

106TH CONGRESS
1ST SESSION

H. R. 3417

To complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 1999

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

A BILL

To complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

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 referred to as the “Pribilof Islands
5 Transition Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to complete the orderly
8 withdrawal of the National Oceanic and Atmospheric Ad-
9 ministration from the civil administration of the Pribilof
10 Islands, Alaska.

1 **SEC. 3. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS**
2 **UNDER FUR SEAL ACT OF 1966.**

3 Public Law 89–702, popularly known and referred to
4 in this Act as the Fur Seal Act of 1966, is amended by
5 amending section 206 (16 U.S.C. 1166) to read as follows:

6 **“SEC. 206. FINANCIAL ASSISTANCE.**

7 **“(a) GRANT AUTHORITY.—**

8 **“(1) IN GENERAL.—**Subject to the availability
9 of appropriations, the Secretary shall provide assist-
10 ance to any city government, village corporation, or
11 tribal council of St. George, Alaska, or St. Paul,
12 Alaska, to—

13 **“(A)** reimburse costs incurred by the
14 grantee in upgrading or replacing Federal in-
15 frastructure or facilities transferred to the
16 grantee under section 205; or

17 **“(B)** promote the development of a stable,
18 self-sufficient, enduring, and diversified econ-
19 omy in the Pribilof Islands that is not depend-
20 ent on sealing.

21 **“(2) USE FOR MATCHING.—**Notwithstanding
22 any other provision of law relating to matching
23 funds, funds provided by the Secretary as assistance
24 under this subsection may be used by the entity as
25 non-Federal matching funds under any Federal pro-
26 gram that requires such matching funds.

1 “(b) SOLID WASTE ASSISTANCE.—Subject to the
2 availability of appropriations, the Secretary shall provide
3 assistance to the State of Alaska for designing, locating,
4 constructing, redeveloping, permitting, or certifying solid
5 waste management facilities on the Pribilof Islands neces-
6 sitated by the National Oceanic and Atmospheric Adminis-
7 tration’s administration of the islands under the Fur Seal
8 Act of 1966 to be operated under a permit issued by the
9 State of Alaska under section 46.03.100 of the Alaska
10 Statutes.

11 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary—

13 “(1) for assistance under subsection (a), for
14 each of fiscal years 2001 and 2002—

15 “(A) \$4,500,000, for grants to the city of
16 St. Paul;

17 “(B) \$3,150,000, for grants to the
18 Tanadgusix Corporation;

19 “(C) \$750,000, for grants to the St. Paul
20 Tribal Council;

21 “(D) \$3,000,000, for grants to the city of
22 St. George;

23 “(E) \$2,100,000, for grants to the Tanaq
24 Corporation; and

1 “(F) \$500,000, for grants to the St.
2 George Tribal Council; and

3 “(2) for assistance under subsection (b), such
4 sums as may be necessary for each of fiscal years
5 2000 and 2001.

6 “(d) LIMITATION ON USE OF ASSISTANCE FOR LOB-
7 BYING ACTIVITIES.—None of the funds authorized by this
8 section may be available for any activity a purpose of
9 which is to influence legislation pending before the Con-
10 gress, except that this subsection shall not prevent officers
11 or employees of the United States or of its departments,
12 agencies, or commissions from communicating to Members
13 of Congress, through proper channels, requests for legisla-
14 tion or appropriations that they consider it necessary for
15 the efficient conduct of public business.”.

16 **SEC. 4. DISPOSAL OF PROPERTY.**

17 Section 205 of the Fur Seal Act of 1966 (16 U.S.C.
18 1165) is amended—

19 (1) by amending subsection (c) to read as fol-
20 lows:

21 “(c) Not later than 3 months after the date of enact-
22 ment of the Pribilof Islands Transition Act, the Secretary
23 shall submit to the Committee on Commerce, Science, and
24 Transportation of the Senate and the Committee on Re-

1 sources of the House of Representatives a report that
2 includes—

3 “(1) a description of all property specified in
4 the document referred to in subsection (a) that has
5 been conveyed under that subsection;

6 “(2) a description of all Federal property speci-
7 fied in the document referred to in subsection (a)
8 that is going to be conveyed under that subsection;
9 and

10 “(3) an identification of all Federal property on
11 the Pribilof Islands that will be retained by the Fed-
12 eral Government to meet its responsibilities under
13 this Act, the Convention, and any other applicable
14 law.”; and

15 (2) by striking subsection (g).

16 **SEC. 5. TERMINATION OF RESPONSIBILITIES.**

17 (a) **FUTURE OBLIGATION.**—

18 (1) **IN GENERAL.**—The Secretary of Commerce
19 shall not be considered to have any obligation to pro-
20 mote or otherwise provide for the development of
21 any form of an economy not dependent on sealing on
22 the Pribilof Islands, including any obligation under
23 section 206 of the Fur Seal Act of 1966 (16 U.S.C.
24 1166) or section 3(c)(1)(A) of Public Law 104–91
25 (16 U.S.C. 1165 note).

1 (2) SAVINGS.—This subsection shall not affect
2 any cause of action under section 206 of the Fur
3 Seal Act of 1966 (16 U.S.C. 1166) or section
4 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165
5 note)—

6 (A) that arose before the date of the enact-
7 ment of this Act; and

8 (B) for which a judicial action is filed be-
9 fore the expiration of the 5-year period begin-
10 ning on the date of the enactment of this Act.

11 (3) RULE OF CONSTRUCTION.—Nothing in this
12 Act shall be construed to imply that—

13 (A) any obligation to promote or otherwise
14 provide for the development in the Pribilof Is-
15 lands of any form of an economy not dependent
16 on sealing was or was not established by section
17 206 of the Fur Seal Act of 1966 (16 U.S.C.
18 1166), section 3(c)(1)(A) of Public Law 104–91
19 (16 U.S.C. 1165 note), or any other provision
20 of law; or

21 (B) any cause of action could or could not
22 arise with respect to such an obligation.

23 (4) CONFORMING AMENDMENT.—Section
24 3(c)(1) of Public Law 104–91 (16 U.S.C. 1165
25 note) is amended by striking subparagraph (A).

1 (b) PROPERTY CONVEYANCE AND CLEANUP.—

2 (1) IN GENERAL.—Subject to paragraph (2),
3 there are terminated all obligations of the Secretary
4 of Commerce and the United States to—

5 (A) convey property under section 205 of
6 the Fur Seal Act of 1966 (16 U.S.C. 1165);
7 and

8 (B) carry out cleanup activities, including
9 assessment, response, remediation, and moni-
10 toring, related to National Oceanic and Atmos-
11 pheric Administration administration of the
12 Pribilof Islands under section 3 of Public Law
13 104–91 (16 U.S.C. 1165 note) and the Pribilof
14 Islands Environmental Restoration Agreement
15 between the National Oceanic and Atmospheric
16 Administration and the State of Alaska, signed
17 January 26, 1996.

18 (2) APPLICATION.—Paragraph (1) shall apply
19 on and after the date on which—

20 (A) the State of Alaska determines that all
21 responsibilities of the Secretary, the Depart-
22 ment of Commerce, and the United States
23 under the Pribilof Islands Environmental Res-
24 toration Agreement between the National Oce-
25 anic and Atmospheric Administration and the

1 State of Alaska, signed January 26, 1996, have
2 been fulfilled;

3 (B) the Secretary of Commerce has com-
4 pleted the cleanup required under section 3(a)
5 of Public Law 104–91 (16 U.S.C. 1165 note);

6 (C) the Secretary of Commerce determines
7 that the properties specified in the document
8 referred to in subsection (a) of section 205 of
9 the Fur Seal Act of 1966 (16 U.S.C. 1165(a)),
10 as amended by this Act, can be unconditionally
11 offered for conveyance under that section; and

12 (D) the Secretary of Commerce determines
13 that all amounts authorized under section
14 206(c)(1) of the Fur Seal Act of 1966, as
15 amended by this Act, have been appropriated
16 and obligated.

17 (3) LIMITATION ON SEEKING CONTRIBU-
18 TIONS.—(A) Notwithstanding any other provision of
19 this Act (other than subparagraph (B)), no Federal
20 agency or department shall seek financial contribu-
21 tions from any Natives of the Pribilof Islands for
22 costs or fees incurred by the Secretary of Commerce
23 for actions taken pursuant to—

24 (i) the Pribilof Islands Environmental Res-
25 toration Agreement between the Secretary and

1 the State of Alaska Department of Environ-
2 mental Conservation; or

3 (ii) section 3(a) of Public Law 104–91 (16
4 U.S.C. 1165 note).

5 (B) Subparagraph (A) applies only to—

6 (i) cleanup actions, including assessment,
7 response, remediation, and monitoring, that
8 occurred—

9 (I) on property on the Pribilof Islands
10 to which the Federal Government held title
11 immediately before the enactment of this
12 Act; and

13 (II) before the date of the enactment
14 of this Act; and

15 (ii) cleanup actions, including assessment,
16 response, remediation, and monitoring, that
17 occurred—

18 (I) on property on the Pribilof Islands
19 that was transferred or conveyed by the
20 Federal Government before the date of the
21 enactment of this Act to one or more Na-
22 tives of the Pribilof Islands; and

23 (II) before the date of that transfer or
24 conveyance.

1 (4) CERTAIN RESERVED RIGHTS NOT CONDI-
2 TIONS.—For purposes of paragraph (2)(C), the fol-
3 lowing requirements shall not be considered to be
4 conditions on conveyance of property:

5 (A) Any requirement that a potential
6 transferee must allow the National Oceanic and
7 Atmospheric Administration continued access to
8 the property to conduct environmental moni-
9 toring following remediation activities.

10 (B) Any requirement that a potential
11 transferee must allow the National Oceanic and
12 Atmospheric Administration access to the prop-
13 erty to continue the operation, and eventual clo-
14 sure, of treatment facilities.

15 (C) Any requirement that a potential
16 transferee must comply with institutional con-
17 trols to ensure that an environmental cleanup
18 remains protective of human health or the envi-
19 ronment.

20 (c) REPEALS.—Effective on the date described in
21 subsection (b)(2), the following provisions are repealed:

22 (1) Section 205 of the Fur Seal Act of 1966
23 (16 U.S.C. 1165).

24 (2) Section 3 of Public Law 104–91 (16 U.S.C.
25 1165 note).

1 (d) SAVINGS.—

2 (1) IN GENERAL.—Nothing in this Act shall af-
3 fect any obligation of the Secretary of Commerce, or
4 of any Federal department or agency, under or with
5 respect to any document described in paragraph (2)
6 or with respect to any lands subject to such a docu-
7 ment.

8 (2) DOCUMENTS DESCRIBED.—The documents
9 referred to in paragraph (1) are the following:

10 (A) The Transfer of Property on the
11 Pribilof Islands: Description, Terms, and Con-
12 ditions, dated February 10, 1984, between the
13 Secretary of Commerce and various Pribilof Is-
14 land entities.

15 (B) The Settlement Agreement between
16 Tanadgusix Corporation and the city of St.
17 Paul, dated January 11, 1988, and approved by
18 the Secretary of Commerce on February 23,
19 1988.

20 (C) The Memorandum of Understanding
21 between Tanadgusix Corporation, Tanaq Cor-
22 poration, and the Secretary of Commerce, dated
23 December 22, 1976.

24 (e) DEFINITIONS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the definitions set forth in section 101 of
3 the Fur Seal Act of 1966 (16 U.S.C. 1151) shall
4 apply to this section.

5 (2) NATIVES OF THE PRIBILOF ISLANDS.—For
6 purposes of this section, the term “Natives of the
7 Pribilof Islands” shall include the Tanadgusix and
8 Tanaq Corporations.

9 **SEC. 6. TECHNICAL AND CLARIFYING AMENDMENTS.**

10 (a) Public Law 104–91 and the Fur Seal Act of 1966
11 are amended by—

12 (1) striking the heading for subsection (d) of
13 section 3 of Public Law 104–91; and

14 (2) moving and redesignating such subsection
15 so to appear as section 212 of the Fur Seal Act of
16 1966.

17 (b) Section 201 of the Fur Seal Act of 1966 (16
18 U.S.C. 1161) is amended by striking “on such Islands”
19 and insert “on such property”.

20 (c) The Fur Seal Act of 1966 is amended by inserting
21 before title I the following:

22 **“SECTION 1. SHORT TITLE.**

23 This Act may be cited as the ‘Fur Seal Act of
24 1966’.”.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 3 of Public Law 104–91 (16 U.S.C. 1165
3 note) is amended—

4 (1) in subsection (f) by striking “1996, 1997,
5 and 1998” and inserting “2001, 2002, and 2003”;
6 and

7 (2) by adding at the end the following:

8 “(g) LOW INTEREST LOAN PROGRAM.—

9 “(1) CAPITALIZATION OF REVOLVING FUND.—

10 Of amounts authorized under subsection (f) for each
11 of fiscal years 2001, 2002, and 2003, the Secretary
12 may provide to the State of Alaska up to \$2,000,000
13 per fiscal year to establish and capitalize a revolving
14 fund to be used by the State for loans under this
15 subsection.

16 “(2) LOW INTEREST LOANS.—The Secretary
17 shall require that any revolving fund established
18 with amounts provided under this subsection shall be
19 used only to provide low interest loans to Natives of
20 the Pribilof Islands to assess, respond, remediate,
21 and monitor contamination from lead paint, asbestos,
22 and petroleum from underground storage tanks
23 that resulted from National Oceanic and Atmos-
24 pheric Administration of the Pribilof Islands under
25 the Fur Seal Act of 1966.

1 “(3) NATIVES OF THE PRIBILOF ISLANDS DE-
2 FINED.—The definitions set forth in section 101 of
3 the Fur Seal Act of 1966 (16 U.S.C. 1151) shall
4 apply to this section, except that the term ‘Natives
5 of the Pribilof Islands’ shall include the Tanadgusix
6 and Tanaq Corporations.”.

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