

Sec.

SUBCHAPTER II—ADMINISTRATION OF PRIBILOF ISLANDS

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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.

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

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.)

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.

(Pub. L. 89-702, title I, §103, Nov. 2, 1966, 80 Stat. 1091; Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 836.)

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.)

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.)

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 on-board, 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.)

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 travel¹ 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.)

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.

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

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 au-

thorizing 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.)

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.)

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

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