§ 1134. State and private lands within wilderness areas

(a) Access; exchange of lands; mineral interests restriction

In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this chapter as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: Provided, however, That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) Customary means for ingress and egress to wilderness areas subject to mining claims or other occupations

In any case where valid mining claims or other valid occupations are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounding areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

(c) Acquisition of lands

Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this chapter as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.


Transfer of Functions

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees, Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 31, Money and Finance, and pages 149, 140, and 149 of House Document No. 103–7.

CHAPTER 24—CONSERVATION AND PROTECTION OF NORTH PACIFIC FUR SEALS

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SUBCHAPTER I—FUR SEAL MANAGEMENT

§ 1151. Definitions

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

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

(c) “Cure” or “curing” means the performance of those post-harvest activities traditionally performed on the Pribilof Islands, including cooling, washing, removal of blubber, soaking in brine, draining, treating with salt or boric acid, and packing in containers for shipment of fur seal skins.

(d) “Fur Seal” means the North Pacific Fur Seal, Callorhinus Ursinus.

(e) “Import” means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

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

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

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

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

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

(k) “Sealing” means the taking of fur seals.

(l) “Secretary” means the Secretary of Commerce.

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


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

1983—Subsec. (h). Pub. L. 98–129 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 sections 1159b of this title, amending sections 1161, 1165, and 1186 of this title, repealing sections 1160 and 1162 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 1169f of this title, amending sections 1161, 1165, and 1186 of this title, repealing sections 1160 and 1162 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 4501 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.


**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.


**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.


**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 sale 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.

§ 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 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.


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 enumerating the Secretary of the Interior, the Deputy Secretary, the Commissioners, and the Advisors to the Commissioner, 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 1159 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 identical, 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 property on the Pribilof Islands to serve as

1 So in original. Probably should be “travel”.12
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) FUTURO 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.

"(b) 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—

"(1) 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

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

"(c) CONFORMING AMENDMENT.—[Amended section 3(c)(1) of Pub. L. 104–91, set out as a note under section 1150 of this title.]

"(d) 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, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

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

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

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

"(3) FINANCIAL CONTRIBUTIONS FOR CLEANUP COSTS.—

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

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

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

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

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

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

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

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

"(f) 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.


§ 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, 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. 200 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 1162 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.

One paragraph is missing from the provided text.
§ 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 interests of the United States in and to the property, both real and personal, held 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 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.


Repeal of section

Pub. L. 106–562, title I, §105(c), Dec. 23, 2000, 114 Stat. 2798, provided that, effective on the

1 See References in Text note below.
date on which the Secretary of Commerce makes
the certification described in Pub. L. 106–562,
§105(b)(2), set out in a Termination of
Responsibilities note under section 1161 of this title,
this section is repealed.

Substantially identical provisions repealing this
section were contained in Pub. L. 106–554,
§1(a)(4) [div. B, title I, §144(e)(5)(C)], Dec. 21,

REFERENCES IN TEXT
December 23, 2000, referred to in subsec. (c), was in
the original “the date of the enactment of the Pribilof
Islands Transition Act” which was translated as refer-
ing to the date of enactment of title I of Pub. L.
106–562. Section 1(a)(4) [div. B, title I, §144(e)] of Pub. L.
106–554, which was approved Dec. 21, 2000, is also known
as the “Pribilof Islands Transition Act”. See Short
Title of 2000 Amendments notes under section 1151 of
this title.

Section 1166(a) of this title, referred to in subsec.
(d)(6), was amended generally by Pub. L. 106–554 and
Pub. L. 106–562, and, as so amended, no longer contains
provisions relating to establishment of a Trust.

AMENDMENTS
§144(e)(4)(A)], and Pub. L. 106–562, §104(1), generally
amended subsec. (c) identically, substituting present
provisions for provisions which read as follows: “Within
60 days of the transfer of real or personal property spec-
fied in the document described in subsection (a) of this
section, the Committee on Merchant Marine and Fish-
eries of the House of Representatives and the Commit-
tee on Commerce, Science, and Transportation of the
Senate shall be given a report prepared by the Sec-
retary stating the fair market value at the time of the
transfer of all real and personal property conveyed.”

Subsec. (g). Pub. L. 106–564, §1(a)(4) [div. B, title I,
§144(e)(4)(A)], and Pub. L. 106–562, §104(1), struck out
subsec. (g) which read as follows: “The Secretary shall
submit to Congress a report, no later than October 1,
1983, providing information on the status of the nego-
tiations for concluding the documents described in sub-
sections (a) and (d) of this section.”

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

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

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 Secu-
ritv, and the Department of Homeland Security Reor-
ganization Plan of November 25, 2002, as modified, set
out as a note under section 542 of Title 6.

PRIBILOF ISLANDS ENVIRONMENTAL CLEANUP
by Pub. L. 106–554, §1(a)(4) [div. B, title I,
§144(e)(5)(A)(iv), (6)(A), (7)], Dec. 21, 2000, 114 Stat. 2763,
106(a), 107, Dec. 23, 2000, 114 Stat. 2797, 2799; Pub. L.
106–564, §§5(a), 101, Dec. 21, 2000, 114 Stat. 2799, 2800;
Pub. L. 106–567, title I, §126, Dec. 6, 2000, 114 Stat. 3084,
provided that:

“(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, hazard-
ous 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
other applicable law;

“(2) manage such activities with the minimum pos-
sible 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 ac-
tivities 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 Sec-
retary 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 re-
spect to, and permit the final implementation, fulfill-
ment and completion of—

“(A) the land conveyance entitlements of local en-
tities 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 in-
clude the estimated costs of all actions, and shall con-
tain 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 resi-
dents 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 re-
mediation 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 appro-
priated $10,000,000 for each of fiscal years 2001, 2002,
ing 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 petro-
leum 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

<table>
<thead>
<tr>
<th>Date of Entry into Force</th>
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<tr>
<td>Jan. 6, 1996</td>
<td>Pub. L. 106–91</td>
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<tr>
<td>Dec. 6, 2000</td>
<td>Pub. L. 106–567</td>
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Additional Notes:
- Section 1166(a) was amended generally by Pub. L. 106–562, and, as so amended, no longer contains provisions relating to establishment of a Trust.
- Subsection (g) was struck out as a note under section 542 of Title 6.
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 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.”

(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. Paul and the City of St. George, 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
($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, 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 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.

(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 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.


 § 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

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


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 provided for by this section through the use of contracts with local entities.

1 So in original. No subsec. (b) has been enacted.

2 See References in Text note below.
ties under subsection (a)\(^1\) 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.


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

SUBCHAPTER III—ENFORCEMENT

§ 1171. Seizure and forfeiture of vessels
(a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the 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, and all fur in violation of the customs laws, 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; and
(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 thereunder. 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 pursu-
ant to this chapter shall be disposed of in ac-
cordance with the provisions of section 1155 of
this title.

Stat. 844; Pub. L. 101–650, title III, §321, Dec. 1,
1990, 104 Stat. 5117.)

AMENDMENTS

1983—Pub. L. 98–129 amended section generally, sub-
stituting 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 Sec-
retary of sea otter skins that had been forfeited to or
seized by the United States.

CHANGE OF NAME

“United States magistrate” substituted for
“United States magistrate judges” 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 Proce-
dure.

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 relat-
ing thereto, to the Department of Homeland Security,
and for treatment of related references, see sections
469(b), 551(d), 552(d), and 557 of Title 6, Domestic
Security, and the Department of Homeland Security Reor-
ganization 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 appro-
priate to carry out the provisions of this sub-
chapter.

(Pub. L. 89–702, title III, §303, as added Pub. L.

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 reg-
ulation issued thereunder shall, upon convic-
tion, be fined not more than $20,000 for such vio-
lation, 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. Hear-
ings 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 mile-
age that are paid to witnesses in the courts of
the United States. In case of contumacy or re-
fral 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,
on 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 Sec-
retary, 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 fail-
ure to pay a penalty assessed under this sub-
section, the Secretary may request the Attorney
General to institute civil action in a district
court of the United States for any district in
which such person is found, resides, or transacts
business to collect the penalty, and such court
shall have jurisdiction to hear and decide any
such action.

(Pub. L. 89–702, title III, §304, as added Pub. L.

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 Ad-
ministration 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 avail-
able for such purposes.

(Pub. L. 89–702, title III, §305, as added Pub. L.

§§ 1181 to 1187. Omitted

CODIFICATION

Sections were omitted in the general revision of this

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

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

Section 1183. Pub. L. 89–702, title IV, §403, Nov. 2, 1966,
80 Stat. 1098; Pub. L. 90–578, title IV, §402(a), Oct. 17,
35 F.R. 15627, 84 Stat. 2090, authorized the Secretary of
Commerce to issue regulations. See section 1173 of this
title.
CHAPTER 25—JELLYFISH OR SEA NETTLES, OTHER SUCH PESTS, AND SEAWEED IN COASTAL WATERS: CONTROL OR ELIMINATION

§ 1201. Declaration of purposes; Secretary's cooperation with and assistance to States

For the purposes of conserving and protecting the fish and shellfish resources in the coastal waters of the United States and the Commonwealth of Puerto Rico, and promoting and safeguarding water-based recreation for present and future generations in these waters, the Secretary of Commerce is authorized to cooperate with, and provide assistance to, the States in controlling and eliminating jellyfish, commonly referred to as "sea nettles", and other such pests and in conducting research for the purposes of controlling floating seaweed in such waters.


TRANSFER OF FUNCTIONS

"Secretary of Commerce" was substituted in text for "Secretary of the Interior" in view of: the creation of the National Oceanic and Atmospheric Administration in the Department of Commerce and the Office of Administrator of such Administration; the abolition of the Bureau of Commercial Fisheries in the Interior Department and the Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in the Secretary of the Interior or the Interior Department which were administered through the Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish programs of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1202. Authority of Secretary; studies, research, and investigations; control measures; execution of program; other actions; costs

In carrying out the purposes of this chapter, the Secretary, in cooperation with the States and the Commonwealth of Puerto Rico, is authorized (1) to conduct, directly or by contract, such studies, research, and investigations, as he deems desirable, to determine the abundance and distribution of jellyfish and other such pests and their effects on fish and shellfish and water-based recreation, (2) to conduct studies of control measures of such pests and of floating seaweed, (3) to carry out, based on studies made pursuant to this chapter, a program of controlling or eliminating such pests and such seaweed, and (4) to take such other actions as the Secretary deems desirable: Provided, That the costs of such actions shall be borne equally by the Federal Government and by the States and the Commonwealth of Puerto Rico, acting jointly or severally.


§ 1203. Authorization of appropriations

There is authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1969, $750,000 for the fiscal year ending June 30, 1969, $1,000,000 for the period beginning July 1, 1969, and ending June 30, 1973, and $400,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, and June 30, 1977.


AMENDMENTS


§ 1204. Compacts

The Congress consents to any compact or agreement between any two or more States for the purpose of carrying out a program of research, study, investigation, and control of jellyfish and other such pests in the coastal waters of the United States. The right to alter, amend, or repeal this section or the consent granted herein is expressly reserved.


§ 1205. General authority of Secretary for conducting studies, research, and investigations unaffected

Nothing in this chapter shall be construed to alter, amend, repeal, modify, or diminish the present general authority of the Secretary of Commerce to conduct studies, research, and investigations related to the mission of the Department of Commerce.


TRANSFER OF FUNCTIONS

Transfer of functions from Secretary of Commerce to Secretary of the Interior and substitution of Department of Commerce for Department of the Interior by Reorg. Plan No. 4 of 1970, see note set out under section 1201 of this title.