

## CHANGE OF NAME

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

## TRANSFER OF FUNCTIONS

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

## PRIBILOF ISLANDS ENVIRONMENTAL CLEANUP

Pub. L. 104-91, § 3, Jan. 6, 1996, 110 Stat. 8, as amended by Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(e)(5)(A)(iv), (6)(A), (7)], Dec. 21, 2000, 114 Stat. 2763, 2763A-246, 2763A-248; Pub. L. 106-562, title I, §§ 105(a)(4), 106(a), 107, Dec. 23, 2000, 114 Stat. 2797, 2799; Pub. L. 108-447, div. B, title II, § 212, Dec. 8, 2004, 118 Stat. 2884, 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, hazardous or unsafe conditions, and contaminants, including petroleum products and their derivatives, left by the National Oceanic and Atmospheric Administration on lands which it and its predecessor agencies abandoned, quitclaimed, or otherwise transferred or are obligated to transfer, to local entities or residents on the Pribilof Islands, Alaska, pursuant to the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), as amended, or other applicable law.

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

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

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

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

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

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

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

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

“(B) the provisions of this section; and

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

“(2) The report required under paragraph (1) shall include the estimated costs of all actions, and shall 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 residents of the Pribilof Islands.

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

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

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2001, 2002, 2003, 2004, 2005, 2006, and 2007 for the purposes of carrying out this section.

“(2) LIMITATION.—None of the funds authorized by this subsection may be expended for the purpose of cleaning up or remediating any landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, or contaminants, including petroleum products and their derivatives, left by the Department of Defense or any of its components on lands on the Pribilof Islands, Alaska.

“(g) LOW-INTEREST LOAN PROGRAM.—

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

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

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

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

[Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(e)(5)(A)(iv), (6)(A), (7)], and Pub. L. 106-562, §§ 105(a)(4), 106(a), 107, made substantially identical amendments to section 3 of Pub. L. 104-91, set out above. The text of subsecs. (f) and (g) of section 3 is based on amendments by Pub. L. 106-562.]

[Pub. L. 106-562, title I, § 105(c), Dec. 23, 2000, 114 Stat. 2798, provided that, effective on the 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, section 3 of Pub. L. 104-91, set out above, is repealed. Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(e)(5)(C)], Dec. 21, 2000, 114 Stat. 2763, 2763A-247, enacted a provision substantially identical to Pub. L. 106-562, § 105(c).]

## § 1166. Financial assistance

## (a) Grant authority

## (1) In general

Subject to the availability of appropriations, the Secretary shall provide financial assist-

ance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

**(2) Use for matching**

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

**(3) Restriction on use**

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

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

(B) for administrative or overhead expenses; or

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

**(4) Funding instruments and procedures**

In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 458aa et seq.].

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

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

**(b) Solid waste assistance**

**(1) In general**

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

**(2) Transfer**

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

**(3) Limitation**

In order to be eligible to receive financial assistance under this subsection, not later than 180 days after December 23, 2000, each of the Cities of St. Paul and St. George shall enter into a written agreement with the State of Alaska under which such City shall identify

by its legal boundaries the tract or tracts of land that such City has selected as the site for its solid waste management facility and any supporting infrastructure.

**(c) Authorization of appropriations**

There are authorized to be appropriated to the Secretary—

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

(A) \$9,000,000, for grants to the City of St. Paul;

(B) \$6,300,000, for grants to the Tanadgusix Corporation;

(C) \$1,500,000, for grants to the St. Paul Tribal Council;

(D) \$6,000,000, for grants to the City of St. George;

(E) \$4,200,000, for grants to the St. George Tanaq Corporation; and

(F) \$1,000,000, for grants to the St. George Tribal Council; and

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

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

(B) \$3,500,000 for the City of St. George.

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

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

**(e) Immunity from liability**

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

(1) having provided assistance to the State of Alaska under subsection (b) of this section; or

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

**(f) Report on expenditures**

Each entity which receives assistance authorized under subsection (c) of this section shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on

Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

**(g) Congressional intent**

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

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

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (a)(4), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended. Title IV of the Act is classified generally to part D (§458aa et seq.) of subchapter II of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

AMENDMENTS

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

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

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

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

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

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

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

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

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

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

AMENDMENTS

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

**§ 1168. Civil service retirement benefits**

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

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

**(b) Adjustment of annuities**

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

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

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

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

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

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

CODIFICATION

“Subchapter III of chapter 83 of title 5” substituted for “the Civil Service Retirement Act, as amended” in