

(A) a description, developed in consultation with the Fish and Wildlife Service of the Department of the Interior, of all marine mammal stranding agreements in place for the Arctic region of the United States, including species covered, response capabilities, facilities and equipment, and data collection and analysis capabilities;

(B) a list of State and local government agencies that have personnel trained to respond to marine mammal strandings in the Arctic region of the United States;

(C) an assessment of potential response and data collection partners and sources of local information and knowledge, including Alaska Native people and villages;

(D) an analysis of spatial and temporal trends in marine mammal strandings and unusual mortality events that are correlated with changing environmental conditions in the Arctic region of the United States;

(E) a description of training and other resource needs to meet emerging response requirements in the Arctic region of the United States;

(F) an analysis of oiled marine mammal response and rehabilitation capabilities in the Arctic region of the United States, including personnel, equipment, facilities, training, and husbandry capabilities, and an assessment of factors that affect response and rehabilitation success rates; and

(G) recommendations to address future stranding response needs for marine mammals in the Arctic region of the United States.

(Pub. L. 92-522, title IV, § 408B, as added Pub. L. 117-263, div. J, title CIV, § 10408(a), Dec. 23, 2022, 136 Stat. 3990.)

§ 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 2023 through 2028;

(2) to the Secretary for carrying out section 1421f of this title, \$250,000 for each of fiscal years 2023 through 2028; and

(3) to the Fund, \$500,000 for¹ each of fiscal years 2023 through 2028.

(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; Pub. L. 117-263, div. J, title CIV, § 10409, Dec. 23, 2022, 136 Stat. 3992.)

Editorial Notes

AMENDMENTS

2022—Par. (1). Pub. L. 117-263, § 10409(1), substituted “2023 through 2028;” for “1993 and 1994.”.

Par. (2). Pub. L. 117-263, § 10409(2), substituted “2023 through 2028;” for “1993 and 1994.”.

Par. (3). Pub. L. 117-263, § 10409(3), substituted “for each of fiscal years 2023 through 2028.” for “fiscal year 1993.”

¹ So in original.

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 “entangle” or “entanglement” means an event in the wild in which a living or dead marine mammal has gear, rope, line, net, or other material wrapped around or attached to the marine mammal and is—

(A) on lands under the jurisdiction of the United States, including beaches and shorelines; or

(B) in waters under the jurisdiction of the United States, including any navigable waters.

(2) Except as used in section 1421f-1 of this title, the term “Fund” means the Marine Mammal Unusual Mortality Event Fund established by section 1421d(a) of this title.

(3) The term “Health MAP” means the Marine Mammal Health Monitoring and Analysis Platform established under section 1421f-2(a)(1) of this title.

(4) The term “Observation System” means the National Integrated Coastal and Ocean Observation System established under section 3603 of title 33.

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

(6) 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.

(7) 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.

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

(9) 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; Pub. L. 117-263, div. J, title CIV, § 10410, Dec. 23, 2022, 136 Stat. 3992.)

Editorial Notes

AMENDMENTS

2022—Par. (1). Pub. L. 117-263, § 10410(2), added par. (1). Former par. (1) redesignated (2).

Par. (2). Pub. L. 117-263, § 10410(3), substituted “Except as used in section 1421f-1 of this title, the term” for “The term”.

Pub. L. 117-263, § 10410(1), redesignated par. (1) as (2). Former par. (2) redesignated (5).

Pars. (3) to (9). Pub. L. 117-263, § 10410(1), (4), added pars. (3) and (4) and redesignated former pars. (2) to (6) as (5) to (9), respectively.

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.

(2) Alaska Nanuuq Commission

The term “Alaska Nanuuq Commission” means the Alaska Native entity, in existence on January 12, 2007, that represents all villages in the State of Alaska that engage in the annual subsistence taking of polar bears from the Alaska-Chukotka population and any successor entity.

(3) Import

The term “import” means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, without regard to whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(4) Polar bear part or product

The term “part or product of a polar bear” means any polar bear part or product, including the gall bile and gall bladder.

(5) Secretary

The term “Secretary” means the Secretary of the Interior.

(6) Taking

The term “taking” has the meaning given the term in the Agreement.

(7) Commission

The term “Commission” means the commission established under article 8 of the Agreement.

(Pub. L. 92-522, title V, § 501, as added Pub. L. 109-479, title IX, § 902(a), Jan. 12, 2007, 120 Stat. 3660.)

§ 1423a. Prohibitions

(a) In general

It is unlawful for any person who is subject to the jurisdiction of the United States or any person in waters or on lands under the jurisdiction of the United States—

(1) to take any polar bear in violation of the Agreement;

(2) to take any polar bear in violation of the Agreement or any annual taking limit or other restriction on the taking of polar bears that is adopted by the Commission pursuant to the Agreement;

(3) to import, export, possess, transport, sell, receive, acquire, or purchase, exchange, barter, or offer to sell, purchase, exchange, or barter any polar bear, or any part or product of a polar bear, that is taken in violation of paragraph (2);

(4) to import, export, sell, purchase, exchange, barter, or offer to sell, purchase, exchange, or barter, any polar bear gall bile or polar bear gall bladder;

(5) to attempt to commit, solicit another person to commit, or cause to be committed, any offense under this subsection; or

(6) to violate any regulation promulgated by the Secretary to implement any of the prohibitions established in this subsection.

(b) Exceptions

For the purpose of forensic testing or any other law enforcement purpose, the Secretary, and Federal law enforcement officials, and any State or local law enforcement official authorized by the Secretary, may import a polar bear or any part or product of a polar bear.

(Pub. L. 92-522, title V, § 502, as added Pub. L. 109-479, title IX, § 902(a), Jan. 12, 2007, 120 Stat. 3661.)

§ 1423b. Administration

(a) In general

The Secretary, acting through the Director of the United States Fish and Wildlife Service, shall do all things necessary and appropriate, including the promulgation of regulations, to implement, enforce, and administer the provisions of the Agreement on behalf of the United States. The Secretary shall consult with the Secretary of State and the Alaska Nanuuq Commission on matters involving the implementation of the Agreement.

(b) Utilization of other government resources and authorities

(1) Other government resources

The Secretary may utilize by agreement, with or without reimbursement, the personnel,