

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 this title to reflect renumbering of corresponding section of original act.

#### FINDINGS

Pub. L. 102-587, title III, §3002, Nov. 4, 1992, 106 Stat. 5060, provided that: “The Congress finds the following:

“(1) Current stranding network participants have performed an undeniably valuable and ceaseless job of responding to marine mammal strandings over the last 15 years.

“(2) Insufficient understanding of the connection between marine mammal health and the physical, chemical, and biological parameters of their environment prevents an adequate understanding of the causes of marine mammal unusual mortality events.

“(3) An accurate assessment of marine mammal health, health trends in marine mammal populations in the wild, and causes of marine mammal unusual mortality events cannot be made without adequate reference data on marine mammals and the environment in which they live.

“(4) A systematic assessment of the sources, presence, levels, and effects of potentially harmful contaminants on marine mammals would provide a better understanding of some of the causes of marine mammal unusual mortality events and may serve as an indicator of the general health of our coastal and marine environments.

“(5) Responses to marine mammal unusual mortality events are often uncoordinated, due to the lack of sufficient contingency planning.

“(6) Standardized methods for the reporting of dying, dead, or otherwise incapacitated marine mammals in the wild would greatly assist in the determination of the causes of marine mammal unusual mortality events and enhance general knowledge of marine mammal species.

“(7) A formal system for collection, preparation, and archiving of, and providing access to, marine mammal tissues will enhance efforts to investigate the health of marine mammals and health trends of marine mammal populations, and to develop reference data.

“(8) Information on marine mammals, including results of analyses of marine mammal tissues, should be broadly available to the scientific community, including stranding network participants, through a marine mammal data base.”

### § 1421a. Determination; data collection and dissemination

#### (a) Determination for release

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, develop objective criteria, after an opportunity for public review and comment, to provide guidance for determining at what point a rehabilitated marine mammal is releasable to the wild.

#### (b) Collection

The Secretary shall, in consultation with the Secretary of the Interior, collect and update, periodically, existing information on—

(1) procedures and practices for—

(A) rescuing and rehabilitating stranded marine mammals, including criteria used by stranding network participants, on a species-by-species basis, for determining at what point a marine mammal undergoing rescue and rehabilitation is returnable to the wild; and

(B) collecting, preserving, labeling, and transporting marine mammal tissues for physical, chemical, and biological analyses;

(2) appropriate scientific literature on marine mammal health, disease, and rehabilitation;

(3) strandings, which the Secretary shall compile and analyze, by region, to monitor species, numbers, conditions, and causes of illnesses and deaths of stranded marine mammals; and

(4) other life history and reference level data, including marine mammal tissue analyses, that would allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters.

#### (c) Availability

The Secretary shall make information collected under this section available to stranding network participants and other qualified scientists.

(Pub. L. 92-522, title IV, § 402, formerly title III, § 302, as added Pub. L. 102-587, title III, § 3003(a), Nov. 4, 1992, 106 Stat. 5061; renumbered title IV, § 402, Pub. L. 103-238, § 24(b), Apr. 30, 1994, 108 Stat. 565.)

#### IMPLEMENTATION

Pub. L. 102-587, title III, § 3003(b), Nov. 4, 1992, 106 Stat. 5066, provided that: “The Secretary of Commerce shall—

“(1) in accordance with section 302(a) and (b) [now 402(a), (b)] of the Marine Mammal Protection Act of 1972 [16 U.S.C. 1421a(a), (b)], as amended by this Act, and not later than 24 months after the date of enactment of this Act [Nov. 4, 1992]—

“(A) develop and implement objective criteria to determine at what point a marine mammal undergoing rehabilitation is returnable to the wild; and

“(B) collect and make available information on marine mammal health and health trends; and

“(2) in accordance with section 304(b) [now 404(b)] of the Marine Mammal Protection Act of 1972 [16 U.S.C. 1421c(b)], as amended by this Act, issue a detailed contingency plan for responding to any unusual mortality event—

“(A) in proposed form by not later than 18 months after the date of enactment of this Act; and

“(B) in final form by not later than 24 months after the date of enactment of this Act.”

### § 1421b. Stranding response agreements

#### (a) In general

The Secretary may enter into an agreement under section 1382(c) of this title with any person to take marine mammals under section 1379(h)(1) of this title in response to a stranding.

#### (b) Required provision

An agreement authorized by subsection (a) shall—

(1) specify each person who is authorized to perform activities under the agreement; and

(2) specify any terms and conditions under which a person so specified may delegate that authority to another person.

#### (c) Review

The Secretary shall periodically review agreements under section 1382(c) of this title that are entered into pursuant to this subchapter, for performance adequacy and effectiveness.

(Pub. L. 92-522, title IV, § 403, formerly title III, § 303, as added Pub. L. 102-587, title III, § 3003(a), Nov. 4, 1992, 106 Stat. 5061; renumbered title IV, § 403, Pub. L. 103-238, § 24(b), Apr. 30, 1994, 108 Stat. 565.)

**§ 1421c. Unusual mortality event response****(a) Response****(1) Working group**

(A) The Secretary, acting through the Office, shall establish, in consultation with the Secretary of the Interior, a marine mammal unusual mortality event working group, consisting of individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, marine conservation, and medical science, to provide guidance to the Secretary and the Secretary of the Interior for—

- (i) determining whether an unusual mortality event is occurring;
- (ii) determining, after an unusual mortality event has begun, if response actions with respect to that event are no longer necessary; and
- (iii) developing the contingency plan in accordance with subsection (b), to assist the Secretary in responding to unusual mortality events.

(B) The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the marine mammal unusual mortality event working group established under this paragraph.

**(2) Response timing**

The Secretary, in consultation with the Secretary of the Interior, shall to the extent necessary and practicable—

- (A) within 24 hours after receiving notification from a stranding network participant that an unusual mortality event might be occurring, contact as many members as is possible of the unusual mortality event working group for guidance; and
- (B) within 48 hours after receiving such notification—
  - (i) make a determination as to whether an unusual mortality event is occurring;
  - (ii) inform the stranding network participant of that determination; and
  - (iii) if the Secretary has determined an unusual mortality event is occurring, designate an Onsite Coordinator for the event, in accordance with subsection (c).

**(b) Contingency plan****(1) In general**

The Secretary shall, in consultation with the Secretary of the Interior and the unusual mortality event working group, and after an opportunity for public review and comment, issue a detailed contingency plan for responding to any unusual mortality event.

**(2) Contents**

The contingency plan required under this subsection shall include—

- (A) a list of persons, including stranding network participants, at a regional, State, and local level, who can assist the Secretary in implementing a coordinated and effective response to an unusual mortality event;
- (B) the types of marine mammal tissues and analyses necessary to assist in diagnosing causes of unusual mortality events;

(C) training, mobilization, and utilization procedures for available personnel, facilities, and other resources necessary to conduct a rapid and effective response to unusual mortality events; and

(D) such requirements as are necessary to—

- (i) minimize death of marine mammals in the wild and provide appropriate care of marine mammals during an unusual mortality event;
- (ii) assist in identifying the cause or causes of an unusual mortality event;
- (iii) determine the effects of an unusual mortality event on the size estimates of the affected populations of marine mammals; and
- (iv) identify any roles played in an unusual mortality event by physical, chemical, and biological factors, including contaminants.

**(c) Onsite coordinators****(1) Designation**

(A) The Secretary shall, in consultation with the Secretary of the Interior, designate one or more Onsite Coordinators for an unusual mortality event, who shall make immediate recommendations to the stranding network participants on how to proceed with response activities.

(B) An Onsite Coordinator so designated shall be one or more appropriate Regional Directors of the National Marine Fisheries Service or the United States Fish and Wildlife Service, or their designees.

(C) If, because of the wide geographic distribution, multiple species of marine mammals involved, or magnitude of an unusual mortality event, more than one Onsite Coordinator is designated, the Secretary shall, in consultation with the Secretary of the Interior, designate which of the Onsite Coordinators shall have primary responsibility with respect to the event.

**(2) Functions**

(A) An Onsite Coordinator designated under this subsection shall coordinate and direct the activities of all persons responding to an unusual mortality event in accordance with the contingency plan issued under subsection (b), except that—

- (i) with respect to any matter that is not covered by the contingency plan, an Onsite Coordinator shall use his or her best professional judgment; and
- (ii) the contingency plan may be temporarily modified by an Onsite Coordinator, consulting as expeditiously as possible with the Secretary, the Secretary of the Interior, and the unusual mortality event working group.

(B) An Onsite Coordinator may delegate to any qualified person authority to act as an Onsite Coordinator under this subchapter.

(Pub. L. 92-522, title IV, § 404, formerly title III, § 304, as added Pub. L. 102-587, title III, § 3003(a), Nov. 4, 1992, 106 Stat. 5062; renumbered title IV, § 404, Pub. L. 103-238, § 24(b), Apr. 30, 1994, 108 Stat. 565.)

## REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a)(1)(B), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

**§ 1421d. Unusual mortality event activity funding****(a) Establishment of Fund**

There is established in the Treasury an interest bearing fund to be known as the “Marine Mammal Unusual Mortality Event Fund”, which shall consist of amounts deposited into the Fund under subsection (c).

**(b) Uses****(1) In general**

Amounts in the Fund—

(A) shall be available only for use by the Secretary, in consultation with the Secretary of the Interior—

(i) to compensate persons for special costs incurred in acting in accordance with the contingency plan issued under section 1421c(b) of this title or under the direction of an Onsite Coordinator for an unusual mortality event;

(ii) for reimbursing any stranding network participant for costs incurred in preparing and transporting tissues collected with respect to an unusual mortality event for the Tissue Bank; and

(iii) for care and maintenance of marine mammal seized under section 1374(c)(2)(D) of this title; and

(B) shall remain available until expended.

**(2) Pending claims**

If sufficient amounts are not available in the Fund to satisfy any authorized pending claim, such claim shall remain pending until such time as sufficient amounts are available. All authorized pending claims shall be satisfied in the order received.

**(c) Deposits into Fund**

There shall be deposited into the Fund—

(1) amounts appropriated to the Fund;

(2) other amounts appropriated to the Secretary for use with respect to unusual mortality events; and

(3) amounts received by the United States in the form of gifts, devises, and bequests under subsection (d).

**(d) Acceptance of donations**

For purposes of carrying out this subchapter and section 1374(c)(2)(D) of this title, the Secretary may accept, solicit, and use the services of volunteers, and may accept, solicit, receive, hold, administer, and use gifts, devises, and bequests.

(Pub. L. 92-522, title IV, §405, formerly title III, §305, as added Pub. L. 102-587, title III, §3003(a), Nov. 4, 1992, 106 Stat. 5064; renumbered title IV, §405, and amended Pub. L. 103-238, §§6, 16(b), 24(b), (c)(2), Apr. 30, 1994, 108 Stat. 542, 559, 565, 566.)

## AMENDMENTS

1994—Subsec. (a). Pub. L. 103-238, §16(b), substituted “an interest bearing fund” for “a fund”.

Subsec. (b)(1)(A)(i). Pub. L. 103-238, §24(c)(2), made technical amendment to reference to section 1421c(b) of this title to reflect renumbering of corresponding section of original act.

Subsec. (b)(1)(A)(iii). Pub. L. 103-238, §6(1), added cl. (iii).

Subsec. (d). Pub. L. 103-238, §6(2), inserted “and section 1374(c)(2)(D) of this title”.

**§ 1421e. Liability****(a) In general**

A person who is authorized to respond to a stranding pursuant to an agreement entered into under section 1382(c) of this title is deemed to be an employee of the government for purposes of chapter 171 of title 28, with respect to actions of the person that are—

(1) in accordance with the agreement; and

(2) in the case of an unusual mortality event, in accordance with—

(A) the contingency plan issued under section 1421c(b) of this title;

(B) the instructions of an Onsite Coordinator designated under section 1421c(c) of this title; or

(C) the best professional judgment of an Onsite Coordinator, in the case of any matter that is not covered by the contingency plan.

**(b) Limitation**

Subsection (a) does not apply to actions of a person described in that subsection that are grossly negligent or that constitute willful misconduct.

(Pub. L. 92-522, title IV, §406, formerly title III, §306, as added Pub. L. 102-587, title III, §3003(a), Nov. 4, 1992, 106 Stat. 5064; renumbered title IV, §406, and amended Pub. L. 103-238, §24(b), (c)(3), (4), Apr. 30, 1994, 108 Stat. 565, 566.)

## AMENDMENTS

1994—Subsec. (a)(2)(A), (B). Pub. L. 103-238, §24(c)(3), (4), made technical amendment to references to section 1421c of this title to reflect renumbering of corresponding section of original act.

**§ 1421f. National Marine Mammal Tissue Bank and tissue analysis****(a) Tissue Bank****(1) In general**

The Secretary shall make provision for the storage, preparation, examination, and archiving of marine mammal tissues. Tissues archived pursuant to this subsection shall be known as the “National Marine Mammal Tissue Bank”.

**(2) Guidance for marine mammal tissue collection, preparation, and archiving**

The Secretary shall, in consultation with individuals with knowledge and expertise in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, issue guidance, after an opportunity for public review and comment, for marine mammal tissue collection, preparation, archiving, and quality control procedures, regarding—

(A) appropriate and uniform methods and standards for those activities to provide con-

fidence in marine mammal tissue samples used for research; and

(B) documentation of procedures used for collecting, preparing, and archiving those samples.

**(3) Source of tissue**

In addition to tissues taken during marine mammal unusual mortality events, the Tissue Bank shall incorporate tissue samples taken from other sources in the wild, including—

- (A) samples from marine mammals taken incidental to commercial fishing operations;
- (B) samples from marine mammals taken for subsistence purposes;
- (C) biopsy samples; and
- (D) any other samples properly collected.

**(b) Tissue analysis**

The Secretary shall, in consultation with the Marine Mammal Commission, the Secretary of the Interior, and individuals with knowledge and experience in marine science, marine mammal science, marine mammal veterinary and husbandry practices, and marine conservation, issue guidance, after an opportunity for public review and comment, for analyzing tissue samples (by use of the most effective and advanced diagnostic technologies and tools practicable) as a means to monitor and measure overall health trends in representative species or populations of marine mammals, including—

- (1) the levels of, and if possible, the effects of, potentially harmful contaminants; and
- (2) the frequency of, and if possible, the causes and effects of abnormal lesions or anomalies.

**(c) Data base**

**(1) In general**

The Secretary shall maintain a central data base which provides an effective means for tracking and accessing data on marine mammals, including relevant data on marine mammal tissues collected for and maintained in the Tissue Bank.

**(2) Contents**

The data base established under this subsection shall include—

- (A) reference data on the health of marine mammals and populations of marine mammals; and
- (B) data on species of marine mammals that are subject to unusual mortality events.

**(d) Access**

The Secretary shall, in consultation with the Secretary of the Interior, establish criteria, after an opportunity for public review and comment, for access to—

- (1) marine mammal tissues in the Tissue Bank;
- (2) analyses conducted pursuant to subsection (b); and
- (3) marine mammal data in the data base maintained under subsection (c);

which provide for appropriate uses of the tissues, analyses, and data by qualified scientists, including stranding network participants.

(Pub. L. 92-522, title IV, §407, formerly title III, §307, as added Pub. L. 102-587, title III, §3003(a),

Nov. 4, 1992, 106 Stat. 5065; renumbered title IV, §407, Pub. L. 103-238, §24(b), Apr. 30, 1994, 108 Stat. 565.)

**§ 1421f-1. John H. Prescott Marine Mammal Rescue Assistance Grant Program**

**(a) In general**

(1) Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranding network participants for the recovery or treatment of marine mammals, the collection of data from living or dead stranded marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

(2)(A) The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the stranding regions designated as of December 21, 2000, and in making such grants shall give preference to those facilities that have established records for rescuing or rehabilitating sick and stranded marine mammals in each of the respective regions, or subregions.

(B) In determining priorities among such regions, the Secretary may consider—

- (i) any episodic stranding or any mortality event other than an event described in section 1421h(6) of this title, that occurred in any region in the preceding year;
- (ii) data regarding average annual strandings and mortality events per region; and
- (iii) the size of the marine mammal populations inhabiting a geographic area within such a region.

**(b) Application**

To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

**(c) Consultation**

The Secretary shall consult with the Marine Mammal Commission, a representative from each of the designated stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals, regarding the development of criteria for the implementation of the grant program and the awarding of grants under the program.

**(d) Limitation**

The amount of a grant under this section shall not exceed \$100,000.

**(e) Matching requirement**

**(1) In general**

The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

**(2) In-kind contributions**

The Secretary may apply to the non-Federal share of an activity conducted with a grant

under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

**(f) Administrative expenses**

Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this section.

**(g) Definitions**

In this section:

**(1) Designated stranding region**

The term “designated stranding region” means a geographic region designated by the Secretary for purposes of administration of this subchapter.

**(2) Secretary**

The term “Secretary” has the meaning given that term in section 1362(12)(A) of this title.

**(h) Authorization of appropriations**

There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended, of which—

- (1) \$4,000,000 may be available to the Secretary of Commerce; and
- (2) \$1,000,000 may be available to the Secretary of the Interior.

(Pub. L. 92-522, title IV, § 408, as added Pub. L. 106-555, title II, § 202(a)(2), Dec. 21, 2000, 114 Stat. 2767.)

PRIOR PROVISIONS

A prior section 408 of Pub. L. 92-522 was renumbered section 409, and is classified to section 1421g of this title.

**§ 1421g. Authorization of appropriations**

There is authorized to be appropriated—

- (1) to the Secretary for carrying out this subchapter (other than sections 1421d and 1421f of this title) \$250,000 for each of fiscal years 1993 and 1994;
- (2) to the Secretary for carrying out section 1421f of this title, \$250,000 for each of fiscal years 1993 and 1994; and
- (3) to the Fund, \$500,000 for fiscal year 1993.

(Pub. L. 92-522, title IV, § 409, formerly title III, § 308, as added Pub. L. 102-587, title III, § 3003(a), Nov. 4, 1992, 106 Stat. 5066; renumbered title IV, § 408, and amended Pub. L. 103-238, § 24(b), (c)(5), (6), Apr. 30, 1994, 108 Stat. 565, 566; renumbered § 409, Pub. L. 106-555, title II, § 202(a)(1), Dec. 21, 2000, 114 Stat. 2767.)

AMENDMENTS

1994—Par. (1). Pub. L. 103-238, § 24(c)(5), made technical amendment to references to sections 1421d and 1421f of this title to reflect renumbering of corresponding sections of original act.

Par. (2). Pub. L. 103-238, § 24(c)(6), made technical amendment to reference to section 1421f of this title to reflect renumbering of corresponding section of original act.

**§ 1421h. Definitions**

In this subchapter, the following definitions apply:

(1) The term “Fund” means the Marine Mammal Unusual Mortality Event Fund established by section 1421d(a) of this title.

(2) The term “Office” means the Office of Protected Resources, in the National Marine Fisheries Service.

(3) The term “stranding” means an event in the wild in which—

(A) a marine mammal is dead and is—

(i) on a beach or shore of the United States; or

(ii) in waters under the jurisdiction of the United States (including any navigable waters); or

(B) a marine mammal is alive and is—

(i) on a beach or shore of the United States and unable to return to the water;

(ii) on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or

(iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.

(4) The term “stranding network participant” means a person who is authorized by an agreement under section 1382(c) of this title to take marine mammals as described in section 1379(h)(1) of this title in response to a stranding.

(5) The term “Tissue Bank” means the National Marine Tissue Bank provided for under section 1421f(a) of this title.

(6) The term “unusual mortality event” means a stranding that—

(A) is unexpected;

(B) involves a significant die-off of any marine mammal population; and

(C) demands immediate response.

(Pub. L. 92-522, title IV, § 410, formerly title III, § 309, as added Pub. L. 102-587, title III, § 3003(a), Nov. 4, 1992, 106 Stat. 5066; renumbered title IV, § 409, and amended Pub. L. 103-238, § 24(b), (c)(7), (8), Apr. 30, 1994, 108 Stat. 565, 566; renumbered § 410, Pub. L. 106-555, title II, § 202(a)(1), Dec. 21, 2000, 114 Stat. 2767.)

AMENDMENTS

1994—Par. (1). Pub. L. 103-238, § 24(c)(7), made technical amendment to reference to section 1421d(a) of this title to reflect renumbering of corresponding section of original act.

Par. (5). Pub. L. 103-238, § 24(c)(8), made technical amendment to reference to section 1421f(a) of this title to reflect renumbering of corresponding section of original act.

SUBCHAPTER VI—POLAR BEARS

**§ 1423. Definitions**

In this subchapter:

**(1) Agreement**

The term “Agreement” means the Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population, signed at Washington, D.C., on October 16, 2000.