

106TH CONGRESS
1ST SESSION

H. R. 2803

To amend the Alaska Native Claims Settlement Act to allow shareholder common stock to be transferred to adopted Alaska Native children and their descendants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

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

A BILL

To amend the Alaska Native Claims Settlement Act to allow shareholder common stock to be transferred to adopted Alaska Native children and their descendants, 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. SHORT TITLE; REFERENCE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Alaska Native Claims Technical Amendments Act of
6 1999”.

7 (b) **REFERENCE.**—Whenever in this Act a section or
8 other provision is amended or repealed, such amendment

1 or repeal shall be considered to be made to that section
 2 or other provision of the Alaska Native Claims Settlement
 3 Act (43 U.S.C. 1601, et seq.).

4 **SEC. 2. COMMON STOCK TO ADOPTED-OUT DESCENDANTS.**

5 Section 7(h)(1)(C)(iii) of the Act (43 U.S.C.
 6 1606(h)(1)(C)(iii)) is amended by inserting before the pe-
 7 riod at the end the following: “, notwithstanding an adop-
 8 tion, relinquishment, or termination of parental rights
 9 that may have altered or severed the legal relationship be-
 10 tween the gift donor and recipient”.

11 **SEC. 3. RELATION TO CIVIL RIGHTS ACT OF 1964.**

12 Section 29(g) of the Act (43 U.S.C. 1626(g)) is
 13 amended—

14 (1) by inserting “sole proprietorships,” after
 15 “joint ventures,”; and

16 (2) by inserting “, or with which the Native
 17 Corporation or affiliate engages in 1 or more com-
 18 mercial transactions that exceed a total of \$20,000
 19 in the calendar year, within the course and scope of
 20 such commercial transaction,” after “equity”.

21 **SEC. 4. DEFINITION OF SETTLEMENT TRUST.**

22 Section 3(t)(2) of the Act (43 U.S.C. 1602(t)(2)) is
 23 amended by striking “sole” and all that follows through
 24 “Stock” and inserting “benefit of shareholders, Natives,
 25 and descendants of Natives,”.

1 **SEC. 5. ALASKA NATIVE VETERANS.**

2 Section 41 of the Alaska Native Claims Settlement
3 Act (43 U.S.C. 1629g) is amended as follows:

4 (1) In subsection (a)(1), insert “or within 18
5 months of the date of the enactment of the Alaska
6 Native Claims Technical Amendments Act of 1999,
7 whichever is later,” after “subsection (e),”.

8 (2) In subsection (a)(1), strike “subsection (b)”
9 and insert “subsection (b)(1) or (b)(2)”;

10 (3) In subsection (a)(1), insert “, as amended”
11 after “34 Stat. 197”;

12 (4) Strike subsection (a)(2) and insert the fol-
13 lowing:

14 “(2) Allotments may be selected only from the
15 following:

16 “(A) Lands that were vacant, unappropri-
17 ated, and unreserved on the date when the per-
18 son eligible for the allotment first used and oc-
19 cupied those lands.

20 “(B) Lands in the National Petroleum Re-
21 serve-Alaska which the person eligible for the
22 allotment used and occupied.

23 “(C) Lands that were not vacant, unappro-
24 priated, and unreserved on the date when the
25 person eligible for the allotment first used and
26 occupied those lands, but which later became

1 vacant, unappropriated, and unreserved during
2 the time that the person eligible for the allot-
3 ment used and occupied those lands.”.

4 (5) In subsection (a)(3)(E), insert “Federal”
5 after “acquired”.

6 (6) In subsection (a)(3)(I), strike “, including
7 but not limited to the following” and all that follows
8 through “Cemetery sites”.

9 (7) In subsection (a)(4), insert “described in
10 subsection (b)(1) or (b)(2)” after “A person”.

11 (8) In subsection (a)(4)(B), strike ”Park; and”
12 and insert “Park; or”.

13 (9) In subsection (b)(1), strike “A person” and
14 insert “Except as provided in paragraph (3), a per-
15 son”.

16 (10) In subsection (b)(1)(B), strike “January
17 1, 1969 and December 31, 1971” and all that fol-
18 lows through “December 3, 1971”, and insert “Au-
19 gust 5, 1964, and May 7, 1975”.

20 (11) In subsection (b)(2), insert “(as defined
21 pursuant to State law)” after “estate of a dece-
22 dent”.

23 (12) In subsection (b)(2), strike “who was” and
24 insert “which decedent would have been”.

1 (13) In subsection (b)(2), strike “subsection
2 (b)(1)” and insert “paragraph (1),”.

3 (14) In subsection (b)(2), strike “if, during”
4 and all that follows through “prisoner of war.” and
5 insert “under this section.”.

6 (15) In subsection (b)(3)—

7 (A) insert “previously applied for the same
8 allotment,” after “No person who received an
9 allotment,”; and

10 (B) insert before the period “, unless that
11 person is the personal representative of an es-
12 tate selecting an allotment pursuant to para-
13 graph (2)”.

14 (16) Add at the end the following new sub-
15 section:

16 “(f) APPROVAL OF ALLOTMENTS.—

17 “(1) IN GENERAL.—Subject to valid existing
18 rights, and except as otherwise provided in this sub-
19 section, within 1 year after the Secretary receives an
20 allotment application made pursuant to this section,
21 the Secretary shall approve said application and in-
22 terim convey the selected lands, pursuant to section
23 22(j) of this Act (43 U.S.C. 1621(j)(1)).

24 “(2) NOTIFICATION.—Upon receipt of an allot-
25 ment application, the Secretary shall immediately

1 notify the State and all interested parties of the land
2 description, and any such party shall have 90 days
3 following notification in which to file with the Sec-
4 retary a protest as provided in paragraph (3).

5 “(3) EFFECT OF PROTEST.—Paragraph (1)
6 shall not apply and the Native allotment application
7 shall be adjudicated pursuant to the requirements of
8 the Act of May 17, 1906 (Chapter 2469; 34 Stat.
9 197, as amended), this Act, and other applicable
10 law, if, pursuant to paragraph (2)—

11 “(A) a Native Corporation files a protest
12 with the Secretary stating that the applicant is
13 not entitled to the land described in the allot-
14 ment application, and said land is withdrawn
15 for selection by or has been conveyed to the Na-
16 tive Corporation pursuant to this Act;

17 “(B) the State files a protest with the Sec-
18 retary stating that the land described in the al-
19 lotment application is necessary for access to
20 lands owned by the United States, the State of
21 Alaska, or a political subdivision of the State of
22 Alaska, to resources located thereon, or to a
23 public body of water regularly employed for
24 transportation purposes, and the protest states
25 with specificity the facts upon which the conclu-

1 sions concerning access are based and that no
2 reasonable alternative for access exists; or

3 “(C) a person or entity files a protest with
4 the Secretary stating that the applicant is not
5 entitled to the land described in the allotment
6 application and that said land is the situs of
7 improvements claimed by the person or entity.

8 “(4) APPROVAL PROCEDURE.—Upon expiration
9 of the 90-day period following notification pursuant
10 to paragraph (2), the Secretary shall—

11 “(A) if no protest is timely filed, approve
12 the application pursuant to paragraph (1); or

13 “(B) if a protest is timely filed, adjudicate
14 the legal sufficiency of any such protest, and—

15 “(i) if the protest is legally insuffi-
16 cient, approve the application; or

17 “(ii) if the protest is valid, issue a de-
18 cision that closes the application and that
19 is final for the Secretary.”.

20 **SEC. 6. APPLICABILITY OF NATIONAL WILDLIFE REFUGE**
21 **RESTRICTIONS.**

22 Section 22(g) of the Act is amended by striking “Not-
23 withstanding” and all that follows through “of such Ref-
24 uge.”.

1 **SEC. 7. PARTIAL SECTION SELECTIONS AUTHORIZED.**

2 Section 22 of the Act is amended by adding at the
3 end the following new subsection:

4 “(m) Selections made under this Act after December
5 18, 1974, may be in partial sections, but each selection
6 shall be not less than 160 contiguous acres.”.

7 **SEC. 8. ELIM NATIVE CORPORATION LAND RESTORATION.**

8 The Alaska Native Claims Settlement Act (43 U.S.C.
9 1601 et seq.) is amended by adding at the end the fol-
10 lowing new section:

11 “ELIM NATIVE CORPORATION LAND RESTORATION

12 “SEC. 42. (a) FINDINGS.— The Congress finds
13 that—

14 “(1) approximately 350,000 acres of land were
15 withdrawn by Executive Orders in 1917 for the use
16 of the United States Bureau of Education and of
17 the Natives of Indigenous Alaskan race;

18 “(2) these lands comprised the Norton Bay
19 Reservation (later referred to as Norton Bay Native
20 Reserve) and were set aside for the benefit of the
21 Native inhabitants of the Eskimo Village of Elim,
22 Alaska;

23 “(3) in 1929, an Executive Order deleted
24 50,000 acres of land from the Norton Bay Reserva-
25 tion, without the informed consent of the Native
26 residents living on the Reservation, and the people

1 of Elim believe this deletion violated the Act of
2 March 3, 1927 (44 Stat. 1347);

3 “(4) there appears to have been only minimal
4 consultation conducted by the United States Govern-
5 ment with the inhabitants of Elim prior to this dele-
6 tion of lands;

7 “(5) the lands were deleted from the Reserva-
8 tion for the benefit of others;

9 “(6) the deleted lands were not offered to be re-
10 stored to the original Reservation when lands com-
11 prising the Reservation were made available to the
12 Native inhabitants of Elim under section 19(b) of
13 this Act at the time of passage of this Act;

14 “(7) the failure to replace these lands has been
15 and continues to be a source of deep concern to the
16 indigenous people of Elim;

17 “(8) until this matter is dealt with equitably, it
18 will continue to be a source of great frustration and
19 sense of loss among the shareholders of the Elim
20 Native Corporation and their descendants; and

21 “(9) in light of the above, to replace the lands
22 deleted in 1929 from the Norton Bay Reservation,
23 which was established for the benefit of the inhab-
24 itants of the Village of Elim, 50,000 acres of land
25 should be conveyed to the Elim Native Corporation.

1 “(b) WITHDRAWAL AND AVAILABILITY FOR SELEC-
2 TION.—The lands described in subsection (c) are with-
3 drawn, subject to valid existing rights, from all forms of
4 appropriation or disposition under the public land laws,
5 including the mining and mineral leasing laws, for a period
6 of 2 years from the date of enactment of this section, for
7 selection by the Elim Native Corporation.

8 “(c) LANDS DESCRIBED.—The lands described in
9 this section are within the boundary of a parcel of land
10 in the vicinity of Elim, Alaska, more particularly depicted
11 on the map dated August 1, 1999, and entitled Land
12 Withdrawal Elim Native Corporation Land Restoration.

13 “(d) AUTHORIZATION TO SELECT AND RECEIVE
14 TITLE TO LANDS; RESERVATION OF EASEMENT.—The
15 Elim Native Corporation is authorized to select and re-
16 ceive title to 50,000 acres of lands within the boundary
17 of the lands described in subsection (c) to replace the
18 lands deleted from the original Norton Bay Reservation.
19 The Secretary is authorized to receive, adjudicate, and
20 convey the surface and subsurface estate in the selected
21 lands to the Elim Native Corporation subject to—

22 “(1) valid existing rights;

23 “(2) an easement reserved to the United States
24 for the benefit of the public pursuant to section
25 17(b) of this Act; and

1 “(3) an easement reserved for the Iditarod Na-
2 tional Historic Trail.

3 “(e) FINALITY OF SELECTIONS.—(1) Selection by the
4 Elim Native Corporation of lands under subsection (d)
5 and final conveyance of those lands to Elim Native Cor-
6 poration shall constitute full satisfaction of any claim of
7 entitlement of the Elim Native Corporation—

8 “(A) with respect to its land entitlements under
9 section 19(b); and

10 “(B) with respect to the extinguishment of the
11 Norton Bay Reservation (as withdrawn by Executive
12 Order No. 2508, dated January 3, 1917, as amend-
13 ed by Executive Order No. 2525, dated February 6,
14 1917).

15 “(2) The Elim Native Corporation shall prioritize its
16 selections made pursuant to this section at the time such
17 selections are filed.”.

18 **SEC. 9. CLARIFICATION OF LIABILITY FOR CONTAMINA-**
19 **TION.**

20 The Act is further amended by adding after the sec-
21 tion added by section 8 of this Act, the following new sec-
22 tion:

23 “CLARIFICATION OF LIABILITY FOR CONTAMINATION

24 “SEC. 43. Notwithstanding section 107 of the Com-
25 prehensive Environmental Response, Compensation, and

1 Liability Act of 1980, or any other provision of law, no
2 person acquiring any interest in land under this Act shall
3 be liable for the costs of removal or remedial action, any
4 damages, or any third party liability arising out of or as
5 a result of any contamination on that land at the time
6 that such land was acquired under this Act unless such
7 person was directly responsible for such contamination.”.

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