

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1686

To amend the Alaska Native Claims Settlement Act to settle claims arising from the contamination of transferred lands, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 19 (legislative day, NOVEMBER 2), 1993

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

SEPTEMBER 21 (legislative day, SEPTEMBER 12), 1994

Committee discharged; referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Alaska Native Claims Settlement Act to settle claims arising from the contamination of transferred lands, 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.**

4 This Act may be cited as the “ANCSA Land Transfer  
5 Equity Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) certain real property, transferred to Native  
2           Corporations pursuant to the Alaska Native Claims  
3           Settlement Act (43 U.S.C. 1601 et seq.), has been  
4           found to contain contaminants;

5           (2) real property transferred to Native Corpora-  
6           tions pursuant to such Act may also contain con-  
7           taminants that have not yet been detected;

8           (3) in fulfilling the remainder of entitlements  
9           due to Native Corporations under such Act, addi-  
10          tional conveyances may take place without disclo-  
11          sures by the Federal Government; and

12          (4) the presence of contaminants on the real  
13          property creates harmful economic, legal, and other  
14          conditions which significantly undermine the intent  
15          of such Act.

16 **SEC. 3. SETTLEMENT OF CLAIMS.**

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

20 **“SEC. 40. SETTLEMENT OF CLAIMS ARISING FROM CON-**  
21 **TAMINATION OF TRANSFERRED LANDS.**

22          “(a) DEFINITIONS.—As used in this section:

23                 “(1) CONTAMINANT.—The term ‘contaminant’  
24                 means any element, substance, compound, or mix-  
25                 ture including disease-causing agents, that after re-

1        lease into the environment and upon exposure, inges-  
2        tion, inhalation, or assimilation into any organism,  
3        either directly from the environment or indirectly by  
4        ingestion through food chains, will or may reason-  
5        ably be anticipated to cause death, disease, behav-  
6        ioral abnormalities, cancer, genetic mutation, physio-  
7        logical malfunctions (including malfunctions in re-  
8        production) or physical deformations, in such orga-  
9        nisms or their offspring. The term shall not include  
10       petroleum, including crude oil or any fraction there-  
11       of that is not otherwise specifically listed or des-  
12       igned as a hazardous substance under subpara-  
13       graphs (A) through (F) of section 101(14) of the  
14       Comprehensive Environmental Response, Compensa-  
15       tion, and Liability Act of 1980 (42 U.S.C.  
16       9601(14)) and shall not include natural gas, lique-  
17       fied natural gas, or synthetic gas of pipeline quality  
18       (or mixtures of natural gas and such synthetic gas).

19        “(2) LANDS.—The term ‘lands’ means real  
20        property transferred to a Native Corporation pursu-  
21        ant to this Act.

22        “(b) SETTLEMENT OF CLAIMS.—

23        “(1) IN GENERAL.—Not later than 1 year after  
24        being notified by a Native Corporation of contami-  
25        nants on lands, the Secretary shall reach a settle-

1       ment with the Native Corporation that provides  
2       for—

3               “(A) the removal of all contaminants left  
4               by the United States, an agent of the United  
5               States, or a lessee, from the transferred lands;  
6               or

7               “(B) the replacement of the lands contain-  
8               ing contaminants in accordance with paragraph  
9               (2).

10              “(2)   REPLACEMENT   OF   CONTAMINATED  
11       LANDS.—If the settlement reached pursuant to para-  
12       graph (1) provides for the replacement of lands con-  
13       taining contaminants in accordance with paragraph  
14       (1)(B), the Secretary shall—

15              “(A) accept title to the lands containing  
16              contaminants from the Native Corporation; and

17              “(B) replace the lands by conveying to the  
18              Native Corporation—

19                      “(i) other lands, from unreserved, va-  
20                      cant, and unappropriated public lands, in  
21                      accordance with section 1302(h) of the  
22                      Alaska National Interest Lands Conserva-  
23                      tion Act (16 U.S.C. 3192(h)); or

24                      “(ii) other lands, interests in lands, or  
25                      rights available under this Act, pursuant to

1           such authority, and under such terms with  
2           respect to value and acreage, as governed  
3           the original conveyance.

4           “(c) ASSUMPTION OF LIABILITY.—The United States  
5 shall—

6           “(1) assume all past, present, and future liabil-  
7           ities and obligations arising from the original trans-  
8           fer of contaminated lands; and

9           “(2) defend and hold harmless Native Corpora-  
10          tions in all claims arising from the original transfer  
11          of contaminated lands.”.

12 **SEC. 4. PENDING TRANSFERS.**

13          Nothing in the amendments made by this Act is in-  
14 tended to impede or delay any transfer of lands under the  
15 Alaska Native Claims Settlement Act (43 U.S.C. 1601 et  
16 seq.) that is pending on the date of enactment of this Act.

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