

**16 USC Ch. 24: CONSERVATION AND PROTECTION OF NORTH PACIFIC FUR SEALS**

**From Title 16—CONSERVATION**

**CHAPTER 24—CONSERVATION AND PROTECTION OF NORTH PACIFIC FUR SEALS**

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**SUBCHAPTER I—FUR SEAL MANAGEMENT**

**§1151. Definitions**

(a) "Commission" means the North Pacific Fur Seal Commission established pursuant to article V of the Convention.

(b) "Convention" means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the protocol signed in Washington on October 8, 1963; by the exchange of notes among the party governments which became effective on September 3, 1969; by the protocol signed in Washington on May 7, 1976; and by the protocol signed in Washington on October 14, 1980, by the parties.

(c) "Cure" or "curing" means the performance of those post-harvest activities traditionally performed on the Pribilof Islands, including cooling, washing, removal of blubber, soaking in brine, draining, treating with salt or boric

acid, and packing in containers for shipment of fur seal skins.

(d) "Fur Seal" means the North Pacific Fur Seal, *Callorhinus Ursinus*.

(e) "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, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(f) "Natives of the Pribilof Islands" means any Aleuts who are permanent residents of the Pribilof Islands, or any organization or entity representing such natives.

(g) "North Pacific Ocean" means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas.

(h) "Party" or "parties" means the United States of America, Canada, Japan, and Russia (except that as used in subsection (b) of this section, "party" and "parties" refer to the Union of Soviet Socialist Republics).

(i) "Person" means any individual, partnership, corporation, trust, association or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(j) "Pribilof Islands" means the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock.

(k) "Sealing" means the taking of fur seals.

(l) "Secretary" means the Secretary of Commerce.

(m) "Take" or "taking" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill.

(Pub. L. 89–702, title I, §101, Nov. 2, 1966, 80 Stat. 1091; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 835; Pub. L. 102–251, title III, §303, Mar. 9, 1992, 106 Stat. 65; Pub. L. 103–199, title VI, §602(1), Dec. 17, 1993, 107 Stat. 2327.)

#### AMENDMENT OF SECTION

*Pub. L. 102–251, title III, §§303, 308, Mar. 9, 1992, 106 Stat. 65, 66, provided that, effective on the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until the date on which the Agreement enters into force for the United States, this section is amended by redesignating subsections (f) to (m) as (g) to (n), respectively, and by inserting after subsection (e) the following new subsection:*

*(f) "Jurisdiction of the United States" includes jurisdiction over the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.*

#### EDITORIAL NOTES

#### AMENDMENTS

**1993**—Subsec. (h). Pub. L. 103–199 substituted "Russia (except that as used in subsection (b) of this section, 'party' and 'parties' refer to the Union of Soviet Socialist Republics)" for "the Union of Soviet Socialist Republics".

**1983**—Pub. L. 98–129 amended section generally, substituting provisions defining terms, previously defined in former sections 1159 and 1186 of this title, for provisions enumerating the activities prohibited under this chapter. See section 1152 of this title.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–251 effective on date on which Agreement between United States and Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until date on which Agreement enters into force for United States, see section 308 of Pub. L. 102–251, set out as a note under section 773 of this title.

#### SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114–328, div. C, title XXXV, §3531, Dec. 23, 2016, 130 Stat. 2794, provided that: "This subtitle [subtitle B (§§3531–3533) of title XXXV of div. C of Pub. L. 114–328, amending provisions set out as a note under section 1161 of this title] may be cited as the 'Pribilof Islands Transition Completion Amendments Act of 2016'."

Pub. L. 114–120, title V, §521, Feb. 8, 2016, 130 Stat. 70, as amended by Pub. L. 114–328, div. C, title XXXV, §3503(c), Dec. 23, 2016, 130 Stat. 2775, provided that: "This subtitle [subtitle B (§§521–524) of

title V of Pub. L. 114–120, amending section 1165 of this title and provisions set out as a note under section 1161 of this title] may be cited as the 'Pribilof Island [sic] Transition Completion Act of 2016'."

### SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106–562, [title I, §101, Dec. 23, 2000](#), 114 Stat. 2794, provided that: "This title [enacting section 1169b of this title, amending sections 1161, 1165, and 1166 of this title, repealing section 1165 of this title, enacting provisions set out as notes under this section and section 1161 of this title, amending provisions set out as a note under section 1165 of this title, and repealing provisions set out as a note under section 1165 of this title] may be referred to as the 'Pribilof Islands Transition Act'."

Pub. L. 106–554, [§1\(a\)\(4\) \[div. B, title I, §144\(e\)\(1\)\], Dec. 21, 2000](#), 114 Stat. 2763, [2763A-244](#), provided that: "This subsection [enacting section 1169b of this title, amending sections 1161, 1165, and 1166 of this title, repealing section 1165 of this title, enacting provisions set out as notes under this section and section 1161 of this title, amending provisions set out as a note under section 1165 of this title, and repealing provisions set out as a note under section 1165 of this title] may be referred to as the 'Pribilof Islands Transition Act'."

### SHORT TITLE OF 1983 AMENDMENT

Pub. L. 98–129, [§1, Oct. 14, 1983](#), 97 Stat. 835, provided: "That this Act [amending this chapter generally, sections 8332 and 8334 of Title 5, Government Organization and Employees, and section 5323 of Title 25, Indians] may be cited as the 'Fur Seal Act Amendments of 1983'."

### SHORT TITLE

Pub. L. 89–702, [§1](#), as added by Pub. L. 106–554, [§1\(a\)\(4\) \[div. B, title I, §144\(e\)\(6\)\(C\)\], Dec. 21, 2000](#), 114 Stat. 2763, [2763A-248](#), and Pub. L. 106–562, [title I, §106\(c\), Dec. 23, 2000](#), 114 Stat. 2799, provided that: "This Act [generally enacting this chapter, for complete classification, see Tables] may be cited as the 'Fur Seal Act of 1966'."

## §1152. Prohibitions

It is unlawful, except as provided in this chapter or by regulation of the Secretary, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts thereof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this chapter or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the Exclusive Economic Zone of the United States, a duly authorized official of Canada, Japan, or Russia to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether such vessel is engaged in sealing contrary to the provisions of said Convention.

(Pub. L. 89–702, [title I, §102, Nov. 2, 1966](#), 80 Stat. 1091; Pub. L. 98–129, [§2, Oct. 14, 1983](#), 97 Stat. 836; Pub. L. 103–199, [title VI, §602\(2\), Dec. 17, 1993](#), 107 Stat. 2327.)

### EDITORIAL NOTES

### AMENDMENTS

**1993**—Pub. L. 103–199 substituted "Russia" for "the Union of Soviet Socialist Republics".

**1983**—Pub. L. 98–129 amended section generally, substituting provisions enumerating the activities prohibited under this chapter, which were previously contained in section 1151 of this title, for provisions authorizing sealing by Aleuts, Eskimos, and Indians. See section 1153 of this title.

## §1153. Sealing permitted by Aleuts, Eskimos, and Indians

(a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean are permitted to take fur seals and dispose of their skins after the skins have been officially marked and certified by a person authorized by the Secretary: *Provided*, That the seals are taken for subsistence uses as defined in section 1379(f)(2) of this title, and only in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms. This authority shall not apply to Indians, Aleuts, and Eskimos while they are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person.

(b) Indians, Aleuts, and Eskimos who live on the Pribilof Islands are authorized to take fur seals for subsistence purposes as defined in section 1379(f)(2) of this title, under such conditions as recommended by the Commission and accepted by the Secretary of State pursuant to regulations promulgated by the Secretary.

**EDITORIAL NOTES**

**AMENDMENTS**

**1983**—Pub. L. 98–129 amended section generally, substituting provisions authorizing sealing by Aleuts, Eskimos, and Indians, which were previously contained in section 1152 of this title, for provisions authorizing scientific research on fur seal resources. See section 1154 of this title.

**§1154. Scientific research on fur seal resources; use of fur seals for educational, scientific, or exhibition purposes**

The Secretary shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the Convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes.

(Pub. L. 89–702, title I, §104, Nov. 2, 1966, 80 Stat. 1091; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 836.)

**EDITORIAL NOTES**

**AMENDMENTS**

**1983**—Pub. L. 98–129 amended section generally, substituting provisions authorizing scientific research on fur seal resources, which were previously contained in section 1153 of this title, for provisions delineating the authority of the Secretary of Commerce. See section 1155 of this title.

**§1155. Authority of Secretary of Commerce**

**(a) Regulations with respect to taking of fur seals on Pribilof Islands and on lands subject to United States jurisdiction**

The Secretary shall prescribe such regulations with respect to the taking of fur seals on the Pribilof Islands and on lands subject to the jurisdiction of the United States as he deems necessary and appropriate for the conservation, management, and protection of the fur seal population, and to dispose of any fur seals seized or forfeited pursuant to this chapter, and to carry out the provisions of the Convention, and shall deliver to authorized agents of the parties such fur seal skins as the parties are entitled to under the Convention.

**(b) Agreements with public and private entities**

The Secretary is authorized to enter into agreements with any public or private agency or person for the purpose of carrying out the provisions of the Convention and of this subchapter, including but not limited to the taking of fur seals on the Pribilof Islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom.

**(c) Taking of fur seals on Saint Paul and Saint George Islands; preference; separate fund in Treasury**

The Secretary shall give preference to the village corporations of Saint Paul and Saint George Islands established pursuant to section 1607 of title 43 for the taking of fur seals on the village corporations' respective islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom. Any proceeds therefrom will be deposited in a separate fund in the Treasury and will be available to the Secretary, subject to appropriations, for the purpose of this section. All seal harvests will be financed, to the extent possible, from proceeds collected in preceding years or unsold assets retained from harvests conducted in preceding years. In the event that such assets and proceeds are insufficient, as determined by the Secretary, to finance the seal harvest in accordance with the requirements of the Convention, there are authorized to be appropriated to the Secretary for fiscal year 1984, and for fiscal year 1985 and beyond if the Convention is extended by protocol signed by the parties and made effective as to the United States, such sums as may be necessary to carry out the harvest and curing on the Pribilof Islands. Such amounts as are determined by the Secretary to exceed amounts required to carry out this section shall be transferred to the General Fund of the Treasury.

(Pub. L. 89–702, title I, §105, Nov. 2, 1966, 80 Stat. 1092; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 836.)

**EDITORIAL NOTES**

**AMENDMENTS**

**1983**—Pub. L. 98–129 amended section generally, substituting provisions delineating the authority of the Secretary of Commerce, which were previously contained in sections 1154 and 1185 of this title, for provisions which had set out enforcement steps. See section 1156 of this title.

## **§1156. Enforcement provisions**

### **(a) Search of vessels; certificate of identification; exhibition to master**

Any person authorized to enforce the provisions of this chapter who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the Convention is violating the provisions of article III of the Convention may, except within the areas in which another State exercises fisheries jurisdiction, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary or Secretary of the department in which the Coast Guard is operating which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

### **(b) Seizure; arrest; notice; delivery of vessel or person to authorized officials; custody**

If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person onboard, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest.

The Secretary or the Secretary of the department in which the Coast Guard is operating, upon request of the Secretary of State, shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: *Provided*, That whenever said party cannot immediately accept such delivery, the Secretary or the Secretary of the department in which the Coast Guard is operating may, upon the request of the Secretary of State, keep the vessel or person in custody within the United States.

### **(c) Testimony of enforcement agents**

At the request of said party, the Secretary or the Secretary of the department in which the Coast Guard is operating, shall direct the person authorized to enforce the provisions of this chapter to attend the trial as a witness in any case arising under said article or give testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

(Pub. L. 89–702, title I, §106, Nov. 2, 1966, 80 Stat. 1092; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 837.)

#### **EDITORIAL NOTES**

#### **AMENDMENTS**

**1983**—Pub. L. 98–129 amended section generally, substituting provisions setting out enforcement steps, which were previously contained in section 1155 of this title, for provisions establishing the North Pacific Fur Seal Commission. See section 1157 of this title.

#### **STATUTORY NOTES AND RELATED SUBSIDIARIES**

#### **TRANSFER OF FUNCTIONS**

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

## **§1157. North Pacific Fur Seal Commission; appointment of United States Commissioner, Deputy Commissioner, and Advisors; duties, compensation, and travel expenses**

The President shall appoint to the Commission a United States Commissioner who shall serve at the pleasure of the President. The President may appoint one Native from each of the two inhabited Pribilof Islands to serve as Advisors to the Commissioner and as liaisons between the Commissioner and the Natives of the Pribilof Islands. The President may also appoint other interested parties as Advisors to the Commissioner. Such Advisors shall serve at the pleasure of the President. The President may also appoint a Deputy United States Commissioner who shall serve at the pleasure of the President. The Deputy Commissioner shall be the principal adviser of the Commissioner, and shall perform the duties of the Commissioner in the case of his death, resignation, absence, or illness. The Commissioner, the Deputy Commissioner, and the Advisors shall receive no compensation for their services. The Commissioners may be paid travel<sup>1</sup> expenses and per diem in lieu of subsistence at the rates authorized by section 5703 of title 5 when engaged in the performance of their duties.

(Pub. L. 89–702, title I, §107, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 838.)

#### **EDITORIAL NOTES**

## CODIFICATION

"Section 5703 of title 5" substituted in text for "section 5 of the Administrative Expense Act of 1946" on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

## AMENDMENTS

**1983**—Pub. L. 98-129 amended section generally, substituting provisions establishing the North Pacific Fur Seal Commission, which were previously contained in section 1156 of this title, for provisions empowering the Secretaries of State and Commerce to accept or reject recommendations made by the Commission. See section 1158 of this title.

### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### ALTERNATE UNITED STATES COMMISSIONERS

Secretary of State authorized to designate Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

<sup>1</sup> So in original. Probably should be "travel".

### **§1158. Acceptance or rejection by Secretaries of State and Commerce of Commission recommendations**

The Secretary of State, with the concurrence of the Secretary, is authorized to accept or reject, on behalf of the United States, recommendations made by the Commission pursuant to article V of the Convention.

(Pub. L. 89-702, title I, §108, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 838.)

### EDITORIAL NOTES

#### AMENDMENTS

**1983**—Pub. L. 98-129 amended section generally, substituting provisions empowering the Secretaries of State and Commerce to accept or reject recommendations made by the Commission, which were previously contained in section 1157 of this title, for provisions authorizing Federal agency consultation with and technical assistance to the Secretary of Commerce or the Commission. See section 1159 of this title.

### **§1159. Federal agency consultations with and technical assistance to Secretary of Commerce or Commission; reimbursement for assistance**

The head of any Federal agency is authorized to consult with and provide technical assistance to the Secretary or the Commission whenever such assistance is needed and reasonably can be furnished in carrying out the provisions of this subchapter. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

(Pub. L. 89-702, title I, §109, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 838.)

### EDITORIAL NOTES

#### AMENDMENTS

**1983**—Pub. L. 98-129 amended section generally, substituting provisions authorizing Federal agency consultation with and technical assistance to the Secretary or the Commission, which were previously contained in section 1158 of this title, for provisions defining terms. See section 1151 of this title.

## SUBCHAPTER II—ADMINISTRATION OF PRIBILOF ISLANDS

### **§1161. Administration of fur seal rookeries and other Federal real and personal property on Pribilof Islands**

The Secretary shall administer the fur seal rookeries and other Federal real and personal property on the Pribilof Islands, with the exception of lands purchased by the U.S. Fish and Wildlife Service under section 1417 of the Alaska National Interest Lands Conservation Act (Public Law 96–487) or acquired or purchased by any other authority after October 14, 1983, and, in consultation with the Secretary of the Interior, shall ensure that activities on such property are consistent with the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife and for other purposes consistent with that primary purpose.

(Pub. L. 89–702, title II, §201, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 838; Pub. L. 106–554, §1(a)(4) [div. B, title I, §144(e)(6)(B)], Dec. 21, 2000, 114 Stat. 2763, 2763A-248; Pub. L. 106–562, title I, §106(b), Dec. 23, 2000, 114 Stat. 2799.)

#### EDITORIAL NOTES

#### REFERENCES IN TEXT

Section 1417 of the Alaska National Interest Lands Conservation Act, referred to in text, is Pub. L. 96–487, title XIV, §1417, Dec. 2, 1980, 94 Stat. 2500, which is not classified to the Code.

#### AMENDMENTS

**2000**—Pub. L. 106–554 and Pub. L. 106–562 amended text identically, substituting "on such property" for "on such Islands".

**1983**—Pub. L. 98–129 substituted provisions enumerating the steps to be followed by the Secretary of Commerce in administering the fur seal rookeries and the Federal real and personal property on the Pribilof Islands for provisions which had provided that: "The Pribilof Islands shall continue to be administered as a special reservation by the Secretary of Commerce for the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife, and for other purposes."

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### PURPOSE

Pub. L. 106–562, title I, §102, Dec. 23, 2000, 114 Stat. 2794, provided that: "The purpose of this title [see Short Title of 2000 Amendments note set out under section 1151 of this title] is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska."

Substantially identical provisions were contained in Pub. L. 106–554, §1(a)(4) [div. B, title I, §144(e)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A-244.

#### TERMINATION OF RESPONSIBILITIES

Pub. L. 106–562, title I, §105, Dec. 23, 2000, 114 Stat. 2796, as amended by Pub. L. 114–120, title V, §523, Feb. 8, 2016, 130 Stat. 71; Pub. L. 114–328, div. C, title XXXV, §3533(d), Dec. 23, 2016, 130 Stat. 2799; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8507(c), Jan. 1, 2021, 134 Stat. 4754, provided that:

"(a) FUTURE OBLIGATION.—

"(1) IN GENERAL.—Notwithstanding paragraph (2) and effective beginning on the date the Secretary publishes the notice of certification required by subsection (b)(5), the Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note).

"(2) SAVINGS.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note)—

"(A) that arose before the date of the enactment of this title [Dec. 23, 2000]; and

"(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this title.

"(3) RULE OF CONSTRUCTION.—Nothing in this title [see Short Title of 2000 Amendments note set out under section 1151 of this title] shall be construed to imply that—

"(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note), or any other provision of law; or

"(B) any cause of action could or could not arise with respect to such an obligation.

"(4) CONFORMING AMENDMENT.—[Amended section 3(c)(1) of Pub. L. 104–91, set out as a note under section 1165 of this title.]

"(b) PROPERTY CONVEYANCE AND CLEANUP.—

"(1) IN GENERAL.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

"(A) convey property under section 205(a) of the Fur Seal Act of 1966 (16 U.S.C. 1165(a));  
and

"(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104–91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

"(2) APPLICATION.—Paragraph (1) shall apply on and after the date on which the Secretary of Commerce certifies that—

"(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

"(B) the cleanup required under section 3(a) of Public Law 104–91 (16 U.S.C. 1165 note) is complete;

"(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

"(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966 [16 U.S.C. 1166(c)(1)], as amended by this title, have been obligated.

"(3) FINANCIAL CONTRIBUTIONS FOR CLEANUP COSTS.—(A) On and after the date on which section 3(b)(5) of Public Law 104–91 (16 U.S.C. 1165 note) is repealed pursuant to subsection (c), the Secretary of Commerce may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104–91 (as in effect before such repeal), except as provided in subparagraph (B).

"(B) Subparagraph (A) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

"(4) CERTAIN RESERVED RIGHTS NOT CONDITIONS.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

"(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

"(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

"(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

"(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

"(E) The terms of the documents described in subsection (d)(2).

"(5) NOTICE OF CERTIFICATION.—The Secretary shall promptly publish and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate notice that the certification described in paragraph (2) has been made.

"(c) REPEALS.—Effective on the date on which the Secretary of Commerce publishes the notice of certification required by subsection (b)(5), the following provisions are repealed:

"(1) Subsections (a), (b), (c), and (d) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

"(2) Section 3 of Public Law 104–91 (16 U.S.C. 1165 note).

"(d) SAVINGS.—

"(1) IN GENERAL.—Nothing in this title shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

"(2) DOCUMENTS DESCRIBED.—The documents referred to in paragraph (1) are the following:

"(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

"(B) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

"(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

"(e) NOTIFICATIONS.—

"(1) IN GENERAL.—Not later than 30 days after the Secretary makes a determination under subsection (f) that land on St. Paul Island, Alaska, not specified for transfer in the document entitled 'Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions' or section 522 of the Pribilof Island Transition Completion Act of 2016 [130 Stat. 70, 2795], or transferred to the Secretary of the department in which the Coast Guard is operating under section 524 of such Act [130 Stat. 72, 2795], is in excess of the needs of the Secretary and the Federal Government, the Secretary shall notify the Alaska native village corporation for St. Paul Island of the determination.

"(2) ELECTION TO RECEIVE.—Not later than 60 days after the date receipt of the notification of the Secretary under subsection (a), the Alaska native village corporation for St. Paul Island shall notify the Secretary in writing whether the Alaska native village corporation elects to receive all right, title, and interest in the land or a portion of the land.

"(3) TRANSFER.—If the Alaska native village corporation provides notice under paragraph (2) that the Alaska native village corporation elects to receive all right, title and interest in the land or a portion of the land, the Secretary shall transfer all right, title, and interest in the land or portion to the Alaska native village corporation at no cost.

"(4) OTHER DISPOSITION.—If the Alaska native village corporation does not provide notice under paragraph (2) that the Alaska native village corporation elects to receive all right, title, and interest in the land or a portion of the land, the Secretary may dispose of the land in accordance with other applicable law.

"(f) DETERMINATION.—

"(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this subsection [Feb. 8, 2016] and not less than once every 5 years thereafter, the Secretary shall determine whether property located on St. Paul Island and not transferred to the Secretary of the department in which the Coast Guard is operating under section 524 of the Pribilof Island Transition Completion Act of 2016 [130 Stat. 72, 2795] or to the Natives of the Pribilof Islands is in excess of the smallest practicable tract enclosing land—

"(A) needed by the Secretary for the purposes of carrying out the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.);

"(B) in the case of land withdrawn by the Secretary on behalf of other Federal agencies, needed for carrying out the missions of those agencies for which land was withdrawn; or

"(C) actually used by the Federal Government in connection with the administration of any Federal installation on St. Paul Island.

"(2) REPORT OF DETERMINATION.—When a determination is made under paragraph (1), the Secretary shall report the determination to—

"(A) the Committee on Natural Resources of the House of Representatives;

"(B) the Committee on Commerce, Science, and Transportation of the Senate; and

"(C) the Alaska native village corporation for St. Paul Island.

"(g) DEFINITIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

"(2) NATIVES OF THE PRIBILOF ISLANDS.—For purposes of this section, the term 'Natives of the Pribilof Islands' includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska."

Substantially similar provisions were contained in Pub. L. 106–554, §1(a)(4) [div. B, title I, §144(e)(5)], Dec. 21, 2000, 114 Stat. 2763, 2763A-246.

## **§1162. Authority of Secretary to operate, maintain, and repair Government-owned property; necessary facilities, services, and equipment for Federal employees and dependents**

In carrying out the provisions of this subchapter, the Secretary is authorized—

(1) to operate, maintain, and repair such Government-owned property, both real and personal, and other facilities held by the Secretary on the Pribilof Islands as may be necessary; and

(2) to provide the employees of the Department of Commerce and other Federal agencies and their dependents, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, and transportation.

(Pub. L. 89–702, title II, §202, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 838.)

## AMENDMENTS

**1983**—Pub. L. 98–129 substituted provisions authorizing the Secretary to operate, maintain, and repair such Government-owned property, both real and personal, and other facilities held by the Secretary on the Pribilof Islands as may be necessary, and to provide the employees of the Department of Commerce and other Federal agencies and their dependents, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, and transportation, for provisions authorizing the Secretary to enter into contracts or agreements or leases with, or to issue permits to, public or private agencies or persons, including the natives of the Pribilof Islands, in accordance with such terms and conditions as he deemed desirable for the use of any Government-owned real or personal property located on the islands, for the furnishing of accommodations for tourists and other visitors, for educational, recreational, residential, or commercial purposes, for the operation, maintenance, and repair of Government-owned facilities and utilities, for the transportation and storage of food and other supplies, and for such other purposes as the Secretary deemed desirable.

### **§1163. Responsibility of Alaska to meet educational needs of Pribilof Islands citizens**

The State of Alaska will be responsible for meeting the educational needs of the citizens of the Pribilof Islands. (Pub. L. 89–702, title II, §203, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 838.)

#### EDITORIAL NOTES

## AMENDMENTS

**1983**—Pub. L. 98–129 substituted provisions directing that the State of Alaska be responsible for meeting the educational needs of the citizens of the Pribilof Islands for provisions which had authorized the Secretary (1) to provide, with or without reimbursement, the natives of the Pribilof Islands with such facilities, services, and equipment as he deemed necessary, including, but not limited to food, fuel, shelter, transportation, and education, (2) to provide the employees of the Department of Commerce and other Federal agencies and their dependents, and tourists and other persons, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deemed necessary, including, but not limited to, food, fuel, shelter, transportation, and education, (3) to purchase, transport, store, and distribute such supplies and equipment to carry out the provisions of this section as the Secretary deemed necessary, and (4) to purchase, construct, operate, and maintain the facilities necessary to carry out the provisions of this section.

### **§1164. Responsibility of Secretary of Health and Human Services to provide medical and dental care to Pribilof Islands natives**

The Secretary of Health and Human Services shall provide medical and dental care to the Natives of the Pribilof Islands with or without reimbursement, as provided by other law. He is authorized to provide such care to Federal employees and their dependents and tourists and other persons in the Pribilof Islands at reasonable rates to be determined by him. He may purchase, lease, construct, operate, and maintain such facilities, supplies, and equipment as he deems necessary to carry out the provisions of this section; and the costs of such items, including medical and dental care, shall be charged to the budget of the Secretary of Health and Human Services. Nothing in this chapter shall be construed as superseding or limiting the authority and responsibility of the Secretary of Health and Human Services under the Act of August 5, 1954, as amended [42 U.S.C. 2001 et seq.], or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

(Pub. L. 89–702, title II, §204, Nov. 2, 1966, 80 Stat. 1094; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 839.)

#### EDITORIAL NOTES

## REFERENCES IN TEXT

Act of August 5, 1954, as amended, referred to in text, is act [Aug. 5, 1954, ch. 658](#), 68 Stat. 674, which is classified generally to subchapter I (§2001 et seq.) of chapter 22 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

## AMENDMENTS

**1983**—Pub. L. 98–129 substituted provisions formerly set out in section 1165 of this title relating to medical and dental care of the natives of the Pribilof Islands for provisions which had authorized the Secretary to enter into an agreement with the Governor of the State of Alaska pursuant to which the

State assumed full responsibility for furnishing education to the natives of the Pribilof Islands and also to enter into agreements with said Governor pursuant to which the State furnished to such natives adequate food, shelter, transportation, and such other facilities, services, and equipment as the Secretary deemed necessary, with the State of Alaska, in assuming such responsibility, to meet the educational needs of the said natives in the same manner as the State met the educational needs of all of its citizens, including the furnishing of necessary facilities therefor.

## **§1165. Disposal of Federal property on Pribilof Islands**

(a) to (d) Repealed. Pub. L. 106–562, title I, §105(c), Dec. 23, 2000, 114 Stat. 2798, as amended by Pub. L. 114–120, title V, §523(3)(B), Feb. 8, 2016, 130 Stat. 71

### **(e) Taxation**

The grant, sale, transfer or conveyance of any real or personal property pursuant to this section shall not be subject to any form of Federal, State or local taxation. The basis for computing gain or loss on subsequent sale or disposition of such real or personal property for purposes of any Federal, State or local tax imposed on, or measured by revenue shall be the fair market value of such real or personal property at the time of receipt.

### **(f) Agreements with governmental agencies and third parties**

In carrying out the purposes of this chapter, the Secretary is authorized to enter into agreements, including but not limited to land exchange agreements with other Departments and Agencies of both the State and Federal Governments, and with third parties, notwithstanding any provision of law relating to the transfer and disposal of Federal property to the contrary; except that the authority of the Secretary of the Interior regarding exchanges involving lands in the National Wildlife Refuge System on October 14, 1983, is not affected by this section.

(Pub. L. 89–702, title II, §205, Nov. 2, 1966, 80 Stat. 1094; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 839; Pub. L. 106–554, §1(a)(4) [div. B, title I, §144(e)(4)], Dec. 21, 2000, 114 Stat. 2763, 2763A-245; Pub. L. 106–562, title I, §§104, 105(c)(1), Dec. 23, 2000, 114 Stat. 2796, 2798.)

## **EDITORIAL NOTES**

### **AMENDMENTS**

**2000**—Subsecs. (a), (b). Pub. L. 106–562, §105(c)(1), as amended by Pub. L. 114–120, §523(3)(B), struck out subsec. (a) which related to the submission to Congress of a property transfer document for property on the Pribilof Islands held by the Secretary of the department in which the Coast Guard is operating and subsec. (b) which related to the contents of such document.

Subsec. (c). Pub. L. 106–562, §105(c)(1), as amended by Pub. L. 114–120, §523(3)(B), struck out subsec. (c) which related to a report to Congress on conveyed and retained properties.

Pub. L. 106–554, §1(a)(4) [div. B, title I, §144(e)(4)(A)], and Pub. L. 106–562, §104(1), generally amended subsec. (c) identically, substituting present provisions for provisions which read as follows: "Within 60 days of the transfer of real or personal property specified in the document described in subsection (a) of this section, the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall be given a report prepared by the Secretary stating the fair market value at the time of the transfer of all real and personal property conveyed."

Subsec. (d). Pub. L. 106–562, §105(c)(1), as amended by Pub. L. 114–120, §523(3)(B), struck out subsec. (d) which related to a Memorandum of Understanding to be entered into by the Secretary, representatives of the local governmental authorities, and the State of Alaska setting forth the respective responsibilities of the Federal Government and the State.

Subsec. (g). Pub. L. 106–554, §1(a)(4) [div. B, title I, §144(e)(4)(B)], and Pub. L. 106–562, §104(2), struck out subsec. (g) which read as follows: "The Secretary shall submit to Congress a report, no later than October 1, 1983, providing information on the status of the negotiations for concluding the documents described in subsections (a) and (d) of this section."

**1983**—Pub. L. 98–129 amended section generally, substituting provisions relating to the disposal of Federal property on the Pribilof Islands for provisions relating to the medical and dental care of Pribilof Islands natives. See section 1164 of this title.

## **STATUTORY NOTES AND RELATED SUBSIDIARIES**

### **CHANGE OF NAME**

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

## **EFFECTIVE DATE OF 2000 AMENDMENT**

Pub. L. 106–562, title I, §105(c), Dec. 23, 2000, 114 Stat. 2798, as amended by Pub. L. 114–120, title V, §523(3)(B), Feb. 8, 2016, 130 Stat. 71, provided that the amendment by section 105(c)(1) of Pub. L. 106–562 is effective on the date on which the Secretary of Commerce publishes the notice of certification required by section 105(b)(5) of Pub. L. 106–562, which is set out in a Termination of Responsibilities note under section 1161 of this title. Such notice was published by the Secretary to Congress on Jan. 24, 2023.

## **TRANSFER OF FUNCTIONS**

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

## **PRIBILOF ISLANDS ENVIRONMENTAL CLEANUP**

Pub. L. 104–91, §3, Jan. 6, 1996, 110 Stat. 8, as amended by Pub. L. 106–554, §1(a)(4) [div. B, title I, §144(e)(5)(A)(iv), (6)(A), (7)], Dec. 21, 2000, 114 Stat. 2763, 2763A-246, 2763A-248; Pub. L. 106–562, title I, §§105(a)(4), 106(a), 107, Dec. 23, 2000, 114 Stat. 2797, 2799; Pub. L. 108–447, div. B, title II, §212, Dec. 8, 2004, 118 Stat. 2884, which provided that the Secretary of Commerce was to clean up landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, and contaminants, including petroleum products and their derivatives, left by the National Oceanic and Atmospheric Administration on lands which it and its predecessor agencies abandoned, quitclaimed, or otherwise transferred or are obligated to transfer, to local entities or residents on the Pribilof Islands, Alaska, pursuant to the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) or other applicable law, was repealed by Pub. L. 106–562, title I, §105(c), Dec. 23, 2000, 114 Stat. 2798, as amended by Pub. L. 114–120, title V, §523(3)(B), Feb. 8, 2016, 130 Stat. 71, effective on the date on which the Secretary of Commerce publishes the notice of certification required by section 105(b)(5) of Pub. L. 106–562, which is set out in a Termination of Responsibilities note under section 1161 of this title. Such notice was published by the Secretary to Congress on Jan. 24, 2023.

## **§1166. Financial assistance**

### **(a) Grant authority**

#### **(1) In general**

Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

#### **(2) Use for matching**

Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

#### **(3) Restriction on use**

The Secretary may not use financial assistance authorized by this chapter—

(A) to settle any debt owed to the United States;

(B) for administrative or overhead expenses; or

(C) for contributions sought or required from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

#### **(4) Funding instruments and procedures**

In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5361 et seq.].

#### **(5) Pro rata distribution of assistance**

In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

### **(b) Solid waste assistance**

#### **(1) In general**

Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

## **(2) Transfer**

The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 1263a of title 33, except that subsection (b) of that section shall not apply to those funds.

## **(3) Limitation**

In order to be eligible to receive financial assistance under this subsection, not later than 180 days after December 23, 2000, each of the Cities of St. Paul and St. George shall enter into a written agreement with the State of Alaska under which such City shall identify by its legal boundaries the tract or tracts of land that such City has selected as the site for its solid waste management facility and any supporting infrastructure.

## **(c) Authorization of appropriations**

There are authorized to be appropriated to the Secretary—

(1) for assistance under subsection (a), for fiscal years 2001, 2002, 2003, 2004, 2005, 2006, and 2007 a total not to exceed—

- (A) \$9,000,000, for grants to the City of St. Paul;
- (B) \$6,300,000, for grants to the Tanadgusix Corporation;
- (C) \$1,500,000, for grants to the St. Paul Tribal Council;
- (D) \$6,000,000, for grants to the City of St. George;
- (E) \$4,200,000, for grants to the St. George Tanaq Corporation; and
- (F) \$1,000,000, for grants to the St. George Tribal Council; and

(2) for assistance under subsection (b), for fiscal years 2001, 2002, 2003, 2004, and 2005 a total not to exceed

- (A) \$6,500,000 for the City of St. Paul; and
- (B) \$3,500,000 for the City of St. George.

## **(d) Limitation on use of assistance for lobbying activities**

None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider necessary for the efficient conduct of public business.

## **(e) Immunity from liability**

Neither the United States nor any of its agencies, officers, or employees shall have any liability under this chapter or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of—

- (1) having provided assistance to the State of Alaska under subsection (b); or
- (2) providing funds for, or planning, constructing, or operating, any interim solid waste management facilities that may be required by the State of Alaska before permanent solid waste management facilities constructed with assistance provided under subsection (b) are complete and operational.

## **(f) Report on expenditures**

Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

## **(g) Congressional intent**

Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.

(Pub. L. 89-702, title II, §206, Nov. 2, 1966, 80 Stat. 1094; Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 840; Pub. L. 100-711, §9, Nov. 23, 1988, 102 Stat. 4772; Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1931; Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(e)(3)], Dec. 21, 2000, 114 Stat. 2763, 2763A-244; Pub. L. 106-562, title I, §103, Dec. 23, 2000, 114 Stat. 2794; Pub. L. 109-59, title IV, §4403, Aug. 10, 2005, 119 Stat. 1775.)

## **EDITORIAL NOTES**

## **REFERENCES IN TEXT**

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (a)(4), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203. Title IV of the Act is classified generally to subchapter IV (§5361 et seq.) of chapter 46 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 25 and Tables.

## **AMENDMENTS**

**2005**—Subsec. (c). Pub. L. 109-59, §4403(1), struck out "for fiscal years 2001, 2002, 2003, 2004, and 2005" after "Secretary" in introductory provisions.

Subsec. (c)(1). Pub. L. 109–59, §4403(2), inserted ", for fiscal years 2001, 2002, 2003, 2004, 2005, 2006, and 2007" after "subsection (a)" in introductory provisions.

**2000**—Pub. L. 106–562 amended section generally, inserting section catchline and subsec. and par. headings and reenacting substantially identical text.

Pub. L. 106–554 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (h) containing provisions establishing the Pribilof Islands Trust for the benefit of natives of the Pribilof Islands and relating to the Trust's administration, funding, distributions, trust instrument, taxation, interest and proceeds, appropriations, and annual report to Congress.

**1990**—Subsec. (e)(3). Pub. L. 101–512 added par. (3).

**1988**—Subsec. (e)(1). Pub. L. 100–711 authorized appropriations for fiscal years 1989 and 1990 to fund the Saint Paul Island Trust, and authorized appropriations for fiscal year 1990 to fund the Saint George Trust.

**1983**—Pub. L. 98–129 amended section generally, substituting provisions for the creation and functioning of a Pribilof Islands Trust for provisions which authorized the Secretary to set apart land on Saint Paul Island for a townsite and to aid in the development of a municipal government therefor.

## STATUTORY NOTES AND RELATED SUBSIDIARIES

### CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

## **§1167. Leases, permits, agreements, and contracts with public or private agencies or persons**

The Secretary is authorized to enter into agreements or contracts or leases with, or to issue permits to, any public or private agency or person for carrying out the provisions of the Convention or this chapter.

(Pub. L. 89–702, title II, §207, Nov. 2, 1966, 80 Stat. 1095; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 842.)

### EDITORIAL NOTES

### AMENDMENTS

**1983**—Pub. L. 98–129 amended section generally, substituting provisions authorizing the Secretary to enter into agreements or contracts or leases with, or to issue permits to, any public or private agency or person for carrying out the provisions of the Convention or this chapter for provisions which had set a fine of not more than \$500 or imprisonment for not more than six months, or both, for violating regulations of the Secretary relating to the use and management of the Pribilof Islands or the protection or conservation of fur seals, wildlife, or other natural resources.

## **§1168. Civil service retirement benefits**

### **(a) Credit for services performed by natives**

Service by natives of the Pribilof Islands engaged in the taking and curing of fur seal skins and other activities in connection with the administration of such islands prior to January 1, 1950, as determined by the Secretary based on records available to him, shall be considered for purposes of credit under subchapter III of chapter 83 of title 5 as civilian service performed by an employee, as defined in said subchapter.

### **(b) Adjustment of annuities**

The annuity of any person or the annuity of the survivor of any person who shall have performed service described in subsection (a) of this section, and who, prior to November 2, 1966, died or shall have been retired on annuity payable from the civil service retirement and disability fund, shall, upon application filed by the annuitant within one year after November 2, 1966, be adjusted, effective as of the first day of the month immediately following November 2, 1966, so that the amount of the annuity shall be the same as if such subsection had been in effect at the time of such person's retirement or death.

### **(c) Nonentitlement to lump-sum benefits**

In no case shall credit for the service described in subsection (a) of this section entitle a person to the benefits of section 8342(h) of title 5.

### **(d) Reimbursement from Operations, Research, and Facilities Account of National Oceanic and Atmospheric Administration in Department of Commerce**

Notwithstanding any other provisions of this chapter or any other law, benefits under subchapter III of chapter 83 of title 5 made available by reason of the provisions of this section shall be paid from the civil service retirement and disability fund subject to reimbursement to such fund from the Operations, Research, and Facilities Account of the National Oceanic and Atmospheric Administration in the Department of Commerce, for the purpose of compensating said retirement fund for the cost, as determined by the Director of the Office of Personnel Management during each fiscal year, of benefits provided by this section.

(Pub. L. 89-702, title II, §208, Nov. 2, 1966, 80 Stat. 1096; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784; Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 842.)

#### EDITORIAL NOTES

#### CODIFICATION

"Subchapter III of chapter 83 of title 5" substituted for "the Civil Service Retirement Act, as amended" in subsec. (a) and for "the Civil Service Retirement Act" in subsec. (d), and "section 8342(h) of title 5" substituted for "section 11(h) of the Civil Service Retirement Act" in subsec. (c) on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

#### AMENDMENTS

**1983**—Subsecs. (a) to (c). Pub. L. 98-129 reenacted subsecs. (a) to (c) without change.

Subsec. (d). Pub. L. 98-129 reenacted subsec. (d) without change other than the substitution of "subject to reimbursement to such fund from the Operations, Research, and Facilities Account of the National Oceanic and Atmospheric Administration in the Department of Commerce, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Commission during each fiscal year, of benefits provided by this section" for "subject to reimbursement to such fund from the gross receipts of the Pribilof Islands fund, established in section 1187 of this title, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Commission during each fiscal year, of benefits provided by this section. This reimbursement to the civil service retirement fund shall be considered a cost of administering the fur seal program".

#### EXECUTIVE DOCUMENTS

#### TRANSFER OF FUNCTIONS

"Director of the Office of Personnel Management" substituted for "Civil Service Commission" in subsec. (d) pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

### §1169. Regulations

The Secretary is authorized to prescribe such regulations as he deems necessary to carry out the provisions of this subchapter.

(Pub. L. 89-702, title II, §211, as added Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 844.)

### §1169a. Annuities and survivor annuities; recomputation

(a)(1) <sup>1</sup>An annuity or survivor annuity based on the service of an employee or Member who performed service described in the second paragraph (13) <sup>2</sup>of subsection (b) or subsection (l)(1)(C) of section 8332 of title 5, as added by subsections (b) and (e), respectively, of section 209 of this Act [Pub. L. 89-702], shall, upon application to the Office of Personnel Management, be recomputed in accordance with the second paragraph (13) of subsection (b) and subsection (l), respectively, of such section 8332, regardless of whether the employee or Member retires before, on, or after October 14, 1983.

(2) Any recomputation of annuity under paragraph (1) of this subsection shall apply with respect to months beginning more than 30 days after the date on which application for such recomputation is received by the Office.

(Pub. L. 89-702, title II, §212, as added Pub. L. 98-369, div. B, title II, §2208(b), July 18, 1984, 98 Stat. 1061.)

#### EDITORIAL NOTES

#### REFERENCES IN TEXT

The second paragraph (13) of subsection (b) of section 8332 of title 5, referred to in subsec. (a)(1), relates to service performed by a Native of the Pribilof Islands. That par. (13) was added by subsec. (b) of section 209 of Pub. L. 89-702 (as added by section 2 of Pub. L. 98-129) and is set out in the Code as the first par. (13) of subsec. (b) of section 8332 of Title 5, Government Organization and Employees.

#### CODIFICATION

Another section 212 of Pub. L. 89-702 is classified to section 1169b of this title.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### EFFECTIVE DATE

Pub. L. 98-369, div. B, title II, §2208(c), July 18, 1984, 98 Stat. 1061, provided that: "The amendments made by this section [enacting this section and amending section 8332 of Title 5, Government Organization and Employees] shall take effect as of October 14, 1983."

<sup>1</sup> So in original. No subsec. (b) has been enacted.

<sup>2</sup> See References in Text note below.

### §1169b. Use of local entities

Notwithstanding any other law to the contrary, the Secretary of Commerce shall, to the maximum extent practicable, carry out activities under subsection (a) <sup>1</sup> and fulfill other obligations under Federal and State law relating to the Pribilof Islands, through grants or other agreements with local entities and residents of the Pribilof Islands, unless specialized skills are needed for an activity, and the Secretary specifies in writing that such skills are not available through local entities and residents of the Pribilof Islands.

(Pub. L. 89-702, title II, §212, as added Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(e)(6)(A)(ii)], Dec. 21, 2000, 114 Stat. 2763, 2763A-248; Pub. L. 106-562, title I, §106(a)(2), Dec. 23, 2000, 114 Stat. 2799.)

#### EDITORIAL NOTES

#### REFERENCES IN TEXT

Subsection (a), referred to in text, was a reference to subsection (a) of section 3 of Pub. L. 104-91 when the text of this section was originally enacted as subsec. (d) of section 3 of Pub. L. 104-91, set out in a note under section 1165 of this title, see Codification note below.

#### CODIFICATION

The text of this section as added by Pub. L. 106-554 and Pub. L. 106-562 is based on the text of Pub. L. 104-91, §3(d), Jan. 6, 1996, 110 Stat. 9, as amended by Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(e)(6)(A)(i)], Dec. 21, 2000, 114 Stat. 2763, 2763A-248; Pub. L. 106-562, title I, §106(a)(1), Dec. 23, 2000, 114 Stat. 2799. Pub. L. 104-91, §3(d), was included in a note set out under section 1165 of this title prior to being redesignated and transferred by Pub. L. 106-554 and Pub. L. 106-562 so as to appear as section 212 of Pub. L. 89-702.

Another section 212 of Pub. L. 89-702 is classified to section 1169a of this title.

<sup>1</sup> See References in Text note below.

#### SUBCHAPTER III—ENFORCEMENT

### §1171. Seizure and forfeiture of vessels

(a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provision of this chapter, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture; and all fur seals, or parts thereof, taken or retained in violation of this chapter, or the monetary value thereof, shall be forfeited.

(b) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures

incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

(Pub. L. 89–702, title III, §301, Nov. 2, 1966, 80 Stat. 1096; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 844.)

#### EDITORIAL NOTES

#### AMENDMENTS

**1983**—Pub. L. 98–129 amended section generally, substituting provisions, which were contained in section 1181 of this title, relating to seizure and forfeiture of vessels for provisions prohibiting the taking of sea otters on the high seas.

### §1172. Practice and procedure

#### (a) Joint responsibility; designation by Secretary of State officers and employees as Federal law enforcement agents; non-Federal employees for civil service purposes

Enforcement of the provisions of this chapter is the joint responsibility of the Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating. In addition, the Secretary may designate officers and employees of the States of the United States to enforce the provisions of this chapter which relate to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes; but they shall not be held and considered as employees of the United States for the purpose of any laws administered by the Office of Personnel Management.

#### (b) Issuance of warrants and other process

The judges of the United States district courts and United States magistrate judges may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this chapter and any regulations issued thereunder.

#### (c) Execution of warrants or other process by enforcement agents

Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this chapter.

#### (d) Arrests and searches by enforcement agents

Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this chapter or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person onboard is in violation of any provision of this chapter or the regulations issued thereunder, to search such vessel and to arrest such person.

#### (e) Seizure of vessels and related articles

Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this chapter or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this chapter or the regulations issued hereunder.

#### (f) Seizure and disposition of fur seals

Such person so authorized may seize, whenever and wherever lawfully found, all fur seals taken or retained in violation of this chapter or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this chapter shall be disposed of in accordance with the provisions of section 1155 of this title.

(Pub. L. 89–702, title III, §302, Nov. 2, 1966, 80 Stat. 1097; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 844; Pub. L. 101–650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

#### EDITORIAL NOTES

#### AMENDMENTS

**1983**—Pub. L. 98–129 amended section generally, substituting provisions, which were contained in section 1182 of this title, relating to practice and procedure in connection with the enforcement of this chapter for provisions which had authorized the sale by the Secretary of sea otter skins that had been forfeited to or seized by the United States.

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### CHANGE OF NAME

"United States magistrate judges" substituted for "United States magistrates" in subsec. (b) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

## TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### §1173. Regulations

The Secretary is authorized to prescribe such regulations as he deems necessary and appropriate to carry out the provisions of this subchapter.

(Pub. L. 89-702, title III, §303, as added Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 845.)

#### EDITORIAL NOTES

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 1183 of this title, prior to the complete revision of this chapter by Pub. L. 98-129.

### §1174. Penalties

(a) Any person who knowingly violates any provision of this chapter or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than \$20,000 for such violation, or imprisoned for not more than one year, or both.

(b) Any person who violates any provision of this chapter or any regulation or permit issued hereunder may be assessed a civil penalty by the Secretary of not more than \$10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Hearings held during proceedings for the assessment of civil penalties authorized by this subsection shall be conducted in accordance with section 554 of title 5. The Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any civil penalty assessed may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

(Pub. L. 89-702, title III, §304, as added Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 845.)

#### EDITORIAL NOTES

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 1184 of this title, prior to the complete revision of this chapter by Pub. L. 98-129.

### §1175. Authorization of appropriations

(a) There are authorized to be appropriated to the operations, research, and facilities account of the National Oceanic and Atmospheric Administration in the Department of Commerce, such sums as may be necessary, up to \$2,000,000, for fiscal year 1984 for the purpose of upgrading Federal property to be transferred pursuant to section 1165 of this title, \$736,000 for fiscal year 1984 for the purposes of sections 1154 and 1168 of this title and such sums as may be necessary for each fiscal year thereafter for the purposes of sections 1154 and 1168 of this title.

(b) The contract authority of the Secretary under this chapter is effective for any fiscal year only to the extent that appropriations are available for such purposes.

(Pub. L. 89-702, title III, §305, as added Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 845.)

## §§1181 to 1187. Omitted

### EDITORIAL NOTES

### CODIFICATION

Sections were omitted in the general revision of this chapter by Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 835.

Section 1181, Pub. L. 89–702, title IV, §401, Nov. 2, 1966, 80 Stat. 1097, related to seizure and forfeiture of vessels. See section 1171 of this title.

Section 1182, Pub. L. 89–702, title IV, §402, Nov. 2, 1966, 80 Stat. 1097; Pub. L. 90–578, title IV, §402(b) (2), Oct. 17, 1968, 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; 1978 Reorg. Plan No. 2 of 1978, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784, set out additional enforcement provisions. See section 1172 of this title.

Section 1183, Pub. L. 89–702, title IV, §403, Nov. 2, 1966, 80 Stat. 1098; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, authorized the Secretary of Commerce to issue regulations. See section 1173 of this title.

Section 1184, Pub. L. 89–702, title IV, §404, Nov. 2, 1966, 80 Stat. 1098, set out penalties for violations. See section 1174 of this title.

Section 1185, Pub. L. 89–702, title IV, §405, Nov. 2, 1966, 80 Stat. 1098; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, related to contracts or agreements for research. See section 1155(b) of this title.

Section 1186, Pub. L. 89–702, title IV, §406, Nov. 2, 1966, 80 Stat. 1098, defined terms as used in this chapter. See section 1151 of this title.

Section 1187, Pub. L. 89–702, title IV, §407, Nov. 2, 1966, 80 Stat. 1098, related to creation of a Pribilof Islands fund. See section 1166 of this title.