

(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 Nanuq Commission

The term “Alaska Nanuq 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, services, and facilities of any other Federal agency, any State agency, or the Alaska Nanuuq Commission for purposes of carrying out this subchapter or the Agreement.

(2) Other powers and authorities

Any person authorized by the Secretary under this subsection to enforce this subchapter or the Agreement shall have the authorities that are enumerated in section 3375(b) of this title.

(c) Ensuring compliance**(1) Subchapter II authorities**

The Secretary may use authorities granted under subchapter II for enforcement, imposition of penalties, and the seizure of cargo for violations under this subchapter, provided that any polar bear or any part or product of a polar bear taken, imported, exported, possessed, transported, sold, received, acquired, purchased, exchanged, or bartered, or offered for sale, purchase, exchange, or barter in violation of this subchapter, shall be subject to seizure and forfeiture to the United States without any showing that may be required for assessment of a civil penalty or for criminal prosecution under this chapter.

(2) Additional authorities

Any gun, trap, net, or other equipment used, and any vessel, aircraft, or other means of transportation used, to aid in the violation or attempted violation of this subchapter shall be subject to seizure and forfeiture under section 1376 of this title.

(d) Regulations**(1) In general**

The Secretary shall promulgate such regulations as are necessary to carry out this subchapter and the Agreement.

(2) Ordinances and regulations

If necessary to carry out this subchapter and the Agreement, and to improve compliance with any annual taking limit or other restriction on taking adopted by the Commission and implemented by the Secretary in accordance with this subchapter, the Secretary may promulgate regulations that adopt any ordinance or regulation that restricts the taking of polar bears for subsistence purposes if the ordinance or regulation has been promulgated by the Alaska Nanuuq Commission.

(Pub. L. 92-522, title V, §503, as added Pub. L. 109-479, title IX, §902(a), Jan. 12, 2007, 120 Stat. 3662.)

§ 1423c. Cooperative management agreement; authority to delegate enforcement authority**(a) In general**

The Secretary, acting through the Director of the United States Fish and Wildlife Service, may share authority under this subchapter for