

§ 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.

EFFECTIVE DATE

Section effective upon the expiration of the sixty-day period following Oct. 21, 1972, see section 4 of Pub. L. 92-522, set out as a note under section 1361 of this title.

SUBCHAPTER IV—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

§ 1411. Findings and policy

(a) Findings

The Congress finds the following:

(1) The yellowfin tuna fishery of the eastern tropical Pacific Ocean has resulted in the deaths of millions of dolphins.

(2) Significant awareness and increased concern for the health and safety of dolphin populations has encouraged a change in fishing methods worldwide.

(3) United States tuna fishing vessels have led the world in the development of fishing methods to reduce dolphin mortalities in the eastern tropical Pacific Ocean and United

States tuna processing companies have voluntarily promoted the marketing of tuna that is dolphin safe.

(4) Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have demonstrated their willingness to participate in appropriate multilateral agreements to reduce dolphin mortality progressively to a level approaching zero through the setting of annual limits, with the goal of eliminating dolphin mortality in that fishery. Recognition of the International Dolphin Conservation Program will assure that the existing trend of reduced dolphin mortality continues; that individual stocks of dolphins are adequately protected; and that the goal of eliminating all dolphin mortality continues to be a priority.

(b) Policy

It is the policy of the United States to—

(1) eliminate the marine mammal mortality resulting from the intentional encirclement of dolphins and other marine mammals in tuna purse seine fisheries;

(2) support the International Dolphin Conservation Program and efforts within the Program to reduce, with the goal of eliminating, the mortality referred to in paragraph (1);

(3) ensure that the market of the United States does not act as an incentive to the harvest of tuna caught with driftnets or caught by purse seine vessels in the eastern tropical Pacific Ocean not operating in compliance with the International Dolphin Conservation Program;

(4) secure appropriate multilateral agreements to ensure that United States tuna fishing vessels shall have continued access to productive tuna fishing grounds in the South Pacific Ocean and elsewhere; and

(5) encourage observer coverage on purse seine vessels fishing for tuna outside of the eastern tropical Pacific Ocean 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.

(Pub. L. 92-522, title III, §301, as added Pub. L. 102-523, §2(a), Oct. 26, 1992, 106 Stat. 3425; amended Pub. L. 105-42, §6(b), Aug. 15, 1997, 111 Stat. 1129.)

CODIFICATION

Another section 301 of Pub. L. 92-522 was renumbered section 401 and is classified to section 1421 of this title.

AMENDMENTS

1997—Subsec. (a)(4). Pub. L. 105-42, §6(b)(1), added par. (4) and struck out former par. (4) which read as follows: “Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have indicated their willingness to participate in appropriate multilateral agreements to reduce, and eventually eliminate, dolphin mortality in that fishery.”

Subsec. (b)(2), (3). Pub. L. 105-42, §6(b)(2), added pars. (2) and (3) and struck out former pars. (2) and (3) which read as follows:

“(2) secure appropriate multilateral agreements to reduce, and eventually eliminate, the mortality referred to in paragraph (1);

“(3) ensure that the market of the United States does not act as an incentive to the harvest of tuna caught in association with dolphins or with driftnets;”.