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16 USC CHAPTER 14A – WHALE CONSERVATION AND PROTECTION 01/06/03

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Sec.

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Sec. 917. Congressional findings

-STATUTE-

The Congress finds that –

(1) whales are a unique resource of great aesthetic and

scientific interest to mankind and are a vital part of the marine ecosystem;

(2) whales have been overexploited by man for many years, severely reducing several species and endangering others;

(3) the United States has extended its authority and responsibility to conserve and protect all marine mammals, including whales, out to a two hundred nautical mile limit by enactment of the Magnuson–Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(4) the conservation and protection of certain species of whales, including the California gray, bowhead, sperm, and killer whale, are of particular interest to citizens of the United States;

(5) increased ocean activity of all types may threaten the whale stocks found within the two hundred–mile jurisdiction of the United States and added protection of such stocks may be necessary;

(6) there is inadequate knowledge of the ecology, habitat, requirements, and population levels and dynamics of all whales found in waters subject to the jurisdiction of the United States; and

(7) further study of such matters is required in order for the United States to carry out its responsibilities for the conservation and protection of marine mammals.

—SOURCE—

(Pub. L. 94–532, Sec. 2, Oct. 17, 1976, 90 Stat. 2491; Pub. L.

96–561, title II, Sec. 238(b), Dec. 22, 1980, 94 Stat. 3300; Pub.

L. 104–208, div. A, title I, Sec. 101(a) (title II, Sec. 211(b)),

Sept. 30, 1996, 110 Stat. 3009, 3009–41.)

–REFTEXT–

#### REFERENCES IN TEXT

The Magnuson–Stevens Fishery Conservation and Management Act,

referred to in par. (3), is Pub. L. 94–265, Apr. 13, 1976, 90 Stat.

331, as amended, which is classified principally to chapter 38

(Sec. 1801 et seq.) of this title. For complete classification of

this Act to the Code, see Short Title note set out under section

1801 of this title and Tables.

–MISC2–

#### AMENDMENTS

1996 – Par. (3). Pub. L. 104–208 substituted "Magnuson–Stevens

Fishery" for "Magnuson Fishery".

1980 – Par. (3). Pub. L. 96–561 substituted "Magnuson Fishery

Conservation and Management Act" for "Fishery Conservation and

Management Act of 1976".

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(a) (title II, Sec. 211(b)) of div. A of Pub. L.

104–208 provided that the amendment made by that section is

effective 15 days after Oct. 11, 1996.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Section 238(b) of Pub. L. 96–561 provided that the amendment made

by that section is effective 15 days after Dec. 22, 1980.

#### SHORT TITLE

Section 1 of Pub. L. 94-532 provided: "That this Act (enacting this chapter) may be cited as the 'Whale Conservation and Protection Study Act'."

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Sec. 917a. Study by Secretary of Commerce; report to Congress

-STATUTE-

The Secretary of Commerce, in consultation with the Marine Mammal Commission and the coastal States, shall undertake comprehensive studies of all whales found in waters subject to the jurisdiction of the United States, including the fishery conservation zone as defined in section 1802(8) (FOOTNOTE 1) of this title. Such studies shall take into consideration all relevant factors regarding (1) the conservation and protection of all such whales, (2) the distribution, migration patterns, and population dynamics of these mammals, and (3) the effects on all such whales of habitat destruction, disease, pesticides, and other chemicals, disruption of migration patterns, and food shortages for the purpose of developing adequate and effective measures, including appropriate laws and regulations, to conserve and protect such mammals. The Secretary of Commerce shall report on such studies, together with such recommendations as he deems appropriate, including suggested

legislation, to the Congress no later than January 1, 1980.

(FOOTNOTE 1) See References in Text note below.

—SOURCE—

(Pub. L. 94-532, Sec. 3, Oct. 17, 1976, 90 Stat. 2491.)

—REFTEXT—

#### REFERENCES IN TEXT

Section 1802(8) of this title, referred to in text, which defined "fishery conservation zone", was repealed and section 1802(6) of this title, defining "exclusive economic zone", was added by Pub. L. 99-659, title I, Sec. 101(a), Nov. 14, 1986, 100 Stat. 3706.

Section 1802 was subsequently amended and the term "exclusive economic zone" is defined elsewhere in that section.

—MISC2—

#### STUDY OF EASTERN GRAY WHALE POPULATION

Pub. L. 106-562, title IV, Sec. 401, Dec. 23, 2000, 114 Stat. 2807, provided that:

"(a) Study. – Not later than 180 days after the date of the enactment of this Act (Dec. 23, 2000) and subject to the availability of appropriations, the Secretary of Commerce shall initiate a study of the environmental and biological factors responsible for the significant increase in mortality events of the eastern gray whale population, and the other potential impacts these factors may be having on the eastern gray whale population.

"(b) Consideration of Western Population Information. – The Secretary should ensure that, to the greatest extent practicable, information from current and future studies of the western gray

whale population is considered in the study under this section, so as to better understand the dynamics of each population and to test different hypotheses that may lead to an increased understanding of the mechanism driving their respective population dynamics.

"(c) Authorization of Appropriations. – In addition to other amounts authorized under this title (this note), there are authorized to be appropriated to the Secretary to carry out this section –

"(1) \$290,000 for fiscal year 2001; and  
"(2) \$500,000 for each of fiscal years 2002 through 2004."

Substantially identical provisions were contained in Pub. L. 106–555, title II, Sec. 203, Dec. 21, 2000, 114 Stat. 2768.

–SECREF–

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 917b of this title.

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Sec. 917b. Cooperation of other Federal agencies

–STATUTE–

All Federal agencies shall cooperate, to the fullest extent possible, with the Secretary of Commerce in preparing the study and recommendations required by section 917a of this title.

—SOURCE—

(Pub. L. 94-532, Sec. 4, Oct. 17, 1976, 90 Stat. 2492.)

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Sec. 917c. Negotiations with Mexico and Canada

—STATUTE—

The Secretary of Commerce, through the Secretary of State, shall immediately initiate negotiations for the purpose of developing appropriate bilateral agreements with Mexico and Canada for the protection and conservation of whales.

—SOURCE—

(Pub. L. 94-532, Sec. 5, Oct. 17, 1976, 90 Stat. 2492.)

—CITE—

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Sec. 917d. Authorization of appropriations

—STATUTE—

For the purpose of carrying out the provisions of this chapter, there is hereby authorized to be appropriated a sum not to exceed

\$1,000,000 for fiscal years 1978 and 1979.

—SOURCE—

(Pub. L. 94-532, Sec. 6, Oct. 17, 1976, 90 Stat. 2492.)

—CITE—