

Public Law 98-129
98th Congress

An Act

To provide for the orderly termination of Federal management of the Pribilof Islands, Alaska.

Oct. 14, 1983

[H.R. 2840]

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 Amendments of 1983".

SEC. 2. The Act of November 2, 1966 (Public Law 89-702; 16 U.S.C. 1151-1187), known as the Fur Seal Act of 1966, is amended to read as follows:

Fur Seal Act
Amendments of
1983.
16 USC 1151
note.

"TITLE I—FUR SEAL MANAGEMENT

"SEC. 101. (a) 'Commission' means the North Pacific Fur Seal Commission established pursuant to article V of the Convention.

Definitions.
16 USC 1151.

"(b) 'Convention' means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the protocol signed in Washington on October 8, 1963; by the exchange of notes among the party governments which became effective on September 3, 1969; by the protocol signed in Washington on May 7, 1976; and by the protocol signed in Washington on October 14, 1980, by the parties.

8 UST 2283.
15 UST 316.
20 UST 2992.
27 UST 3371.

"(c) 'Cure' or 'curing' means the performance of those post-harvest activities traditionally performed on the Pribilof Islands, including cooling, washing, removal of blubber, soaking in brine, draining, treating with salt or boric acid, and packing in containers for shipment of fur seal skins.

"(d) 'Fur Seal' means the North Pacific Fur Seal, *Callorhinus Ursinus*.

"(e) 'Import' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

"(f) 'Natives of the Pribilof Islands' means any Aleuts who are permanent residents of the Pribilof Islands, or any organization or entity representing such natives.

"(g) '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.

"(h) 'Party' or 'parties' means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics.

"(i) 'Person' means any individual, partnership, corporation, trust, association or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

"(j) 'Pribilof Islands' means the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock.

"(k) 'Sealing' means the taking of fur seals.

"(l) 'Secretary' means the Secretary of Commerce.

"(m) 'Take' or 'taking' means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill.

Unlawful
activities.
16 USC 1152.

"SEC. 102. It is unlawful, except as provided in this Act or by regulation of the Secretary, 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 Exclusive Economic Zone 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.

Authorization of
fur seals for
subsistence.
16 USC 1153.

"SEC. 103. (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 after the skins have been officially marked and certified by a person authorized by the Secretary: *Provided*, That the seals are taken for subsistence uses as defined in section 109(f)(2) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1379), and 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. This authority shall not apply to Indians, Aleuts, and Eskimos while they are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person.

"(b) Indians, Aleuts, and Eskimos who live on the Pribilof Islands are authorized to take fur seals for subsistence purposes as defined in section 109(f)(2) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1379), under such conditions as recommended by the Commission and accepted by the Secretary of State pursuant to regulations promulgated by the Secretary.

Scientific
research and
investigations.
16 USC 1154.

"SEC. 104. The Secretary 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.

Regulations.
16 USC 1155.

"SEC. 105. (a) The Secretary shall prescribe such regulations with respect to the taking of fur seals on the Pribilof Islands and on lands subject to the jurisdiction of the United States as he deems necessary and appropriate for the conservation, management, and protection of the fur seal population, and to dispose of any fur seals seized or forfeited pursuant to this Act, and to carry out the provisions of the Convention, and shall deliver to authorized agents of the parties such fur seal skins as the parties are entitled to under the Convention.

"(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 the Convention and of this title, including but not limited to the taking of fur seals on the Pribilof Islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom.

Agreements.

"(c) The Secretary shall give preference to the village corporations of Saint Paul and Saint George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92-203) for the taking of fur seals on the village corporations' respective islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom. Any proceeds therefrom will be deposited in a separate fund in the Treasury and will be available to the Secretary, subject to appropriations, for the purpose of this section. All seal harvests will be financed, to the extent possible, from proceeds collected in preceding years or unsold assets retained from harvests conducted in preceding years. In the event that such assets and proceeds are insufficient, as determined by the Secretary, to finance the seal harvest in accordance with the requirements of the Convention, there are authorized to be appropriated to the Secretary for fiscal year 1984, and for fiscal year 1985 and beyond if the Convention is extended by protocol signed by the parties and made effective as to the United States, such sums as may be necessary to carry out the harvest and curing on the Pribilof Islands. Such amounts as are determined by the Secretary to exceed amounts required to carry out this section shall be transferred to the General Fund of the Treasury.

St. Paul and St. George Islands.

43 USC 1607.

Appropriation authorization.

Transfer of funds.

"SEC. 106. (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 areas in which another State exercises fisheries jurisdiction, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary or Secretary of the department in which the Coast Guard is operating which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

Enforcement.
16 USC 1156.

Special certificate of identification.

"(b) If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person onboard, 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.

Seizure or arrest.

"The Secretary or the Secretary of the department in which the Coast Guard is operating, 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 or the Secretary of the department in which the Coast Guard is operating may, upon the request of the Secretary of State, keep the vessel or person in custody within the United States.

"(c) At the request of said party, the Secretary or the Secretary of the department in which the Coast Guard is operating, 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

Enforcement.

Presidential
appointments.
16 USC 1157.

testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

"SEC. 107. 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 travel expenses and per diem in lieu of subsistence at the rates authorized by section 5 of the Administrative Expense Act of 1946 when engaged in the performance of their duties.

Compensation.

Travel expenses
and per diem.
5 USC 5703.

Recommendations.
16 USC 1158.

"SEC. 108. 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.

Technical
assistance.
16 USC 1159.

"SEC. 109. 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 title. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

"TITLE II—ADMINISTRATION OF THE PRIBILOF ISLANDS

16 USC 1161.

"SEC. 201. 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 enactment of the Fur Seal Act Amendments of 1983 and, in consultation with the Secretary of the Interior, shall ensure that activities on such Islands 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.

94 Stat. 2500.

Ante, p. 835.

16 USC 1162.

"SEC. 202. In carrying out the provisions of this title, 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.

Education.
16 USC 1163.

"SEC. 203. The State of Alaska will be responsible for meeting the educational needs of the citizens of the Pribilof Islands.

"SEC. 204. 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 Act 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, or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

Medical and
dental care.
16 USC 1164.

42 USC
2001-2004b.

"SEC. 205. (a) Any provision of law relating to the transfer and disposal of Federal property to the contrary notwithstanding, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, is authorized to bargain, grant, sell or otherwise convey, on such terms as he deems to be in the best interests of the United States and in furtherance of the purposes of this Act, any and all right, title, and interest of the United States in and to the property, both real and personal, held by the Secretary on the Pribilof Islands: *Provided*, That such property is specified in a document entitled 'Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions,' which is submitted to the Congress on or before October 31, 1983.

Federal
property,
transfer and
disposal.
16 USC 1165.

Document.

"(b) The property transfer document described in subsection (a) shall include, but need not be limited to—

- "(1) a description of each conveyance;
- "(2) the terms to be imposed on each conveyance;
- "(3) designation of the recipient of each conveyance;
- "(4) a statement noting acceptance of each conveyance, including the terms, if any, under which it is accepted; and
- "(5) an identification of all Federal property to be retained by the Federal Government on the Pribilof Islands to meet its responsibilities as described in this Act and under the Convention.

"(c) Within 60 days of the transfer of real or personal property specified in the document described in subsection (a), the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall be given a report prepared by the Secretary stating the fair market value at the time of the transfer of all real and personal property conveyed.

Report to
congressional
committees.

"(d) A Memorandum of Understanding shall be entered into by the Secretary, a representative of the local governmental authority on each Island, the trustee or trustees, and the appropriate officer of the State of Alaska setting forth the respective responsibilities of the Federal Government, the Trust, and the State regarding—

Memorandum of
Understanding.

"(1) application of Federal retirement benefits, severance pay, and insurance benefits with respect to Natives of the Pribilof Islands;

"(2) funding to be allocated by the State of Alaska for the construction of boat harbors on St. Paul and St. George Islands;

"(3) assumption of the State of Alaska of traditional State responsibilities for facilities and services on such islands in accordance with applicable laws and regulations;

"(4) preservation of wildlife resources within the Secretary's jurisdiction;

"(5) continued activities relating to the implementation of the Convention;

"(6) oversight of the operation of the Trust established by section 206(a) to further progress toward creation of a stable, diversified, and enduring economy not dependent on commercial fur sealing;

"(7) the cooperation of government agencies, rendered through existing programs, in assisting with an orderly transition from Federal management and the creation of a private enterprise economy on the Pribilof Islands as described in this Act; and

"(8) such other matters as may be necessary and appropriate for carrying out the purposes of the Act, including the assumption of responsibilities to ensure an orderly transition from Federal management of the Pribilof Islands.

The Memorandum shall be submitted to Congress on or before October 31, 1983.

"(e) The grant, sale, transfer or conveyance of any real or personal property pursuant to this section shall not be subject to any form of Federal, State or local taxation. The basis for computing gain or loss on subsequent sale or disposition of such real or personal property for purposes of any Federal, State or local tax imposed on, or measured by revenue shall be the fair market value of such real or personal property at the time of receipt.

"(f) In carrying out the purposes of this Act, the Secretary is authorized to enter into agreements, including but not limited to land exchange agreements with other Departments and Agencies of both the State and Federal Governments, and with third parties, notwithstanding any provision of law relating to the transfer and disposal of Federal property to the contrary; except that the authority of the Secretary of the Interior regarding exchanges involving lands in the National Wildlife Refuge System on the date of enactment of the Fur Seal Act Amendments of 1983 is not affected by this section.

"(g) The Secretary shall submit to Congress a report, no later than October 1, 1983, providing information on the status of the negotiations for concluding the documents described in subsections (a) and (d) of this section.

"SEC. 206. (a)(1) In order to promote the development of a stable, self-sufficient enduring and diversified economy not dependent on sealing, the Secretary shall cause to be established a Trust for the benefit of the Natives of the Pribilof Islands, to be known as the 'Pribilof Islands Trust' (hereinafter referred to as the 'Trust').

"(2) All amounts appropriated to the Secretary under subsection (e) of this section shall be transferred by the Secretary to the Trust within fifteen days after submission of the Trust instrument to Congress in accordance with the requirements of subsection (c).

"(3) Except as provided in subsection (e)(2), none of the amounts transferred to the Trust pursuant to paragraph (2) shall be distributed by the trustee or trustees for the benefit of the Natives of the Pribilof Islands until 30 days after submission to Congress of the documents described in section 205 (a) and (d). Such distributions

Memorandum
submittal to
Congress.
Tax exemption.

Agreements.

Ante, p. 835.

Report to
Congress.

Pribilof Islands
Trust.
16 USC 1166.

Transfer of
funds.

Distribution of
funds.

shall be made by the trustee or trustees only after the Secretary has determined that such Trust has been established and will be operated in accordance with a trust instrument, or instruments, approved by the Secretary which further the purposes and policies of this Act.

"(4) Until the termination of the period described in paragraph (3), the trustee or trustees shall invest the amounts transferred pursuant to paragraph (2) in securities with maturities suitable for the needs of the Trust, bearing interest rates at rates determined by the trustee or trustees, taking into consideration average market yields on outstanding marketable obligations of the United States of comparable maturities. The income from such investments shall be credited to, and form a part of the Trust.

Investments.

"(b) The Trust shall be administered in accordance with such terms and conditions as are prescribed by the Secretary, and as set forth in the Trust instrument. In establishing such terms and conditions, the Secretary shall consult with the Natives of the Pribilof Islands, and other interested parties concerning the conservation, management and protection of the fur seal population.

Terms and conditions.

"(c) There may be one Trust instrument establishing the Trust described in section 206(a), or two such instruments, each relating to one of the two portions of the Trust as provided in subsection (d), which shall address, but need not be limited to, such matters as—

Instruments establishing Trust.

"(1) establishing standards and procedures for the disbursement by the trustee or trustees of Trust assets for purposes of fostering in the Pribilof Islands a stable, diversified, and enduring economy not dependent upon sealing after Federal management of the islands is terminated, which procedures may include formal participation of Pribilof Islands Native councils, corporations, or other such entities;

"(2) establishing the Secretary as trustor;

"(3) establishing the procedure for appointment of the trustee or trustees by the Secretary after consultation with the Natives of the Pribilof Islands;

"(4) setting forth the rights, duties, powers and obligations of a trustee who shall act as an independent fiduciary and who shall be a United States citizen having recognized competence in business;

"(5) providing for the management and investment of Trust assets, pending distribution, by an investment manager or advisor, who may be the trustee, having recognized competence in such fields;

"(6) establishing methods and procedures for providing Congress and the Secretary with the annual reports described in subsection (g) of this section;

"(7) establishing Trust purposes in accordance with the purposes described in section 201 of this Act and subsection (a) of this section;

"(8) the duties of the trustee or trustees and the standards of care and diligence that shall govern the exercise of trust powers thereunder;

"(9) compensation of the trustee or trustees;

"(10) the term, termination and final distribution of the Trust estate;

"(11) mandating the applicability of the laws of the State of Alaska to the creation and governance of the Trust;

"(12) defraying of community expenses; and

Submittal to Congress.	“(13) payment of necessary administrative and legal expenses. The Trust instrument or instruments described in this subsection shall be submitted to Congress on or before October 14, 1983.
St. Paul and St. George communities.	“(d) The Trust shall be divided into two portions pursuant to a formula established by the Secretary after consultation with the natives of both Islands, to be accounted for separately for the independent benefit of the community of St. Paul and the community of St. George.
Appropriation authorization.	“(e)(1) There are authorized to be appropriated to the Secretary \$20,000,000 for the purpose of funding the Trust in accordance with the requirements of subsection (a)(2) of this section. “(2) Prior to the termination of the period described in subsection (a)(3) of this section, the trustee or trustees may make interim distributions for the benefit of the Natives of the Pribilof Islands, upon approval of the Secretary, of up to five percent of the amounts transferred to the Trust pursuant to subsection (a)(2) of this section if, as determined by the Secretary, such interim distributions are required to carry out the purposes of this Act.
Interest.	“(f) The interest on, and the proceeds from the sale or redemption of, any asset or obligation held in the Trust shall be credited to and form a part of the Trust.
Annual report submittal.	“(g) The trustee or trustees shall submit to Congress and to the Secretary an annual report, the first of which is due on April 30, 1984, and subsequent reports on the same date each year thereafter during the life of the Trust, providing information on expenditures made from the Trust and progress towards achieving the purposes set out in subsection (a) of this section. On April 30, 1986, the Secretary shall also submit a report to the Congress detailing all progress toward achieving these purposes since enactment of this Act. For purposes of preparing such report, the Secretary by regulation may require that the trustee and the State of Alaska submit such relevant information to the Secretary as he deems appropriate.
Report to Congress.	“(h) The funds appropriated to the Trust and the earnings and distribution therefrom shall not be subject to any form of Federal, State or local taxation: <i>Provided</i> , That this exemption shall not apply to any income from the investment or other use of such distributions.
Tax exemption.	“SEC. 207. 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 Act.
Agreements, contracts, or leases. 16 USC 1167. 16 USC 1168.	“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 based on records available to him, shall be considered for purposes of credit under the Civil Service Retirement Act, as amended, as civilian service performed by an employee, as defined in said Act.
5 USC 8331 <i>et seq.</i> Annuities.	“(b) 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) In no case shall credit for the service described in subsection (a) of this section entitle a person to the benefits of section 11(h) of the Civil Service Retirement Act.

5 USC 8342.

"(d) Notwithstanding any other provisions 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 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 Civil Service Commission during each fiscal year, of benefits provided by this section.

5 USC 8331 *et seq.*

"Sec. 209. Chapter 83 of title 5, United States Code, is amended as follows:

"(a) by deleting 'Credit' in section 8332(b) and inserting in lieu thereof the words 'Except as provided in paragraph (13) of this subsection, credit';

5 USC 8332.

"(b) by adding in section 8332(b) after paragraph (12) the following new paragraph:

'(13) one year of service to be credited for each year in which a Native of the Pribilof Islands performs service in the taking and curing of fur seal skins and other activities in connection with the administration of the Pribilof Islands, notwithstanding any period of separation from the service.';

"(c) by adding in section 8332(b) after 'paragraph (3) of this subsection,' the following sentence: 'The Office of Personnel Management shall accept the certification of the Secretary of Commerce or his designee concerning service for the purpose of this subchapter of the type performed by an employee named by paragraph (13) of this subsection.';

"(d) by adding in section 8332(f) after 'postal field service' the words 'and service described in paragraph (13) of subsection (b) of this section.';

"(e) by adding in section 8332(l)(1) the word 'or' at the end of clause (v) of subparagraph (B) thereof and by adding the following new subparagraph:

'(C) is of Aleut ancestry and while a citizen of the United States was interned or otherwise detained in, or relocated to any camp, installation, or other facility in the Territory of Alaska which was established during World War II for the purpose of the internment, detention, or relocation of Aleuts pursuant to any statute, rule, regulation, or order';

and

"(f) by amending paragraph (4) of section 8334(g) by striking 'January 1, 1950' and substituting the words 'October 29, 1983,' and adding after 'the Pribilof Islands' the words 'except where deductions, contributions, and deposits were made before October 29, 1983'.

5 USC 8334.

"Sec. 210. (a) Title I of the Act of January 4, 1975, Public Law 93-638 (25 U.S.C. §§ 450-450m), known as the Indian Self-Determination and Education Assistance Act, is amended by adding in section 105(e) after 'to be employed by a tribal organization' the words ', the city of St. Paul, Alaska, the city of St. George, Alaska, upon incorpo-

25 USC 450i.

43 USC 1607.
25 USC 450i
note.

5 USC 8101 *et*
seq., 8301 *et seq.*,
8501 *et seq.*, 8701
et seq.

25 USC 450i.
Regulations.
16 USC 1169.

ration, or the Village Corporations of St. Paul and St. George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92-203)'.

"(b) Notwithstanding any other provision of law, any Native of the Pribilof Islands employed by the Federal government on October 28, 1983, shall be deemed to have been covered under chapters 81, 83, 85 and 87 of title 5, United States Code, on such date for the purposes of determining eligibility for continuity of benefits under section 105(e) of the Act of January 4, 1975 (Public Law 93-638), known as the Indian Self-Determination and Education Assistance Act.

"SEC. 211. The Secretary is authorized to prescribe such regulations as he deems necessary to carry out the provisions of this title.

"TITLE III—ENFORCEMENT

16 USC 1171.

"SEC. 301. (a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provision of this Act, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture; and all fur seals, 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.

16 USC 1172.

"SEC. 302. (a) Enforcement of the provisions of this Act is the joint responsibility of the Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating. In addition, the Secretary 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 purpose of any laws administered by the Office of Personnel Management.

Warrants.

"(b) The judges of the United States district courts and United States magistrates 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 onboard is in violation of any provision of this Act or the regulations issued thereunder, to search such vessel and to arrest such person.

"(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.

Seizure of vessel.

"(f) Such person so authorized may seize, whenever and wherever lawfully found, all fur seals 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 105 of this Act.

"SEC. 303. The Secretary is authorized to prescribe such regulations as he deems necessary and appropriate to carry out the provisions of this title.

Regulations.
16 USC 1173.

"SEC. 304. (a) Any person who knowingly violates any provision of this Act or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than \$20,000 for such violation, or imprisoned for not more than one year, or both.

Penalties.
16 USC 1174.

"(b) Any person who violates any provision of this Act or any regulation or permit issued hereunder may be assessed a civil penalty by the Secretary of not more than \$10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Hearings held during proceedings for the assessment of civil penalties authorized by this subsection shall be conducted in accordance with section 554 of title 5. The Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any civil penalty assessed may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

Hearings.

Subpoenas.

Fees and
mileage.

"SEC. 305. (a) There are authorized to be appropriated to the operations, research, and facilities account of the National Oceanic and Atmospheric Administration in the Department of Commerce, such sums as may be necessary, up to \$2,000,000, for fiscal year 1984 for the purpose of upgrading Federal property to be transferred

Appropriation
authorization.
16 USC 1175.

pursuant to section 205 of this Act, \$736,000 for fiscal year 1984 for the purposes of sections 104 and 208 of this Act and such sums as may be necessary for each fiscal year thereafter for the purposes of sections 104 and 208 of this Act.

Contract
authority.

"(b) The contract authority of the Secretary under this Act is effective for any fiscal year only to the extent that appropriations are available for such purposes."

Approved October 14, 1983.

LEGISLATIVE HISTORY—H.R. 2840:

HOUSE REPORT No. 98-213 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 98-212 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 129 (1983):

May 23, considered and passed House.

Aug. 4, considered and passed Senate, amended.

Sept. 26, House concurred in Senate amendment with an amendment.

Sept. 28, Senate concurred in House amendment.