 105-42, §6(d)(2), inserted “(a)(5) or” before “(a)(6)”.

Subsec. (d). Pub. L. 105-42, §6(d)(3), struck out heading and text of subsec. (d). Text read as follows: “For purposes of this section, tuna or a tuna product is dolphin safe if—

“(1) it does not contain tuna that was harvested on the high seas by a vessel engaged in driftnet fishing, as that term is defined in section 4003 of the Driftnet Impact, Monitoring, Assessment, and Control Act of 1987;

“(2) in the case of tuna or a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean, it is dolphin safe under subsection (d)(2) of section 1385 of this title;

“(3) in the case of tuna or a tuna product that contains tuna harvested outside the eastern tropical Pacific Ocean by a purse seine vessel, it is accompanied by a written statement executed by the captain of the vessel certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the particular voyage on which the tuna was harvested; and

“(4) in the case of tuna or a product that contains tuna harvested outside the eastern tropical Pacific Ocean by a purse seine vessel in a fishery in which the Secretary has determined that a regular and significant association occurs between marine mammals

and tuna, and in which tuna is harvested through the use of purse seine nets deployed on or to encircle marine mammals, it is accompanied by a written statement executed by the captain of the vessel and by an observer, certifying that no purse seine net was intentionally deployed on or to encircle marine mammals during the particular voyage on which the tuna was harvested.”

1996—Subsec. (c). Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1860 of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

For effective date of amendment by Pub. L. 105-42, see section 8 of Pub. L. 105-42, set out as a note under section 1362 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.

§ 1418. Repealed. Pub. L. 105-42, §6(e), Aug. 15, 1997, 111 Stat. 1137

Section, Pub. L. 92-522, title III, §308, as added Pub. L. 102-523, §2(a), Oct. 26, 1992, 106 Stat. 3432, related to authorization of appropriations.

Another section 308 of Pub. L. 92-522 was renumbered section 409, and is classified to section 1421g of this title.

EFFECTIVE DATE OF REPEAL

For effective date of repeal, see section 8 of Pub. L. 105-42, set out as an Effective Date of 1997 Amendment note under section 1362 of this title.

SUBCHAPTER V—MARINE MAMMAL HEALTH AND STRANDING RESPONSE

§ 1421. Establishment of Program**(a) Establishment**

The Secretary shall, in consultation with the Secretary of the Interior, the Marine Mammal Commission, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, including stranding network participants, establish a program to be known as the “Marine Mammal Health and Stranding Response Program”.

(b) Purposes

The purposes of the Program shall be to—

(1) facilitate the collection and dissemination of reference data on the health of marine mammals and health trends of marine mammal populations in the wild;

(2) correlate the health of marine mammals and marine mammal populations, in the wild, with available data on physical, chemical, and biological environmental parameters; and

(3) coordinate effective responses to unusual mortality events by establishing a process in the Department of Commerce in accordance with section 1421c of this title.

(Pub. L. 92-522, title IV, §401, formerly title III, §301, as added Pub. L. 102-587, title III, §3003(a), Nov. 4, 1992, 106 Stat. 5060; renumbered title IV, §401, and amended Pub. L. 103-238, §24(b), (c)(1), Apr. 30, 1994, 108 Stat. 565, 566.)

AMENDMENTS

1994—Subsec. (b)(3). Pub. L. 103-238, §24(c)(1), made technical amendment to reference to section 1421c of