Public Law 89-702

AN ACT

To protect and conserve the North Pacific fur seals, to provide for the administration of the Pribilof Islands, to conserve the fur seals and other wildlife on the Pribilof Islands, and to protect sea otters on the high seas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fur Seal Act of 1966".

TITLE I—CONSERVATION AND PROTECTION OF THE NORTH PACIFIC FUR SEALS

Sec. 101. It is unlawful, except as provided in this Act or by regulation of the Secretary of the Interior, 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 Act or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the territorial waters of the United States, a duly authorized official of Canada, Japan, or the Union of Soviet Socialist Republics 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.

Sec. 102. (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 in any manner after the skins have been officially marked and certified by a person authorized by the Secretary of the Interior, provided that the seals are taken 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.

(b) The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person.

Sec. 103. The Secretary of the Interior 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.

Sec. 104. (a) The Secretary shall (1) take and cure fur seal skins on the Pribilof Islands and on lands subject to the jurisdiction of the United States whenever he deems such taking and curing is necessary to carry out the provisions of the Convention or to manage the fur seal herd, (2) employ natives of the Pribilof Islands and, when necessary, other persons for taking and curing of fur seal skins pursuant to this section, and compensate them at rates to be determined by the Secretary, (3) deliver to authorized agents of the parties such fur seal skins as the parties are entitled under the Convention, (4)
utilize such quantities of fur seal skins taken pursuant to this section or forfeited to, or seized by, the United States as the Secretary deems desirable for product development and market promotion, (6) provide for the disposal or destruction of any fur seal skins that are damaged or that are determined by the Secretary to have no value or use as luxury furs, (7) provide for the processing of such quantities of fur seal skins as he deems desirable, (8) provide from time to time for the sale, pursuant to such terms and conditions as the Secretary deems desirable, of fur seal skins and products of fur seals not otherwise used or disposed of pursuant to this Act, and (8) deposit into the Pribilof Islands fund in the Treasury the proceeds from such sales, except that the Secretary shall pay annually to the Commission the proceeds from the sales of any fur seal skins that are taken contrary to the provisions of this title and the regulations issued thereunder or that are forfeited to the United States.

(b) 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 this title, other than for the purpose of taking fur seals.

Sec. 105. (a) Any person authorized to enforce the provisions of this Act 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 territorial waters of another nation, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary of the Interior or Secretary of the Treasury which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

(b) If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person on board, 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 of the Interior or the Secretary of the Treasury, 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 of the Interior or the Secretary of the Treasury may, upon request of the Secretary of State, keep the vessel or person under surveillance within the United States.

(c) At the request of said party, the Secretary of the Interior or the Secretary of the Treasury shall direct the person authorized to enforce the provisions of this Act to attend the trial as a witness in any case arising under said article or give testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

Sec. 106. The President shall appoint to the Commission a United States Commissioner who 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 and the Deputy Commissioner 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 5 of the Administra-

Sec. 107. The Secretary of State, with the concurrence of the Secretary of the Interior, is authorized to accept or reject, on behalf of the United States, recommendations made by the Commission pursuant to article V of the Convention.

Sec. 108. The head of any Federal agency is authorized to consult with and provide technical assistance to the Secretary of the Interior or the Commission whenever such assistance is needed and can reasonably be furnished in carrying out the provisions of this title. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

Sec. 109. As used in this title, the term—
(a) “Convention” means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington, on February 9, 1957, by the parties, as amended by the protocol signed at Washington, on October 8, 1963, by the parties,
(b) “Party” or “parties” means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics,
(c) “Commission” means the North Pacific Fur Seal Commission established pursuant to article V of the convention,
(d) “Sealing” means the taking of fur seals,
(e) “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,
(f) “Import” means to land on, or bring into, or attempt to land on, or bring into any place subject to the jurisdiction of the United States.

TITLE II—ADMINISTRATION OF THE PRIBILOF ISLANDS

Sec. 201. The Pribilof Islands shall continue to be administered as a special reservation by the Secretary of the Interior for the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife, and for other purposes.

Sec. 202. The Secretary, in carrying out the provisions of this title, is authorized to enter into contracts or agreements or leases with, or to issue permits to, public or private agencies or persons, including the natives of said islands, in accordance with such terms and conditions as he deems desirable for the use of any Government-owned real or personal property located on the Pribilof 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 deems desirable.

Sec. 203 (a) In carrying out the provisions of this title, the Secretary is also authorized—
(1) to provide, with or without reimbursement, the natives of the Pribilof Islands with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, transportation, and education,
(2) to provide the employees of the Department of the Interior 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 deems 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 deems necessary, and

(4) to purchase, construct, operate, and maintain such facilities as may be necessary to carry out the provisions of this section.

(b) The proceeds from the furnishing of facilities, services, supplies, and equipment pursuant to this section shall be credited to the appropriation current at the time the proceeds are received.

SEC. 204. (a) The Secretary is authorized to enter into an agreement with the Governor of the State of Alaska pursuant to which the State shall assume full responsibility for furnishing education to the natives of the Pribilof Islands. The Secretary is also authorized to enter into agreements with said Governor pursuant to which the State shall furnish to such natives adequate food, shelter, transportation, and such other facilities, services, and equipment as the Secretary deems necessary.

(b) Any agreement entered into pursuant to this section for the transfer to the State of the responsibility for furnishing education to the natives of the Pribilof Islands shall provide, in addition to such terms and conditions as the Secretary deems desirable, that the State of Alaska, in assuming such responsibility, shall meet the educational needs of the said natives in the same manner as the State meets the educational needs of all of its citizens, including the furnishing of necessary facilities therefor.

SEC. 205. The Secretary of Health, Education, and Welfare 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, Education, and Welfare. Nothing in this Act shall be construed as superseding or limiting the authority and responsibility of the Secretary of Health, Education, and Welfare under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), as amended, or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

SEC. 206. (a) For the purpose of fostering self-sufficiency among the natives of the Pribilof Islands, and in order that they may enjoy local self-government, and to facilitate the establishment by such natives of a municipal corporation under the laws of the State of Alaska, the Secretary is authorized to set apart so much of the land on St. Paul Island as he determines necessary to establish a townsite. The Secretary shall survey the townsite into lots, blocks, streets, and alleys and he may issue a patent therefor to a trustee appointed by him, when he is satisfied that a viable self-governing community which is capable of providing adequate municipal services is established or will be established prior to the conveyance by the trustee of title to any property to the natives of the Pribilof Islands. The trustee is authorized to convey to the individual natives of the Pribilof Islands title to improved or unimproved lots or tracts of land within such townsite for homesite, commercial, or other purposes not inconsistent with the purpose for which the Secretary administers said islands, upon payment of an amount to be determined by the Secretary. Any deed issued by the trustee shall provide, in addition to such terms and conditions relating to the use of said lots or tracts as
the Secretary deems necessary, that the title conveyed is inalienable for a period of twenty years from the date of conveyance except upon approval of the Secretary. Any deed issued after twenty years from the date of conveyance shall not require approval of the Secretary. Any lot or tract conveyed by the trustee to said natives shall not, except as provided in the Act of March 29, 1956 (70 Stat. 62; 25 U.S.C. 483a), be subject to levy and sale in satisfaction of the debts, contracts, or liabilities of the purchaser or to any claims of adverse possession or to claims of prescription, except that such lot or tract shall be subject to taxation and to levy and sale in satisfaction thereof under the laws of the State of Alaska.

(b) In determining the amount to be paid for the purchase of lots or tracts under subsection (a) of this section, the Secretary shall consider the economic status of the natives of the Pribilof Islands, including the factor of isolation, the restrictive nature of the title to be conveyed, the improvements, if any, placed on the property by the purchaser and such other factors as he deems pertinent: Provided, That payment shall be made in accordance with such terms and conditions as the Secretary deems desirable.

(c) The net proceeds from the sale, pursuant to this section, of improved or unimproved lots or tracts shall be made available to the established local governing body to be used with other proceeds available to such body for the purpose of providing adequate municipal services to persons inhabiting the islands. In addition, at the close of the first fiscal year in which there is established a municipal corporation as provided in this section, the Secretary of the Interior shall certify to the Secretary of the Treasury for payment from the gross receipts of the Pribilof Islands fund, after deducting from such fund all costs to the United States in carrying out the provisions of this Act, the sum of $50,000 to such community to assist it in providing adequate municipal services, and, at the close of each succeeding four fiscal years, he shall pay from such fund the sums of $40,000, $30,000, $20,000, and $10,000, respectively.

(d) Upon approval by the Secretary, the trustee shall convey, with or without reimbursement, any improved or unimproved land which was authorized to be sold under subsection (a), and which is unsold five years after incorporation, and which is not needed in connection with the Federal activities on said islands, to the municipality for the purposes of this section: Provided, That a conveyance pursuant to this subsection shall be subject to such terms and conditions as the Secretary deems necessary to enable him to administer the Pribilof Islands as provided in this title.

(e) The trustee shall convey to the municipality at the time of incorporation all surveyed streets and alleys of the townsite. All deeds issued by the trustee shall contain a reservation to the trustee of rights-of-way for streets and alleys to be surveyed and established upon and across land conveyed to the natives of the Pribilof Islands whenever he determines that it would be in the interest of the native owner to establish such streets and alleys. Such reservation shall be for a term not to exceed ten years. In addition the Secretary may convey without reimbursement to the municipality such lands or interests therein outside the townsite boundaries for any purpose subject to such conditions as the Secretary deems desirable to carry out the purposes of this Act.

(f) The provisions of this section shall not affect any valid existing rights.

Sec. 207. Any person who violates or fails to comply with any regulation issued by the Secretary of the Interior under this title relating
to the use and management of the Pribilof Islands or to the conservation and protection of the fur seals or wildlife or other natural resources located thereon shall be fined not more than $500 or be imprisoned not more than six months, or both.

Sec. 208. (a) 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 of the Interior based on records available to him, shall be considered for purposes of credit under the Civil Service Retirement Act, as amended (5 U.S.C. 2251–2267), as civilian service performed by an employee, as defined in said Act.

(b) The annuity of any person or the annuity of the survivor of any person who shall have performed service described in subsection (a), and who prior to the date of enactment of this Act 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 the date of enactment of this Act, be adjusted, effective as of the first day of the month immediately following the date of enactment of this Act, so that the amount of the annuity will be the same as if such subsection had been in effect at the time of such person's retirement or death.

(c) Section 4(g) of the Civil Service Retirement Act (5 U.S.C. 2254(g)) is amended by inserting after the words "military service" a comma and the following: "for service performed prior to January 1, 1950, by natives of the Pribilof Islands in the taking and curing of fur seal skins and other activities in connection with the administration of such islands."

(d) In no case shall credit for the service described in subsection (a) entitle a person to the benefits of section 11(h) of the Civil Service Retirement Act (5 U.S.C. 2261(h)).

(e) Notwithstanding any other provision of this Act or any other law, benefits under the Civil Service Retirement Act 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 gross receipts of the Pribilof Islands fund, established in section 407 of this Act, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Commission during each fiscal year, of benefits provided by this section. This reimbursement to the civil service retirement fund shall be considered a cost of administering the fur seal program.

TITLE III—PROTECTION OF SEA OTTERS ON THE HIGH SEAS

Sec. 301. (a) It is unlawful, except as provided in this Act or by regulations issued by the Secretary of the Interior, for any person subject to the jurisdiction of the United States to take or engage in the taking of sea otters on the high seas beyond the territorial waters of the United States, or to possess, transport, sell, purchase, or offer to sell or purchase sea otters or their parts taken on the high seas, or to destroy, abandon, or waste needlessly sea otters on the high seas.

(b) The possession of sea otters or any part thereof by any person contrary to the provisions of this Act shall constitute prima facie evidence that the sea otter or part thereof was taken, purchased, sold, or transported in violation of the provisions of this Act or the regulations issued thereunder.
See. 302. The Secretary is authorized, from time to time, to sell, pursuant to such terms and conditions as he deems desirable, or otherwise dispose of, sea otter skins and all the products derived from sea otters that are forfeited to, or seized by, the United States pursuant to this Act, or that are taken by the Secretary on the high seas or within the Aleutian Islands National Wildlife Refuge. The proceeds of such sales shall be deposited in the Pribilof Islands fund in the Treasury.

TITLE IV—GENERAL

Sec. 401. (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 Act, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture and all fur seals or sea otters, or parts thereof, taken or retained in violation of this Act or the monetary value thereof shall be forfeited.

(b) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or 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 Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

Sec. 402. (a) Enforcement of the provisions of this Act is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating. In addition, the Secretary of the Interior may designate officers and employees of the States of the United States to enforce the provisions of this Act 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 purposes of any laws administered by the Civil Service Commission.

(b) The judges of the United States district courts and the United States commissioners 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 Act and any regulations issued thereunder.

(c) 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 Act.

(d) 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 Act or the regulations issued thereunder;

(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 on board is in violation of any provision of this Act or the regulations issued thereunder, to search such vessel and to arrest such person.
Penalties.

(e) 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 Act or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this Act or the regulations issued hereunder.

(f) Such person so authorized may seize, whenever and wherever lawfully found, all fur seals or sea otters taken or retained in violation of this Act or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this Act shall be disposed of in accordance with the provisions of section 104, of this Act. Any sea otters so seized or forfeited to the United States pursuant to this Act shall be disposed of in accordance with the provisions of section 302 of this Act.

Sec. 403. The Secretary of the Interior is authorized to issue regulations to carry out the provisions of this Act.

Sec. 404. Any person violating the provisions of title I or III of this Act or the regulations issued thereunder shall be fined not more than $2,000, or imprisoned not more than one year, or both.

Sec. 405. The Secretary of the Interior, in carrying out the provisions of this Act, is authorized to enter into contracts or agreements for research with any person or public or private agency.

Sec. 406. (a) The term "person" as used in this Act means any individual, partnership, corporation, or association.

(b) The terms "take" or "taking" or "taken" as used in this Act mean to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

(c) The term "natives of the Pribilof Islands" as used in this Act means any Indians, Aleuts, or Eskimos who permanently reside on said island.

(d) The term "Pribilof Islands" as used in this Act means the islands of St. Paul and St. George, Walrus and Otter Islands, and Sea Lion Rock.

Sec. 407. There is established a Pribilof Islands fund and there are authorized to be appropriated such sums as may be necessary from the fund and from other funds in the Treasury to carry out the provisions of this Act and the provisions of section 6(e) of the Alaska Statehood Act which provides for the payment to the State of Alaska of certain specified proceeds deposited into said fund.


(b) The last three sentences of section 6(e) of the Alaska Statehood Act (72 Stat. 339) are amended to read as follows: "Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea otter skins made in accordance with the provisions of the Fur Seal Act of 1966. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Fur Seal Act of 1966, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands, and the payments made to any municipal corporation established pursuant to section 206 of the Fur Seal Act of 1966 and to the civil service retirement and disability.
fund pursuant to section 208 of the Fur Seal Act of 1966. In admin-
istering the Pribilof Islands fund established by section 407 of the Fur
Seal Act of 1966, the Secretary shall consult with the State of Alaska
annually. Nothing in this Act shall be construed as affecting the
rights of the United States under the provisions of the Fur Seal Act of
1966 and the Northern Pacific Halibut Act of 1937 (16 U.S.C. 772-
772i)."

Approved November 2, 1966, 8:07 a.m., Anchorage, Alaska.

Public Law 89-703

JOINT RESOLUTION

To provide for the designation of the month of May of each year as "Steelmark
Month".

Resolved by the Senate and House of Representatives of the United
States of America in Congress assembled, That the month of May of
each year is hereby designated as "Steelmark Month" in recognition
of the tremendous contribution made by the steel industry in the
United States to the national security and defense of our country. The
President is requested to issue a proclamation calling upon all people
of the United States for the observance of such month with appro­
priate proceedings and ceremonies.

Approved November 2, 1966.

Public Law 89-704

JOINT RESOLUTION

Fixing the time of assembly of the Ninetieth Congress.

Resolved by the Senate and House of Representatives of the United
States of America in Congress assembled, That the Ninetieth Congress
shall assemble at noon on Tuesday, January 10, 1967.

Approved November 2, 1966.

Public Law 89-705

AN ACT

To amend title 38, United States Code, to set aside funds for research into
spinal cord injuries and diseases.

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That section 216 of
title 38, United States Code, is amended by adding at the end thereof
the following new subsection:

"(c) For each fiscal year in the period beginning July 1, 1966, and
ending June 30, 1972, the Administrator shall set aside not less than
$100,000 of funds appropriated for medical research, authorized by
section 4101 of this title, for the conduct of research into spinal cord
injuries and diseases, and other disabilities that lead to paralysis of
the lower extremities."

Approved November 2, 1966.