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105TH CONGRESS
1ST SESSION

S. 1488

To ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 1997

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, 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. FINDINGS.**

4 Congress finds that:

5 (1) Adak Island is an isolated island located
6 1,200 miles southwest of Anchorage, Alaska, be-
7 tween the Pacific Ocean and the Bering Sea. The Is-

1 land, with its unique physical and biological fea-
2 tures, including a deep water harbor and abundant
3 marine-associated wildlife, was recognized early for
4 both its natural and military values. In 1913, Adak
5 Island was reserved and set aside as a Preserve be-
6 cause of its value to seabirds, marine mammals, and
7 fisheries. Withdrawals of portions of Adak Island for
8 various military purposes date back to 1901 and cul-
9 minated in the 1959 withdrawal of approximately
10 half of the Island for use by the Department of the
11 Navy for military purposes.

12 (2) By 1990, military development on Adak Is-
13 land supported a community of 6,000 residents.
14 Outside of the Adak Naval Complex, there is no
15 independent community on Adak Island.

16 (3) As a result of the Defense Base Closure and
17 Realignment Act of 1990 (104 Stat. 1808), as
18 amended, the Adak Naval Complex has been closed
19 by the Department of Defense.

20 (4) The Aleut Corporation is an Alaskan Native
21 Regional Corporation incorporated in the State of
22 Alaska pursuant to the Alaska Native Claims Settle-
23 ment Act (ANCSA), as amended (43 U.S.C. 1601,
24 et seq.). The Aleut Corporation represents the indig-
25 enous people of the Aleutian Islands who prior to

1 the Russian exploration and settlement of the Aleu-
2 tian Islands were found throughout the Aleutian Is-
3 lands which includes Adak Island.

4 (5) None of Adak Island was available for selec-
5 tion by The Aleut Corporation under section
6 14(h)(8) of ANCSA (43 U.S.C. 1613(h)(8)) because
7 it was part of a National Wildlife Refuge and be-
8 cause the portion comprising the Adak Naval Com-
9 plex was withdrawn for use by the United States
10 Navy for military purposes prior to the passage of
11 ANCSA in December 1971.

12 (6) The Aleut Corporation is interested in es-
13 tablishing a community on Adak and has offered to
14 exchange ANCSA land selections for conveyance of
15 certain lands and interests therein on a portion of
16 Adak formerly occupied by the Navy.

17 (7) Removal of a portion of Adak Island land
18 from refuge status will be offset by the acquisition
19 of high quality wildlife habitat in other Aleut Cor-
20 poration selections within the Alaska Maritime Na-
21 tional Wildlife Refuge, maintaining a resident
22 human population on Adak to control caribou, and
23 making possible a continued U.S. Fish and Wildlife
24 Service presence in that remote location to protect

1 the natural resources of the Aleutian Islands Unit of
2 the Alaska Maritime National Wildlife Refuge.

3 (8) It is in the public interest to promote reuse
4 of the Adak Island lands by exchanging certain
5 lands for lands selected by The Aleut Corporation
6 elsewhere in the Alaska Maritime National Wildlife
7 Refuge. Experience with environmental problems as-
8 sociated with formerly used defense sites in the
9 State of Alaska suggests that the most effective and
10 efficient way to avoid future environmental problems
11 on Adak is to support and encourage active reuse of
12 Adak.

13 **SEC. 2. RATIFICATION OF AGREEMENT.**

14 The document entitled the “Agreement Concerning
15 Transfer of Lands at Adak Naval Complex” (hereinafter
16 “the Agreement”), and dated _____, executed by
17 The Aleut Corporation, the Department of the Interior
18 and the Department of the Navy, is hereby ratified, con-
19 firmed, and approved and the terms, conditions, proce-
20 dures, covenants, reservations, and other provisions set
21 forth in the Agreement are declared to be obligations and
22 commitments of the United States as a matter of Federal
23 law.

1 **SEC. 3. REMOVAL OF LANDS FROM REFUGE.**

2 Effective on the date of conveyance to The Aleut Cor-
3 poration of the Adak Exchange Lands as described in the
4 Agreement, all such lands shall be removed from the Na-
5 tional Wildlife Refuge System and shall neither be consid-
6 ered as part of the Alaska Maritime National Wildlife Ref-
7 uge nor subject to any laws pertaining to lands within the
8 boundaries of the Alaska Maritime National Wildlife Ref-
9 uge. The conveyance restrictions imposed by section 22(g)
10 of the ANCSA, 43 U.S.C. 1621(g), on said lands shall
11 then be ineffective and cease to apply. The Secretary shall
12 adjust the boundaries of the Refuge so as to exclude all
13 interests in lands and land rights, surface and substance,
14 received by The Aleut Corporation in accordance with this
15 Act and the Agreement.

16 **SEC. 4. ALASKA NATIVE CLAIMS SETTLEMENT ACT.**

17 Lands and interests therein exchanged and conveyed
18 by the United States pursuant to this act shall be consid-
19 ered and treated as conveyances of lands or interests
20 therein under the Alaska Native Claims Settlement Act,
21 except that receipt of such lands and interests therein
22 shall not constitute a sale or disposition of land or inter-
23 ests received pursuant to such Act.

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