

be processed at a specific domestic processing facility to the extent that the processing does occur; or

(III) as part of a log yard agreement that is consistent with the purposes of the export and substitution restrictions imposed under sections 620 to 620j of this title.

(ii) Review and termination of waivers

A waiver granted under clause (i)—

(I) shall, to the maximum extent practicable, be reviewed once a year; and

(II) shall remain effective until terminated by the Secretary.

(D) Factors

In making a determination under this paragraph, the Secretary concerned shall consider—

(i) the risk of unprocessed timber of that species, grade, and size being exported or used in substitution;

(ii) the location of the unprocessed timber and the effect of the location on its being exported or used in substitution;

(iii) the history of the person involved with respect to compliance with log painting and branding requirements; and

(iv) any other factor that is relevant to determining the likelihood of the unprocessed timber being exported or used in substitution.

(5) Reporting

(A) In general

Subject to subparagraph (B), the Secretary concerned shall issue regulations that impose reasonable documentation and reporting requirements if the benefits of the requirements outweigh the cost of complying with the requirements.

(B) Waivers

(i) In general

The Secretary concerned may waive documentation and reporting requirements for a person if—

(I) an audit of the records of the facility of the person reveals substantial compliance with all notice, reporting, painting, and branding requirements during the preceding year; or

(II) the person transferring the unprocessed timber and the person processing the unprocessed timber enter into an advance agreement with the Secretary concerned regarding the disposition of the unprocessed timber by domestic processing.

(ii) Review and termination of waivers

A waiver granted under clause (i)—

(I) shall, to the maximum extent practicable, be reviewed once a year; and

(II) shall remain effective until terminated by the Secretary.

(b) Review

The Secretaries of Agriculture and Interior shall, in consultation, review the definition of unprocessed timber under section 620e(7) of this

title for purposes of sections 620 to 620j of this title and, not later than 18 months after August 20, 1990, submit to the Congress any recommendations they have with respect to such definition. Specifically, the Secretaries shall report on the effects of maintaining 2 size standards under section 620e(B)(ii)¹ and (iii) of this title.

(Pub. L. 101-382, title IV, § 495, Aug. 20, 1990, 104 Stat. 725; Pub. L. 105-83, title VI, § 605, Nov. 14, 1997, 111 Stat. 1622.)

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-83 redesignated first two sentences as pars. (1) and (2), respectively, and inserted headings, and substituted pars. (3) to (5) for last sentence which read as follows: “Except as otherwise provided in sections 620 to 620j of this title, regulations and guidelines under this subsection shall be issued not later than 9 months after August 20, 1990.”

§ 620g. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out sections 620 to 620j of this title.

(Pub. L. 101-382, title IV, § 496, Aug. 20, 1990, 104 Stat. 725.)

§ 620h. Savings provision

Nothing in sections 620 to 620j of this title, or regulations issued under sections 620 to 620j of this title, shall be construed to abrogate or affect any timber sale contract entered into before August 20, 1990.

(Pub. L. 101-382, title IV, § 497, Aug. 20, 1990, 104 Stat. 725.)

REFERENCES IN TEXT

August 20, 1990, referred to in text, was in the original “the effective date of this title”, which is the date of enactment of title IV of Pub. L. 101-382, approved Aug. 20, 1990, except as otherwise provided in sections 620 to 620j of this title, see section 494 of Pub. L. 101-382, set out as an Effective Date note under section 620 of this title.

§ 620i. Eastern hardwoods study

(a) Study

The Secretary of Commerce, in conjunction with the Secretary of Agriculture and the Secretary of the Interior, shall conduct a study of the export from the United States, during the 2-year period beginning on January 1, 1991, of unprocessed hardwood timber harvested from Federal lands or public lands east of the 100th meridian. In order to carry out the provisions of this section—

(1) the Secretary of Commerce shall require each person exporting such timber from the United States to declare, in addition to the information normally required in the Shipper's Export Declarations, the State in which the timber was grown and harvested; and

(2) the Secretary of Agriculture and the Secretary of the Interior shall ensure that all hardwood saw timber harvested from Federal lands east of the 100th meridian is marked in such a manner as to make it readily identifiable at all times before its manufacture, and

¹ So in original. Probably should be section “620e(7)(B)(ii)”.

shall take such steps as each Secretary considers appropriate to ensure that such markings are not altered or destroyed before manufacturing.

(b) Report to Congress

Not later than April 1, 1993, the Secretary of Commerce shall submit to the Committees on Agriculture, Natural Resources, and Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the volume and value of unprocessed timber grown and harvested from Federal lands or public lands east of the 100th meridian that is exported from the United States during the 2-year period beginning on January 1, 1991, the country to which such timber is exported, and the State in which such timber was grown and harvested.

(Pub. L. 101-382, title IV, § 498, Aug. 20, 1990, 104 Stat. 725; Pub. L. 103-437, § 6(d)(35), Nov. 2, 1994, 108 Stat. 4585.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs”.

§ 620j. Authority of Export Administration Act of 1979

Nothing in sections 620 to 620j of this title shall be construed to—

- (1) prejudice the outcome of pending or prospective petitions filed under, or
- (2) warrant the exercise of the authority contained in,

section 7 of the Export Administration Act of 1979 [50 U.S.C. App. 2406] with respect to the export of unprocessed timber.

(Pub. L. 101-382, title IV, § 499, Aug. 20, 1990, 104 Stat. 726.)

CHAPTER 5—PROTECTION OF FUR SEALS AND OTHER FUR-BEARING ANIMALS

Sec.

631 to 654. Omitted or Repealed.

655. Agents to be disinterested.

656. Agents; administering oaths and taking testimony.

657, 658. Repealed.

659. Sea lions; acts prohibiting killing repealed.

§ 631. Omitted

CODIFICATION

Section, acts Feb. 14, 1903, ch. 552, § 7, 32 Stat. 828; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736, vested control over fur seal, salmon, and other fisheries in Alaska in Department of the Interior.

§§ 631a to 631q. Repealed. Pub. L. 89-702, title IV, § 408(a), Nov. 2, 1966, 80 Stat. 1098

Sections were from act Feb. 26, 1944, ch. 65, §§ 1-17, 58 Stat. 100.

Section 631e amended by act Sept. 27, 1950, ch. 1056, 64 Stat. 1071.

Sections related to protection of fur seals and other fur-bearing animals as follows:

631a, Definitions.

631b, Pelagic sealing, sealing, or sea otter hunting in certain waters of North Pacific prohibited; use of ports of United States; importing illegally taken skins.

631c, Natives permitted to carry on pelagic sealing or sea otter hunting.

631d, Killing of seals on Pribilof Islands, other islands, and shores of waters under United States jurisdiction; permission to designated Fish and Wildlife Service officers and employees and Alaskan natives; pelagic sealing in emergencies.

631e, Sale of seal or sea otter skins; deposit of proceeds.

631f, Pribilof Islands a special reservation; landing on islands unlawful; penalties.

631g, Employment of Pribilof Islands native in killing seals and curing skins.

631h, Depots for and transportation of provisions from mainland to Pribilof Islands; care of natives.

631i, Investigations as to seal life on the Pribilof Islands.

631j, Persons authorized to enforce provisions of seal fisheries law; powers of arrest, search, and seizure; execution of warrants; forfeiture.

631k, Punishment for violation of law; forfeiture.

631l, Duties of collectors of customs regarding importation of skins of fur seal and see otter.

631m, Seizure of persons or vessels outside of jurisdiction of signatory powers; procedure.

631n, Guard or patrol of waters; composition.

631o, Receipt and disposal of skins by United States.

631p, Killing, capturing, etc., certain fur-bearing animals for scientific purposes.

631q, Secretary's powers and duties; employment of personnel.

Subject matter is covered by section 1151 et seq. of this title.

§ 631r. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449

Section, act Feb. 26, 1944, ch. 65, § 19, 58 Stat. 104, limited the duration of the provisions of sections 631a-631q of this title which implement the Provisional Fur-Seal Agreement of 1942 to twelve months after the cessation of hostilities of World War II.

§§ 632 to 644. Repealed. Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104

Section 632, act Aug. 24, 1912, ch. 373, § 1, 37 Stat. 499, prohibited killing seal or sea otter in certain waters of North Pacific.

Section 633, act Aug. 24, 1912, ch. 373, § 2, 37 Stat. 500, forbade equipping vessels for pelagic sealing or sea-otter hunting and use of ports of United States by such vessels.

Section 634, act Aug. 24, 1912, ch. 373, § 3, 37 Stat. 500, permitted natives to carry on pelagic fishing.

Section 635, act Aug. 24, 1912, ch. 373, § 4, 37 Stat. 500, prohibited importing illegally taken skins, and forfeiture thereof.

Section 636, acts Aug. 24, 1912, ch. 373, § 5, 37 Stat. 500; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e) eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, related to regulations made by President, and enforcement of law and regulations.

Section 637, act Aug. 24, 1912, ch. 373, § 6, 37 Stat. 501, related to punishment for violation of law, and forfeitures.

Section 638, act Aug. 24, 1912, ch. 373, § 7, 37 Stat. 501, related to presumption as to violations.

Section 639, act Aug. 24, 1912, ch. 373, § 8, 37 Stat. 501, related to venue of prosecutions.

Section 640, act Aug. 24, 1912, ch. 373, § 9, 37 Stat. 501, related to guard or patrol of waters, and seizure and search of certain vessels.

Section 641, act Aug. 24, 1912, ch. 373, § 10, 37 Stat. 501, related to seizure of vessels outside of jurisdiction of signatory powers, and procedure.

Section 642, acts Aug. 24, 1912, ch. 373, § 11, 37 Stat. 502; June 22, 1916, ch. 171, 39 Stat. 236; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1939 Reorg. Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, which related to delivery by, receipt and disposal of skins by the United States under convention of July 7, 1911, and performance of articles thereunder.