

**§ 1165. Disposal of Federal property on Pribilof Islands**

**(a) Submission to Congress of property transfer document**

Any provision of law relating to the transfer and disposal of Federal property to the contrary notwithstanding, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, is authorized to bargain, grant, sell or otherwise convey, on such terms as he deems to be in the best interests of the United States and in furtherance of the purposes of this chapter, any and all right, title, and interest of the United States in and to the property, both real and personal, held by the Secretary on the Pribilof Islands: *Provided*, That such property is specified in a document entitled "Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions," which is submitted to the Congress on or before October 31, 1983.

**(b) Contents of property transfer document**

The property transfer document described in subsection (a) of this section shall include, but need not be limited to—

- (1) a description of each conveyance;
- (2) the terms to be imposed on each conveyance;
- (3) designation of the recipient of each conveyance;
- (4) a statement noting acceptance of each conveyance, including the terms, if any, under which it is accepted; and
- (5) an identification of all Federal property to be retained by the Federal Government on the Pribilof Islands to meet its responsibilities as described in this chapter and under the Convention.

**(c) Report to Congress on conveyed and retained properties**

Not later than 3 months after December 23, 2000, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

- (1) a description of all property specified in the document referred to in subsection (a) of this section that has been conveyed under that subsection;
- (2) a description of all Federal property specified in the document referred to in subsection (a) of this section that is going to be conveyed under that subsection; and
- (3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this chapter, the Convention, and any other applicable law.

**(d) Memorandum of Understanding**

A Memorandum of Understanding shall be entered into by the Secretary, a representative of the local governmental authority on each Island, the trustee or trustees, and the appropriate officer of the State of Alaska setting forth the respective responsibilities of the Federal Government, the Trust, and the State regarding—

(1) application of Federal retirement benefits, severance pay, and insurance benefits with respect to Natives of the Pribilof Islands;

(2) funding to be allocated by the State of Alaska for the construction of boat harbors on St. Paul and St. George Islands;

(3) assumption of the State of Alaska of traditional State responsibilities for facilities and services on such islands in accordance with applicable laws and regulations;

(4) preservation of wildlife resources within the Secretary's jurisdiction;

(5) continued activities relating to the implementation of the Convention;

(6) oversight of the operation of the Trust established by section 1166(a)<sup>1</sup> of this title to further progress toward creation of a stable, diversified, and enduring economy not dependent on commercial fur sealing;

(7) the cooperation of government agencies, rendered through existing programs, in assisting with an orderly transition from Federal management and the creation of a private enterprise economy on the Pribilof Islands as described in this chapter; and

(8) such other matters as may be necessary and appropriate for carrying out the purposes of the chapter, including the assumption of responsibilities to ensure an orderly transition from Federal management of the Pribilof Islands.

The Memorandum shall be submitted to Congress on or before October 31, 1983.

**(e) Taxation**

The grant, sale, transfer or conveyance of any real or personal property pursuant to this section shall not be subject to any form of Federal, State or local taxation. The basis for computing gain or loss on subsequent sale or disposition of such real or personal property for purposes of any Federal, State or local tax imposed on, or measured by revenue shall be the fair market value of such real or personal property at the time of receipt.

**(f) Agreements with governmental agencies and third parties**

In carrying out the purposes of this chapter, the Secretary is authorized to enter into agreements, including but not limited to land exchange agreements with other Departments and Agencies of both the State and Federal Governments, and with third parties, notwithstanding any provision of law relating to the transfer and disposal of Federal property to the contrary; except that the authority of the Secretary of the Interior regarding exchanges involving lands in the National Wildlife Refuge System on October 14, 1983, is not affected by this section.

(Pub. L. 89-702, title II, § 205, Nov. 2, 1966, 80 Stat. 1094; Pub. L. 98-129, § 2, Oct. 14, 1983, 97 Stat. 839; Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(e)(4)], Dec. 21, 2000, 114 Stat. 2763, 2763A-245; Pub. L. 106-562, title I, § 104, Dec. 23, 2000, 114 Stat. 2796.)

REPEAL OF SECTION

*Pub. L. 106-562, title I, § 105(c), Dec. 23, 2000, 114 Stat. 2798, provided that, effective on the*

<sup>1</sup> See References in Text note below.

*date on which the Secretary of Commerce makes the certification described in Pub. L. 106-562, § 105(b)(2), set out in a Termination of Responsibilities note under section 1161 of this title, this section is repealed.*

*Substantially identical provisions repealing this section were contained in Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(e)(5)(C)], Dec. 21, 2000, 114 Stat. 2763, 2763A-247.*

#### REFERENCES IN TEXT

December 23, 2000, referred to in subsec. (c), was in the original “the date of the enactment of the Pribilof Islands Transition Act” which was translated as referring to the date of enactment of title I of Pub. L. 106-562. Section 1(a)(4) [div. B, title I, § 144(e)] of Pub. L. 106-554, which was approved Dec. 21, 2000, is also known as the “Pribilof Islands Transition Act”. See Short Title of 2000 Amendments notes under section 1151 of this title.

Section 1166(a) of this title, referred to in subsec. (d)(6), was amended generally by Pub. L. 106-554 and Pub. L. 106-562, and, as so amended, no longer contains provisions relating to establishment of a Trust.

#### AMENDMENTS

2000—Subsec. (c). Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(e)(4)(A)], and Pub. L. 106-562, § 104(1), generally amended subsec. (c) identically, substituting present provisions for provisions which read as follows: “Within 60 days of the transfer of real or personal property specified in the document described in subsection (a) of this section, the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall be given a report prepared by the Secretary stating the fair market value at the time of the transfer of all real and personal property conveyed.”

Subsec. (g). Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(e)(4)(B)], and Pub. L. 106-562, § 104(2), struck out subsec. (g) which read as follows: “The Secretary shall submit to Congress a report, no later than October 1, 1983, providing information on the status of the negotiations for concluding the documents described in subsections (a) and (d) of this section.”

1983—Pub. L. 98-129 amended section generally, substituting provisions relating to the disposal of Federal property on the Pribilof Islands for provisions relating to the medical and dental care of Pribilof Islands natives. See section 1164 of this title.

#### CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### PRIBILOF ISLANDS ENVIRONMENTAL CLEANUP

Pub. L. 104-91, § 3, Jan. 6, 1996, 110 Stat. 8, as amended by Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(e)(5)(A)(iv)], (6)(A), (7)], Dec. 21, 2000, 114 Stat. 2763, 2763A-246, 2763A-248; Pub. L. 106-562, title I, §§ 105(a)(4), 106(a), 107, Dec. 23, 2000, 114 Stat. 2797, 2799; Pub. L. 108-447, div. B, title II, § 212, Dec. 8, 2004, 118 Stat. 2884, provided that:

“(a) IN GENERAL.—The Secretary of Commerce shall, subject to the availability of appropriations provided

for the purposes of this section, clean up landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, and contaminants, including petroleum products and their derivatives, left by the National Oceanic and Atmospheric Administration on lands which it and its predecessor agencies abandoned, quitclaimed, or otherwise transferred or are obligated to transfer, to local entities or residents on the Pribilof Islands, Alaska, pursuant to the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), as amended, or other applicable law.

“(b) OBLIGATIONS OF SECRETARY.—In carrying out cleanup activities under subsection (a), the Secretary of Commerce shall—

“(1) to the maximum extent practicable, execute agreements with the State of Alaska, and affected local governments, entities, and residents eligible to receive conveyance of lands under the Fur Seal Act of 1966 (16 U.S.C. 1161 et seq.) [16 U.S.C. 1151 et seq.] or other applicable law;

“(2) manage such activities with the minimum possible overhead, delay, and duplication of State and local planning and design work;

“(3) receive approval from the State of Alaska for agreements described in paragraph (1) where such activities are required by State law;

“(4) receive approval from affected local entities or residents before conducting such activities on their property; and

“(5) not seek or require financial contributions by or from local entities or landowners.

“(c) RESOLUTION OF FEDERAL RESPONSIBILITIES.—(1) Within 9 months after the date of enactment of this section [Jan. 6, 1996], and after consultation with the Secretary of the Interior, the State of Alaska, and local entities and residents of the Pribilof Islands, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives, a report proposing necessary actions by the Secretary of Commerce and Congress to resolve all claims with respect to, and permit the final implementation, fulfillment and completion of—

“(A) the land conveyance entitlements of local entities and residents of the Pribilof Islands under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

“(B) the provisions of this section; and

“(C) any other matters which the Secretary deems appropriate.

“(2) The report required under paragraph (1) shall include the estimated costs of all actions, and shall contain the statements of the Secretary of Commerce, the Secretary of the Interior, any statement submitted by the State of Alaska, and any statements of claims or recommendations submitted by local entities and residents of the Pribilof Islands.

“[(d) Redesignated as section 212 of Pub. L. 89-702, and transferred to section 1169b of this title.]

“(e) DEFINITION.—For the purposes of this section, the term ‘clean up’ means the planning and execution of remediation actions for lands described in subsection (a) and the redevelopment of landfills to meet statutory requirements.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2001, 2002, 2003, 2004, 2005, 2006, and 2007 for the purposes of carrying out this section.

“(2) LIMITATION.—None of the funds authorized by this subsection may be expended for the purpose of cleaning up or remediating any landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, or contaminants, including petroleum products and their derivatives, left by the Department of Defense or any of its components on lands on the Pribilof Islands, Alaska.

“(g) LOW-INTEREST LOAN PROGRAM.—

“(1) CAPITALIZATION OF REVOLVING FUND.—Of amounts authorized under subsection (f) for each of

fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to \$2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

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

“(3) **NATIVES OF THE PRIBILOF ISLANDS DEFINED.**—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term ‘Natives of the Pribilof Islands’ includes the Tanadgusix and Tanaq Corporations.

“(4) **REVERSION OF FUNDS.**—Before the Secretary may provide any funds to the State of Alaska under this section, the State of Alaska and the Secretary must agree in writing that, on the last day of fiscal year 2011, and of each fiscal year thereafter until the full amount provided to the State of Alaska by the Secretary under this section has been repaid to the United States, the State of Alaska shall transfer to the Treasury of the United States monies remaining in the revolving fund, including principal and interest paid into the revolving fund as repayment of loans.”

[Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(e)(5)(A)(iv), (6)(A), (7)], and Pub. L. 106-562, §§105(a)(4), 106(a), 107, made substantially identical amendments to section 3 of Pub. L. 104-91, set out above. The text of subsecs. (f) and (g) of section 3 is based on amendments by Pub. L. 106-562.]

[Pub. L. 106-562, title I, §105(c), Dec. 23, 2000, 114 Stat. 2798, provided that, effective on the date on which the Secretary of Commerce makes the certification described in Pub. L. 106-562, §105(b)(2), set out in a Termination of Responsibilities note under section 1161 of this title, section 3 of Pub. L. 104-91, set out above, is repealed. Pub. L. 106-554, §1(a)(4) [div. B, title I, §144(e)(5)(C)], Dec. 21, 2000, 114 Stat. 2763, 2763A-247, enacted a provision substantially identical to Pub. L. 106-562, §105(c).]

## § 1166. Financial assistance

### (a) Grant authority

#### (1) In general

Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

#### (2) Use for matching

Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

#### (3) Restriction on use

The Secretary may not use financial assistance authorized by this chapter—

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

(B) for administrative or overhead expenses; or

(C) for contributions sought or required from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

#### (4) Funding instruments and procedures

In providing assistance under this subsection the Secretary shall transfer any funds appro-

riated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 458aa et seq.].

### (5) Pro rata distribution of assistance

In any fiscal year for which less than all of the funds authorized under subsection (c)(1) of this section are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) of this section in the same proportions in which amounts are authorized by that subsection for grants to those entities.

### (b) Solid waste assistance

#### (1) In general

Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

#### (2) Transfer

The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 1263a of title 33, except that subsection (b) of that section shall not apply to those funds.

#### (3) Limitation

In order to be eligible to receive financial assistance under this subsection, not later than 180 days after December 23, 2000, each of the Cities of St. Paul and St. George shall enter into a written agreement with the State of Alaska under which such City shall identify by its legal boundaries the tract or tracts of land that such City has selected as the site for its solid waste management facility and any supporting infrastructure.

### (c) Authorization of appropriations

There are authorized to be appropriated to the Secretary—

(1) for assistance under subsection (a) of this section, for fiscal years 2001, 2002, 2003, 2004, 2005, 2006, and 2007 a total not to exceed—

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

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

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

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

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

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

(2) for assistance under subsection (b) of this section, for fiscal years 2001, 2002, 2003, 2004, and 2005 a total not to exceed—