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H. R. 3612

IN THE SENATE OF THE UNITED STATES

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Received

OCTOBER 8 (legislative day, SEPTEMBER 12), 1994

Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

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,*

1 **SECTION 1. RATIFICATION OF CERTAIN CASWELL AND**
2 **MONTANA CREEK NATIVE ASSOCIATIONS**
3 **CONVEYANCES.**

4 The conveyance of approximately 11,520 acres to
5 Montana Creek Native Association, Inc., and the convey-
6 ance of approximately 11,520 acres to Caswell Native As-
7 sociation, Inc., by Cook Inlet Region, Inc. in fulfillment
8 of the agreement of February 3, 1976, and subsequent
9 letter agreement of March 26, 1982, among the three par-
10 ties are hereby adopted and ratified as a matter of Federal
11 law. These conveyances shall be deemed to be conveyances
12 pursuant to section 14(h)(2) of the Alaska Native Claims
13 Settlement Act (43 U.S.C. 1613(h)(2)). The group cor-
14 porations for Montana Creek and Caswell are hereby de-
15 clared to have received their full entitlement and shall not
16 be entitled to the receipt of any additional lands under
17 the Alaska Native Claims Settlement Act. The ratification
18 of these conveyances shall not have any other effect upon
19 section 14(h) of the Alaska Native Claims Settlement Act
20 (43 U.S.C. 1613(h)) or upon the duties and obligations
21 of the United States to any Alaska Native Corporation.
22 This ratification shall not be the basis for any claim to
23 land or money by Caswell or Montana Creek group cor-
24 porations or any other Alaska Native Corporation against
25 the State of Alaska, the United States, or Cook Inlet Re-
26 gion, Incorporated.

1 **SEC. 2. MINING CLAIMS AFTER LANDS CONVEYED TO ALAS-**
2 **KA REGIONAL CORPORATION.**

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

6 “(3) This section shall apply to lands conveyed by in-
7 terim conveyance or patent to a regional corporation pur-
8 suant to this Act which are made subject to a mining claim
9 or claims located under the general mining laws, including
10 lands conveyed prior to enactment of this paragraph. Ef-
11 fective upon the date of the enactment of this paragraph,
12 the Secretary, acting through the Bureau of Land Man-
13 agement and in a manner consistent with section 14(g)
14 of this Act, shall transfer to the regional corporation ad-
15 ministration of all mining claims determined to be entirely
16 within lands conveyed to that corporation. Any person
17 holding such mining claim or claims shall meet such re-
18 quirements of the general mining laws and section 314
19 of the Federal Land Management and Policy Act of 1976
20 (43 U.S.C. 1744), except that any filings which would
21 have been made with the Bureau of Land Management
22 if the lands were within Federal ownership shall be timely
23 made to the appropriate regional corporation. The validity
24 of any such mining claim or claims may be contested by
25 the regional corporation, in the place of the United States.
26 All contest proceedings and appeals by the mining claim-

1 ants of adverse decisions made by the regional corporation
2 shall be brought in Federal District Court for the District
3 of Alaska. Neither the United States nor any Federal
4 agency or official shall be named or joined as a party in
5 such proceedings or appeals. All revenues from such min-
6 ing claims received after passage of this paragraph shall
7 be remitted to the regional corporation subject to distribu-
8 tion pursuant to section 7(i) of this Act, except that in
9 the event that the mining claim or claims are not totally
10 within the lands conveyed to the regional corporation, the
11 regional corporation shall be entitled only to that propor-
12 tion of revenues, other than administrative fees, reason-
13 ably allocated to the portion of the mining claim or claims
14 so conveyed.”.

15 **SEC. 3. SETTLEMENT OF CLAIMS ARISING FROM HAZARD-**
16 **OUS SUBSTANCE CONTAMINATION OF TRANS-**
17 **FERRED LANDS.**

18 The Alaska Native Claims Settlement Act (43 U.S.C.
19 1601 et seq.) is amended by adding at the end the follow-
20 ing:

21 “CLAIMS ARISING FROM CONTAMINATION OF
22 TRANSFERRED LANDS

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

24 “(1) The term ‘contaminant’ means hazardous
25 substances harmful to public health or the environ-
26 ment, including asbestos.

1 “(2) The term ‘lands’ means real property
2 transferred to an Alaska Native Corporation pursu-
3 ant to this Act.

4 “(b) Within 18 months of enactment of this section,
5 and after consultation with the Secretary of Agriculture,
6 State of Alaska, and appropriate Alaska Native corpora-
7 tions and organizations, the Secretary shall submit to the
8 Committee on Natural Resources of the House of Rep-
9 resentatives and the Committee on Energy and Natural
10 Resources of the Senate, a report addressing issues pre-
11 sented by the presence of hazardous substances on lands
12 conveyed or prioritized for conveyance to such corpora-
13 tions pursuant to this Act. Such report shall consist of—

14 “(1) existing information concerning the nature
15 and types of contaminants present on such lands
16 prior to conveyance to Alaska Native corporations;

17 “(2) existing information identifying the exist-
18 ence and availability of potentially responsible par-
19 ties for the removal or amelioration of the effects of
20 such contaminants;

21 “(3) identification of existing remedies; and

22 “(4) recommendations for any additional legis-
23 lation that the Secretary concludes is necessary to
24 remedy the problem of contaminants on such
25 lands.”.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE**
2 **PURPOSES OF IMPLEMENTING REQUIRED**
3 **RECONVEYANCES.**

4 Section 14(c) of Alaska Native Claims Settlement Act
5 (43 U.S.C. 1613(c)) is amended by adding at the end the
6 following:

7 “There is authorized to be appropriated such sums as may
8 be necessary for the purpose of providing technical assist-
9 ance to Village Corporations established pursuant to this
10 Act in order that they may fulfill the reconveyance require-
11 ments of section 14(c) of this Act. The Secretary may
12 make funds available as grants to ANCSA or nonprofit
13 corporations that maintain in-house land planning and
14 management capabilities.”.

15 **SEC. 5. NATIVE ALLOTMENTS.**

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

19 “(5) Following the exercise by Arctic Slope Regional
20 Corporation of its option under paragraph (1) to acquire
21 the subsurface estate beneath lands within the National
22 Petroleum Reserve—Alaska selected by Kuukpik Corpora-
23 tion, where such subsurface estate entirely surrounds
24 lands subject to a Native allotment application approved
25 under section 905 of this Act, and the oil and gas in such
26 lands have been reserved to the United States, Arctic

1 Slope Regional Corporation, at its further option, shall be
2 entitled to receive a conveyance of the reserved oil and
3 gas, including all rights and privileges therein reserved to
4 the United States, in such lands. Upon the receipt of a
5 conveyance of such oil and gas interests, the entitlement
6 of Arctic Slope Regional Corporation to in-lieu subsurface
7 lands under section 12(a)(1) of the Alaska Native Claims
8 Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced
9 by the amount of acreage determined by the Secretary to
10 be conveyed to Arctic Slope Regional Corporation pursu-
11 ant to this paragraph.”.

12 **SEC. 6. REPORT CONCERNING OPEN SEASON FOR CERTAIN**
13 **NATIVE ALASKAN VETERANS FOR ALLOT-**
14 **MENTS.**

15 (a) IN GENERAL.—No later than six months after the
16 date of enactment of this Act, the Secretary of the Inte-
17 rior, in consultation with the Secretary of Agriculture, the
18 State of Alaska and appropriate Native corporations and
19 organizations, shall submit to the Committee on Natural
20 Resources of the House of Representatives and the Com-
21 mittee on Energy and Natural Resources of the Senate,
22 a report which shall include, but not be limited to, the
23 following:

24 (1) The number of Vietnam era veterans, as de-
25 fined in section 101 of title 38, United States Code,

1 who were eligible for but did not apply for an allot-
2 ment of not to exceed 160 acres under the Act of
3 May 17, 1906 (Chapter 2469; 34 Stat. 197), as
4 such Act was in effect before December 18, 1971;

5 (2) an assessment of the potential impacts of
6 additional allotments on conservation system units
7 as such term is defined in section 102(4) of the
8 Alaska National Interest Lands Conservation Act
9 (94 Stat. 2375); and

10 (3) recommendations for any additional legisla-
11 tion that the Secretary concludes is necessary.

12 (b) REQUIREMENT.—The Secretary of Veterans Af-
13 fairs shall release to the Secretary of the Interior informa-
14 tion relevant to the report required under subsection (a).

15 **SEC. 7. TRANSFER OF WRANGELL INSTITUTE.**

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

21 (b) RESTORATION OF PROPERTY CREDITS.—

22 (1) IN GENERAL.—In exchange for the land
23 and structures transferred under subsection (a),
24 property bidding credits in the total amount of
25 \$382,305, shall be restored to the Cook Inlet Re-

1 gion, Incorporated, property account in the Treasury
2 established under section 12(b) of the Act of Janu-
3 ary 2, 1976 (Public Law 94–204; 43 U.S.C. 1611
4 note), referred to in such section as the “Cook Inlet
5 Region, Incorporated, property account”. Such prop-
6 erty bidding credits shall be used in the same fiscal
7 year as received by Cook Inlet Region, Incorporated.

8 (2) HOLD HARMLESS.—The United States shall
9 defend and hold harmless Cook Inlet Region, Incor-
10 porated, and its subsidiaries in any and all claims
11 arising from Federal or Cook Inlet Region, Incor-
12 porated, ownership of the land and structures prior
13 to their return to the United States.

14 **SEC. 8. SHISHMAREF AIRPORT AMENDMENT.**

15 The Shishmaref Airport, conveyed to the State of
16 Alaska on January 5, 1967, in Patent No. 1240529, is
17 subject to reversion to the United States, pursuant to the
18 terms of that patent for nonuse as an airport. The Sec-
19 retary is authorized to reacquire the interests originally
20 conveyed pursuant to Patent No. 1240529, and, notwith-
21 standing any other provision of law, the Secretary shall
22 immediately thereafter transfer all right, title, and interest
23 of the United States in the subject lands to the
24 Shishmaref Native Corporation. Nothing in this section
25 shall relieve the State, the United States, or any other

1 potentially responsible party of liability, if any, under ex-
2 isting law for the cleanup of hazardous or solid wastes
3 on the property, nor shall the United States or Shishmaref
4 Native Corporation become liable for the cleanup of the
5 property solely by virtue of acquiring title from the State
6 or from the United States.

7 **SEC. 9. PURCHASE OF SETTLEMENT COMMON STOCK OF**
8 **COOK INLET REGION.**

9 (a) IN GENERAL.—Section 7(h) of the Alaska Native
10 Claims Settlement Act (43 U.S.C. 1606(h)) is amended
11 by adding at the end the following new paragraph:

12 “(4)(A) As used in this paragraph, the term ‘Cook
13 Inlet Regional Corporation’ means Cook Inlet Region, In-
14 corporated.

15 “(B) The Cook Inlet Regional Corporation may, by
16 an amendment to its articles of incorporation made in ac-
17 cordance with the voting standards under section
18 36(d)(1), purchase Settlement Common Stock of the Cook
19 Inlet Regional Corporation and all rights associated with
20 the stock from the shareholders of Cook Inlet Regional
21 Corporation in accordance with any provisions included in
22 the amendment that relate to the terms, procedures, num-
23 ber of offers to purchase, and timing of offers to purchase.

24 “(C) Subject to subparagraph (D), and notwithstand-
25 ing paragraph (1)(B), the shareholders of Cook Inlet Re-

1 gional Corporation may, in accordance with an amend-
2 ment made pursuant to subparagraph (B), sell the Settle-
3 ment Common Stock of the Cook Inlet Regional Corpora-
4 tion to itself.

5 “(D) No sale or purchase may be made pursuant to
6 this paragraph without the prior approval of the board of
7 directors of Cook Inlet Regional Corporation. Except as
8 provided in subparagraph (E), each sale and purchase
9 made under this paragraph shall be made pursuant to an
10 offer made on the same terms to all holders of Settlement
11 Common Stock of the Cook Inlet Regional Corporation.

12 “(E) To recognize the different rights that accrue to
13 any class or series of shares of Settlement Common Stock
14 owned by stockholders who are not residents of a Native
15 village (referred to in this paragraph as ‘non-village
16 shares’), an amendment made pursuant to subparagraph
17 (B) shall authorize the board of directors (at the option
18 of the board) to offer to purchase—

19 “(i) the non-village shares, including the right
20 to share in distributions made to shareholders pur-
21 suant to subsections (j) and (m) (referred to in this
22 paragraph as ‘nonresident distribution rights’), at a
23 price that includes a premium, in addition to the
24 amount that is offered for the purchase of other vil-
25 lage shares of Settlement Common Stock of the

1 Cook Inlet Regional Corporation, that reflects the
2 value of the nonresident distribution rights; or

3 “(ii) non-village shares without the nonresident
4 distribution rights associated with the shares.

5 “(F) Any shareholder who accepts an offer made by
6 the board of directors pursuant to subparagraph (E)(ii)
7 shall receive, with respect to each non-village share sold
8 by the shareholder to the Cook Inlet Regional Corpora-
9 tion—

10 “(i) the consideration for a share of Settlement
11 Common Stock offered to shareholders of village
12 shares; and

13 “(ii) a security for only the nonresident rights
14 that attach to such share that does not have at-
15 tached voting rights (referred to in this paragraph
16 as a ‘non-voting security’).

17 “(G) An amendment made pursuant to subparagraph
18 (B) shall authorize the issuance of a non-voting security
19 that—

20 “(i) shall, for purposes of subsections (j) and
21 (m), be treated as a non-village share with respect
22 to—

23 “(I) computing distributions under such
24 subsections; and

1 “(II) entitling the holder of the share to
2 the proportional share of the distributions made
3 under such subsections;

4 “(ii) may be sold to Cook Inlet Region, Inc.;

5 and

6 “(iii) shall otherwise be subject to the restric-
7 tions under paragraph (1)(B).

8 “(H) Any shares of Settlement Common Stock pur-
9 chased pursuant to this paragraph shall be canceled on
10 the conditions that—

11 “(i) non-village shares with the nonresident
12 rights that attach to such shares that are purchased
13 pursuant to this paragraph shall be considered to
14 be—

15 “(I) outstanding shares; and

16 “(II) for the purposes of subsection (m),
17 shares of stock registered on the books of the
18 Cook Inlet Regional Corporation in the names
19 of nonresidents of villages; and

20 “(ii) any amount of funds that would be distrib-
21 utable with respect to non-village shares or non-vot-
22 ing securities pursuant to subsection (j) or (m) shall
23 be distributed by Cook Inlet Regional Corporation to
24 itself; and

1 “(iii) village shares that are purchased pursu-
2 ant to this paragraph shall be considered to be—

3 “(I) outstanding shares, and

4 “(II) for the purposes of subsection (k)
5 shares of stock registered on the books of the
6 Cook Inlet Regional Corporation in the names
7 of the residents of villages.

8 “(I) Any offer to purchase Settlement Common Stock
9 made pursuant to this paragraph shall exclude from the
10 offer—

11 “(i) any share of Settlement Common Stock
12 held, at the time the offer is made, by an officer (in-
13 cluding a member of the board of directors) of Cook
14 Inlet Regional Corporation or a member of the im-
15 mediate family of the officer; and

16 “(ii) any share of Settlement Common Stock
17 held by any custodian, guardian, trustee, or attorney
18 representing a shareholder of Cook Inlet Regional
19 Corporation in fact or law, or any other similar per-
20 son, entity, or representative.

21 “(J)(i) The board of directors of Cook Inlet Regional
22 Corporation, in determining the terms of an offer to pur-
23 chase made under this paragraph, including the amount
24 of any premium paid with respect to a non-village share,

1 may rely upon the good faith opinion of a recognized firm
2 of investment bankers or valuation experts.

3 “(ii) Notwithstanding any other provision of law,
4 Cook Inlet Regional Corporation, a member of the board
5 of directors of Cook Inlet Regional Corporation, and any
6 firm or member of a firm of investment bankers or valu-
7 ation experts who assists in a determination made under
8 this subparagraph shall not be liable for damages resulting
9 from terms made in an offer made in connection with any
10 purchase of Settlement Common Stock if the offer was
11 made—

12 “(I) in good faith;

13 “(II) in reliance on a determination made pur-
14 suant to clause (i); and

15 “(III) otherwise in accordance with this para-
16 graph.

17 “(K) The consideration given for the purchase of Set-
18 tlement Common Stock made pursuant to an offer to pur-
19 chase that provides for such consideration may be in the
20 form of cash, securities, or a combination of cash and se-
21 curities, as determined by the board of directors of Cook
22 Inlet Regional Corporation, in a manner consistent with
23 an amendment made pursuant to subparagraph (B).

24 “(L) Sale of Settlement Common Stock in accordance
25 with this paragraph shall not diminish a shareholder’s sta-

1 tus as an Alaska Native or descendant of a Native for
2 the purpose of qualifying for those programs, benefits and
3 services or other rights or privileges set out for the benefit
4 of Alaska Natives and Native Americans. Proceeds from
5 the sale of Settlement Common Stock shall not be ex-
6 cluded in determining eligibility for any needs-based pro-
7 grams that may be provided by Federal, State or local
8 agencies.”.

9 (b) CONFORMING AMENDMENT.—Section 8(c) of
10 such Act (43 U.S.C. 1607(c)) is amended by striking
11 “(h)” and inserting “(h) (other than paragraph (4))”.

Passed the House of Representatives October 3,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.