

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.)

**Editorial Notes**

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 the North Pacific fur seals and other wildlife, and for other purposes.”

**Statutory Notes and Related Subsidiaries**

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, as amended by Pub. L. 114-120, title V, §523, Feb. 8, 2016, 130 Stat. 71; Pub. L. 114-328, div. C, title XXXV, §3533(d), Dec. 23, 2016, 130 Stat. 2799; Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8507(c), Jan. 1, 2021, 134 Stat. 4754, provided that:

“(a) FUTURE OBLIGATION.—

“(1) IN GENERAL.—Notwithstanding paragraph (2) and effective beginning on the date the Secretary

publishes the notice of certification required by subsection (b)(5), 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(a) of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)); 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 Is-

lands, 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).

“(5) NOTICE OF CERTIFICATION.—The Secretary shall promptly publish and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate notice that the certification described in paragraph (2) has been made.

“(c) REPEALS.—Effective on the date on which the Secretary of Commerce publishes the notice of certification required by subsection (b)(5), the following provisions are repealed:

“(1) Subsections (a), (b), (c), and (d) of 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) NOTIFICATIONS.—

“(1) IN GENERAL.—Not later than 30 days after the Secretary makes a determination under subsection (f) that land on St. Paul Island, Alaska, not specified for transfer in the document entitled ‘Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions’ or section 522 of the Pribilof Island Transition Completion Act of 2016 [130 Stat. 70, 2795], or transferred to the Secretary of the department in which the Coast Guard is operating under section 524 of such Act [130 Stat. 72, 2795], is in excess of the needs of the Secretary and the Federal Government,

the Secretary shall notify the Alaska native village corporation for St. Paul Island of the determination.

“(2) ELECTION TO RECEIVE.—Not later than 60 days after the date receipt of the notification of the Secretary under subsection (a), the Alaska native village corporation for St. Paul Island shall notify the Secretary in writing whether the Alaska native village corporation elects to receive all right, title, and interest in the land or a portion of the land.

“(3) TRANSFER.—If the Alaska native village corporation provides notice under paragraph (2) that the Alaska native village corporation elects to receive all right, title and interest in the land or a portion of the land, the Secretary shall transfer all right, title, and interest in the land or portion to the Alaska native village corporation at no cost.

“(4) OTHER DISPOSITION.—If the Alaska native village corporation does not provide notice under paragraph (2) that the Alaska native village corporation elects to receive all right, title, and interest in the land or a portion of the land, the Secretary may dispose of the land in accordance with other applicable law.

“(f) DETERMINATION.—

“(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this subsection [Feb. 8, 2016] and not less than once every 5 years thereafter, the Secretary shall determine whether property located on St. Paul Island and not transferred to the Secretary of the department in which the Coast Guard is operating under section 524 of the Pribilof Island Transition Completion Act of 2016 [130 Stat. 72, 2795] or to the Natives of the Pribilof Islands is in excess of the smallest practicable tract enclosing land—

“(A) needed by the Secretary for the purposes of carrying out the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.);

“(B) in the case of land withdrawn by the Secretary on behalf of other Federal agencies, needed for carrying out the missions of those agencies for which land was withdrawn; or

“(C) actually used by the Federal Government in connection with the administration of any Federal installation on St. Paul Island.

“(2) REPORT OF DETERMINATION.—When a determination is made under paragraph (1), the Secretary shall report the determination to—

“(A) the Committee on Natural Resources of the House of Representatives;

“(B) the Committee on Commerce, Science, and Transportation of the Senate; and

“(C) the Alaska native village corporation for St. Paul Island.

“(g) 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