

Public Law 102-415
102d Congress

An Act

Oct. 14, 1992
[H.R. 3157]

To provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alaska Land Status Technical Corrections Act of 1992".

SEC. 2. FORT DAVIS NATIVE ALLOTMENT.

Section 905(a)(1) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1634(a)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) by inserting "or within Fort Davis (except as provided in subparagraph (B))" after "Naval Petroleum Reserve No. 4)"; and

(3) by adding at the end the following new subparagraph:
"(B) The land referred to in subparagraph (A) with respect to Fort Davis—

"(i) shall be restricted to—

"(I) the allotment applications named in the decision published at 96 IBLA 42 (1987) and to the acreage involved in those applications; or

"(II) the heirs of an applicant who made an application described in subclause (I); and

"(ii) shall be subject to valid existing rights and an easement for the Iditarod National Historic Trail established by section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)), but pending final determination of the trail's location, the easement shall be located on an interim basis by the Secretary, in consultation with the Iditarod Historic Trail Advisory Council."

SEC. 3. NATIVE ALLOTMENT RELOCATION.

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) is amended by adding at the end the following new subsection:

"(c)(1)(A) Notwithstanding any other provision of law, an allotment applicant, who had a valid application pending before the Department of the Interior on December 18, 1971, and whose application remains pending as of the date of enactment of this subsection, may amend the land description in the application of the applicant (with the advice and approval of the responsible officer of the Bureau of Indian Affairs) to describe land other than the land that the applicant originally intended to claim if—

"(i) the application pending before the Department, either describes land selected by, tentatively approved to, or patented to the State of Alaska or otherwise conflicts with an interest

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in land granted to the State of Alaska by the United States prior to the filing of the allotment application;

"(ii) the amended land description describes land selected by, tentatively approved to, or patented to the State of Alaska of approximately equal acreage in substitution for the land described in the original application; and

"(iii) the Commissioner of the Department of Natural Resources for the State of Alaska, acting under the authority of State law, has agreed to reconvey or relinquish to the United States the land, or interest in land, described in the amended application.

"(B) If an application pending before the Department of the Interior as described in subparagraph (A) describes land selected by, but not tentatively approved to or patented to, the State of Alaska, the concurrence of the Secretary of the Interior shall be required in order for an application to proceed under this section.

"(2)(A) The Secretary shall accept reconveyance or relinquishment from the State of Alaska of the land described in an amended application pursuant to paragraph (1)(A), except where the land described in the amended application is State-owned land within the boundaries of a conservation system unit as defined in the Alaska National Interest Lands Conservation Act. Upon acceptance, the Secretary shall issue a Native Allotment certificate to the applicant for the land reconveyed or relinquished by the State of Alaska to the United States.

"(B) The Secretary shall adjust the computation of the acreage charged against the land entitlement of the State of Alaska to ensure that this subsection will not cause the State to receive either more or less than its full land entitlement under section 6 of the Act entitled 'An Act to provide for the admission of the State of Alaska into the Union', approved July 7, 1958 (commonly referred to as the 'Alaska Statehood Act'), and section 906 of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635). If the State retains any part of the fee estate, the State shall remain charged with the acreage."

SEC. 4. GIFT OF STOCK TO SIBLINGS.

Section 7(h)(1)(C)(iii) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)(1)(C)(iii)) is amended by striking "or nephew" and inserting "nephew, or (if the holder has reached the age of majority as defined by the laws of the State of Alaska) brother or sister".

SEC. 5. SHAREHOLDER HOMESITE.

Section 21(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(j)) is amended—

(1) by striking "prior to December 18, 1991,"; and

(2) by striking "Provided, That" and inserting "Provided, That alienability of the Settlement Common Stock of the Corporation has not been terminated pursuant to section 37: *Provided further, That*".

SEC. 6. CHUGACH NATIONAL FOREST BOUNDARY CHANGE.

(a) BOUNDARY ADJUSTMENT.—The boundary of the Chugach National Forest, Alaska, is modified to include the approximately 9,300 acres as generally depicted on the map entitled "Official Map, Boundary Modification, Chugach National Forest" and dated September 1988. The map shall be on file and available for public

inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(b) **ADMINISTRATION.**—Subject to valid existing rights, all Federal lands brought within the boundary of the Chugach National Forest by subsection (a) are added to and shall be administered as part of the Chugach National Forest.

(c) **TERMS AND CONDITIONS.**—(1) Nothing in this Act shall be construed to affect the validity of, or the terms and conditions of, any right-of-way, easement, lease, license, or permit on lands transferred by this section that is in existence on the date of enactment of this Act.

(2) Notwithstanding any other provision of law, the Secretary of the Interior shall delegate, as necessary, to the Secretary of Agriculture the authority to renew or reissue the authorizations described in paragraph (1). The change of administrative jurisdiction over these lands resulting from subsection (a) shall not constitute a ground for the denial of renewal or reissuance of the authorizations described in paragraph (1).

(d) **LAND AND WATER CONSERVATION FUND ACT.**—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundary of the Chugach National Forest, as modified by this section, shall be treated as if it were the boundary of the Chugach National Forest as of January 1, 1965.

SEC. 7. RABBIT CREEK LIONS CLUB.

(a) **CONVEYANCE.**—Pursuant to the Act entitled “An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes”, approved June 14, 1926 (43 U.S.C. 869 et seq.) (commonly referred to as the “Recreation and Public Purposes Act”), and other laws of the United States, the Secretary of the Interior shall, upon payment to the Secretary of an amount equal to the fair market value of the lot, convey lot 253, Township 12 North, Range 3 West, Seward Meridian, Alaska, containing .93 acres, to the Rabbit Creek Lions Club. The conveyance shall—

- (1) preserve valid existing rights-of-way and easements; and
- (2) reserve all minerals to the United States.

(b) **APPRAISAL.**—The appraisal to determine the fair market value of the lot shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and shall not include any improvements currently on the lot.

SEC. 8. ISSUANCE OF NEW STOCK.

Section 7(g)(1)(B)(i)(I) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(g)(1)(B)(i)(I)) is amended by adding at the end the following: “and, at the further option of the Corporation, descendants of Natives born after December 18, 1971.”

SEC. 9. UNIVERSITY OF ALASKA.

Notwithstanding any other provision of law, the Secretary of the Interior shall convey to the University of Alaska, by quitclaim deed and without consideration, all the right, title, and interest of the United States in and to—

- (1) the lands of the University of Alaska Agricultural Experiment Station, consisting of approximately 16 acres,

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including improvements on the lands, located at Palmer and Matanuska, Alaska; and

(2) the lands of the University of Alaska Fur Farm Experiment Station, consisting of approximately 37 acres, including improvements on the lands, located at Petersburg, Alaska, subject to the terms of—

(A) the lease between the Forest Service and the University of Alaska dated March 29, 1978; and

(B) the agreement between the parties listed in subparagraph (A) dated March 2, 1983.

SEC. 10. MINORITY BUSINESS.

Section 29(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)) is amended by inserting “and economically disadvantaged” after “minority” each place it appears in paragraphs (1) and (2).

SEC. 11. SHAREHOLDER HIRE.

Section 29(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(g)) is amended—

(1) by striking “defined in” and inserting “of entities excluded from the definition of ‘employer’ by”; and

(2) by striking “section 701(b)” and inserting “section 701(b)(1)”.

SEC. 12. ALASKA NATIVE ALLOTMENTS.

Section 905 of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1634) is amended by adding at the end the following new subsection:

“(f)(1)(A) Notwithstanding paragraphs (1) and (6) of subsection (a), and subject to subparagraph (B), each Alaska Native allotment application made pursuant to the Act entitled ‘An Act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska’, approved May 17, 1906 (34 Stat. 197), that—

“(i) was pending before the Department of the Interior on or before December 18, 1971; and

“(ii) describes lands within the National Petroleum Reserve-Alaska that have been selected, interim conveyed, or patented to a Village Corporation or Regional Corporation,
is reinstated only for the purpose of this section, subject to this section.

“(B) The reinstatement under subparagraph (A) shall be carried out regardless of whether the application was—

“(i) relinquished by the applicant; or

“(ii) denied by the Department of the Interior, if the denial was based solely on the grounds that land within the National Petroleum Reserve-Alaska was unavailable.

“(2)(A) To the extent that the application describes lands (or any interest in the lands) that have been selected, interim conveyed, or patented to a Village Corporation or Regional Corporation, the Secretary is authorized to accept from the Village Corporation or Regional Corporation the reconveyance or relinquishment of the lands (or any interest in the lands).

“(B)(i) To the extent that the application describes lands (or any interest in the lands) that a Village Corporation is not willing to reconvey or relinquish pursuant to subparagraph (A), the applicant may relinquish any claim to any portion of the lands (or any interest in the lands) or may, with the consent of the

affected Village Corporation, amend the application to exclude the lands and include in lieu thereof a description of lands selected by, interim conveyed to, or patented to the Village Corporation of an acreage that is not to exceed the amount of land relinquished.

"(ii) The Secretary is authorized to accept the reconveyance or relinquishment of the lands (or any interest in the lands) described in the amended application from the Village Corporation or Regional Corporation in lieu of the lands (or any interest in the lands) described in the initial application.

"(C) If a Village Corporation or Regional Corporation reconveys lands (or any interest in the lands) to the United States under subparagraph (A) or (B), the Secretary shall reduce the acreage charged against the entitlement of the Village Corporation or Regional Corporation.

"(D) The authority of the Secretary to accept the reconveyance or relinquishment of lands (or any interest in the lands) under this paragraph shall terminate on the date that is 6 years after the date of enactment of this subsection.

"(3)(A) Subject to any valid existing rights, to the extent that the application describes lands that are authorized to be reconveyed or relinquished to the United States under paragraph (2), the Village Corporation shall file with the Secretary, not later than 3 years after the date of enactment of this subsection, the name of the applicant and the land description of each allotment proposed to be reconveyed or relinquished.

"(B) Upon receipt of the land description, the Secretary shall immediately notify the State of Alaska and all interested parties of the land description proposed to be reconveyed or relinquished, and any such party shall have 60 days following notification in which to file with the Department of the Interior a protest as provided in subsection (a)(5).

"(C) The Secretary shall then either—

"(i) if no protest is filed, approve the application; or

"(ii) if a protest is filed, adjudicate the legal sufficiency of any protest timely filed; and—

"(I) if the protest is legally insufficient, approve the application; or

"(II) if the protest is valid, issue a decision that closes the application and that is final for the Department.

"(D) The Secretary shall, with respect to each allotment approved pursuant to this subsection—

"(i) survey the allotment; and

"(ii) following reconveyance or relinquishment, issue a Native allotment certificate to the applicant or heirs of the applicant.

"(4)(A) To the extent a Village Corporation or a Regional Corporation reconveys lands (or any interest in the lands) to the United States pursuant to paragraph (2) and the conveyance results in a reduction in the acreage charged against the entitlement of the Village Corporation or Regional Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the Village Corporation or Regional Corporation shall be entitled to make selections in lieu of the reconveyed lands (or any interest in the lands).

"(B)(i) The quantity of acreage of the surface estate reconveyed pursuant to paragraph (2) shall be added to the quantity of acreage of underselection, if any, for the Village Corporation. The Secretary shall provide for the selection of lands for replacement in accordance

with the procedures for withdrawals and selections under section 22(j)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(j)(2)).

"(ii)(I) A Village Corporation described in clause (i) shall be entitled to select lands for replacement from the lands that have been withdrawn for selection by the Village Corporation pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1610(a)(1)).

"(II) In any case in which the lands described in subclause (I) are no longer in Federal ownership and the Village Corporation is entitled to make a selection pursuant to this subparagraph, the Secretary shall withdraw, and the Village Corporation shall select, Federal lands that are compact and contiguous with lands previously conveyed to the Village Corporation.

"(C) Lands (or any interests in the lands) in the replacement of lands (or interests in the lands) reconveyed by the Regional Corporation to the United States under this subsection shall be selected by the Regional Corporation from lands that are—

"(i) compact and contiguous with other lands previously conveyed to the Regional Corporation within the National Petroleum Reserve-Alaska; and

"(ii) beneath the surface estate of lands selected and conveyed to a Village Corporation.

"(D) The Secretary shall convey the lands selected pursuant to this paragraph in accordance with this subsection.

"(5)(A) Each Native allotment certificate issued to an applicant or the heirs of the applicant pursuant to paragraph (3) shall be subject to any existing easement or other right that had been reserved, conveyed, transferred, or recognized by the United States prior to the issuance of the certificate.

"(B) Each conveyance by the Secretary to any applicant or to the heirs of the applicant under this subsection shall reserve to the United States—

"(i) except as provided in subparagraph (C), all interests in oil, gas, and coal in the conveyed lands, and the right of the United States, or a lessee or assignee of the United States, to enter on lands conveyed to the applicant or to the heirs of the applicant, to drill, explore, mine, produce, and remove the oil, gas, or coal; and

"(ii) all other rights reasonably incident to the mineral reservations described in clause (i).

"(C)(i) If the oil, gas, or coal described in subparagraph (B)(i) was previously conveyed to the Regional Corporation and the Regional Corporation reserves those interests in a reconveyance to the United States, the Secretary shall reserve from the reconveyance to the applicant or to the heirs of the applicant for the benefit of the Regional Corporation the same rights and privileges that would have been reserved for the United States.

"(ii) With respect to a reconveyance of lands (or any interest in the lands) by the Regional Corporation to the United States that does not convey the entire mineral estate, the Regional Corporation shall not be entitled—

"(I) to a reduction of the acreage charged against the entitlement under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); or

"(II) to select mineral interests to replace the acreage.

"(6) The United States shall not be subject to liability for the presence of any hazardous substance in land or an interest in land solely as a result of any reconveyance to and transfer by the United States of the land or interest pursuant to this subsection."

SEC. 13. POINT HOPE TOWNSITE.

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

(1) The term "Act" means the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) The terms "Native" and "descendant of a Native" have the meanings provided the terms in subsections (b) and (r), respectively, of section 3 of the Act (43 U.S.C. 1602).

(3) The term "North Slope Borough surveys" means those lands within sections 11 and 14 of Township 34 North, Range 35 West, Kateel River Meridian, Alaska, that have been surveyed by the North Slope Borough, Alaska, in surveys identified as—

(A) "North Slope Borough Survey Plat of New Point Hope," dated December 1975, covering 137.49 acres;

(B) "Addition Number One" to the survey described in subparagraph (A), dated April 1978, covering 12.50 acres;

(C) "Addition Number Two" to the survey described in subparagraph (A), dated September 1980, covering 12.50 acres; and

(D) "Addition Number 3" to the survey described in subparagraph (A), dated March 1983, covering 30.374 acres.

(4) The term "Regional Corporation" means Arctic Slope Regional Corporation, the Native Regional Corporation established pursuant to section 7(d) of the Act (43 U.S.C. 1606(d)) by the Native residents of the North Slope of Alaska.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "Village Corporation" means Tigara Corporation, the Native Village Corporation established pursuant to section 8(a) of the Act (43 U.S.C. 1607(a)) by the Native residents of the Village of Point Hope, Alaska.

(b) RECONVEYANCE.—(1) Subject to paragraph (2), the Secretary is authorized to accept reconveyance from the Village Corporation and the Regional Corporation of interests in specific, individual lots identified in the North Slope Borough surveys in any case in which the land (or any interest in the land) of the lots had been previously interim conveyed or patented to the Village Corporation and the Regional Corporation.

(2)(A) In making any reconveyance to the United States pursuant to paragraph (1), the Village Corporation shall—

(i) designate the individual to receive title to the specific lot; and

(ii) certify to the Secretary that the individual is a resident of Point Hope and an Alaska Native or descendant of a Native.

(B) Each reconveyance to the United States under this section shall be completed not later than 5 years after the date of enactment of this section.

(c) ISSUANCE OF DEEDS.—(1)(A) Subject to paragraphs (2) and (3), upon receipt of the reconveyance, identification, and certification

described in subsection (b), the Secretary shall transfer each lot to the individual identified by the Village Corporation, by issuing—

- (i) a restricted deed pursuant to subparagraph (B); or
- (ii) an unrestricted deed pursuant to subparagraph (C).

(B) A restricted deed may be issued under this paragraph subject to the following conditions:

(i) The deed shall provide that the title conveyed is inalienable (except upon approval of the Secretary).

(ii) After the issuance of the restricted deed, the lot shall not be subject to taxation, to levy and sale in satisfaction of debts, contracts, or liabilities of the patentee, or to any claims of adverse occupancy or law of prescription.

(iii) The approval by the Secretary of the sale by an individual of a lot deeded under this section shall vest in the purchaser a complete and unrestricted title beginning on the date of approval, except that if the purchaser is an Alaska Native or a descendent of a Native, the purchaser shall receive a deed subject to the same restrictions as applied to the initial grantee.

(C)(i) Upon a finding by the Secretary that the individual identified by the Village Corporation is competent to manage the property and has petitioned the Secretary for an unrestricted deed, the Secretary shall issue the unrestricted deed in accordance with clauses (ii) and (iii).

(ii) Except as provided in clause (iii), if the Secretary issues an unrestricted deed, all restrictions as to sale, encumbrance, or taxation of the land subject to the deed shall be removed.

(iii) Except with respect to any obligation owed to the United States, the land subject to the deed shall not be liable to the satisfaction of any debt as a result of a contract in effect prior to issuance of the deed.

(2) Any interest in any lot conveyed by the Secretary pursuant to this subsection shall be subject to all valid existing rights.

(3) The aggregate amount of acreage of all lots conveyed under this subsection shall not exceed 195 acres.

(d) ALLOTMENTS.—(1)(A) If any lot identified pursuant to this section in the North Slope Borough surveys encompasses land (or any interest in the land) that—

(i) is the subject of a valid Alaska Native allotment application made pursuant to the Act entitled “An Act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska”, approved May 17, 1906 (34 Stat. 197); and

(ii) includes land that has been interim conveyed or patented to the Village Corporation and the Regional Corporation, the applicant for the allotment may, with the consent of the Village Corporation, submit an amended application that describes land that had been interim conveyed or patented to the Village Corporation and Regional Corporation (in lieu of the land described in the initial application) in an acreage that is equal to the acreage of the land described in the initial application.

(B) The Secretary shall accept the reconveyance of the land (or any interest in the land) described in subparagraph (A) from the Village Corporation or the Regional Corporation, in lieu of the land (or any interest in the land) described in the original application.

(2)(A) To the extent the Secretary accepts a reconveyance of land (or any interest in the land) pursuant to paragraph (1), the

Secretary shall approve the amended application for the land reconveyed, and adjudicate the remainder of the allotment application. The approval of an amended application under this paragraph shall be a final and conclusive determination of the validity of the allotment.

(B) The Secretary shall—

(i) survey each allotment approved pursuant to this paragraph; and

(ii) issue a Native allotment certificate to the applicant or to the heirs of the applicant.

(3)(A) Each Native allotment certificate issued to an applicant or the heirs of the applicant pursuant to paragraph (2)(B) shall be subject to any existing easements or any other right that had been reserved, conveyed, transferred, or recognized by the United States prior to the issuance of the certificate.

(B) Each conveyance by the Secretary to any applicant, or to the heirs of the applicant under this subsection shall reserve to the United States—

(i) except as provided in subparagraph (C), all interests in oil, gas, and coal in the land, and the right of the United States, or a lessee or assignee of the United States, to enter upon land conveyed to the applicant or to the heirs of the applicant, to drill, explore, mine, produce, and remove the oil, gas, or coal; and

(ii) all other rights reasonably incident to the mineral reservations described in clause (i).

(C) If the oil, gas, or coal described in subparagraph (B)(i) was previously conveyed to the Regional Corporation and the Regional Corporation reserves those interests in any conveyance to the United States, the reconveyance by the Secretary to the applicant or to the heirs of the applicant shall reserve from the conveyance for the benefit of the Regional Corporation the same rights and privileges that would have been reserved for the United States.

(4) With respect to any reconveyance of land (or any interest in the land) by the Regional Corporation to the United States that does not convey the entire mineral estate, the Regional Corporation shall not be entitled either—

(A) to a reduction of the acreage charged against the entitlement under the Act; or

(B) to select mineral interests to replace the acreage.

(e) REDUCTION IN CHARGED ACREAGE.—(1) Except as provided in subsection (d)(4), if the Village Corporation and the Regional Corporation reconvey land (or any interest in the land) to the United States under the authority of subsection (b) or (d)(1), the Secretary shall reduce the acreage charged against the entitlement of the Village Corporation and the Regional Corporation pursuant to the Act.

(2)(A) To the extent that the reconveyance to the United States of land, or interests in land, by the Village Corporation and the Regional Corporation under this section results in a reduction in the acreage charged against the entitlement of the Village Corporation and Regional Corporation under paragraph (1), the Village Corporation shall be entitled to make selections in lieu of the reconveyed land (or any interest in the land).

(B) The amount of any acreage reconveyed by the Village Corporation under this section shall be added to the amount of other

acreage computed as underselection, if any, for the Village Corporation.

(C) The Secretary shall withdraw and the Village Corporation shall select replacement acreage under this paragraph pursuant to the authority in section 22(j)(2) of the Act (43 U.S.C. 1621(j)(2)).

(D) Except as provided in subsection (d)(4), in any case in which a Village Corporation receives an interim conveyance or patent to the surface estate selected pursuant to section 12(a) of the Act (43 U.S.C. 1611(a)), the Regional Corporation shall receive an interim conveyance or patent to the subsurface estate.

(f) CONGRESSIONAL INTENT.—Nothing in this section shall be construed as satisfying, relieving, or otherwise affecting the requirements of section 14(c) of the Act (43 U.S.C. 1613(c)).

(g) LIABILITY FOR HAZARDOUS SUBSTANCES.—The United States shall not be subject to liability for the presence of any hazardous substance in land or an interest in land solely as a result of any reconveyance to and transfer by the United States of the land or interest pursuant to this section.

SEC. 14. LAPSED MINING CLAIMS.

Section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended—

(1) by inserting “(1)” after “(c)”; and

(2) by adding at the end the following new paragraph:

“(2)(A)(i) Subject to valid existing rights, an unpatented mining claim or location, or portion thereof, under the general mining laws that is situated outside the boundaries of a conservation system unit (as such term is defined in the Alaska National Interest Lands Conservation Act) and within the exterior boundaries of lands validly selected by a Village or Regional Corporation pursuant to section 12 or section 14(h) and that lapses, is abandoned, relinquished, or terminated, declared null and void, or otherwise expires, after August 31, 1971, because of failure to comply with requirements of the general mining laws (including the mining laws of the State of Alaska), is deemed to be null and void for the purposes of this paragraph. The Secretary shall promptly determine the validity of such claims or locations within conservation system units.

“(ii) Subject to valid existing rights and to subparagraph (B), the lands outside a conservation system unit included in a mining claim or location described in clause (i) shall—

“(I) be considered part of the lands selected pursuant to sections 12 and 14(h) by the Village or Regional Corporation described in clause (i); and

“(II) be eligible for conveyance pursuant to this Act unless specifically identified and excluded from an initial selection application.

“(iii) Subject to valid existing rights and to subparagraph (B), any portion outside a conservation system unit of a mining claim or location described in clause (i) that is situated within the exterior boundaries of lands conveyed prior to the date of enactment of this paragraph from selections under section 12 or section 14(h) shall be conveyed pursuant to this Act.

“(B) No lands shall be conveyed pursuant to this subsection if the conveyance would result in the receipt of title to lands in excess of an acreage entitlement under this Act.”.

SEC. 15. HAIDA CORPORATION ACCOUNT.

The Haida Land Exchange Act of 1986 (Public Law 99-664) is amended—

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(1) in section 2(a)—

(A) in paragraph (9)—

(i) by striking “as of January 1, 1995”; and

(ii) by striking “on January 1, 1995”; and

(B) by adding at the end the following new paragraph:

“(13) The term ‘agency’ includes—

“(A) any instrumentality of the United States;

“(B) any element of an agency; and

“(C) any wholly owned or mixed-owned corporation of the United States Government identified in chapter 91 of title 31, United States Code.”; and

(2) by adding at the end the following new section:

“SEC. 13. HAIDA CORPORATION ACCOUNT.

“(a) DEFINITION.—As used in this section, the term ‘property’ has the same meaning as is provided the term in section 12(b)(7) of Public Law 94-204 (43 U.S.C. 1611 note), as amended.

“(b) ESTABLISHMENT.—(1) Notwithstanding any other provision of law, except as provided in subsection (e), on October 1, 1996, the Secretary of the Treasury, in consultation with the Secretary of the Interior, shall establish a Haida Corporation Account.

“(2) Beginning on October 1, 1996, the balance of the account shall—

“(A) be available to the Haida Corporation for bidding on and purchasing property sold at public sale, subject to the conditions described in paragraph (3); and

“(B) remain available until expended.

“(3)(A) The Haida Corporation may use the account established under paragraph (1) to bid as any other bidder for property (wherever located) at any public sale by an agency and may purchase the property in accordance with applicable laws and regulations of the agency offering the property for sale. Notwithstanding any other provision of law, the Haida Corporation may assign without restriction any or all of the accounts upon written notification to the Secretary of the Treasury and the Secretary of the Interior.

“(B) In conducting a transaction described in subparagraph (A), an agency shall accept, in the same manner as cash, any amount tendered from the account established by the Secretary of the Treasury under paragraph (1). The Secretary of the Treasury shall adjust the balance of the account to reflect the transaction.

“(C) The Secretary of the Treasury, in consultation with the Secretary of the Interior, shall establish procedures to permit the account established under paragraph (1) to—

“(i) receive deposits;

“(ii) make deposits into escrow when an escrow is required for the sale of any property; and

“(iii) reinstate to the account any unused escrow deposits in the event sales are not consummated.

“(c) AMOUNT.—(1) The initial balance of the account established in subsection (b) shall be determined by multiplying—

“(A) the average value per acre of the surface estate of the lands exchanged to the Haida Corporation pursuant to section 12(b)(3); by

"(B) the number of acres of selection rights that the Haida Corporation possesses as of October 1, 1996.

"(2) The average value per acre of the lands referred to in paragraph (1) shall be determined by dividing—

"(A) the fair market value of the surface estate of the lands exchanged to the Haida Corporation pursuant to section 12(b)(3); by

"(B) the quantity of acres of the lands referred to in subparagraph (A).

"(3) The fair market value of the surface estate of lands shall be determined as of March 1, 1993, pursuant to subsection (d).

"(d) APPRAISAL.—(1)(A) As soon as possible after the date of enactment of this section, but not later than January 1, 1994, the Secretary of Agriculture shall commence an appraisal of the surface estate of the lands exchanged to the Haida Corporation pursuant to section 12(b)(3). In conducting the appraisal, the Secretary shall include, among other uses of the lands, the value of the timber on the land (on a conversion return basis applicable for southeast Alaska within region 10 of the National Forest System) utilizing the markets then available to the Haida Corporation. The appraisal shall be based on the Uniform Appraisal Standards for Federal Land Acquisitions.

"(B) The Haida Corporation shall have the opportunity to present evidence of value to the Secretary of Agriculture. The Secretary shall provide the Haida Corporation with a preliminary draft of the appraisal. The Haida Corporation shall have a reasonable and sufficient opportunity to comment on the appraisal. The Secretary shall give consideration to the comments and evidence of value submitted by the Haida Corporation under this subparagraph.

"(2) The Secretary of Agriculture shall complete the valuation of the surface estate of the lands exchanged to the Haida Corporation pursuant to section 12(b)(3) not later than January 1, 1996. On completion of the valuation, the Secretary of Agriculture shall submit the valuation to the Secretary of the Interior for certification. The Secretary of the Interior shall forward a certified copy of the valuation to the Haida Corporation.

"(3) If the Haida Corporation disputes the final valuation, the Secretary of Agriculture and the Haida Corporation may mutually agree to employ a process of bargaining or some other process of dispute resolution to determine the value of the lands in question.

"(4) The Secretary of Agriculture and the Haida Corporation may mutually agree to suspend or modify any of the deadlines under this subsection.

"(e) ELECTION.—(1) Not later than 120 days after receipt of a certified copy of the final valuation from the Secretary of the Interior pursuant to subsection (d)(2), the Haida Corporation shall make an irrevocable election between the remaining selection rights of the Haida Corporation under section 10 and the account described in subsection (b), and shall notify the Secretary of the Interior of the election.

"(2) If the Haida Corporation—

"(A) elects to utilize the remaining selection rights described in paragraph (1); or

"(B) fails to notify the Secretary of the Interior of any such election in a timely manner,

the account described in subsection (b) shall not be established, the Haida Corporation shall permanently waive any right to the establishment of the account, and the selection rights of the Haida Corporation under section 10 shall remain unimpaired.

"(3) If the Haida Corporation elects to utilize the account described in subsection (b), the Haida Corporation shall waive any selection rights under section 10 as of the date the Haida Corporation notifies the Secretary of the Interior of the election.

"(f) TREATMENT OF AMOUNTS FROM ACCOUNT.—(1) The Secretary of the Treasury shall deem as cash receipts any amount tendered from the account established pursuant to subsection (b) and received by agencies as proceeds from a public sale of property, and shall make any transfers necessary to allow an agency to use the proceeds in the event an agency is authorized by law to use the proceeds for a specific purpose.

"(2)(A) Subject to subparagraph (B), the Secretary of the Treasury and the heads of agencies shall administer sales pursuant to this section in the same manner as is provided for any other Alaska Native corporation authorized by law as of the date of enactment of this section (including the use of similar accounts for bidding on and purchasing property sold for public sale).

"(B) Amounts in an account created for the benefit of a specific Alaska Native corporation may not be used to satisfy the property purchase obligations of any other Alaska Native corporation."

SEC. 16. LOCAL HIRE.

16 USC 3198.

Section 1308(a) of the Alaska National Interest Lands Conservation Act (Public Law 96-487) is amended—

- (1) by striking "a conservation system unit" and inserting in lieu thereof "public lands"; and
- (2) by striking "such unit" each place it occurs and inserting in lieu thereof "public lands".

SEC. 17. SEALASKA CORPORATION AGREEMENT.

(a) IN GENERAL.—(1) Subject to paragraph (2), the November 26, 1991, agreement entered into between the Sealaska Corporation and the Forest Service of the Department of Agriculture, entitled "Sealaska Corporation/United States Forest Service Split Estate Land Exchange Agreement", is hereby ratified as a matter of Federal law.

(2) The agreement described in paragraph (1) may be modified or amended, without further action by Congress, upon—

- (A) the written agreement of all parties to the agreement described in paragraph (1); and
- (B) notification in writing to the appropriate committees of Congress.

Any such modification may not take effect until 60 days after such notification.

(b) CONDITIONS.—Any conveyance of subsurface acreage to Sealaska Corporation pursuant to this section shall—

- (1) be deemed a conveyance of land pursuant to section 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1613);
- (2) extinguish the entitlements of Sealaska Corporation under the Haida Land Exchange Act of 1986 (16 U.S.C. 3195 note);
- (3) be subject to valid existing rights; and

(4) be in partial fulfillment of the entitlement of the Sealaska Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

SEC. 18. HAIDA SUBSURFACE EXCHANGE AMENDMENT.

The Haida Land Exchange Act of 1986 (Public Law 99-664) is amended by adding at the end the following new section:

"SEC. 14. OFFER.

"(a)(1) For and in consideration of the relinquishment and conveyance to the United States of all Haida Corporation's right, title, and interest in Lots 2, 3, 4, 5, and 6 of section 18, T. 77S. R. 84 E., C.R.M., and, in addition, all Haida Corporation's right, title, and interest in a road easement to be specified by the Secretary 100 feet in total width across Lot 1 of section 18, T. 77S. R. 84 E., C.R.M., from section 7 of T. 77 S. R. 84 E. C.R.M. to the cooperative information and education branch site, there are hereby offered to Haida Corporation the following lands and interests in lands: All right, title, and interest in the subsurface estate of the Haida Traditional Use Sites.

"(2) Any conveyance of the offered lands and interests described in paragraph (1) shall be subject to valid existing rights, and shall except and reserve to the United States the perpetual easements identified in paragraph 18 of the agreement executed September 8, 1988, entitled 'Agreement between United States of America and Haida Corporation Regarding Implementation of the Haida Traditional Use Sites Exchange Pursuant to §3(a) the Haida Land Exchange Act of 1986, Pub. L. No. 99-664'. Without limitation to any other rights reserved under the terms of said easements, any such conveyance shall also except and reserve the rock, sand, and gravel occurring within said easement boundaries.

"(b) Haida Corporation shall have 90 days from the date of enactment of this section within which to accept the offer provided in this section by providing to the Secretary a properly executed and certified corporate resolution binding upon the corporation with respect to the relinquishment and conveyance of all the corporation's right, title, and interest in the lands specified in subsection (a).

"(c) This section shall be ineffective, and no conveyances shall be made under this section, if the Secretary of Agriculture, on or before the date 60 days after the date of enactment of this section, determines implementation of this section would result in receipt by the United States of lands less in value than the value of the lands offered for conveyance to the Haida Corporation."

SEC. 19. AHTNA GROUP SETTLEMENT.

(a) WITHDRAWAL OPPORTUNITY.—As an offer of settlement, within one year after enactment of this section, any or all of the Ahtna Group Corporations of Lower Tonsina, Twin Lakes, Little Lake Louise, Slana, and Nebesna may withdraw by resolution transmitted to the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") a pending application for group eligibility under section 14 of the Alaska Native Claim Settlement Act (43 U.S.C. 1613) (as amended and supplemented). Such resolution shall preclude the corporation concerned from any administrative or judicial review of its entitlement to land and money under such Act, and such withdrawal of application shall be construed as a dismissal with prejudice of such corporation's action before

the United States District Court for Alaska, Civ. No. A86-035 and shall be binding upon the corporation and its members.

Regulations.

(b) OFFER.—In addition to those rights granted in section 1 of Public Law 94-204, for each Ahtna Group Corporation specified in subsection (a) which adopts a timely resolution to withdraw its section 14 application or group eligibility, there shall be a period of 180 days following transmittal of such resolution to the Secretary, during which each member of such Ahtna Group Corporation shall have the right to file with the Secretary an application for conveyance of up to 160 acres of land from the United States to such individual member as if it were an application for a primary place of residence under section 14(h)(5) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(5)), regulations for such application, and subject to the following provisions:

(1) the availability of land subject to selection by the applicant shall be determined as of the date of the individual application: *Provided, however,* That if the application is for lands selected by Ahtna Regional Corporation or the State of Alaska after the date of selection by the Group Corporation, then the subsequent selections shall not attach to the lands selected by the Group Corporation until after the deadline for filing an application for primary place of residence: *And provided further,* That if the lands relinquished by the Group Corporation or the Ahtna Regional Corporation lie within the boundaries of a conservation system unit, as defined in the Alaska National Interest Land Conservation Act, and such selections are relinquished in order to permit the filing of an application for primary place of residence, the withdrawal of the conservation system unit shall not prevent the filing, adjudication, and conveyance of those lands subject to the application for primary place of residence: *And provided further,* That any acreage granted to an applicant for primary place of residence shall be charged to the share of the Ahtna Regional Corporation under 45 CFR 2653;

(2) the eligibility of the applicant shall be determined as if the application is an application for a primary place of residence filed with the Secretary of the Interior on or before December 18, 1973; and

(3) any State selection filed after the date on which the relevant Ahtna Group Corporation filed its application for section 14 eligibility shall not attach to lands segregated for the benefit of such Ahtna Group Corporations until the applications of individual Ahtna Group members herein authorized have been identified, adjudicated, and conveyed.

(c) EXPEDITING.—In order to secure the rapid and certain resolution of Native lands claims, the United States shall endeavor to reach a final decision regarding each Ahtna Group member's application for primary place of residence within one year of its filing and shall otherwise complete the redetermination process for each Ahtna Group member as required by Public Law 94-204, as amended, provided that revenues distributed or subject to distribution under section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)), shall not be retroactively affected by any change in enrollment occasioned by said redetermination.

SEC. 20. GOLD CREEK SUSITNA ASSOCIATION, INCORPORATED ACCOUNT.

(a) **DEFINITIONS.**—As used in this section, the following terms have the following meanings:

(1) The term “agency” includes—

(A) any instrumentality of the United States;

(B) any element of an agency; and

(C) any wholly owned or mixed-owned corporation of the United States Government identified in chapter 91 of title 31, United States Code.

(2) The term “conservation system unit” has the same meaning as in the Alaska National Interest Lands Conservation Act.

(3) The term “Gold Creek” means the Gold Creek Susitna Association, Incorporated, an Alaska Native Group corporation, organized pursuant to section 1613(h) of the Settlement Act.

(4) The term “property” has the same meaning given such term by section 12(b)(7) of Public Law 94-204 (43 U.S.C. 1611), as amended.

(5) The term “Region” means Cook Inlet Region Incorporated, an Alaska Native Regional Corporation which is the appropriate Regional Corporation for Gold Creek under section 1613(h) of the Settlement Act.

(6) The term “Settlement Act” means the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.).

(b) **ESTABLISHMENT.**—(1) Notwithstanding any other provision of law, except as provided in subsection (e), on October 1, 1996, the Secretary of the Treasury, in consultation with the Secretary of the Interior, shall establish a Gold Creek account.

(2) Beginning on October 1, 1996, the balance of the account shall—

(A) be available to the Gold Creek for bidding on and purchasing property sold at public sale, subject to the conditions described in paragraph (3); and

(B) remain available until expended.

(3)(A) The Gold Creek may use the account established under paragraph (1) to bid as any other bidder for property (wherever located) at any public sale by an agency and may purchase the property in accordance with applicable laws and regulations of the agency offering the property for sale.

(B) In conducting a transaction described in subparagraph (A), an agency shall accept, in the same manner as cash, any amount tendered from the account established by the Secretary of the Treasury under paragraph (1). The Secretary of the Treasury shall adjust the balance of the account to reflect the transaction.

(C) The Secretary of the Treasury, in consultation with the Secretary of the Interior, shall establish procedures to permit the account established under paragraph (1) to—

(i) receive deposits;

(ii) make deposits into escrow when an escrow is required for the sale of any property; and

(iii) reinstate to the account any unused escrow deposits in the event sales are not consummated.

(c) **LAND EXCHANGE.**—No later than one year after the date of enactment of this section, the Secretary of the Interior shall enter into negotiations to attempt to conclude, under the authority of section 22(f) of the Settlement Act, a land exchange to acquire

surface estate in lands not within any conservation system unit from the State of Alaska to enable Gold Creek to select public lands at Gold Creek, Alaska, as identified by Gold Creek but in no case to exceed 480 acres.

(d) AMOUNT.—(1) The initial balance of the account established in subsection (b) shall be determined by multiplying—

(A) the average value per acre, by

(B) the 3,520 acre Gold Creek entitlement.

(2) If a conveyance is made to Gold Creek pursuant to subsection (c), paragraph (1), the account shall be reduced by the amount of the actual acres conveyed by the average value per acre. In order to make such adjustment, the conveyance must be made by the Secretary of the Interior by October 1, 1996.

(3) The average value per acre of the lands referred to in paragraphs (1) and (2) of this subsection shall be determined by dividing—

(A) the fair market value as found by the Secretary of the Interior in subsection (e), paragraph (1), by

(B) the 3,520 acre Gold Creek entitlement.

(4) The fair market value of the surface estate of lands shall be determined as of the date of enactment of this section pursuant to subsection (e).

(e) APPRAISAL.—(1)(A) As soon as possible after the date of enactment of this section, but not later than January 1, 1994, the Secretary of the Interior shall find the amount to be credited to the Gold Creek account by appraising the 3,520 acre Gold Creek entitlement by only considering parcels 320 acres or less in size, the access to which is secure and the subsurface to which is in separate ownership, which lie within 50 miles of Gold Creek and which have been sold since January 1, 1989, and by taking into consideration other land ownership conditions under the Settlement Act.

(B) Gold Creek shall have the opportunity to present evidence of value to the Secretary of the Interior. The Secretary of the Interior shall provide Gold Creek with a preliminary draft of the appraisal. Gold Creek shall have a reasonable and sufficient opportunity to comment on the appraisal. The Secretary of the Interior shall give consideration to the comments and evidence of value submitted by Gold Creek under this subparagraph.

(2) The Secretary of the Interior shall complete the valuation not later than 9 months after the passage of this Act. The Secretary of the Interior shall forward a certified copy of the valuation to Gold Creek.

(3) Gold Creek shall have the right to appeal the certified valuation by the Secretary of the Interior so long as any such appeal is filed no later than 60 days after the date of such finding to the Office of Hearings and Appeals. In the event Gold Creek files such a timely appeal, the Gold Creek account shall be immediately established for the amount set by the Secretary subject to subsequent upward adjustment pursuant to the outcome of the appeal process. If Gold Creek is not satisfied with the decision of the Office of Hearings and Appeals, it may appeal that decision within one year to the United States District Court.

(4) The Secretary of the Interior and Gold Creek may mutually agree to suspend or modify any of the deadlines under this subsection.

(f) IMPLEMENTATION.—(1) Notwithstanding any other provision of law, Gold Creek may assign without restriction any or all of the account upon written notification to the Secretary of the Treasury and the Secretary of the Interior. Notwithstanding the provisions of subsection (g)(1)(B) of this section, in the event such assignment is to the Region on notice from Gold Creek to the Secretary of the Treasury and the Secretary of the Interior, the amount of such assignment shall be added to or made a part of the Region's Property Account in the Treasury established pursuant to section 12(b) of Public Law 94-204 as amended, and may be used in the same manner as that account.

(2) Upon certification by the Secretary of the Interior of the value of the account, or following the completion of Gold Creek's appeal of valuation pursuant to subsection (e), paragraph (3), Gold Creek shall be deemed to have accepted the terms of this section in lieu of any other land entitlement it would have received pursuant to the Settlement Act and such acceptance shall satisfy any and all claims Gold Creek had against the United States on the date of this enactment.

(3) Any land Gold Creek shall receive from the United States pursuant to subsection (c), paragraph (1) shall be deemed to have been conveyed pursuant to the Settlement Act.

(g) TREATMENT OF AMOUNTS FROM ACCOUNT.—(1) The Secretary of the Treasury shall deem as cash receipts any amount tendered from the account established pursuant to subsection (b) and received by agencies as proceeds from a public sale of property, and shall make any transfers necessary to allow an agency to use the proceeds in the event an agency is authorized by law to use the proceeds for a specific purpose.

(2)(A) Subject to subparagraph (B), the Secretary of the Treasury and the heads of agencies shall administer sales pursuant to this section in the same manner as is provided for any other Alaska Native corporation authorized by law as of the date of enactment of this section (including the use of similar accounts for bidding on and purchasing property sold for public sale).

(B) Amounts in an account created for the benefit of a specific Alaska Native corporation may not be used to satisfy the property purchase obligations of any other Alaska Native corporation.

SEC. 21. IGIUGIG AIRPORT.

The Administrator of the Federal Aviation Administration shall execute such instruments as may be necessary to release the condition on lands conveyed pursuant to Quitclaim Deed dated November 1, 1961, recorded on January 2, 1962, in the Iliamna Recording District, Book 1, Pages 54 through 60, that such lands revert to the United States in the event that such lands are not developed, or cease to be used, for airport purposes: *Provided*, That the State of Alaska shall first notify the Administrator what lands are sought to be diverted from airport use and the Administrator shall then determine which lands may be diverted without adversely affecting the safety, efficiency, or utility of the airport, and shall confine

the release of the reverter authorized by this section to those lands that may be so diverted.

Approved October 14, 1992.

LEGISLATIVE HISTORY—H.R. 3157 (S. 1625):

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