

(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 Nanuq 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 Nanuq 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 Nanuq 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 Nanuq Commission if such commission is eligible under subsection (b).

(b) Delegation

To be eligible for the management authority described in subsection (a), the Alaska Nanuq 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 Nanuq 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 exercise all functions of the United States commissioner at any meetings of the Commission or of the United States section.

(3) Reappointment

An alternate commissioner—

(A) shall be eligible for reappointment by the President; and

(B) may attend all meetings of the United States section.

(c) Duties

The members of the United States section may carry out the functions and responsibilities described in article 8 of the Agreement in accordance with this subchapter and the Agreement.

(d) Compensation and expenses

(1) Compensation

A member of the United States section shall serve without compensation.

(2) Travel expenses

A member of the United States section shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5 while away from the home or regular place of business of the member in the performance of the duties of the United States-Russia Polar Bear Commission.

(e) Agency designation

The United States section shall, for the purpose of title 28 relating to claims against the United States and tort claims procedure, be considered to be a Federal agency.

(Pub. L. 92-522, title V, §505, as added Pub. L. 109-479, title IX, §902(a), Jan. 12, 2007, 120 Stat. 3663.)

§ 1423e. Votes taken by the United States section on matters before the Commission

In accordance with paragraph 3 of article 8 of the Agreement, the United States section, made up of commissioners appointed by the President, shall vote on any issue before the United States-Russia Polar Bear Commission only if there is no disagreement between the United States commissioners regarding the vote.

(Pub. L. 92-522, title V, §506, as added Pub. L. 109-479, title IX, §902(a), Jan. 12, 2007, 120 Stat. 3664.)

§ 1423f. Implementation of actions taken by the Commission

(a) In general

The Secretary shall take all necessary actions to implement the decisions and determinations of the Commission under paragraph 7 of article 8 of the Agreement.

(b) Taking limitation

Not later than 60 days after the date on which the Secretary receives notice of the determination of the Commission of an annual taking limit, or of the adoption by the Commission of other restriction on the taking of polar bears for subsistence purposes, the Secretary shall publish a notice in the Federal Register announcing the determination or restriction.

(Pub. L. 92-522, title V, §507, as added Pub. L. 109-479, title IX, §902(a), Jan. 12, 2007, 120 Stat. 3664.)

§ 1423g. Application with other subchapters of chapter

(a) In general

The authority of the Secretary under this subchapter is in addition to, and shall not affect—

(1) the authority of the Secretary under other subchapters¹ of this chapter or the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) or the exemption for Alaskan natives under section 1371(b) of this title as applied to other marine mammal populations; or

(2) the authorities provided under subchapter III of this chapter.

(b) Certain provisions inapplicable

The provisions of subchapters II through V of this chapter do not apply with respect to the implementation or administration of this subchapter, except as specified in section 1423b of this title.

(Pub. L. 92-522, title V, §508, as added Pub. L. 109-479, title IX, §902(a), Jan. 12, 2007, 120 Stat. 3664.)

¹ See References in Text note below.