

title 18, use motor vehicles, fixed-wing aircraft, or helicopters, or to contract for such use, in furtherance of the management of the National Park System, and section 47(a) of title 18 shall be applicable to such use.

(Pub. L. 92-195, §9, as added Pub. L. 94-579, title IV, §404, Oct. 21, 1976, 90 Stat. 2775; amended Pub. L. 104-333, div. I, title VIII, §803(a), Nov. 12, 1996, 110 Stat. 4186.)

REFERENCES IN TEXT

This chapter, referred to in last sentence, was in the original “this title”, and was translated as reading “this Act”, meaning the Wild Free-Roaming Horses and Burros Act which enacted this chapter, to reflect the probable intent of Congress, because that Act does not contain titles.

AMENDMENTS

1996—Pub. L. 104-333 inserted at end “Nothing in this chapter shall be deemed to limit the authority of the Secretary in the management of units of the National Park System, and the Secretary may, without regard either to the provisions of this chapter, or the provisions of section 47(a) of title 18, use motor vehicles, fixed-wing aircraft, or helicopters, or to contract for such use, in furtherance of the management of the National Park System, and section 47(a) of title 18 shall be applicable to such use.”

§ 1339. Limitation of authority

Nothing in this chapter shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

(Pub. L. 92-195, §10, formerly §9, Dec. 15, 1971, 85 Stat. 651, renumbered Pub. L. 94-579, title IV, §404, Oct. 21, 1976, 90 Stat. 2775.)

§ 1340. Joint report to Congress; consultation and coordination of implementation, enforcement, and departmental activities; studies

After the expiration of thirty calendar months following December 15, 1971, and every twenty-four calendar months thereafter, the Secretaries of the Interior and Agriculture will submit to Congress a joint report on the administration of this chapter, including a summary of enforcement and/or other actions taken thereunder, costs, and such recommendations for legislative or other actions as he might deem appropriate.

The Secretary of the Interior and the Secretary of Agriculture shall consult with respect to the implementation and enforcement of this chapter and to the maximum feasible extent coordinate the activities of their respective departments and in the implementation and enforcement of this chapter. The Secretaries are authorized and directed to undertake those studies of the habits of wild free-roaming horses and burros that they may deem necessary in order to carry out the provisions of this chapter.

(Pub. L. 92-195, §11, formerly §10, Dec. 15, 1971, 85 Stat. 651, renumbered Pub. L. 94-579, title IV, §404, Oct. 21, 1976, 90 Stat. 2775.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of this section relating to the Secretaries of the Interior and Agriculture submitting a joint report to Congress every twenty-four months on the administration

of this chapter, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 147 of House Document No. 103-7.

CHAPTER 31—MARINE MAMMAL PROTECTION

SUBCHAPTER I—GENERALLY

- Sec. 1361. Congressional findings and declaration of policy.
- 1362. Definitions.

SUBCHAPTER II—CONSERVATION AND PROTECTION OF MARINE MAMMALS

- 1371. Moratorium on taking and importing marine mammals and marine mammal products.
- 1372. Prohibitions.
- 1373. Regulations on taking of marine mammals.
- 1374. Permits.
- 1375. Penalties.
- 1375a. Use of fines for protection and recovery of manatees, polar bears, sea otters, and walrus.
- 1376. Seizure and forfeiture of cargo.
- 1377. Enforcement.
- 1378. International program.
- 1379. Transfer of management authority.
- 1380. Marine mammal research grants.
- 1381. Commercial fisheries gear development.
- 1382. Regulations and administration.
- 1383. Application to other treaties and conventions.
- 1383a. Interim exemption for commercial fisheries.
- 1383b. Status review; conservation plans.
- 1384. Authorization of appropriations.
- 1385. Dolphin protection.
- 1386. Stock assessments.
- 1387. Taking of marine mammals incidental to commercial fishing operations.
- 1388. Marine mammal cooperative agreements in Alaska.
- 1389. Pacific Coast Task Force; Gulf of Maine.

SUBCHAPTER III—MARINE MAMMAL COMMISSION

- 1401. Establishment.
- 1402. Duties of Commission.
- 1403. Committee of Scientific Advisors on Marine Mammals.
- 1404. Omitted.
- 1405. Coordination with other Federal agencies.
- 1406. Administration.
- 1407. Authorization of appropriations.

SUBCHAPTER IV—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

- 1411. Findings and policy.
- 1412. International Dolphin Conservation Program.
- 1413. Regulatory authority of Secretary.
- 1414. Repealed.
- 1414a. Research.
- 1415. Reports by Secretary.
- 1416. Permits.
- 1417. Prohibitions.
- 1418. Repealed.

SUBCHAPTER V—MARINE MAMMAL HEALTH AND STRANDING RESPONSE

- 1421. Establishment of Program.
- 1421a. Determination; data collection and dissemination.
- 1421b. Stranding response agreements.
- 1421c. Unusual mortality event response.
- 1421d. Unusual mortality event activity funding.
- 1421e. Liability.
- 1421f. National Marine Mammal Tissue Bank and tissue analysis.
- 1421f-1. John H. Prescott Marine Mammal Rescue Assistance Grant Program.

Sec.	
1421g.	Authorization of appropriations.
1421h.	Definitions.
SUBCHAPTER VI—POLAR BEARS	
1423.	Definitions.
1423a.	Prohibitions.
1423b.	Administration.
1423c.	Cooperative management agreement; authority to delegate enforcement authority.
1423d.	Commission appointments; compensation, travel expenses, and claims.
1423e.	Votes taken by the United States section on matters before the Commission.
1423f.	Implementation of actions taken by the Commission.
1423g.	Application with other subchapters of chapter.
1423h.	Authorization of appropriations.

SUBCHAPTER I—GENERALLY

§ 1361. Congressional findings and declaration of policy

The Congress finds that—

(1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population. Further measures should be immediately taken to replenish any species or population stock which has already diminished below that population. In particular, efforts should be made to protect essential habitats, including the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions;

(3) there is inadequate knowledge of the ecology and population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully;

(4) negotiations should be undertaken immediately to encourage the development of international arrangements for research on, and conservation of, all marine mammals;

(5) marine mammals and marine mammal products either—

(A) move in interstate commerce, or

(B) affect the balance of marine ecosystems in a manner which is important to other animals and animal products which move in interstate commerce,

and that the protection and conservation of marine mammals and their habitats is therefore necessary to insure the continuing availability of those products which move in interstate commerce; and

(6) marine mammals have proven themselves to be resources of great international significance, esthetic and recreational as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource

management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, it should be the goal to obtain an optimum sustainable population keeping in mind the carrying capacity of the habitat.

(Pub. L. 92-522, §2, Oct. 21, 1972, 86 Stat. 1027; Pub. L. 97-58, §1(b)(1), Oct. 9, 1981, 95 Stat. 979; Pub. L. 103-238, §3, Apr. 30, 1994, 108 Stat. 532.)

AMENDMENTS

1994—Par. (2). Pub. L. 103-238, §3(1), inserted "essential habitats, including" after "made to protect".

Par. (5). Pub. L. 103-238, §3(2), inserted "and their habitats" before "is therefore necessary" in concluding provisions.

1981—Par. (6). Pub. L. 97-58 substituted "carrying capacity" for "optimum carrying capacity".

EFFECTIVE DATE

Pub. L. 92-522, §4, Oct. 21, 1972, 86 Stat. 1029, provided that: "The provisions of this Act [enacting this chapter] shall take effect upon the expiration of the sixty-day period following the date of its enactment [Oct. 21, 1972]."

SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115-329, §1, Dec. 18, 2018, 132 Stat. 4475, provided that: "This Act [amending section 1389 of this title and enacting provisions set out as a note under section 1389 of this title] may be cited as the 'Endangered Salmon Predation Prevention Act'."

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 109-479, title IX, §901, Jan. 12, 2007, 120 Stat. 3660, provided that: "This title [enacting subchapter VI of this chapter and amending section 1377 of this title] may be cited as the 'United States-Russia Polar Bear Conservation and Management Act of 2006'."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-555, §1, Dec. 21, 2000, 114 Stat. 2765, provided that: "This Act [enacting section 1421f-1 of this title, amending sections 1362, 1421g, 1421h, 1433, 1434, 5101 to 5103, 5106, 5107a to 5108, and 5156 of this title, enacting provisions set out as notes under this section and sections 917a, 1433, 5101, and 5107 of this title, and amending provisions set out as a note under section 1855 of this title] may be cited as the 'Striped Bass Conservation, Atlantic Coastal Fisheries Management, and Marine Mammal Rescue Assistance Act of 2000'."

Pub. L. 106-555, title II, §201, Dec. 21, 2000, 114 Stat. 2767, provided that: "This title [enacting section 1421f-1 of this title, amending sections 1362, 1421g, 1421h, 1433, and 1434 of this title, enacting provisions set out as notes under sections 917a and 1433 of this title, and amending provisions set out as a note under section 1855 of this title] may be cited as the 'Marine Mammal Rescue Assistance Act of 2000'."

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-42, §1(a), Aug. 15, 1997, 111 Stat. 1122, provided that: "This Act [enacting sections 962, 1412, 1413, 1414a to 1416 of this title, amending sections 952, 953, 1362, 1371, 1374, 1378, 1380, 1385, 1411, and 1417 of this title, repealing sections 1412 to 1416 and 1418 of this title, and enacting provisions set out as notes under this section and section 1362 of this title] may be cited as the 'International Dolphin Conservation Program Act'."

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-238, §1, Apr. 30, 1994, 108 Stat. 532, provided that: "This Act [enacting sections 1386 to 1389 of this title, amending this section and sections 1362, 1371, 1372,