

103^D CONGRESS
1ST SESSION

H. R. 3612

To amend the Alaska Native Claims Settlement Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 1993

Mr. YOUNG of Alaska introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To amend the Alaska Native Claims Settlement Act, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RESCISSION OF RELINQUISHMENT.**

4 Section 12 of the Alaska Native Claims Settlement
5 Act (43 U.S.C. 1611) is amended by adding at the end
6 the following:

7 “(f) The Secretary of the Interior shall develop proce-
8 dures under which a rescission of a relinquishment of a
9 parcel of land properly selected pursuant to this Act may
10 be made before adjudication with respect to that parcel
11 and conveyance to a third party.”.

1 **SEC. 2. KAGEET POINT LAND SELECTION.**

2 The following lands shall be treated as acreage allot-
3 ted to the Chugach Alaska Corporation for the purpose
4 of making selections under section 12(c) of the Alaska Na-
5 tive Claims Settlement Act (43 U.S.C. 1611(c)): those
6 lands contained within the west half of Township 21
7 South, Range 24 East, Copper River Meridian, commonly
8 known as “Kageet Point”.

9 **SEC. 3. RATIFICATION OF CERTAIN CASWELL AND MON-**
10 **TANA CREEK NATIVE ASSOCIATIONS CON-**
11 **VEYANCES.**

12 The conveyance of approximately 11,520 acres to
13 Montana Creek Native Association, Inc., and the convey-
14 ance of approximately 11,520 acres to Caswell Native As-
15 sociation, Inc., by Cook Inlet Region, Inc. In fulfillment
16 of the agreement of February 3, 1976, and subsequent
17 letter agreement of March 26, 1982, among the three par-
18 ties are hereby adopted and ratified as a matter of Federal
19 law. These conveyances shall be deemed to be conveyances
20 pursuant to section 14(h)(2) of the Alaska Native Claims
21 Settlement Act (43 U.S.C. 1613(h)(2)). The group cor-
22 porations for Montana Creek and Caswell are hereby de-
23 clared to have received their full entitlement and shall not
24 be entitled to the receipt of any additional lands under
25 the Alaska Native Claims Settlement Act.

1 **SEC. 4. MINING CLAIMS AFTER LANDS PATENTED TO RE-**
2 **GIONAL CORPORATION.**

3 Section 22(c) of Alaska Native Claims Settlement Act
4 (43 U.S.C. 1621(c)) is amended by adding at the end the
5 following:

6 “(3) After the fee or subsurface lands subject to a
7 valid mining claim have been patented to a Regional Cor-
8 poration—

9 “(A) any person holding such valid mining
10 claim shall continue to meet all requirements of the
11 general mining laws and section 314 of the Federal
12 Land Policy and Management Act of 1976 (43
13 U.S.C. 1744);

14 “(B) the administration of the mining claim
15 shall continue to be by the United States, unless the
16 Secretary, acting through the Bureau of Land Man-
17 agement, waives administration in favor of the Re-
18 gional Corporation; and

19 “(C) all revenues from the mining claim other-
20 wise due the United States shall be remitted to the
21 Regional Corporation for distribution pursuant to
22 section 7(i) of this Act, except that in the event that
23 the Regional Corporation patent does not cover all
24 land embraced within the mining claim, the Regional
25 Corporation shall be entitled only to that proportion

1 of revenues reasonably allocated to the portion of the
2 mining claim so covered.”.

3 **SEC. 5. SETTLEMENT OF CLAIMS ARISING FROM CONTAMI-**
4 **NATION OF TRANSFERRED LANDS.**

5 (a) IN GENERAL.—The Alaska Native Claims Settle-
6 ment Act (43 U.S.C. 1601 et seq.) is amended by adding
7 at the end the following:

8 “CLAIMS ARISING FROM CONTAMINATION OF
9 TRANSFERRED LANDS

10 “SEC. 40. (a) As used in this section:

11 “(1) The term ‘contaminant’ means substances
12 harmful to public health or the environment, includ-
13 ing asbestos.

14 “(2) The term ‘lands’ means real property
15 transferred to a Native Corporation pursuant to this
16 Act.

17 “(b)(1) Not later than one year after being notified
18 by a Native Corporation of contaminants on lands, the
19 Secretary shall reach a settlement with the Native Cor-
20 poration that provides for—

21 “(A) the removal of all contaminants left by the
22 United States, an agent of the United States, or a
23 lessee, from the transferred lands; or

24 “(B) the replacement of the lands containing
25 contaminants in accordance with paragraph (2).

1 “(2) If the settlement reached pursuant to paragraph
2 (1) provides for the replacement of lands containing con-
3 taminants in accordance with paragraph (1)(B), the Sec-
4 retary shall—

5 “(A) accept title to the lands containing con-
6 taminants from the Native Corporation; and

7 “(B) replace the lands by conveying to the Na-
8 tive Corporation—

9 “(i) other lands, from unreserved, vacant,
10 and unappropriated public lands, in accordance
11 with section 1302(h) of the Alaska National In-
12 terest Lands Conservation Act (16 U.S.C.
13 3192(h)); or

14 “(ii) other lands, interests in lands, or
15 rights available under this Act, pursuant to
16 such authority, and under such terms with re-
17 spect to value and acreage, as governed the
18 original conveyance.

19 “(c) The United States shall—

20 “(1) assume all past, present, and future liabil-
21 ities and obligations arising from the original trans-
22 fer of contaminated lands; and

23 “(2) defend and hold harmless Native Corpora-
24 tions in all claims arising from the original transfer
25 of contaminated lands.”.

1 (b) PENDING TRANSFERS.—Nothing in the amend-
2 ment made by subsection (a) is intended to impede or
3 delay any transfer of lands under the Alaska Native
4 Claims Settlement Act (43 U.S.C. 1601 et seq.) that is
5 pending on the date of enactment of this Act.

6 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR THE**
7 **PURPOSES OF IMPLEMENTING REQUIRED**
8 **RECONVEYANCES.**

9 Section 14(c) of Alaska Native Claims Settlement Act
10 (43 U.S.C. 1613(c)) is amended by adding at the end the
11 following:

12 “There is authorized to be appropriated such sums as may
13 be necessary for the purpose of providing technical assist-
14 ance to Village Corporations in carrying out this sub-
15 section. The Secretary may provide amounts appropriated
16 pursuant to this subsection through contracts to nonprofit
17 organizations whose function is to provide technical assist-
18 ance in planning, developing, and administering assistance
19 to Village Corporations in fulfilling their requirements
20 under this subsection.”.

21 **SEC. 7. COMMUNITY NEED.**

22 Section 14(c)(3) of the Alaska Native Claims Settle-
23 ment Act (43 U.S.C. 1613(c)(3)) is amended—

24 (1) by striking “community needs: *Provided*,”
25 and inserting “community needs: *Provided*, That the

1 Village Corporation need not convey any particular
2 lands unless the Municipal Corporation or the State
3 in trust shows that those lands are necessary for
4 community expansion, rights-of-way, or other fore-
5 seeable community needs: *Provided further,*”; and

6 (2) by inserting after “one thousand two hun-
7 dred and eighty acres:” the following: “*Provided fur-*
8 *ther,* That if the improved lands owned by the Vil-
9 lage Corporation within the Native Village plus the
10 Village Corporation lands that are shown to be nec-
11 essary for community expansion, rights-of-way, or
12 other foreseeable community needs amount to less
13 than 1,280 acres, and if the Municipal Corporation
14 or the State in trust cannot reach a written agree-
15 ment with the Village Corporation, then the Village
16 Corporation shall have the discretion to designate
17 which additional lands shall be conveyed to bring the
18 total conveyance to 1,280 acres:”.

19 **SEC. 8. NATIVE ALLOTMENTS.**

20 Section 1431(o) of the Alaska National Interest
21 Lands Conservation Act (94 Stat. 2542) is amended by
22 adding at the end the following:

23 “(5) Following the exercise by Arctic Slope Regional
24 Corporation of its option under paragraph (1) to acquire
25 the subsurface estate beneath lands within the National

1 Petroleum Reserve—Alaska selected by a Village Corpora-
2 tion, where such subsurface estate entirely surrounds
3 lands subject to a Native allotment application approved
4 under section 905 of this Act, and the oil and gas in such
5 lands have been reserved to the United States, Arctic
6 Slope Regional Corporation, at its further option, shall be
7 entitled to receive a conveyance of the reserved oil and
8 gas, including all rights and privileges therein reserved to
9 the United States, in such lands. Upon the receipt of a
10 conveyance of such oil and gas interests, the entitlement
11 of Arctic Slope Regional Corporation to in-lieu subsurface
12 lands under section 12(a)(1) of the Alaska Native Claims
13 Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced
14 by the amount of acreage determined by the Secretary to
15 be conveyed to Arctic Slope Regional Corporation pursu-
16 ant to this paragraph.”.

17 **SEC. 9. OPEN SEASON FOR CERTAIN NATIVE ALASKAN VET-**
18 **ERANS FOR ALLOTMENTS.**

19 (a) IN GENERAL.—During the one-year period begin-
20 ning on the date of enactment of this Act, an individual
21 described in subsection (b) is eligible for an allotment of
22 not to exceed 160 acres under the Act of May 17, 1906
23 (Chapter 2469; 34 Stat. 197), as such Act was in effect
24 before December 18, 1971. The Secretary shall prescribe
25 such rules as may be necessary to carry out this section.

1 (b) ELIGIBLE INDIVIDUALS.—(1) An individual is eli-
 2 gible under subsection (a) if the individual would have
 3 been eligible under the Act of May 17, 1906 (Chapter
 4 2469; 34 Stat. 197), as such Act was in effect before De-
 5 cember 18, 1971, and the individual is a veteran of the
 6 Korean conflict or the Vietnam era.

7 (2) In the case of an individual described in para-
 8 graph (1) who is deceased, the heirs of the individual shall
 9 be treated as the individual described in paragraph (1).

10 (c) CONVEYANCE DEADLINE.—The Secretary of the
 11 Interior shall complete land conveyances pursuant to this
 12 section within one year after the end of the period referred
 13 to in subsection (a).

14 (d) DEFINITIONS.—For the purposes of this section,
 15 the terms “veteran”, “Korean conflict”, and “Vietnam
 16 era” have the meaning given such terms by paragraphs
 17 (2), (9), and (29), respectively, of section 101 of title 38,
 18 United States Code.

19 **SEC. 10. LAPSED MINING CLAIMS.**

20 Section 22(c)(2)(A) of the Alaska Native Claims Set-
 21 tlement Act (43 U.S.C. 1621(c)(2)(A)) is amended—

22 (1) in clause (i)—

23 (A) by striking “outside the boundaries of
 24 a conservation system unit (as such term is de-

1 fined in the Alaska National Interest Lands
2 Conservation Act) and”; and

3 (B) by striking “The Secretary shall
4 promptly determine the validity of such claims
5 or locations within conservation system units.”;
6 and

7 (2) in clause (ii), by striking “outside a con-
8 servation system unit” both places it appears.

9 **SEC. 11. TRANSFER OF WRANGELL INSTITUTE.**

10 (a) PROPERTY TRANSFER.—Cook Inlet Region, In-
11 corporated, is authorized to transfer to the United States
12 and the General Services Administration shall accept an
13 approximately 10-acre site of the Wrangell Institute in
14 Wrangell, Alaska, and the structures contained thereon.

15 (b) RESTORATION OF PROPERTY CREDITS.—

16 (1) IN GENERAL.—In exchange for the land
17 and structures transferred under subsection (a),
18 property bidding credits in the total amount of
19 \$382,305, and in addition, interest calculated in ac-
20 cordance with paragraph (2), shall be restored to the
21 Cook Inlet Region, Incorporated, property account in
22 the Treasury established under section 12(b) of the
23 Act of January 2, 1976 (Public Law 94–204; 43
24 U.S.C. 1611 note), referred to in such section as the
25 “Cook Inlet Region, Incorporated, property ac-

1 count.” Property bidding credits sufficient to reim-
2 burse Cook Inlet Region for all legal and other ex-
3 penses incurred due to the return of this property,
4 shall also be added to the property account provided
5 that all such credits restored or added to the prop-
6 erty account shall be used solely for the acquisition
7 or purchase of General Services Administration
8 properties.

9 (2) CALCULATIONS OF INTEREST.—The inter-
10 est credited to the Cook Inlet Region, Incorporated,
11 property account shall be compounded semiannually
12 and calculated at the same interest rate as that of
13 5-year Treasury bonds issued by the United States
14 Treasury on or about November 2, 1987. The inter-
15 est shall be calculated on a principal amount equal
16 to the property bidding credits restored to the prop-
17 erty account under paragraph (1), and shall be for
18 the time period from November 2, 1987, to the date
19 of conveyance of the land and buildings to the Unit-
20 ed States.

21 (3) HOLD HARMLESS.—The United States shall
22 defend and hold harmless Cook Inlet Region, Incor-
23 porated, and its subsidiaries in any and all claims
24 arising from Federal or Cook Inlet Region, Incor-

- 1 porated, ownership of the land and structures prior
- 2 to their return to the United States.

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