

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.

**(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, bar-