

110TH CONGRESS
1ST SESSION

S. 1406

To amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2007

Mr. KERRY (for himself and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Polar Bear Protection
5 Act of 2007”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) section 101 of the Marine Mammal Protec-
9 tion Act of 1972 (16 U.S.C. 1371) establishes a

1 moratorium relating to the importation of marine
2 mammals and marine mammal products, including
3 the importation of all sport-hunted marine mammal
4 trophies;

5 (2) in 1994, that Act was amended to create an
6 exemption from the moratorium that allows the im-
7 portation of sport-hunted polar bear trophies from
8 Canada;

9 (3) this exemption has increased Canadian
10 polar bear mortalities from United States sport
11 hunters;

12 (4) polar bears—

13 (A) have low reproductive rates;

14 (B) have long lives;

15 (C) rely on high adult survival rates to
16 maintain population numbers; and

17 (D) are under stress from climate change
18 and habitat degradation;

19 (5) in July 2005, the World Conservation
20 Union Polar Bear Specialist Group released a quad-
21 rennial report, in which the Group—

22 (A) reviewed the status of polar bears; and

23 (B) concluded that the species should be
24 upgraded from “a species of least concern” to
25 “vulnerable” based on the “likelihood of an

1 overall decline in the size of the total population
2 of more than 30 percent within the next 35 to
3 50 years’; and

4 (6) based on threats posed to polar bears, on
5 December 27, 2006, the Department of the Interior
6 proposed that polar bears be listed under the En-
7 dangered Species Act of 1973 (16 U.S.C. 1531 et
8 seq.) as a threatened species.

9 (b) PURPOSES.—The purposes of this Act are—

10 (1) to ensure that citizens of the United States
11 do not contribute to polar bear mortalities in Can-
12 ada by removing the exemption in the Marine Mam-
13 mal Protection Act of 1972 (16 U.S.C. 1361 et seq.)
14 that allows for the Secretary of the Interior to issue
15 permits to United States trophy hunters for the im-
16 portation of polar bear trophies from Canada;

17 (2) to heed the warnings of the Department of
18 the Interior and the World Conservation Union
19 Polar Bear Specialist Group that polar bears are at
20 risk and could become endangered by prohibiting the
21 importation of polar bear trophies from Canada; and

22 (3) to further the goals of the International
23 Agreement on the Conservation of Polar Bears, done
24 at Oslo, November 15, 1973 (27 UST 3918), to

1 which all 5 countries with polar bears within the
2 borders of the countries are a party.

3 **SEC. 3. PROHIBITION OF THE IMPORTATION OF POLAR**
4 **BEARS AND POLAR BEAR PARTS.**

5 The Marine Mammal Protection Act of 1972 (16
6 U.S.C. 1361 et seq.) is amended—

7 (1) in section 101(a)(1) (16 U.S.C.
8 1371(a)(1))—

9 (A) in the first sentence, by striking “, or
10 for importation of polar bear parts (other than
11 internal organs) taken in sport hunts in Can-
12 ada” and inserting “, except that no permit
13 may be issued under this Act for the importa-
14 tion of polar bear parts taken in a sport hunt”;

15 (B) in the second sentence, by striking “,
16 except permits issued under section 104(c)(5),”;
17 and

18 (C) in the third sentence, by striking “,
19 other than importation under section
20 104(c)(5),” and

21 (2) in section 104 (16 U.S.C. 1374)—

22 (A) in subsection (c)—

23 (i) in paragraph (2)(E), by striking
24 “paragraph (10)” and inserting “para-
25 graph (9)”;

- 1 (ii) in paragraph (8)(B)(ii), by strik-
2 ing “paragraph (10)” and inserting “para-
3 graph (9)”;
- 4 (iii) by striking paragraph (5); and
- 5 (iv) by redesignating paragraphs (6)
6 through (10) as paragraphs (5) through
7 (9), respectively; and
- 8 (B) in subsection (e)(1)—
- 9 (i) in subparagraph (A), by striking
10 the comma and inserting “; or”;
- 11 (ii) in subparagraph (B), by striking
12 “, or” and inserting a period; and
- 13 (iii) by striking subparagraph (C).

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