

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3417

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IN THE SENATE OF THE UNITED STATES

JUNE 27, 2000

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To complete the orderly withdrawal of the National Oceanic  
and Atmospheric Administration from the civil adminis-  
tration 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be referred to as the “Pribilof Islands  
3 Transition Act”.

4 **SEC. 2. PURPOSE.**

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

9 **SEC. 3. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS**  
10 **UNDER FUR SEAL ACT OF 1966.**

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

14 **“SEC. 206. FINANCIAL ASSISTANCE.**

15 “(a) GRANT AUTHORITY.—

16 “(1) IN GENERAL.—Subject to the availability  
17 of appropriations, the Secretary shall provide finan-  
18 cial assistance to any city government, village cor-  
19 poration, or tribal council of St. George, Alaska, or  
20 St. Paul, Alaska.

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           “(3) RESTRICTION ON USE.—The Secretary  
2           may not use financial assistance authorized by this  
3           Act—

4                   “(A) to settle any debt owed to the United  
5           States;

6                   “(B) for administrative or overhead ex-  
7           penses; or

8                   “(C) for contributions authorized under  
9           section 5(b)(3)(B) of the Pribilof Islands Tran-  
10          sition Act.

11           “(4) FUNDING INSTRUMENTS AND PROCE-  
12          DURES.—In providing assistance under this sub-  
13          section the Secretary shall transfer any funds appro-  
14          priated to carry out this section to the Secretary of  
15          the Interior, who shall obligate such funds through  
16          instruments and procedures that are equivalent to  
17          the instruments and procedures required to be used  
18          by the Bureau of Indian Affairs pursuant to title IV  
19          of the Indian Self-Determination and Education As-  
20          sistance Act (25 U.S.C. 450 et seq.).

21           “(5) PRO RATA DISTRIBUTION OF ASSIST-  
22          ANCE.—In any fiscal year for which less than all of  
23          the funds authorized under subsection (c)(1) are ap-  
24          propriated, such funds shall be distributed under  
25          this subsection on a pro rata basis among the enti-

1       ties referred to in subsection (c)(1) in the same pro-  
2       portions in which amounts are authorized by that  
3       subsection for grants to those entities.

4       “(b) SOLID WASTE ASSISTANCE.—

5             “(1) IN GENERAL.—Subject to the availability  
6       of appropriations, the Secretary shall provide assist-  
7       ance to the State of Alaska for designing, locating,  
8       constructing, redeveloping, permitting, or certifying  
9       solid waste management facilities on the Pribilof Is-  
10      lands to be operated under permits issued to the  
11      City of St. George and the City of St. Paul, Alaska,  
12      by the State of Alaska under section 46.03.100 of  
13      the Alaska Statutes.

14            “(2) TRANSFER.—The Secretary shall transfer  
15      any appropriations received under paragraph (1) to  
16      the State of Alaska for the benefit of rural and Na-  
17      tive villages in Alaska for obligation under section  
18      303 of Public Law 104–182, except that subsection  
19      (b) of that section shall not apply to those funds.

20            “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
21      are authorized to be appropriated to the Secretary for fis-  
22      cal years 2001, 2002, 2003, 2004, and 2005—

23             “(1) for assistance under subsection (a) a total  
24      not to exceed—

1           “(A) \$9,000,000, for grants to the City of  
2           St. Paul;

3           “(B) \$6,300,000, for grants to the  
4           Tanadgusix Corporation;

5           “(C) \$1,500,000, for grants to the St.  
6           Paul Tribal Council;

7           “(D) \$6,000,000, for grants to the City of  
8           St. George;

9           “(E) \$4,200,000, for grants to the St.  
10          George Tanaq Corporation; and

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

13          “(2) for assistance under subsection (b), such  
14          sums as may be necessary.

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

1       “(e) IMMUNITY FROM LIABILITY.—Neither the  
2 United States nor any of its agencies, officers, or employ-  
3 ees shall have any liability under this Act or any other  
4 law associated with or resulting from the designing, locat-  
5 ing, contracting for, redeveloping, permitting, certifying,  
6 operating, or maintaining any solid waste management fa-  
7 cility on the Pribilof Islands as a consequence of having  
8 provided assistance to the State of Alaska under sub-  
9 section (b).

10       “(f) REPORT ON EXPENDITURES.—Each entity  
11 which receives assistance authorized under subsection (c)  
12 shall submit an audited statement listing the expenditure  
13 of that assistance to the Committee on Appropriations and  
14 the Committee on Resources of the House of Representa-  
15 tives and the Committee on Appropriations and the Com-  
16 mittee on Commerce, Science, and Transportation of the  
17 Senate, on the last day of fiscal years 2002, 2004, and  
18 2006.

19       “(g) CONGRESSIONAL INTENT.—Amounts authorized  
20 under subsection (c) are intended by Congress to be pro-  
21 vided in addition to the base funding appropriated to the  
22 National Oceanic and Atmospheric Administration in fis-  
23 cal year 2000.

1 **SEC. 4. DISPOSAL OF PROPERTY.**

2 Section 205 of the Fur Seal Act of 1966 (16 U.S.C.  
3 1165) is amended—

4 (1) by amending subsection (c) to read as fol-  
5 lows:

6 “(c) Not later than 3 months after the date of the  
7 enactment of the Pribilof Islands Transition Act, the Sec-  
8 retary shall submit to the Committee on Commerce,  
9 Science, and Transportation of the Senate and the Com-  
10 mittee on Resources of the House of Representatives a re-  
11 port that includes—

12 “(1) a description of all property specified in  
13 the document referred to in subsection (a) that has  
14 been conveyed under that subsection;

15 “(2) a description of all Federal property speci-  
16 fied in the document referred to in subsection (a)  
17 that is going to be conveyed under that subsection;  
18 and

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

24 (2) by striking subsection (g).

25 **SEC. 5. TERMINATION OF RESPONSIBILITIES.**

26 (a) FUTURE OBLIGATION.—

1           (1) IN GENERAL.—The Secretary of Commerce  
2 shall not be considered to have any obligation to pro-  
3 mote or otherwise provide for the development of  
4 any form of an economy not dependent on sealing on  
5 the Pribilof Islands, Alaska, including any obligation  
6 under section 206 of the Fur Seal Act of 1966 (16  
7 U.S.C. 1166) or section 3(e)(1)(A) of Public Law  
8 104–91 (16 U.S.C. 1165 note).

9           (2) SAVINGS.—This subsection shall not affect  
10 any cause of action under section 206 of the Fur  
11 Seal Act of 1966 (16 U.S.C. 1166) or section  
12 3(e)(1)(A) of Public Law 104–91 (16 U.S.C. 1165  
13 note)—

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

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

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

21                   (A) any obligation to promote or otherwise  
22 provide for the development in the Pribilof Is-  
23 lands of any form of an economy not dependent  
24 on sealing was or was not established by section  
25 206 of the Fur Seal Act of 1966 (16 U.S.C.

1           1166), section 3(c)(1)(A) of Public Law 104–91  
2           (16 U.S.C. 1165 note), or any other provision  
3           of law; or

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

6           (4)    CONFORMING    AMENDMENT.—Section  
7           3(c)(1) of Public Law 104–91 (16 U.S.C. 1165  
8           note) is amended by striking subparagraph (A) and  
9           redesignating subparagraphs (B) through (D) in  
10          order as subparagraphs (A) through (C).

11          (b) PROPERTY CONVEYANCE AND CLEANUP.—

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

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

18                   (B) carry out cleanup activities, including  
19           assessment, response, remediation, and moni-  
20           toring, except for postremedial measures such  
21           as monitoring and operation and maintenance  
22           activities, related to National Oceanic and At-  
23           mospheric Administration administration of the  
24           Pribilof Islands, Alaska, under section 3 of  
25           Public Law 104–91 (16 U.S.C. 1165 note) and

1 the Pribilof Islands Environmental Restoration  
2 Agreement between the National Oceanic and  
3 Atmospheric Administration and the State of  
4 Alaska, signed January 26, 1996.

5 (2) APPLICATION.—Paragraph (1) shall apply  
6 on and after the date on which the Secretary cer-  
7 tifies that—

8 (A) the State of Alaska has provided writ-  
9 ten confirmation that no further corrective ac-  
10 tion is required at the sites and operable units  
11 covered by the Pribilof Islands Environmental  
12 Restoration Agreement between the National  
13 Oceanic and Atmospheric Administration and  
14 the State of Alaska, signed January 26, 1996,  
15 with the exception of postremedial measures,  
16 such as monitoring and operation and mainte-  
17 nance activities;

18 (B) the cleanup required under section  
19 3(a) of Public Law 104–91 (16 U.S.C. 1165  
20 note) is complete;

21 (C) the properties specified in the docu-  
22 ment referred to in subsection (a) of section  
23 205 of the Fur Seal Act of 1966 (16 U.S.C.  
24 1165(a)) can be unconditionally offered for con-  
25 veyance under that section; and

1 (D) all amounts appropriated under sec-  
2 tion 206(c)(1) of the Fur Seal Act of 1966, as  
3 amended by this Act, have been obligated.

4 (3) FINANCIAL CONTRIBUTIONS FOR CLEANUP  
5 COSTS.—(A) On and after the date on which section  
6 3(b)(5) of Public Law 104–91 (16 U.S.C. 1165  
7 note) is repealed by this Act, the Secretary may not  
8 seek or require financial contribution by or from any  
9 local governmental entity of the Pribilof Islands, any  
10 official of such an entity, or the owner of land on  
11 the Pribilof Islands, for cleanup costs incurred pur-  
12 suant to section 3(a) of Public Law 104–91 (as in  
13 effect before such repeal), except as provided in sub-  
14 paragraph (B).

15 (B) Subparagraph (A) shall not limit the au-  
16 thority of the Secretary to seek or require financial  
17 contribution from any person for costs or fees to  
18 clean up any matter that was caused or contributed  
19 to by such person on or after March 15, 2000.

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

24 (A) Any requirement that a potential  
25 transferee must allow the National Oceanic and

1 Atmospheric Administration continued access to  
2 the property to conduct environmental moni-  
3 toring following remediation activities.

4 (B) Any requirement that a potential  
5 transferee must allow the National Oceanic and  
6 Atmospheric Administration access to the prop-  
7 erty to continue the operation, and eventual clo-  
8 sure, of treatment facilities.

9 (C) Any requirement that a potential  
10 transferee must comply with institutional con-  
11 trols to ensure that an environmental cleanup  
12 remains protective of human health or the envi-  
13 ronment that do not unreasonably affect the  
14 use of the property.

15 (D) Valid existing rights in the property,  
16 including rights granted by contract, permit,  
17 right-of-way, or easement.

18 (E) The terms of the documents described  
19 in subsection (d)(2).

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” includes the Tanadgusix Corpora-  
8           tion, the St. George Tanaq Corporation, and the city  
9           governments and tribal councils of St. Paul and St.  
10          George, Alaska.

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

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

14               (1) striking “(d)” and all that follows through  
15               the heading for subsection (d) of section 3 of Public  
16               Law 104–91 and inserting “**SEC. 212.**”; and

17               (2) moving and redesignating such subsection  
18               so as to appear as section 212 of the Fur Seal Act  
19               of 1966.

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

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

1 **“SECTION 1. SHORT TITLE.**

2 “This Act may be cited as the ‘Fur Seal Act of  
3 1966’.”.

4 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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

7 (1) in subsection (f) by striking “1996, 1997,  
8 and 1998” and inserting “2001, 2002, 2003, 2004,  
9 and 2005”; and

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

11 “(g) **LOW-INTEREST LOAN PROGRAM.**—

12 “(1) **CAPITALIZATION OF REVOLVING FUND.**—

13 Of amounts authorized under subsection (f) for each  
14 of fiscal years 2001, 2002, 2003, 2004, and 2005,  
15 the Secretary may provide to the State of Alaska up  
16 to \$2,000,000 per fiscal year to capitalize a revolving  
17 fund to be used by the State for loans under this  
18 subsection.

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

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.”.

Passed the House of Representatives June 26, 2000.

Attest:

JEFF TRANDAHL,

*Clerk.*