

§ 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”.

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.”

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

TERMINATION OF RESPONSIBILITIES

Pub. L. 106-562, title I, §105, Dec. 23, 2000, 114 Stat. 2796, provided that:

“(a) FUTURE OBLIGATION.—

“(1) IN GENERAL.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note).

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

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

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

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

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

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

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

“(b) PROPERTY CONVEYANCE AND CLEANUP.—

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

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

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

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

“(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of

postremedial measures, such as monitoring and operation and maintenance activities;

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

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

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

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

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

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

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

“(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to 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).

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

“(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

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

“(d) SAVINGS.—

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

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

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

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

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

“(e) DEFINITIONS.—

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

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

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

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

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

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

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

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

AMENDMENTS

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

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

The State of Alaska will be responsible for meeting the educational needs of the citizens of the Pribilof Islands.

(Pub. L. 89-702, title II, §203, Nov. 2, 1966, 80 Stat. 1093; Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 838.)

AMENDMENTS

1983—Pub. L. 98-129 substituted provisions directing that the State of Alaska be responsible for meeting the educational needs of the citizens of the Pribilof Islands

for provisions which had authorized the Secretary (1) to provide, with or without reimbursement, the natives of the Pribilof Islands with such facilities, services, and equipment as he deemed necessary, including, but not limited to food, fuel, shelter, transportation, and education, (2) to provide the employees of the Department of Commerce and other Federal agencies and their dependents, and tourists and other persons, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deemed necessary, including, but not limited to, food, fuel, shelter, transportation, and education, (3) to purchase, transport, store, and distribute such supplies and equipment to carry out the provisions of this section as the Secretary deemed necessary, and (4) to purchase, construct, operate, and maintain the facilities necessary to carry out the provisions of this section.

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

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

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

REFERENCES IN TEXT

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

AMENDMENTS

1983—Pub. L. 98-129 substituted provisions formerly set out in section 1165 of this title relating to medical and dental care of the natives of the Pribilof Islands for provisions which had authorized the Secretary to enter into an agreement with the Governor of the State of Alaska pursuant to which the State assumed full responsibility for furnishing education to the natives of the Pribilof Islands and also to enter into agreements with said Governor pursuant to which the State furnished to such natives adequate food, shelter, transportation, and such other facilities, services, and equipment as the Secretary deemed necessary, with the State of Alaska, in assuming such responsibility, to meet the educational needs of the said natives in the same manner as the State met the educational needs of all of its citizens, including the furnishing of necessary facilities therefor.