

Union Calendar No. 451

103D CONGRESS
2D SESSION

H. R. 3612

[Report No. 103-805]

A BILL

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

OCTOBER 3, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

OCTOBER 3, 1994

Reported with an amendment, committed to the Committee of the Whole
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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 21, 1993]

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,*

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

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

1 **SEC. 2. MINING CLAIMS AFTER LANDS CONVEYED TO**
2 **ALASKA 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 pursu-*
8 *ant 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. Effec-*
11 *tive upon the date of the enactment of this paragraph, the*
12 *Secretary, acting through the Bureau of Land Management*
13 *and in a manner consistent with section 14(g) of this Act,*
14 *shall transfer to the regional corporation administration of*
15 *all mining claims determined to be entirely within lands*
16 *conveyed to that corporation. Any person holding such min-*
17 *ing claim or claims shall meet such requirements of the gen-*
18 *eral mining laws and section 314 of the Federal Land Man-*
19 *agement and Policy Act of 1976 (43 U.S.C. 1744), except*
20 *that any filings which would have been made with the Bu-*
21 *reau of Land Management if the lands were within Federal*
22 *ownership shall be timely made to the appropriate regional*
23 *corporation. The validity of any such mining claim or*
24 *claims may be contested by the regional corporation, in the*
25 *place of the United States. All contest proceedings and ap-*
26 *peals by the mining claimants of adverse decisions made*

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

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

17 *The Alaska Native Claims Settlement Act (43 U.S.C.*
 18 *1601 et seq.) is amended by adding at the end the following:*
 19 *“CLAIMS ARISING FROM CONTAMINATION OF TRANSFERRED*
 20 *LANDS*

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

22 *“(1) The term ‘contaminant’ means substances*
 23 *harmful to public health or the environment, includ-*
 24 *ing asbestos.*

25 *“(2) The term ‘lands’ means real property trans-*
 26 *ferred to a Native Corporation pursuant to this Act.*

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

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

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

18 “(3) identification of existing remedies; and

19 “(4) recommendations for any additional legisla-
20 tion that the Secretary concludes is necessary to rem-
21 edy the problem of contaminants on such 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: “There is authorized to be appropriated such*
7 *sums as may be necessary for the purpose of providing tech-*
8 *nical assistance to Village Corporations established pursu-*
9 *ant to this Act in order that they may fulfill the*
10 *reconveyance requirements of section 14(c) of this Act. The*
11 *Secretary may make funds available as grants to ANCSA*
12 *or nonprofit corporations that maintain in-house land*
13 *planning and management capabilities.”.*

14 **SEC. 5. NATIVE ALLOTMENTS.**

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

18 *“(5) Following the exercise by Arctic Slope Regional*
19 *Corporation of its option under paragraph (1) to acquire*
20 *the subsurface estate beneath lands within the National Pe-*
21 *troleum Reserve—Alaska selected by Kuukpik Corporation,*
22 *where such subsurface estate entirely surrounds lands sub-*
23 *ject to a Native allotment application approved under sec-*
24 *tion 905 of this Act, and the oil and gas in such lands have*
25 *been reserved to the United States, Arctic Slope Regional*
26 *Corporation, at its further option, shall be entitled to re-*

1 ceive a conveyance of the reserved oil and gas, including
 2 all rights and privileges therein reserved to the United
 3 States, in such lands. Upon the receipt of a conveyance of
 4 such oil and gas interests, the entitlement of Arctic Slope
 5 Regional Corporation to in-lieu subsurface lands under sec-
 6 tion 12(a)(1) of the Alaska Native Claims Settlement Act
 7 (43 U.S.C. 1611(a)(1)) shall be reduced by the amount of
 8 acreage determined by the Secretary to be conveyed to Arc-
 9 tic Slope Regional Corporation pursuant to this para-
 10 graph.”.

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

14 No later than six months after the date of enactment
 15 of this Act, the Secretary of the Interior, in consultation
 16 with the Secretary of Agriculture, the State of Alaska and
 17 appropriate Native corporations and organizations, shall
 18 submit to the Committee on Natural Resources of the House
 19 of Representatives and the Committee on Energy and Natu-
 20 ral Resources of the Senate, a report which shall include,
 21 but not be limited to, the following:

22 (1) The number of Vietnam era veterans, as de-
 23 fined in section 101 of title 38, United States Code,
 24 who were eligible for but did not receive an allotment
 25 of not to exceed 160 acres under the Act of May 17,

1 1906 (Chapter 2469; 34 Stat. 197), as such Act was
 2 in effect before December 18, 1971.

3 (2) An assessment of the potential impacts of ad-
 4 ditional allotments on conservation system units as
 5 such term is defined in section 102(4) of the Alaska
 6 National Interest Lands Conservation Act (94 Stat.
 7 2375).

8 (3) Recommendations for any additional legisla-
 9 tion that the Secretary concludes is necessary.

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

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

16 (b) *RESTORATION OF PROPERTY CREDITS.*—

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

1 *shall be used in the same fiscal year as received by*
2 *Cook Inlet Region, Incorporated.*

3 (2) *HOLD HARMLESS.*—*The United States shall*
4 *defend and hold harmless Cook Inlet Region, Incor-*
5 *porated, and its subsidiaries in any and all claims*
6 *arising from Federal or Cook Inlet Region, Incor-*
7 *porated, ownership of the land and structures prior to*
8 *their return to the United States.*

9 **SEC. 8. SHISHMAREF AIRPORT AMENDMENT.**

10 *The Shishmaref Airport, conveyed to the State of Alas-*
11 *ka on January 5, 1967, in Patent No. 1240529, is subject*
12 *to reversion to the United States, pursuant to the terms of*
13 *that patent for nonuse as an airport. The Secretary is au-*
14 *thorized to reacquire the interests originally conveyed pur-*
15 *suant to Patent No. 1240529, and, notwithstanding any*
16 *other provision of law, the Secretary shall immediately*
17 *thereafter transfer all right, title, and interest of the United*
18 *States in the subject lands to the Shismaref Native Corpora-*
19 *tion. Nothing in this section shall relieve the State, the*
20 *United States, or any other potentially responsible party*
21 *of liability, if any, under existing law for the clean up of*
22 *hazardous or solid wastes on the property, nor shall the*
23 *United States or Shismaref Native Corporation become lia-*
24 *ble for the clean up of the property solely by virtue of ac-*
25 *quiring title from the State or from the United States.*