

- (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,

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 the management of the taking of polar bears for subsistence purposes with the Alaska Nanuuq Commission if such commission is eligible under subsection (b).

(b) Delegation

To be eligible for the management authority described in subsection (a), the Alaska Nanuuq Commission shall—

(1) enter into a cooperative agreement with the Secretary under section 1388 of this title for the conservation of polar bears;

(2) meaningfully monitor compliance with this subchapter and the Agreement by Alaska Natives; and

(3) administer its co-management program for polar bears in accordance with—

- (A) this subchapter; and
- (B) the Agreement.

(Pub. L. 92-522, title V, §504, as added Pub. L. 109-479, title IX, §902(a), Jan. 12, 2007, 120 Stat. 3662.)

§ 1423d. Commission appointments; compensation, travel expenses, and claims

(a) Appointment of United States commissioners

(1) Appointment

The United States commissioners on the Commission shall be appointed by the President, in accordance with paragraph 2 of article 8 of the Agreement, after taking into consideration the recommendations of—

- (A) the Secretary;
- (B) the Secretary of State; and
- (C) the Alaska Nanuuq Commission.

(2) Qualifications

With respect to the United States commissioners appointed under this subsection, in accordance with paragraph 2 of article 8 of the Agreement—

- (A) 1 United States commissioner shall be an official of the Federal Government;
- (B) 1 United States commissioner shall be a representative of the Native people of Alaska, and, in particular, the Native people for whom polar bears are an integral part of their culture; and
- (C) both commissioners shall be knowledgeable of, or have expertise in, polar bears.

(3) Service and term

Each United States commissioner shall serve—

- (A) at the pleasure of the President; and
- (B) for an initial 4-year term and such additional terms as the President shall determine.

(4) Vacancies

(A) In general

Any individual appointed to fill a vacancy occurring before the expiration of any term of office of a United States commissioner shall be appointed for the remainder of that term.

(B) Manner

Any vacancy on the Commission shall be filled in the same manner as the original appointment.

(b) Alternate commissioners

(1) In general

The Secretary, in consultation with the Secretary of State and the Alaska Nanuuq Commission, shall designate an alternate commissioner for each member of the United States section.

(2) Duties

In the absence of a United States commissioner, an alternate commissioner may exer-