

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 402

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IN THE SENATE OF THE UNITED STATES

MARCH 15, 1995

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## 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,*

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

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

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

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

1       “(3) This section shall apply to lands conveyed by in-  
2       terim conveyance or patent to a regional corporation pur-  
3       suant to this Act which are made subject to a mining claim  
4       or claims located under the general mining laws, including  
5       lands conveyed prior to enactment of this paragraph. Ef-  
6       fective upon the date of the enactment of this paragraph,  
7       the Secretary, acting through the Bureau of Land Man-  
8       agement and in a manner consistent with section 14(g)  
9       of this Act, shall transfer to the regional corporation ad-  
10      ministration of all mining claims determined to be entirely  
11      within lands conveyed to that corporation. Any person  
12      holding such mining claim or claims shall meet such re-  
13      quirements of the general mining laws and section 314  
14      of the Federal Land Management and Policy Act of 1976  
15      (43 U.S.C. 1744), except that any filings which would  
16      have been made with the Bureau of Land Management  
17      if the lands were within Federal ownership shall be timely  
18      made to the appropriate regional corporation. The validity  
19      of any such mining claim or claims may be contested by  
20      the regional corporation, in the place of the United States.  
21      All contest proceedings and appeals by the mining claim-  
22      ants of adverse decisions made by the regional corporation  
23      shall be brought in Federal District Court for the District  
24      of Alaska. Neither the United States nor any Federal  
25      agency or official shall be named or joined as a party in

1 such proceedings or appeals. All revenues from such min-  
 2 ing claims received after passage of this paragraph shall  
 3 be remitted to the regional corporation subject to distribu-  
 4 tion pursuant to section 7(i) of this Act, except that in  
 5 the event that the mining claim or claims are not totally  
 6 within the lands conveyed to the regional corporation, the  
 7 regional corporation shall be entitled only to that propor-  
 8 tion of revenues, other than administrative fees, reason-  
 9 ably allocated to the portion of the mining claim or claims  
 10 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  
 16 following:

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 substances harmful to public health or the environ-  
 22 ment, including asbestos.

23 “(2) The term ‘lands’ means real property  
 24 transferred to an Alaska Native Corporation pursu-  
 25 ant 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 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 of  
17 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 such  
22 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  
8 technical assistance to Village Corporations established  
9 pursuant to this Act in order that they may fulfill the  
10 reconveyance requirements of section 14(c) of this Act.  
11 The Secretary may make funds available as grants to  
12 ANCSA or nonprofit corporations that maintain in-house  
13 land planning and management capabilities.”.

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

15 Section 1431(o) of the Alaska National Interest  
16 Lands Conservation Act (94 Stat. 2542) is amended by  
17 adding at 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  
21 Petroleum Reserve—Alaska selected by Kuukpik Corpora-  
22 tion, where such subsurface estate entirely surrounds  
23 lands subject to a Native allotment application approved  
24 under section 905 of this Act, and the oil and gas in such  
25 lands have been reserved to the United States, Arctic  
26 Slope Regional Corporation, at its further option and sub-

1 ject to the concurrence of the Kuupik Corporation, shall  
2 be 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 Resources  
20 of the House of Representatives and the Committee on  
21 Energy and Natural Resources of the Senate, a report  
22 which shall include, but not be limited to, the following:

23 (1) The number of Vietnam era veterans, as de-  
24 fined in section 101 of title 38, United States Code,  
25 who were eligible for but did not apply for an allot-

1       ment of not to exceed 160 acres under the Act of  
2       May 17, 1906 (Chapter 2469; 34 Stat. 197), as  
3       such Act was in effect before December 18, 1971;

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

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

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

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

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

20       (b) RESTORATION OF PROPERTY CREDITS.—

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

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

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

13 **SEC. 8. SHISHMAREF AIRPORT AMENDMENT.**

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

1 isting law for the clean up of hazardous or solid wastes  
2 on the property, nor shall the United States or Shishmaref  
3 Native Corporation become liable for the cleanup of the  
4 property solely by virtue of acquiring title from the State  
5 or from the United States.

Passed the House of Representatives March 14,  
1995.

Attest:

ROBIN H. CARLE,

*Clerk.*