

104TH CONGRESS
1ST SESSION

S. 537

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

IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, MARCH 6), 1995

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill;
which was read twice and referred to the Committee on Energy and 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. RATIFICATION OF CERTAIN CASWELL AND**
4 **MONTANA CREEK NATIVE ASSOCIATIONS**
5 **CONVEYANCES.**

6 The conveyance of approximately 11,520 acres to
7 Montana Creek Native Association, Inc., and the convey-
8 ance of approximately 11,520 acres to Caswell Native As-
9 sociation, Inc., by Cook Inlet Region, Inc. in fulfillment
10 of the agreement of February 3, 1976, and subsequent

1 letter agreement of March 26, 1982, among the 3 parties
2 are hereby adopted and ratified as a matter of Federal
3 law. The conveyances shall be deemed to be conveyances
4 pursuant to section 14(h)(2) of the Alaska Native Claims
5 Settlement Act (43 U.S.C. 1613(h)(2)). The group cor-
6 porations for Montana Creek and Caswell are hereby de-
7 clared to have received their full entitlement and shall not
8 be entitled to receive any additional lands under the Alas-
9 ka Native Claims Settlement Act. The ratification of these
10 conveyances shall not have any effect on section 14(h) of
11 the Alaska Native Claims Settlement Act (43 U.S.C.
12 1613(h)) or upon the duties and obligations of the United
13 States to any Alaska Native Corporation. This ratification
14 shall not be for any claim to land or money by the Caswell
15 or Montana Creek group corporations or any other Alaska
16 Native Corporation against the State of Alaska, the
17 United States, or Cook Inlet Region, Incorporated.

18 **SEC. 2. MINING CLAIMS ON LANDS CONVEYED TO ALASKA**

19 **REGIONAL CORPORATIONS.**

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

23 “(3) This section shall apply to lands conveyed
24 by interim conveyance or patent to a regional cor-
25 poration pursuant to this Act which are made sub-

1 ject to a mining claim or claims located under the
2 general mining laws, including lands conveyed prior
3 to enactment of this paragraph. Effective upon the
4 date of enactment of this paragraph, the Secretary,
5 acting through the Bureau of Land Management
6 and in a manner consistent with section 14(g), shall
7 transfer to the regional corporation administration
8 of all mining claims determined to be entirely within
9 lands conveyed to that corporation. Any person hold-
10 ing such mining claim or claims shall meet such re-
11 quirements of the general mining laws and section
12 314 of the Federal Land Management and Policy
13 Act of 1976 (43 U.S.C. 1744), except that any fil-
14 ings that would have been made with the Bureau of
15 Land Management if the lands were within Federal
16 ownership shall be timely made with the appropriate
17 regional corporation. The validity of any such min-
18 ing claim or claims may be contested by the regional
19 corporation, in place of the United States. All con-
20 test proceedings and appeals by the mining claim-
21 ants of adverse decision made by the regional cor-
22 poration shall be brought in Federal District Court
23 for the District of Alaska. Neither the United States
24 nor any Federal agency or official shall be named or
25 joined as a party in such proceedings or appeals. All

1 revenues from such mining claims received after pas-
 2 sage of this paragraph shall be remitted to the re-
 3 gional corporation subject to distribution pursuant
 4 to section 7(i) of this Act, except that in the event
 5 that the mining claim or claims are not totally with-
 6 in the lands conveyed to the regional corporation,
 7 the regional corporation shall be entitled only to that
 8 proportion of revenues, other than administrative
 9 fees, reasonably allocated to the portion of the min-
 10 ing claim so conveyed.”.

11 **SEC. 3. SETTLEMENT OF CLAIMS ARISING FROM HAZARD-**
 12 **OUS SUBSTANCE CONTAMINATION OF TRANS-**
 13 **FERRED LANDS.**

14 The Alaska Native Claims Settlement Act (43 U.S.C.
 15 1601 et seq.) is amended by adding at the end the follow-
 16 ing:

17 “CLAIMS ARISING FROM CONTAMINATION OF
 18 TRANSFERRED LANDS

19 “SEC. 40. (a) As used in this section—

20 “(1) the term ‘contaminant’ means hazardous
 21 substance harmful to public health or the environ-
 22 ment, including asbestos; and

23 “(2) the term ‘land’ means real property trans-
 24 ferred to an Alaska Native Corporation pursuant to
 25 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 Resources of the House of Representatives
6 and the Committee on Energy and Natural Resources of
7 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
10 to 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
17 of such contaminants;

18 “(3) identification of existing remedies; and

19 “(4) recommendations for any additional legis-
20 lation that the Secretary concludes is necessary to
21 remedy the problem of contaminants on the lands.”.

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

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

7 “There is authorized to be appropriated such sums
8 as may be necessary for the purpose of providing technical
9 assistance to Village Corporations established pursuant to
10 this Act in order that they may fulfill the reconveyance
11 requirements of section 14(c) of this Act. The Secretary
12 may make funds available as grants to ANCSA or non-
13 profit corporations that maintain in-house land planning
14 and 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 Re-
20 gional Corporation of its option under paragraph (1)
21 to acquire the subsurface estate beneath lands with-
22 in the National Petroleum Reserve—Alaska selected
23 by Kuukpik Corporation, where such subsurface es-
24 tate entirely surrounds lands subject to a Native al-
25 lotment application approved under 905 of this Act,
26 and the oil and gas in such lands have been reserved

1 to the United States, Arctic Slope Regional Corpora-
2 tion, at its further option and subject to the concur-
3 rence of Kuukpik Corporation, shall be entitled to
4 receive a conveyance of the reserved oil and gas, in-
5 cluding all rights and privileges therein reserved to
6 the United States, in such lands. Upon the receipt
7 of a conveyance of such oil and gas interests, the en-
8 titlement of Arctic Slope Regional Corporation to in-
9 lieu subsurface lands under section 12(a)(1) of the
10 Alaska Native Claims Settlement Act (43 U.S.C.
11 1611(a)(1)) shall be reduced by the amount of acre-
12 age determined by the Secretary to be conveyed to
13 Arctic Slope Regional Corporation pursuant to this
14 paragraph.”.

15 **SEC. 6. REPORT CONCERNING OPEN SEASON FOR CERTAIN**
16 **NATIVE ALASKA VETERANS FOR ALLOT-**
17 **MENTS.**

18 (a) IN GENERAL.—No later than 6 months after the
19 date of enactment of this Act, the Secretary of the Inte-
20 rior, in consultation with the Secretary of Agriculture, the
21 State of Alaska and appropriate Native corporations and
22 organizations, shall submit to the Committee on Resources
23 of the House of Representatives and the Committee on
24 Energy and Natural Resources of the Senate a report
25 which shall include, but not be limited to, the following:

1 (1) The number of Vietnam era veterans, as de-
2 fined in section 101 of title 38, United States Code,
3 who were eligible for but did not apply for an allot-
4 ment of not to exceed 160 acres under the Act of
5 May 17, 1906 (chapter 2469, 34 Stat. 197), as the
6 Act was in effect before December 18, 1971.

7 (2) An assessment of the potential impacts of
8 additional allotments on conservation system units
9 as that term is defined in section 102(4) of the Alas-
10 ka National Interest Lands Conservation Act (94
11 Stat. 2375).

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

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

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

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

23 (b) RESTORATION OF PROPERTY CREDITS.—

24 (1) IN GENERAL.—In exchange for the land
25 and structures transferred under subsection (a),

1 property bidding credits in the total amount of
2 \$382,305, shall be restored to the Cook Inlet Re-
3 gion, Incorporated, property account in the Treasury
4 established under section 12(b) of the Act of Janu-
5 ary 2, 1976 (Public Law 94-204; 43 U.S.C. 1611
6 note), referred to in such section as the “Cook Inlet
7 Region, Incorporated, property account”. Such prop-
8 erty bidding credits shall be used in the same fiscal
9 year as they are received by Cook Inlet Region, In-
10 corporated.

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

17 **SEC. 8. SHISHMAREF AIRPORT AMENDMENT.**

18 The Shishmaref Airport, conveyed to the State of
19 Alaska on January 5, 1967, in Patent No. 1240529, is
20 subject to reversion to the United States, pursuant to the
21 terms of that patent for nonuse as an airport. The Sec-
22 retary is authorized to reacquire the interests originally
23 conveyed pursuant to Patent No. 1240529, and, notwith-
24 standing any other provision of law, shall immediately
25 thereafter transfer all right, title, and interest of the Unit-

1 ed States in the subject lands to the Shishmaref Native
2 Corporation. Nothing in this section shall relieve the
3 State, the United States, or any other potentially respon-
4 sible party of liability, if any, under existing law for the
5 cleanup of hazardous or solid wastes on the property, nor
6 shall the United States or Shishmaref Native Corporation
7 become liable for the cleanup of the property solely by vir-
8 tue of acquiring title from the State of Alaska or from
9 the United States.

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