<table>
<thead>
<tr>
<th>SECTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>§ 1151. Definitions</td>
<td>5</td>
</tr>
<tr>
<td>§ 1152. Prohibitions</td>
<td>6</td>
</tr>
<tr>
<td>§ 1153. Sealing permitted by Aleuts, Eskimos, and Indians</td>
<td>7</td>
</tr>
<tr>
<td>§ 1154. Scientific research on fur seal resources; use of fur seals for educational, scientific, or exhibition purposes</td>
<td>7</td>
</tr>
<tr>
<td>§ 1155. Authority of Secretary of Commerce</td>
<td>8</td>
</tr>
<tr>
<td>§ 1156. Enforcement provisions</td>
<td>8</td>
</tr>
<tr>
<td>§ 1157. North Pacific Fur Seal Commission; appointment of United States Commissioner, Deputy Commissioner, and Advisors; duties, compensation, and travel expenses</td>
<td>9</td>
</tr>
<tr>
<td>§ 1158. Acceptance or rejection by Secretaries of State and Commerce of Commission recommendations</td>
<td>10</td>
</tr>
<tr>
<td>§ 1159. Federal agency consultations with and technical assistance to Secretary of Commerce or Commission; reimbursement for assistance</td>
<td>10</td>
</tr>
<tr>
<td>§ 1161. Administration of fur seal rookeries and other Federal real and personal property on Pribilof Islands</td>
<td>12</td>
</tr>
<tr>
<td>§ 1162. Authority of Secretary to operate, maintain, and repair Government-owned property; necessary facilities, services, and equipment for Federal employees and dependents</td>
<td>14</td>
</tr>
<tr>
<td>§ 1163. Responsibility of Alaska to meet educational needs of Pribilof Islands citizens</td>
<td>14</td>
</tr>
<tr>
<td>§ 1164. Responsibility of Secretary of Health and Human Services to provide medical and dental care to Pribilof Islands natives</td>
<td>15</td>
</tr>
<tr>
<td>§ 1165. Disposal of Federal property on Pribilof Islands</td>
<td>15</td>
</tr>
<tr>
<td>§ 1166. Financial assistance</td>
<td>19</td>
</tr>
<tr>
<td>§ 1167. Leases, permits, agreements, and contracts with public or private agencies or persons</td>
<td>22</td>
</tr>
<tr>
<td>§ 1168. Civil service retirement benefits</td>
<td>22</td>
</tr>
<tr>
<td>§ 1169. Regulations</td>
<td>23</td>
</tr>
<tr>
<td>§ 1169a. Annuities and survivor annuities; recomputation</td>
<td>23</td>
</tr>
<tr>
<td>§ 1169b. Use of local entities</td>
<td>24</td>
</tr>
<tr>
<td>§ 1171. Seizure and forfeiture of vessels</td>
<td>25</td>
</tr>
<tr>
<td>§ 1172. Practice and procedure</td>
<td>25</td>
</tr>
<tr>
<td>§ 1173. Regulations</td>
<td>26</td>
</tr>
<tr>
<td>§ 1174. Penalties</td>
<td>26</td>
</tr>
<tr>
<td>§ 1175. Authorization of appropriations</td>
<td>27</td>
</tr>
<tr>
<td>§§ 1181 to 1187. Omitted</td>
<td>27</td>
</tr>
</tbody>
</table>
TITLE 16—CONSERVATION

Chap. ...Sec.
1. National Parks, Military Parks, Monuments, and Seashores ...1
1A. Historic Sites, Buildings, Objects, and Antiquities ...461
1B. Archaeological Resources Protection ...470aa
1C. Paleontological Resources Preservation ...470aaa
2. National Forests ...471
3. Forests; Forest Service; Reforestation; Management ...551
3A. Unemployment Relief Through Performance of Useful Public Work [Omitted or Repealed] ...584
3B. Soil Conservation ...590a
3C. Water Conservation ...590r
4. Protection of Timber, and Depredations ...591
5. Protection of Fur Seals and Other Fur-Bearing Animals ...631
5A. Protection and Conservation of Wildlife ...661
5B. Wildlife Restoration ...669
5C. Conservation Programs on Government Lands ...670a
6. Game and Bird Preserves; Protection ...671
7. Protection of Migratory Game and Insectivorous Birds ...701
8. Upper Mississippi River National Wildlife and Fish Refuge ...721
9. Fish and Wildlife Service ...741
9A. Preservation of Fishery Resources ...755
9B. National Fish Hatchery System Enhancement ...760aa
10. Northern Pacific Halibut Fishing ...761
10A. Sockeye or Pink Salmon Fishing [Repealed] ...776
10B. Fish Restoration and Management Projects ...777
10C. Fish Research and Experimentation Program ...778
10D. State Commercial Fisheries Research and Development Projects [Repealed] ...779
11. Regulation of Landing, Curing, and Sale of Sponges Taken From Gulf of Mexico and Straits of Florida ...781
12. Federal Regulation and Development of Power ...791
12A. Tennessee Valley Authority ...831
12B. Bonneville Project ...832
12C. Fort Peck Project ...833
12D. Columbia Basin Project ...835
12E. Niagara Power Project ...836
12F. Pacific Northwest Consumer Power Preference; Reciprocal Priorities in Other Regions ...837
12G. Pacific Northwest Federal Transmission System ...838
12H. Pacific Northwest Electric Power Planning and Conservation ...839
13. Regulation of Transportation in Interstate or Foreign Commerce of Black Bass and Other Fish [Repealed] ...851
14. Regulation of Whaling ...901
14A. Whale Conservation and Protection ...917
15. Predatory Sea Lampreys in the Great Lakes [Omitted] ...921
15A. Great Lakes Fisheries ...931
15B. Great Lakes Fish and Wildlife Restoration ...941
15C. Great Lakes Fish and Wildlife Tissue Bank ...943
16. Tuna Conventions ...951
16A. Atlantic Tuna Convention ...971
16B. Eastern Pacific Tuna Fishing ...972
16C. South Pacific Tuna Fishing ...973
17. Northwest Atlantic Fisheries [Repealed] ...981
18. Watershed Protection and Flood Prevention ...1001
18A. Cooperative Watershed Management Programs ...1015
19. North Pacific Fisheries [Repealed or Transferred] ...1021
20. National Fisheries Center and Aquarium ...1051
21. Prohibition of Foreign Fishing Vessels in the Territorial Waters of the United States [Repealed] ...1081
21A. Fisheries Zone Contiguous to Territorial Sea of the United States [Repealed] ...1091
21B. Prohibition of Certain Foreign Fishing Vessels in United States Fisheries [Omitted] ...1100
21C. Offshore Shrimp Fisheries [Omitted] ...1100b
22. International Parks ...1101
23. National Wilderness Preservation System ...1131
24. Conservation and Protection of North Pacific Fur Seals ...1151
25. Jellyfish or Sea Nettles, Other Such Pests, and Seaweed in Coastal Waters: Control or Elimination ...1201
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>25A</td>
<td>Crown of Thorns Starfish</td>
<td>1211</td>
</tr>
<tr>
<td>25B</td>
<td>Reefs for Marine Life Conservation</td>
<td>1220</td>
</tr>
<tr>
<td>26</td>
<td>Estuarine Areas</td>
<td>1221</td>
</tr>
<tr>
<td>27</td>
<td>National Trails System</td>
<td>1241</td>
</tr>
<tr>
<td>27A</td>
<td>National Recreational Trails Fund</td>
<td>1261</td>
</tr>
<tr>
<td>28</td>
<td>Wild and Scenic Rivers</td>
<td>1271</td>
</tr>
<tr>
<td>29</td>
<td>Water Bank Program for Wetlands Preservation</td>
<td>1301</td>
</tr>
<tr>
<td>30</td>
<td>Wild Horses and Burros: Protection, Management, and Control</td>
<td>1331</td>
</tr>
<tr>
<td>31</td>
<td>Marine Mammal Protection</td>
<td>1361</td>
</tr>
<tr>
<td>32</td>
<td>Marine Sanctuaries</td>
<td>1431</td>
</tr>
<tr>
<td>32A</td>
<td>Regional Marine Research Programs</td>
<td>1447</td>
</tr>
<tr>
<td>33</td>
<td>Coastal Zone Management</td>
<td>1451</td>
</tr>
<tr>
<td>34</td>
<td>Rural Environmental Conservation Program [Repealed]</td>
<td>1501</td>
</tr>
<tr>
<td>35</td>
<td>Endangered Species</td>
<td>1531</td>
</tr>
<tr>
<td>36</td>
<td>Forest and Rangeland Renewable Resources Planning</td>
<td>1600</td>
</tr>
<tr>
<td>37</td>
<td>Youth Conservation Corps and Public Lands Corps</td>
<td>1701</td>
</tr>
<tr>
<td>38</td>
<td>Fishery Conservation and Management</td>
<td>1801</td>
</tr>
<tr>
<td>39</td>
<td>Mining Activity Within National Park System Areas</td>
<td>1901</td>
</tr>
<tr>
<td>40</td>
<td>Soil and Water Resources Conservation</td>
<td>2001</td>
</tr>
<tr>
<td>41</td>
<td>Cooperative Forestry Assistance</td>
<td>2101</td>
</tr>
<tr>
<td>42</td>
<td>Emergency Conservation Program</td>
<td>2201</td>
</tr>
<tr>
<td>43</td>
<td>Public Transportation Programs for National Park System Areas</td>
<td>2301</td>
</tr>
<tr>
<td>44</td>
<td>Antarctic Conservation</td>
<td>2401</td>
</tr>
<tr>
<td>44A</td>
<td>Antarctic Marine Living Resources Convention</td>
<td>2431</td>
</tr>
<tr>
<td>44B</td>
<td>Antarctic Mineral Resources Protection</td>
<td>2461</td>
</tr>
<tr>
<td>45</td>
<td>Urban Park and Recreation Recovery Program</td>
<td>2501</td>
</tr>
<tr>
<td>46</td>
<td>Public Utility Regulatory Policies</td>
<td>2601</td>
</tr>
<tr>
<td>47</td>
<td>Small Hydroelectric Power Projects</td>
<td>2701</td>
</tr>
<tr>
<td>48</td>
<td>National Aquaculture Policy, Planning, and Development</td>
<td>2801</td>
</tr>
<tr>
<td>49</td>
<td>Fish and Wildlife Conservation</td>
<td>2901</td>
</tr>
<tr>
<td>50</td>
<td>Chesapeake Bay Research Coordination [Omitted]</td>
<td>3001</td>
</tr>
<tr>
<td>51</td>
<td>Alaska National Interest Lands Conservation</td>
<td>3101</td>
</tr>
<tr>
<td>52</td>
<td>Salmon and Steelhead Conservation and Enhancement</td>
<td>3301</td>
</tr>
<tr>
<td>53</td>
<td>Control of Illegally Taken Fish and Wildlife</td>
<td>3371</td>
</tr>
<tr>
<td>54</td>
<td>Resource Conservation</td>
<td>3401</td>
</tr>
<tr>
<td>55</td>
<td>Coastal Barrier Resources</td>
<td>3501</td>
</tr>
<tr>
<td>56</td>
<td>North Atlantic Salmon Fishing</td>
<td>3601</td>
</tr>
<tr>
<td>56A</td>
<td>Pacific Salmon Fishing</td>
<td>3631</td>
</tr>
<tr>
<td>57</td>
<td>National Fish and Wildlife Foundation</td>
<td>3701</td>
</tr>
<tr>
<td>57A</td>
<td>Partnerships for Wildlife</td>
<td>3741</td>
</tr>
<tr>
<td>57B</td>
<td>Partners for Fish and Wildlife</td>
<td>3771</td>
</tr>
<tr>
<td>58</td>
<td>Erodible Land and Wetland Conservation and Reserve Program</td>
<td>3801</td>
</tr>
<tr>
<td>59</td>
<td>Wetlands Resources</td>
<td>3901</td>
</tr>
<tr>
<td>59A</td>
<td>Wetlands</td>
<td>3951</td>
</tr>
<tr>
<td>60</td>
<td>Fish and Seafood Promotion</td>
<td>4001</td>
</tr>
<tr>
<td>61</td>
<td>Interjurisdictional Fisheries</td>
<td>4101</td>
</tr>
<tr>
<td>62</td>
<td>African Elephant Conservation</td>
<td>4201</td>
</tr>
<tr>
<td>62A</td>
<td>Asian Elephant Conservation</td>
<td>4261</td>
</tr>
<tr>
<td>63</td>
<td>Federal Cave Resources Protection</td>
<td>4301</td>
</tr>
<tr>
<td>64</td>
<td>North American Wetlands Conservation</td>
<td>4401</td>
</tr>
<tr>
<td>65</td>
<td>International Forestry Cooperation</td>
<td>4501</td>
</tr>
<tr>
<td>66</td>
<td>Take Pride in America Program</td>
<td>4601</td>
</tr>
<tr>
<td>67</td>
<td>Aquatic Nuisance Prevention and Control</td>
<td>4701</td>
</tr>
<tr>
<td>68</td>
<td>Pacific Yew Conservation and Management [Omitted or Repealed]</td>
<td>4801</td>
</tr>
<tr>
<td>69</td>
<td>Wild Exotic Bird Conservation</td>
<td>4901</td>
</tr>
<tr>
<td>70</td>
<td>North Pacific Anadromous Stocks Convention</td>
<td>5001</td>
</tr>
<tr>
<td>71</td>
<td>Atlantic Coastal Fisheries Cooperative Management</td>
<td>5101</td>
</tr>
<tr>
<td>71A</td>
<td>Atlantic Striped Bass Conservation</td>
<td>5151</td>
</tr>
<tr>
<td>72</td>
<td>Recreational Hunting Safety</td>
<td>5201</td>
</tr>
<tr>
<td>73</td>
<td>Rhinoceros and Tiger Conservation</td>
<td>5301</td>
</tr>
<tr>
<td>74</td>
<td>National Maritime Heritage</td>
<td>5401</td>
</tr>
<tr>
<td>75</td>
<td>High Seas Fishing Compliance</td>
<td>5501</td>
</tr>
</tbody>
</table>
TITLE 16 - CHAPTER 24 CONSERVATION AND
PROTECTION OF NORTH PACIFIC FUR SEALS

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see http://www.law.cornell.edu/uscode/uscprint.html).

76. Northwest Atlantic Fisheries Convention ...5601
77. Yukon River Salmon ...5701
78. National Natural Resources Conservation Foundation ...5801
79. National Park Service Management ...5901
80. Neotropical Migratory Bird Conservation ...6101
81. User Fees Under Forest System Recreation Residence Program ...6201
81A. National Forest Organizational Camp Fee Improvement ...6231
82. Great Ape Conservation ...6301
83. Coral Reef Conservation ...6401
84. Healthy Forest Restoration ...6501
85. Marine Turtle Conservation ...6601
86. Southwest Forest Health and Wildfire Prevention ...6701
87. Federal Lands Recreation Enhancement ...6801
88. Western and Central Pacific Fisheries Convention ...6901
89. Pacific Whiting ...7001
90. Secure Rural Schools and Community Self-Determination ...7101
91. National Landscape Conservation System ...7201
92. Forest Landscape Restoration ...7301
CHAPTER 24—CONSERVATION AND PROTECTION OF NORTH PACIFIC FUR SEALS

SUBCHAPTER I—FUR SEAL MANAGEMENT

Sec.
1151. Definitions.
1152. Prohibitions.
1153. Sealing permitted by Aleuts, Eskimos, and Indians.
1154. Scientific research on fur seal resources; use of fur seals for educational, scientific, or exhibition purposes.
1155. Authority of Secretary of Commerce.
1156. Enforcement provisions.
1157. North Pacific Fur Seal Commission; appointment of United States Commissioner, Deputy Commissioner, and Advisors; duties, compensation, and travel expenses.
1158. Acceptance or rejection by Secretaries of State and Commerce of Commission recommendations.
1159. Federal agency consultations with and technical assistance to Secretary of Commerce or Commission; reimbursement for assistance.

SUBCHAPTER II—ADMINISTRATION OF Pribilof Islands

1161. Administration of fur seal rookeries and other Federal real and personal property on Pribilof Islands.
1162. Authority of Secretary to operate, maintain, and repair Government-owned property; necessary facilities, services, and equipment for Federal employees and dependents.
1163. Responsibility of Alaska to meet educational needs of Pribilof Islands citizens.
1164. Responsibility of Secretary of Health and Human Services to provide medical and dental care to Pribilof Islands natives.
1165. Disposal of Federal property on Pribilof Islands.
1166. Financial assistance.
1167. Leases, permits, agreements, and contracts with public or private agencies or persons.
1168. Civil service retirement benefits.
1169. Regulations.
1169a. Annuities and survivor annuities; recomputation.
1169b. Use of local entities.

SUBCHAPTER III—ENFORCEMENT

1171. Seizure and forfeiture of vessels.
1172. Practice and procedure.
1173. Regulations.
1174. Penalties.
1175. Authorization of appropriations.
1181 to 1187. Omitted.
§ 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.

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.

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.

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 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

Section 1 of Pub. L. 98–129 provided: “That this Act [amending this chapter generally, sections 8332 and 8334 of Title 5, Government Organization and Employees, and section 450i of Title 25, Indians] may be cited as the ‘Fur Seal Act Amendments of 1983’.”

Short Title


§ 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.


§ 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.

836.)

§ 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.

836.)
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.


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.


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.

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 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.

Footnotes
1 So in original. Probably should be “travel”.


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.

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.

§ 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.


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.

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.


References in Text


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.”

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.”


Termination of Responsibilities


“(a) Future Obligation.—

“(1) In general.—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 of the Fur Seal Act of 1966 (16 U.S.C. 1165); 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 conduct 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).

“(c) Repeals.—Effective on the date on which the Secretary of Commerce makes the certification described in subsection (b)(2), the following provisions are repealed:


“(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.


“(e) 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.”


§ 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.


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.

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.


References in Text

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) Submission to Congress of property transfer document
Any provision of law relating to the transfer and disposal of Federal property to the contrary notwithstanding, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, is authorized to bargain, grant, sell or otherwise convey, on such terms as he deems to be in the best interests of the United States and in furtherance of the purposes of this chapter,
any and all right, title, and interest of the United States in and to the property, both real and personal, held by the Secretary on the Pribilof Islands: Provided, That such property is specified in a document entitled “Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions,” which is submitted to the Congress on or before October 31, 1983.

(b) Contents of property transfer document

The property transfer document described in subsection (a) of this section shall include, but need not be limited to—

1. a description of each conveyance;
2. the terms to be imposed on each conveyance;
3. designation of the recipient of each conveyance;
4. a statement noting acceptance of each conveyance, including the terms, if any, under which it is accepted; and
5. an identification of all Federal property to be retained by the Federal Government on the Pribilof Islands to meet its responsibilities as described in this chapter and under the Convention.

(c) Report to Congress on conveyed and retained properties

Not later than 3 months after December 23, 2000, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

1. a description of all property specified in the document referred to in subsection (a) of this section that has been conveyed under that subsection;
2. a description of all Federal property specified in the document referred to in subsection (a) of this section that is going to be conveyed under that subsection; and
3. an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this chapter, the Convention, and any other applicable law.

(d) Memorandum of Understanding

A Memorandum of Understanding shall be entered into by the Secretary, a representative of the local governmental authority on each Island, the trustee or trustees, and the appropriate officer of the State of Alaska setting forth the respective responsibilities of the Federal Government, the Trust, and the State regarding—

1. application of Federal retirement benefits, severance pay, and insurance benefits with respect to Natives of the Pribilof Islands;
2. funding to be allocated by the State of Alaska for the construction of boat harbors on St. Paul and St. George Islands;
3. assumption of the State of Alaska of traditional State responsibilities for facilities and services on such islands in accordance with applicable laws and regulations;
4. preservation of wildlife resources within the Secretary’s jurisdiction;
5. continued activities relating to the implementation of the Convention;
6. oversight of the operation of the Trust established by section 1166 (a) of this title to further progress toward creation of a stable, diversified, and enduring economy not dependent on commercial fur sealing;
7. the cooperation of government agencies, rendered through existing programs, in assisting with an orderly transition from Federal management and the creation of a private enterprise economy on the Pribilof Islands as described in this chapter; and
8. such other matters as may be necessary and appropriate for carrying out the purposes of the chapter, including the assumption of responsibilities to ensure an orderly transition from Federal management of the Pribilof Islands.
The Memorandum shall be submitted to Congress on or before October 31, 1983.

(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.

Footnotes

1 See References in Text note below.

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.

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


“(a) In General.—The Secretary of Commerce shall, subject to the availability of appropriations provided for the purposes of this section, 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.), as amended, or other applicable law.

“(b) Obligations of Secretary.—In carrying out cleanup activities under subsection (a), the Secretary of Commerce shall—

“(1) to the maximum extent practicable, execute agreements with the State of Alaska, and affected local governments, entities, and residents eligible to receive conveyance of lands under the Fur Seal Act of 1966 (16 U.S.C. 1161 et seq.) [16 U.S.C. 1151 et seq.] or other applicable law;

“(2) manage such activities with the minimum possible overhead, delay, and duplication of State and local planning and design work;

“(3) receive approval from the State of Alaska for agreements described in paragraph (1) where such activities are required by State law;

“(4) receive approval from affected local entities or residents before conducting such activities on their property; and

“(5) not seek or require financial contributions by or from local entities or landowners.

“(c) Resolution of Federal Responsibilities.—(1) Within 9 months after the date of enactment of this section [Jan. 6, 1996], and after consultation with the Secretary of the Interior, the State of Alaska, and local entities and residents of the Pribilof Islands, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives, a report proposing necessary actions by the Secretary of Commerce and Congress to resolve all claims with respect to, and permit the final implementation, fulfillment and completion of—

“(A) the land conveyance entitlements of local entities and residents of the Pribilof Islands under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

“(B) the provisions of this section; and

“(C) any other matters which the Secretary deems appropriate.

“(2) The report required under paragraph (1) shall include the estimated costs of all actions, and shall contain the statements of the Secretary of Commerce, the Secretary of the Interior, any statement submitted by the State of Alaska, and any statements of claims or recommendations submitted by local entities and residents of the Pribilof Islands.

“[(d) Redesignated as section 212 of Pub. L. 89–702, and transferred to section 1169b of this title.]

“(e) Definition.—For the purposes of this section, the term ‘clean up’ means the planning and execution of remediation actions for lands described in subsection (a) and the redevelopment of landfills to meet statutory requirements.

“(f) Authorization of Appropriations.—

“(1) In general.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2001, 2002, 2003, 2004, 2005, 2006, and 2007 for the purposes of carrying out this section.
“(2) Limitation.—None of the funds authorized by this subsection may be expended for the purpose of cleaning up or remediating any landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, or contaminants, including petroleum products and their derivatives, left by the Department of Defense or any of its components on lands on the Pribilof Islands, Alaska.

“(g) Low-Interest Loan Program.—

“(1) Capitalization of revolving fund.—Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to $2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

“(2) Low-interest loans.—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

“(3) Natives of the pribilof islands defined.—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term ‘Natives of the Pribilof Islands’ includes the Tanadgusix and Tanaq Corporations.

“(4) Reversion of funds.—Before the Secretary may provide any funds to the State of Alaska under this section, the State of Alaska and the Secretary must agree in writing that, on the last day of fiscal year 2011, and of each fiscal year thereafter until the full amount provided to the State of Alaska by the Secretary under this section has been repaid to the United States, the State of Alaska shall transfer to the Treasury of the United States monies remaining in the revolving fund, including principal and interest paid into the revolving fund as repayment of loans.”

§ 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. 458aa et seq.].

- 19 -
(5) **Pro rata distribution of assistance**

In any fiscal year for which less than all of the funds authorized under subsection (c)(1) of this section are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) of this section 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) of this section, 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) of this section, 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) of this section; 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) of this section are complete and operational.

(f) Report on expenditures

Each entity which receives assistance authorized under subsection (c) of this section 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) of this section 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.

§ 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.


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.

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 subssecs. (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”.

Transfer of Functions


§ 1169. Regulations

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


§ 1169a. Annuities and survivor annuities; recomputation

(a)

(1) 1 An annuity or survivor annuity based on the service of an employee or Member who performed service described in the second paragraph (13) 2 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.

Footnotes

1 So in original. No subsec. (b) has been enacted.
2 See References in Text note below.

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.

Effective Date

Section 2208(c) of Pub. L. 98–369 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."

§ 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) 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.

Footnotes

1 See References in Text note below.


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


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


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.


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.

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.


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.


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.


§§ 1181 to 1187. Omitted

Codification


