

appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 846

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 882

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 882, a bill to amend the Internal Revenue Code of 1986 to provide improvements in tax administration and taxpayer safe-guards, and for other purposes.

S. 894

At the request of Mr. WARNER, the names of the Senator from California (Mrs. BOXER) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 939

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 1010

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1046

At the request of Mr. STEVENS, the name of the Senator from Wyoming

(Mr. ENZI) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1063

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products.

S. 1143

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1143, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1331

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1369

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1369, a bill to ensure that prescription drug benefits offered to medicare eligible enrollees in the Federal Employees Health Benefits Program are at least equal to the actuarial value of the prescription drug benefits offered to enrollees under the plan generally.

S. 1439

At the request of Mr. BUNNING, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1439, a bill to amend part E of title IV of the Social Security Act to reauthorize adoption incentives payments under section 473A of that Act and to provide incentives for the adoption of older children.

S. RES. 164

At the request of Mr. ENSIGN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Minnesota (Mr. DAYTON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 164, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 169

At the request of Mrs. CLINTON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 169, a resolution expressing the sense of the Senate that the United States Postal Service should issue a postage stamp commemorating Anne Frank.

S. RES. 200

At the request of Mr. JOHNSON, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. PRYOR) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 200, a resolution expressing the sense of the Senate that Congress should adopt a conference agreement on the child tax credit and on tax relief for military personnel.

AMENDMENT NO. 1140

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1140 intended to be proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

AMENDMENT NO. 1349

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of amendment No. 1349 intended to be proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—JULY 25, 2003

By Ms. MURKOWSKI:

S. 1466. A bill to facilitate the transfer of land in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I am pleased to be joined by my colleague, Senator TED STEVENS, in introducing this very important legislation.

The Alaska Land Transfer Acceleration Act of 2003 will transfer millions of acres of land to Alaska Natives, the State of Alaska and to Native Corporations by 2009. The Federal agencies in Alaska have management jurisdiction of over 63 percent of the State. It is time to transfer these public lands from Federal Government control to private ownership. This legislation creates a strategic plan for the Bureau of Land Management to finally resolve long-standing land survey, land entitlement issues and land claim issues, some of which date back to 1906. Since 1906 Congress has enacted other legislation that requires the BLM to transfer public lands to Alaska Natives, the State of Alaska and to the Alaska Native Corporations.

The land conveyance program is the largest and most complex of any in United States history. For many years, BLM's primary goal was to convey title to unsurveyed lands to the State

and Native Corporations by tentative approval and interim conveyance respectively. This management practice allowed the State and Native Corporations to manage their lands subject only to the survey of the final boundaries.

This legislation will accelerate release of lands for conveyance to Native corporations and the State of Alaska. It will complete land patterns to allow land owners to more efficiently manage their land. It will clarify that certain minerals can be transferred to Native landowners. And frankly, split estates can be minimized. The University will be given the opportunity to select the remaining Federal interests in lands the University already owns, that will likely produce economic opportunities not presently available under this land lock.

The complexity of land patterns and uses in Alaska is evident in the presence of Federal mining claims that are within lands owned or selected by the State of Alaska. Our legislation would clarify miners' right to convert from Federal to State claims without jeopardizing ongoing mining operations. At the same time, BLM would be allowed to expedite conveyances to the State. Properly maintained Federal claims will continue to be excluded from conveyance. Entitlements to the State will remain secure. The miner will decide when or whether to convert his claims to State claims.

For too many years, individuals, Native corporations and the State have been patiently waiting to receive title to their land. In 1958 the State of Alaska was promised 104 million acres of land, and has to date received final title to only 42 million acres; less than half of what is due. Of the 44 million acres of land that the Native Corporations are entitled to, only about a third has been conveyed or about 15 million acres. Worse yet, are the 2500 parcels pending title to Native individuals out of 16000 parcels. Almost 14000 parcels are still awaiting basic adjudication to even make a determination of land transfer. Too much land is hanging in the balance that must be surveyed and patented to rightful owners. Between now and the sunset of this bill in 2009, more than 89 million acres must be surveyed on State and Native Corporation lands. The lands that are awaiting survey do not include lands that will eventually be titled to Native individuals; these lands too must first be surveyed.

While some Native allotments have been conveyed, issues have arisen to challenge final conveyance to the land. Such challenges have included whether actual use of the land occurred; the location of the parcel; or even who should receive title to the land. Sadly, some of the original Native allotment applicants have died waiting to receive title or have disputes resolved. Oftentimes, the death of an applicant can present the agency with chain of title questions to determine who the rightful heir is, causing further delays to getting the lands transferred.

Some disputes have been easier to handle than others, resulting in settlement through an administrative appeals process. The Federal agencies have been hampered by many administrative and legal obstacles. There have been court decisions and lawsuit settlements, new legislation creating new rights or changing rules midstream. Old cases have been reopened that have created new land patterns for adjudication and survey. The administrative appeals process was designed to be efficient, and immediately accessible to individuals who believe they have been adversely impacted by actions taken by the BLM. In too many instances this process has resulted in long delays that hinder the BLM from finalizing its work. In the meantime, the applicant suffers at the hands of a process that generally takes years just for a case to be reviewed for resolution.

This legislation will provide the BLM with broader authority to solving many of the problems associated with land claims affecting all disputes that occur in Alaska. When disputes arise over the adjudication of land claims, BLM needs to have full authority to work in a more collaborative environment with its clientele.

This legislation will provide the BLM the opportunity to caucus with its clients. It will allow for a process of negotiation to gain consensus on final resolution of land applications. What has been missing all these years is the flexibility for the Federal agencies to work in such a cooperative fashion. This new process is intended to be free of complicated rules that have plagued the agency to finding solutions. Resolution and closure must come quicker.

I give great credit to the management and the employees of the BLM Alaska for their efforts over the years to transfer the land. They have proven to be dedicated and committed public servants. I believe they have tried to do the right thing; they just need the tools and the resources. They want to close the books on the Alaska conveyance program once and for all, and this bill will help them achieve that goal by 2009.

In 1973 the Alaska Native Claims Appeal Board was established. The Board had jurisdiction over decisions made under the Alaska Native Claim Settlement Act. The Board consisted of four judges, and was able to decide a case within three to six months of the close of briefing. It usually had a small backlog. While the Board was able to act in a fairly responsive manner, there was criticism the Board did not correctly apply general Federal land law precedent and that some of their rulings were inconsistent with policy of the Department of the Interior. The Board was dissolved in 1981. The backlog of cases was not necessarily attributed to Native Corporation cases; most of the backlog related to all other matters. This legislation will create a hearings and appeals process located in Alaska. Presently, there are almost 100 appeals

of Alaska decisions pending before the Interior Board of Land Appeals. It usually takes this Board several years to rule on a case, sometimes as long as three to five years. The present process is broken. There should never be a process that controls the fate of someone's livelihood. Matters requiring resolution must not sit and languish for years without resolution. This practice is unacceptable and unreasonable.

Additionally, more than twenty cases are pending before Administrative Law judges at various Office of Hearings Appeals offices—Virginia, Minnesota and Utah. The cases currently in their hands are Native allotments and mining claims. Substantial delays have resulted from the slow pace of scheduling hearings in Alaska. Establishing an Alaska hearings unit to handle all Alaska appeals would significantly speed up the current process. Such a new process would be able to routinely issue decisions within three to six months of the close of briefing.

Challenges likely to emerge on land actions requiring judicial review will be handled by judges located in Alaska. Moreover, having judges located in Alaska, conducting Alaska business, would ensure an understanding of the special laws that are applicable to Alaska. In addition, this process would include all land transfer matters, not just claims under the Alaska Native Claims Settlement Act.

To achieve the acceleration of land conveyances, we must be able to count on a consistent level of funding. We do not want any aspect of the acceleration plan to be hampered. As I pointed out earlier, almost 90 million acres must be surveyed between now and 2009. The BLM is the single agency of the Federal Government that is charged with the authority and responsibility for surveys and land title record keeping. Official survey plats are the government's record of the boundaries of an area and the description of such surveyed land is known as the legal land description. Land title or patents are based on such plats of survey. And, until the land is surveyed, the Alaska Natives, the State of Alaska and the Native Corporations will still be waiting way off into the future for this work to be finalized.

The Alaska Land Transfer Acceleration Act of 2003 imposes very strict provisions on the agency to complete land conveyances by 2009 to Alaska Natives, the State of Alaska and to the Native Corporations. Some might view this plan as ambitious. I view it as being long overdue.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1466

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Alaska Land Transfer Acceleration Act of 2003”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—STATE SELECTIONS AND CONVEYANCES**

Sec. 101. Community grant selections and conveyances.

Sec. 102. Prioritization of land to be conveyed.

Sec. 103. Selection of certain reversionary interests held by the United States.

Sec. 104. Effect of powersite reserves, powersite classifications, power projects, and hot spring withdrawals.

Sec. 105. Entitlement for the University of Alaska.

Sec. 106. Settlement of remaining entitlement.

Sec. 107. Effect of Federal mining claims.

Sec. 108. Land mistakenly relinquished or omitted.

**TITLE II—ALASKA NATIVE CLAIMS SETTLEMENT ACT**

Sec. 201. Land available after selection period.

Sec. 202. Combined entitlements.

Sec. 203. Conveyance of last whole section of land.

Sec. 204. Discretionary authority to convey subsurface estate in pre-ANCSA refuges.

Sec. 205. Conveyance of cemetery sites and historical places.

Sec. 206. Approved allotments.

Sec. 207. Allocations based on population.

Sec. 208. Authority to withdraw land.

Sec. 209. Bureau of Land Management land.

Sec. 210. Automatic segregation of land for underselected Village Corporations.

Sec. 211. Procedures relating to dissolved or lapsed Native Corporations.

Sec. 212. Settlement of remaining entitlement.

Sec. 213. Conveyance to Kaktovik Inupiat Corporation and Arctic Slope Regional Corporation.

**TITLE III—NATIVE ALLOTMENTS**

Sec. 301. Title affirmation of Native allotment location and description.

Sec. 302. Title recovery of Native allotments

Sec. 303. Native allotment relocation on land selected by or conveyed to a native corporation.

Sec. 304. Compensatory acreage.

Sec. 305. Native allotment deadlines.

Sec. 306. Elimination of shore space measurement.

Sec. 307. Amendments to section 41 of the Alaska Native Claims Settlement Act.

**TITLE IV—FINAL PRIORITIES; CONVEYANCE AND SURVEY PLANS**

Sec. 401. Deadline for establishment of regional plans.

Sec. 402. Deadlines for establishment of village plans.

Sec. 403. Final prioritization of ANCSA selections

Sec. 404. Final prioritization of State selections.

**TITLE V—ALASKA LAND CLAIMS HEARINGS AND APPEALS**

Sec. 501. Alaska land claims hearings and appeals.

**TITLE VI—REPORT TO CONGRESS**

Sec. 601. Report.

**TITLE VII—AUTHORIZATION OF APPROPRIATIONS**

Sec. 701. Authorization of appropriations.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **STATE.**—The term “State” means the State of Alaska.

**TITLE I—STATE SELECTIONS AND CONVEYANCES**

**SEC. 101. COMMUNITY GRANT SELECTIONS AND CONVEYANCES.**

(a) **IN GENERAL.**—Section 6 of Public Law 85-508 (commonly known as the “Alaska Statehood Act”) (72 Stat. 340) is amended by adding at the end the following:

“(n) **WAIVER OF MINIMUM TRACT SELECTION SIZE.**—With respect to a selection made by the State of Alaska under subsection (a), the Secretary of the Interior may waive the minimum tract selection size if the Secretary determines that—

“(1) an existing selection does not meet the original minimum statutory acreage; and

“(2) the only alternative to waiver is to reject the application.

“(o) **REQUIREMENTS APPLICABLE TO UNITS OF THE NATIONAL FOREST SYSTEM.**—A selection of land in a unit of the National Forest System under subsection (a) shall not be valid unless the Secretary of Agriculture has approved the selection before the date of enactment of this subsection.

“(p) **NO RELINQUISHMENT.**—If there is a selection under subsection (a) with respect to a tract of land that is equal to or greater than 160 acres, the State of Alaska may not relinquish such portion of the tract as is necessary for the tract to be less than 160 acres.

“(q) **RATIFICATION OF PATENTS AND TENTATIVE APPROVALS.**—Any patent or tentative approval for a selection under subsection (a) of less than 160 acres that is issued before the date of enactment of this subsection is ratified and confirmed.”

(b) **COMMUNITY GRANT SELECTIONS.**—Section 6 of Public Law 85-508 (commonly known as the “Alaska Statehood Act”) (72 Stat. 340) (as amended by subsection (a)) is amended by adding at the end the following:

“(r) **CONVERSION TO COMMUNITY GRANT SELECTION.**—

“(1) **IN GENERAL.**—The State of Alaska may elect to convert a selection filed under subsection (b) to a selection under subsection (a) by notifying the Secretary of the Interior in writing.

“(2) **NO PARTIAL CONVERSION.**—If the State of Alaska makes an election under paragraph (1), the entire selection shall be converted to a selection under subsection (a).

“(3) **LIMITATION ON ACREAGE.**—The Secretary shall not convey a total of more than 400,000 acres of—

“(A) land that is selected before the date of enactment of this subsection under subsection (a); or

“(B) land that is converted to a subsection (a) selection under paragraph (1).

“(4) **EFFECT ON SURVEY OBLIGATIONS.**—Conversion of a selection under paragraph (1) shall not affect the survey obligation of the United States with respect to the land converted.

“(s) **USE OF SELECTED LAND FOR COMMUNITY AND RECREATIONAL PURPOSES.**—All selection applications of the State of Alaska that are on file with the Secretary of the Interior under subsection (a) on the date of enactment of this subsection are approved as suitable for community or recreational purposes.”

**SEC. 102. PRIORITIZATION OF LAND TO BE CONVEYED.**

Section 906(h)(2) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(h)(2)) is amended—

(1) by striking “(2) As soon as practicable” and inserting the following:

“(2) **TENTATIVE APPROVAL.**—

“(A) **ISSUANCE.**—As soon as practicable”;

(2) by striking “The sequence of” and inserting the following:

“(B) **PRIORITY.**—

“(i) **IN GENERAL.**—The sequence of”; and

(3) by adding at the end the following:

“(ii) **REQUIREMENTS.**—In establishing the priorities for tentative approval under clause (i), the State shall—

“(I) in the case of a selection under section 6(a) of Public Law 85-508 (commonly known as the “Alaska Statehood Act”) (72 Stat. 340), include all land selected; or

“(II) in the case of a selection under section 6(b) of that Act—

“(aa) include at least 5,760 acres; or

“(bb) if a waiver has been granted under section 6(g) of that Act or less than 5,760 acres of the entitlement remains, prioritize the selection in such increments as are available for conveyance.”

**SEC. 103. SELECTION OF CERTAIN REVERSIONARY INTERESTS HELD BY THE UNITED STATES.**

(a) **IN GENERAL.**—All reversionary interests held by the United States in land owned by the State or any political subdivision of the State, and any Federal land leased by the State under the Act of August 23, 1950 (25 U.S.C. 293a), or the Act of June 4, 1953 (67 Stat. 41, chapter 47), that is prioritized for conveyance by the State under section 906(h)(2) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(h)(2))—

(1) is deemed to be selected; and

(2) may, with the concurrence of the Secretary or the Secretary of Agriculture, as appropriate, be selected under section 6 of Public Law 85-508 (commonly known as the “Alaska Statehood Act”) (72 Stat. 340).

(b) **EFFECT ON ENTITLEMENT.**—If, before the date of enactment of this Act, the entitlement of the State has not been charged with respect to a parcel for which a reversionary interest is conveyed under subsection (a), the total acreage of the parcel shall be charged against the remaining entitlement of the State.

(c) **MINIMUM ACREAGE REQUIREMENT NOT APPLICABLE.**—The minimum acreage requirement under subsections (a) and (b) of section 6 of Public Law 85-508 (commonly known as the “Alaska Statehood Act”) (72 Stat. 340) shall not apply to the selection of reversionary interests under subsection (a).

(d) **STATE WAIVER.**—On conveyance of any reversionary interest to the State selected under subsection (a), the State shall be deemed to have waived all right to any future credit should the reversion not occur.

(e) **LIMITATION.**—This section shall not apply to—

(1) reversionary interests in land acquired by the United States through the use of amounts from the Exxon Valdez Oil Spill Trust Fund; or

(2) reversionary interests in any land conveyed to the State as a result of the “Terms and Conditions for Land Consolidation and Management in Cook Inlet Area” as ratified by section 12 of Public Law 94-204 (43 U.S.C. 1611 note).

**SEC. 104. EFFECT OF POWERSITE RESERVES, POWERSITE CLASSIFICATIONS, POWER PROJECTS, AND HOT SPRING WITHDRAWALS.**

(a) **IN GENERAL.**—If the State has filed a future selection application under section 906(e) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(e)) for land withdrawn, reserved, or classified for power site or power project purposes, or for land containing hot or medicinal springs withdrawn by Executive Order No. 5389 of July 7,

1930, as amended by Public Land Order No. 399 of August 20, 1947, notwithstanding the withdrawal, reservation, or classification, the land shall be deemed to be vacant, unappropriated, and unreserved within the meaning of Public Law 85-508 (commonly known as the "Alaska Statehood Act") (72 Stat. 339).

(b) **LIMITATION.**—Subsection (a) does not apply to any land that is reserved for an additional Federal purpose other than those listed in—

(1) subsection (a); or

(2) section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)).

(c) **REQUIREMENT APPLICABLE TO NATIONAL FOREST SYSTEM LAND.**—Any land described in subsection (a) that is in a unit of the National Forest System shall not be deemed to be vacant, unappropriated, or unreserved unless the Secretary of Agriculture approved the State selection before January 3, 1994.

(d) **REQUIREMENTS APPLICABLE TO HYDROELECTRIC PROJECTS.**—Any conveyance of land described in subsection (a) that is included in a hydroelectric application or licensed project shall be subject to—

(1) the rights of third parties; and

(2) the right of reentry under section 24 of the Federal Power Act (16 U.S.C. 818).

(e) **DISCLAIMER OF INTEREST.**—If the Federal Energy Regulatory Commission has determined that a reservation made under section 24 of the Federal Power Act (16 U.S.C. 818) is not necessary, the patentee may apply to the Secretary for a disclaimer of interest instead of petitioning Congress for private relief legislation.

**SEC. 105. ENTITLEMENT FOR THE UNIVERSITY OF ALASKA.**

(a) **IN GENERAL.**—As of January 1, 2003, the remaining entitlement of the University of Alaska under the Act of January 21, 1929 (45 Stat. 1091, chapter 92), is equal to 456 acres.

(b) **ADDITIONAL ENTITLEMENT.**—The entitlement under subsection (a) shall be increased to reflect the reconveyance of any land by the University of Alaska to the United States to accommodate conveyance of a Native allotment.

(c) **REVERSIONARY INTERESTS.**—The Act of January 21, 1929 (45 Stat. 1091, chapter 92), is amended by adding at the end the following:

**"SEC. 8. SELECTION BY STATE.**

**"(a) REVERSIONARY INTERESTS.**—

**"(1) IN GENERAL.**—The State of Alaska, on behalf of the University of Alaska, may select any mineral interest (including an interest in oil or gas) or reversionary interest held by the United States in land located in the State of Alaska that—

**"(A)** is owned by the University of Alaska; or

**"(B)** was previously conveyed to a non-governmental third party.

**"(2) WRITTEN CONSENT REQUIRED.**—If an interest in land selected under paragraph (1) is otherwise available under this Act, to be valid a selection under that paragraph shall be approved in writing by the owner or owners of the remaining interests.

**"(3) EFFECT ON ENTITLEMENT.**—The total acreage of any parcel of land for which only the reserved or retained mineral interest or reversionary interest is conveyed shall be charged against the remaining entitlement of the University of Alaska.

**"(4) WAIVER.**—In taking title to a reversionary interest, the University of Alaska waives all right to any future credit if the reversion does not occur.

**"(b) SELECTION OF ISOLATED TRACTS.**—The State, on behalf of the University of Alaska, may select any tract of land, regardless of size, that—

**"(1)** is vacant, unappropriated, and unreserved, other than land withdrawn under sec-

tion 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); and

**"(2)** is an isolated tract of public land.

**"(c) SELECTION OF TRACTS OF MORE THAN 40 ACRES.**—The State, on behalf of the University of Alaska, may, with the concurrence of the Secretary, select any tract of land that—

**"(1)** is vacant, unappropriated, and unreserved, other than land withdrawn under 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); and

**"(2)** is not less than 40 acres.

**"SEC. 9. LIMITATION ON ACREAGE SELECTED.**

**"The total acreage selected under this Act shall be not more than—**

**"(1)** 125 percent of the entitlement of the University of Alaska remaining on the date of enactment of this section; plus

**"(2)** the number of acres that are in conflict with land of the University of Alaska, as identified in Native allotment applications on record with the Bureau of Land Management.

**"SEC. 10. SELECTION OF LAND SUBJECT TO A PENDING APPLICATION.**

**"The University of Alaska may not select land under this Act that is subject to a pending selection by the State of Alaska or a Native Corporation or to which the State of Alaska or the Native Corporation is entitled to make a claim unless the University has received written consent for the selection from the State of Alaska or the Native Corporation."**

**SEC. 106. SETTLEMENT OF REMAINING ENTITLEMENT.**

(a) **IN GENERAL.**—The Secretary may enter into binding, written agreements with the State with respect to—

(1) the exact number and location of acres of land remaining to be conveyed to the State under each entitlement established or confirmed by—

(A) Public Law 85-508 (commonly known as the "Alaska Statehood Act") (72 Stat. 340); and

(B) the Act of January 21, 1929 (45 Stat. 1091, chapter 92);

(2) the priority in which the land is to be conveyed;

(3) the relinquishment of selections which are not to be conveyed;

(4) the survey of the exterior boundaries of the land to be conveyed; and

(5) any other matters that would assist in carrying out the conveyances to the State.

(b) **CONSULTATION.**—Before entering into an agreement under subsection (a), the Secretary shall consult with the head of the agency administering the land to be conveyed.

(c) **ERRORS.**—The State, by entering into an agreement under subsection (a), shall receive any gain or bear any loss resulting from errors in prior surveys, protraction diagrams, or the computation of the ownership of third parties on any land conveyed.

**SEC. 107. EFFECT OF FEDERAL MINING CLAIMS.**

(a) **IN GENERAL.**—Land encumbered by a Federal mining claim shall be deemed to be vacant, unappropriated, and unreserved within the meaning of Public Law 85-508 (commonly known as the "Alaska Statehood Act") (72 Stat. 339) and may be conveyed to the State under subsection (b) if, with respect to the land—

(1) the State has filed—

(A) a selection application under Public Law 85-508 (commonly known as the "Alaska Statehood Act") (72 Stat. 339); or

(B) a future selection application under section 906(e) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(e)); and

(2) the owner of the Federal mining claim has filed with the Secretary a voluntary relinquishment of the Federal mining claim

conditioned on conveyance of the land to the State by tentative approval or patent.

(b) **CONVEYANCE.**—

(1) **IN GENERAL.**—The Secretary may, subject to the conditions described in paragraph (2), convey to the State without charge against entitlement land encumbered by a Federal mining claim if—

(A)(i) a mining claimant files a conditional relinquishment described in subsection (a); or

(ii) a mining claim recordation is—

(I) deemed abandoned and void; or

(II) otherwise closed by final decision of the Secretary; and

(B) the State owns land surrounding or effectively surrounding the land encumbered by the Federal mining claim.

(2) **CONDITIONS.**—A conveyance under paragraph (1)—

(A) shall not include more than 1,280 acres of land;

(B) shall not require reclamation of the land; and

(C) shall be effective only if, at least 30 days before the date on which the land is to be conveyed, the Secretary submits to the State written notice of the pending conveyance.

(3) **NO RELINQUISHMENT.**—If the land encumbered by the Federal mining claim is not conveyed to the State under paragraph (1), the relinquishment of land under subsection (a)(2) shall be of no effect.

(4) **OBLIGATIONS UNDER FEDERAL LAW.**—Until the date on which the land is conveyed under paragraph (1), the owner of the Federal mining claim shall be subject to any obligations relating to the land under Federal law.

(c) **SURVEYS.**—

(1) **LAND ENCUMBERED BY FEDERAL MINING CLAIMS.**—Land encumbered by Federal mining claims shall not be surveyed for the purpose of conveying to the State the land surrounding the encumbered land.

(2) **EXTERIOR BOUNDARY.**—A patent to the State for land surrounding land encumbered by a Federal mining claim shall be made based on an exterior boundary survey of the total conveyance.

(3) **EXCLUSION FOR FEDERAL MINING CLAIMS.**—In a conveyance of land encumbered by a Federal mining claim, the Federal mining claim—

(A) shall not be included in the patent document; and

(B) shall not be charged against the entitlement of the State.

**SEC. 108. LAND MISTAKENLY RELINQUISHED OR OMITTED.**

(a) **IN GENERAL.**—Subject to valid existing rights and the concurrence of the Secretary with jurisdiction over the land, the State may, with respect to any land that is mistakenly relinquished or omitted from a selection under section 6 of Public Law 85-508 (commonly known as the "Alaska Statehood Act") or top-filing under section 906(e) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 1635(e)), select or top-file the relinquished or omitted land.

(b) **STATE.**—The Secretary with jurisdiction over the land may convey to the State the relinquished or omitted land if—

(1) the State demonstrates, to the satisfaction of the Secretary with jurisdiction over the land, that the land was mistakenly relinquished or omitted from the selection or top-filing; and

(2) there is sufficient acreage in the remaining entitlement to make the conveyance.

**TITLE II—ALASKA NATIVE CLAIMS  
SETTLEMENT ACT**

**SEC. 201. LAND AVAILABLE AFTER SELECTION PERIOD.**

Section 12(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) is amended by adding at the end the following:

“(3) LAND AVAILABLE AFTER SELECTION PERIOD.—

“(A) DEFINITION OF CORE TOWNSHIP.—In this paragraph, the term “core township” means the township or townships in which all or any part of a Native Village is located.

“(B) CORE TOWNSHIP LAND.—The Secretary may make available for selection land in a core township that was unavailable before December 18, 1974, if—

“(i) there is sufficient remaining entitlement; and

“(ii) the processing and conveyance of the selection can be completed by 2009.

“(C) LAND OUTSIDE CORE TOWNSHIP.—

“(i) IN GENERAL.—Subject to subclause (ii), the Secretary may make available for selection land that—

“(I) is in a township in which a Village Corporation that was unavailable for selection by a Village Corporation before December 18, 1974; and

“(II)(aa) was withdrawn for selection; or  
“(bb) is completely surrounded by land withdrawn for selection.

“(ii) CONDITIONS.—The Secretary may make the land described in clause (i) available for selection if—

“(I) there is sufficient remaining entitlement;

“(II) the land is contiguous to land that is owned by or that will be conveyed to the Village Corporation; and

“(III) the processing and conveyance of the selection can be completed by 2009.

“(iii) LIMITATION.—

“(I) IN GENERAL.—If the land described in clause (i) is selected, or top filed under section 906(e) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(e)) by the State, not later than 90 days after the date on which the Secretary notifies the State that the land has become available for selection, the State may add the parcel to the current conveyance priority list of the State on file with the Bureau of Land Management.

“(II) FAILURE TO ADD PARCEL TO PRIORITY LIST.—Except as provided in subclause (III), if the State does not add the parcel to the current conveyance priority list in accordance with subclause (I)—

“(aa) the land shall be deemed selected by the appropriate Village Corporation; and

“(bb) the application of the State shall be rejected.

“(III) ELECTION.—Subclause (II) shall not apply if, not later than 90 days after notification by the Secretary that the land has become available for selection—

“(aa) the Village Corporation elects not to take the land that has become available by filing a written election that—

“(AA) declines the selection; and

“(BB) relinquishes any pending selection of the land; and

“(bb) the State has not exercised the option of the State to take title to the land.

“(D) CONDITIONS.—

“(i) IN GENERAL.—A conveyance of land under subparagraph (B) or (C) shall be made—

“(I) subject to—

“(aa) valid existing rights; and

“(bb) existing third party interests;

“(II) in accordance with the requirements applicable to conveyances under this Act; and

“(III) subject to the reservation of an easement for public access in accordance with

section 17(b) that aligns with the easements reserved on land adjoining the conveyed land.

“(ii) WAIVER OF ACREAGE LIMITATION.—For purposes of conveying land under subparagraphs (B) and (C), the Secretary may waive the 69,120 acreage limit under paragraph (I).

“(iii) CONGRESSIONAL ACTION.—Subparagraphs (B) and (C) shall not apply in a case in which Congress has specifically provided for the disposition of a tract of land in a particular manner.”.

**SEC. 202. COMBINED ENTITLEMENTS.**

Section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611) is amended—

(1) in the second sentence of subsection (b), by striking “Regional Corporation shall” and inserting “Regional Corporation shall, not later than October 1, 2005.”; and

(2) by adding at the end the following:

“(f) COMBINED ENTITLEMENTS.—

“(1) IN GENERAL.—The entitlements received by any Village Corporation under subsection (a) and acreage reallocated under subsection (b) may be combined, at the discretion of the Secretary, without—

“(A) increasing or decreasing to either entitlement; or

“(B) increasing the limitation on selections of Wildlife Refuge System land, National Forest System land, or State-selected land under subsection (a).

“(2) SOURCE OF ENTITLEMENT.—The combined entitlement under paragraph (1) may be fulfilled from selections under subsection (a) or (b) without regard to the entitlement specified in the selection application.

“(3) ADJUDICATION AND CONVEYANCE.—All selections under a combined entitlement shall be adjudicated and conveyed in compliance with this Act.

“(4) NO ADDITIONAL PATENTS OR SURVEYS.—Except in a case in which a survey has been contracted for before the date of enactment of this subsection, the combination of entitlements under paragraph (1) shall not require separate patents or surveys, to distinguish between conveyances made to a Village Corporation under subsections (a) and (b).”.

**SEC. 203. CONVEYANCE OF LAST WHOLE SECTION.**

Section 14(d) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(d)) is amended—

(1) by striking “(d) the Secretary” and inserting the following:

“(d) ACREAGE LIMITATIONS.—

“(1) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(2) CONVEYANCE OF LAST WHOLE SECTION.—

“(A) IN GENERAL.—If the calculations of the Bureau of Land Management relating to acreage entitlements indicate that an entitlement may be fulfilled by conveying the next prioritized section to a Village Corporation (other than a Village Corporation under section 16), the Director of the Bureau of Land Management and the affected Village or Regional Corporation may enter into an agreement providing that all land entitlements under this Act shall be deemed satisfied by conveyance of a specifically identified and agreed upon tract of that land.

“(B) REQUIREMENTS.—An agreement entered into under subparagraph (A) shall be—

“(i) in writing;

“(ii) executed by the Director of the Bureau of Land Management and the Village or Regional Corporation; and

“(iii) authorized by a corporate resolution enacted by the affected Village or Regional Corporation.

“(C) NO ADJUSTMENTS TO LAND ENTITLEMENTS.—After execution of an agreement under subparagraph (A) and conveyance of the agreed upon tract to the affected Village or Regional Corporation—

“(i) the Director of the Bureau of Land Management shall not make any further adjustments to calculations relating to acreage entitlements of the Village or Regional Corporation; and

“(ii) the Village or Regional Corporation shall not be entitled to any further conveyances under this Act.

“(D) LIMITATION.—A Village or Regional Corporation shall not be eligible to receive land under subparagraph (A) if—

“(i) the Village or Regional Corporation has received the full land entitlement of the Village or Regional Corporation through—

“(I) actual conveyance of the land; or

“(II) an agreement; or

“(ii) the final survey boundaries of the Village or Regional Corporation’s land entitlement have been established.

“(E) EFFECT.—This paragraph does not limit or otherwise affect the ability of a Village or Regional Corporation to enter into land exchanges with the United States.”.

**SEC. 204. DISCRETIONARY AUTHORITY TO CONVEY SUBSURFACE ESTATE IN PRE-ANCSA REFUGES.**

Section 14(f) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(f)) is amended—

(1) by striking “(f) When the Secretary” and inserting the following:

“(f) PATENT TO THE SUBSURFACE ESTATE.—

“(1) IN GENERAL.—When the Secretary”;

(2) by striking “: Provided,” and inserting a period;

(3) by striking “That the right” and inserting the following:

“(2) CONSENT OF VILLAGE CORPORATION REQUIRED.—The right”; and

(4) by adding at the end the following:

“(3) OFFERING OF CERTAIN SUBSURFACE ESTATES IN REFUGE LAND.—The subsurface estate beneath the surface estate conveyed to a Village Corporation in a National Wildlife Refuge in existence on December 18, 1971 (except the Kenai National Wildlife Refuge and the Kodiak National Wildlife Refuge), may, at the discretion of the Secretary, be offered to the appropriate Regional Corporation as an alternative to the selection of the subsurface estate under section 12(a)(1).”.

**SEC. 205. CONVEYANCE OF CEMETERY SITES AND HISTORICAL PLACES.**

Section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) is amended—

(1) by striking “(1) The Secretary” and inserting the following:

“(1) CEMETERY SITES AND HISTORICAL PLACES.—

“(A) IN GENERAL.—The Secretary”;

(2) by striking “Only title” and inserting the following:

“(B) LAND LOCATED IN A WILDLIFE REFUGE.—Only title”; and

(3) by adding at the end the following:

“(C) WAIVER OF ACREAGE ALLOCATIONS.—

“(i) IN GENERAL.—Notwithstanding acreage allocations made before the date of enactment of this subparagraph, the Secretary may convey any cemetery site or historical place—

“(I) with respect to which there is an application on record with the Secretary on the date of enactment of this paragraph; and

“(II) that is eligible for conveyance.

“(ii) APPLICABILITY.—Clause (i) shall apply to any of the 188 closed applications that are determined to be eligible and reinstated under Secretarial Order No. 3220 dated January 5, 2001.

“(D) NO REINSTATEMENT.—No applications submitted for the conveyance of land under subparagraph (A) that were closed before the date of enactment of this paragraph may be reinstated other than those specified in subparagraph (C)(ii).

“(E) NO NEW APPLICATIONS OR AMENDMENTS.—After the date of enactment of this paragraph—

“(i) no application may be filed for the conveyance of land under subparagraph (A); and

“(ii) no pending application may be amended to include additional land under that subparagraph.

“(F) NO WAIVER OF REGULATIONS.—The Secretary shall not waive any regulations relating to withdrawals and conveyances under subparagraph (A).

“(G) REQUIREMENTS APPLICABLE TO APPLICATIONS FOR HISTORIC PLACES.—Unless, not later than 1 year after the date of enactment of this paragraph, a Regional Corporation that has filed an application for a historic place submits to the Secretary a statement on the significance of and the location of the historic place—

“(i) the application shall not be valid; and

“(ii) the Secretary shall reject the application.

“(H) RELINQUISHMENT.—A Regional Corporation may elect to relinquish eligible cemetery sites or historical places located within the boundaries of a conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102)) on the execution of an agreement between the Federal land management agency and the affected Regional Corporation that describes—

“(i) the statutory responsibilities of the Federal land management agency with respect to protecting the cemetery site or historical place that is relinquished; and

“(ii) any other terms to which the Federal land management agency and Regional Corporation agree.

“(I) NO RESERVATION OF EASEMENT.—Section 17(b)(3) shall not apply to cemetery sites or historical places conveyed under subparagraph (A), but a conveyance under that paragraph shall be subject to an easement for roads and trails in existence at the time of conveyance.”

#### SEC. 206. APPROVED ALLOTMENTS.

Section 14(h)(6) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(6)) is amended—

(1) by striking “(6) The Secretary” and inserting the following:

“(6) APPROVED ALLOTMENTS.—

“(A) IN GENERAL.—The Secretary”;

(2) by striking “this Act;” and inserting “this Act, a total of 184,663 acres, as described in the report entitled ‘Audit Summary ANCSA 14(h)(6) Acreage’, dated July 1983, and in 48 Fed. Reg. 37086 (August 16, 1983).”;

(3) by striking “Any minerals” and inserting the following:

“(B) MINERAL RESERVATIONS.—

“(i) IN GENERAL.—Any minerals”; and

(4) by inserting after subparagraph (B)(i) (as redesignated by paragraph (3)) the following:

“(ii) ELECTION.—With respect to reserved mineral estates that are located partly in an area that qualifies for in-lieu subsurface selection, the Regional Corporation may elect to take the reserved minerals in the entire allotment or to take the entire acreage as in-lieu.

“(iii) NO SUBDIVISION.—United States surveys shall not be subdivided to accommodate conveyance of a reserved mineral estate under this subparagraph.”

#### SEC. 207. ALLOCATIONS BASED ON POPULATION.

Section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)) is amended—

(1) by striking “(8)(A) Any portion” and inserting the following:

“(8) ALLOCATIONS BASED ON POPULATION.—

“(A) IN GENERAL.—Any portion”;

(2) by striking “(B) Such allocation” and inserting the following:

“(B) ALLOCATION FOR SOUTHEASTERN ALASKA.—Such allocation”;

(3) by adding at the end the following:

“(C) ALTERNATIVE METHODS OF DISTRIBUTION.—

“(i) IN GENERAL.—In lieu of an allocation in accordance with the method of distribution under subparagraph (A), a Regional Corporation may elect to receive an allocation in accordance with clause (ii) or (iii).

“(ii) PERCENTAGE SHARE.—

“(I) IN GENERAL.—A Regional Corporation eligible for an additional allocation under subparagraph (A) may irrevocably elect, not later than 1 year after the date of enactment of this subparagraph, to take the Regional Corporation’s percentage share of an additional 255,000 acres above any acreage allocated as of January 1, 2003.

“(II) WAIVER.—Any Regional Corporation electing to take a percentage share under subclause (I) shall waive any additional gain or loss that the Regional Corporation may have been eligible to receive under subparagraph (A).

“(iii) SETTLEMENT AGREEMENT.—

“(I) IN GENERAL.—A Regional Corporation eligible to participate in an additional allocation under subparagraph (A) may irrevocably elect, not later than 1 year after the date of enactment of this subparagraph, to enter into good faith negotiations with the Secretary for a settlement agreement relating to the Regional Corporation’s entitlement under subparagraph (A).

“(II) REQUIREMENTS.—An agreement entered into under subclause (I) shall—

“(aa) establish the number of acres to be allocated to the Regional Corporation, which shall be considered to be the remaining entitlement of the Regional Corporation; and

“(bb) provide that the United States and the Regional Corporation agree to waive any additional gain or loss that would have been available under subparagraph (A).

“(III) DEADLINE FOR AGREEMENT.—A Regional Corporation shall have not later than the date that is 2 years after the date of enactment of this subparagraph to reach a final agreement with the Secretary under this clause.

“(IV) NO AGREEMENT.—If an agreement is not executed by the date specified in clause (III)—

“(aa) the authority of the Secretary to enter into such an agreement shall terminate; and

“(bb) any allocations of entitlements under subparagraph (A) of the Regional Corporation shall be deferred until the date on which all allocations under this subsection are completed.

“(iv) APPLICABILITY.—This subparagraph shall not apply to—

“(I) Cook Inlet Region Incorporated and Koniag, Inc.; or

“(II) any Regional Corporation that has entered into a prior agreement relating to the entitlement of the Regional Corporation under subparagraph (A), the terms of which would be modified or negated by the agreement entered into under clause (iii).”

#### SEC. 208. AUTHORITY TO WITHDRAW LAND.

Section 14(h)(10) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(10)) is amended—

(1) by striking “(10) Notwithstanding” and inserting the following:

“(10) WITHDRAWALS.—

“(A) IN GENERAL.—Notwithstanding”; and

(2) by adding at the end the following:

“(B) SELECTIONS NOT ON FILE.—If a Regional Corporation does not have enough valid selections on file to fulfill the remain-

ing entitlement of the Regional Corporation under subsection (a) or (b), the Secretary may use the withdrawal authority under subparagraph (A) to withdraw land for selection and conveyance to the Regional Corporation to fulfill that entitlement, except that the Secretary may not withdraw land located within the boundaries of a conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102)).”

#### SEC. 209. BUREAU OF LAND MANAGEMENT LAND.

(a) CLASSIFICATION.—

(1) IN GENERAL.—Notwithstanding revocation of a withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)), the Secretary may classify or reclassify any land administered by the Bureau of Land Management in the State to open or close the land to any form of appropriation or use under the public land laws.

(2) JUDICIAL REVIEW.—A decision to classify or reclassify land under paragraph (1) shall not be subject to judicial review.

(b) WITHDRAWN LAND.—Land in the State administered by the Bureau of Land Management that is withdrawn under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)), but not otherwise withdrawn or reserved, may be opened, without environmental review, to all forms of appropriation under the public land laws, including location and entry under the Mining Law of 1872 (30 U.S.C. 22 et seq.), by publication of a classification order in the Federal Register.

(c) LAND INCLUDED IN AN APPROVED RESOURCE MANAGEMENT OR LAND USE PLAN.—Land that is included in an approved resource management or land use plan and that is not segregated (including land in the Steese National Conservation Area) may be opened or closed to location and entry under the Mining Law of 1872 (30 U.S.C. 22 et seq.) and under the Mineral Leasing Act (30 U.S.C. 181 et seq.), consistent with the plan, by publication in the Federal Register of a classification order that describes—

(1) the land to be opened;

(2) the public land laws to which the opening applies; and

(3) the effective date of the opening.

#### SEC. 210. AUTOMATIC SEGREGATION OF LAND FOR UNDERSELECTED VILLAGE CORPORATIONS.

Section 22(j) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(j)) is amended by adding at the end the following:

“(3) AGREEMENT.—In lieu of withdrawal under paragraph (2), land may be segregated from all other forms of appropriation for the purposes described in that paragraph if—

“(A) the Secretary and the Village Corporation enter into an agreement identifying the land for selection; and

“(B) the Village Corporation files an application for selection of the land.”

#### SEC. 211. PROCEDURES RELATING TO DISSOLVED OR LAPSED NATIVE CORPORATIONS.

Section 22 of the Alaska Native Claims Settlement Act (43 U.S.C. 1621) is amended by adding at the end the following:

“(n) DISSOLVED OR LAPSED NATIVE CORPORATIONS.—

“(1) IN GENERAL.—Not later than the date that is 2 years after the date of enactment of this subsection, a Native Corporation entitled to receive land under this Act that has allowed the corporate status of the Native Corporation to lapse or has otherwise dissolved or ceased to do business, may, in accordance with State law, reestablish the Native Corporation.

“(2) CONVEYANCE.—If the Native Corporation is not reestablished by the date described in subsection (a) or allows the corporate status of the Native Corporation to

lapse after that date, the remaining entitlement of the Native Corporation, if any, shall be conveyed to the Regional Corporation, subject to the condition that the land not be sold or otherwise alienated to any other person or entity other than the Village Corporation for a period of at least 12 years.

“(3) EFFECT.—After the Regional Corporation assumes responsibility for administering the assets for a lapsed or dissolved Native Corporation, the Regional Corporation may—

“(A) file relinquishments of selections;

“(B) return land to the United States to accommodate an allotment;

“(C) reprioritize land selections before the deadline in section 404 of the Alaska Land Transfer Acceleration Act of 2003;

“(D) negotiate settlement of remaining entitlement under section 212 of the Alaska Land Transfer Acceleration Act of 2003; and

“(E) take any appropriate actions to bring the lapsed or dissolved Native Corporation into compliance with State law.

“(4) REESTABLISHMENT UNDER STATE LAW.—If the lapsed or dissolved Native Corporation reestablishes itself under State law, on petition from the reestablished Native Corporation, the property conveyed to the Regional Corporation from the reestablished Native Corporation's prior entitlement shall be conveyed by the Regional Corporation to the reestablished Native Corporation.

“(5) PRIORITIES.—If a lapsed or dissolved Native Corporation fails to establish, by the prioritization deadlines established by the Alaska Land Transfer Acceleration Act of 2003, irrevocable final priorities in accordance with section 404 of that Act, the Regional Corporation shall establish the priorities by the deadline established by section 404 of that Act.”

#### SEC. 212. SETTLEMENT OF REMAINING ENTITLEMENT.

(a) IN GENERAL.—The Secretary may enter into a binding, written agreement with any Native Corporation relating to—

(1) the land remaining to be conveyed to the Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(2) the priority in which the land is to be conveyed;

(3) the relinquishment of selections which are not to be conveyed;

(4) the selection entitlement to which selections are to be charged, regardless of the entitlement under which originally selected;

(5) the survey of the exterior boundaries of the land to be conveyed;

(6) the additional survey to be performed under section 14(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(c));

(7) the resolution of conflicts with Native allotment applications; and

(8) any other matters that may facilitate the conveyance to the Native Corporation.

(b) REQUIREMENTS.—An agreement under subsection (a)—

(1) shall be authorized in a corporate resolution of the Native Corporation subject to the agreement; and

(2) shall include a statement that the entitlement of the Native Corporation shall be considered complete on execution of the agreement.

(c) RESERVATION OF EASEMENTS.—In an agreement under subsection (a), the Secretary may—

(1) reserve easements under subsection (b) of section 17 of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b));

(2) realign easements reserved under that subsection before the date of enactment of this Act; and

(3) correct conveyance documents to reflect the reservation of easements under that subsection.

(d) CONSULTATION.—Before entering into an agreement under subsection (a), the Secretary shall consult with the head of the agency administering the land to be conveyed and the State.

(e) ERRORS.—Any Native Corporation entering into an agreement under subsection (a) shall receive any gain or bear any loss arising out of errors in prior surveys, protraction diagrams, or computation of the ownership of third parties on any land conveyed.

(f) EFFECT.—

(1) IN GENERAL.—An agreement under subsection (a) shall not—

(A) affect the obligations of Native Corporations under prior agreements; or

(B) result in a Native Corporation relinquishing valid selections of land in order to qualify for the withdrawal of other tracts of land.

(2) EFFECT ON SUBSURFACE RIGHTS.—The terms of an agreement entered into by the Secretary and a Village Corporation or other Native Corporation under subsection (a) shall be binding on a Regional Corporation with respect to the location and quantity of subsurface rights of the Regional Corporation under section 14(f) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(f)).

#### SEC. 213. CONVEYANCE TO KAKTOVIK INUPIAT CORPORATION AND ARCTIC SLOPE REGIONAL CORPORATION.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), the Secretary shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959—

(A) to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611); and

(B) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which the Regional Corporation is entitled under the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States.

### TITLE III—NATIVE ALLOTMENTS

#### SEC. 301. TITLE AFFIRMATION OF NATIVE ALLOTMENT LOCATION AND DESCRIPTION.

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

“(d) TITLE AFFIRMATION.—

“(1) IN GENERAL.—The Secretary may correct a conveyance to a Native Corporation or to the State that includes land described in a valid allotment application to exclude the described allotment land with the written concurrence of the Native Corporation or the State.

“(2) CONCURRENCE.—A written concurrence shall—

“(A) include a finding that the land description proposed by the Secretary is acceptable; and

“(B) attest that the Native Corporation or the State has not—

“(i) granted any third party rights or taken any other action that would affect the ability of the United States to convey full title under the Act of May 17, 1906 (34 Stat. 197, chapter 2469); and;

“(ii) stored or allowed the deposit of hazardous waste on the land.

“(3) CORRECTED DOCUMENT.—On receipt of an acceptable written concurrence, the Alas-

ka State Office of the Bureau of Land Management shall—

“(A) issue a corrected conveyance document to the State or Native Corporation, as appropriate; and

“(B) issue a certificate of allotment to the allotment applicant.

“(4) NO OTHER DOCUMENTATION REQUIRED.—No documents of reconveyance from the State or an Alaska Native Corporation or evidence of title, other than the written concurrence and attestation described in paragraph (1), are necessary to use the procedures authorized by this subsection.

“(5) EFFECT ON LIABILITY.—Nothing in this section relieves the State, the United States, or any other entity of any existing liability under Federal or State law arising out of the presence or release of hazardous or toxic substances or solid wastes nor shall the United States be subject to such liability under applicable laws solely as a result of taking any actions under this subsection.”

#### SEC. 302. TITLE RECOVERY OF NATIVE ALLOTMENTS

(a) IN GENERAL.—If the State or any Native Corporation does not elect to take advantage of the title affirmation process available under subsection (d) of section 18 of the Alaska Native Claims Settlement Act (as added by section 301), the State or any Native Corporation may quitclaim, by a date certain established by the Secretary, all or any part of its interest in the land encompassed by an allotment claim by tendering a valid and appropriate deed to the United States.

(b) ACCEPTANCE OF DEED BY UNITED STATES.—The United States may accept the deed if the United States determines that the issuance of an allotment is appropriate based on evidence of record with the Bureau of Land Management or attestation of the State or Native Corporation as to the use of the land by the allotment applicant.

(c) OFFERING OF ALTERNATE LAND.—The State, under the authority granted in section 18(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1617(c)), or a Native Corporation under the authority granted in section 303, may elect to offer land other than those encompassed by the allotment claim in substitution for the originally described land.

(d) ACCEPTANCE OF DEED BY APPLICANT.—Before the acceptance of the title by the United States, the Secretary shall provide the applicant or the personal representative of a deceased applicant 90 days to accept the offered deed.

(e) ACCEPTANCE BY UNITED STATES.—On receipt of the applicant's acceptance, the Secretary may accept the quit claim deed and issue the allotment.

(f) BINDING EFFECT.—The allottee shall be bound by the terms and conditions of the conveyance to the United States and the conveyance to the allottee by the United States.

(g) SURVEY.—If acceptance by the applicant is not received by the Bureau of Land Management, Alaska State Office, within the 90-day time period provided under subsection (d), the United States shall, with the permission of the landowner, survey the boundaries of the allotment claim on file with the Secretary to fix in an irrevocable manner the location of the claim.

(h) NO DOCUMENTATION REQUIRED.—When the Secretary reacquires title to land from a Native Corporation or the State for the purpose of conveying an allotment, there shall be no requirement to prepare a certificate of inspection and possession or to perform a hazardous materials inspection prior to the acceptance of the reconveyance to the United States or conveyance to the Native allotment applicant.

(i) NO LIABILITY.—The United States shall not be liable for any contamination on the

land solely by virtue of reacquiring title or conveying the allotment.

**SEC. 303. NATIVE ALLOTMENT RELOCATION ON LAND SELECTED BY OR CONVEYED TO A NATIVE CORPORATION.**

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) (as amended by section 301) is amended by adding at the end the following:

“(e) AMENDMENT OF LAND DESCRIPTION.—

“(1) IN GENERAL.—An allotment applicant who had a valid application pending before the Department of the Interior on December 18, 1971, and whose application is still open on the records of the Secretary as of the date of enactment of this subsection may amend the land description in the application to describe land other than the land that the applicant originally intended to claim if—

“(A) the application—

“(i) describes land selected by or conveyed by interim conveyance or patent to a Native Corporation formed to receive benefits under this Act; or

“(ii) otherwise conflicts with an interest in land granted to a Native Corporation by the United States;

“(B) the amended land description describes land selected by or conveyed by interim conveyance or patent to a Native Corporation of approximately equal acreage in substitution for the land described in the original application; and

“(C) the Native Corporation, or its successor in interest, that selected the land or received an interim conveyance or patent for the land, provides a corporate resolution authorizing reconveyance or relinquishment to the United States of the land, or interest in land, described in the amended application.

“(2) RIGHT OF FIRST REFUSAL.—

“(A) IN GENERAL.—The allotment applicant and the Native Corporation may agree that the Native Allotment Certificate, when issued, shall contain a right of first refusal allowing the Native Corporation to match any offer to buy the allotted land at or over appraised value, with approval of an authorized official of the Bureau of Indian Affairs, within 30 days of notice of intent to accept an offer.

“(B) FILING.—Any agreement to make the allotment subject to such a right of first refusal shall be in writing and shall be filed with the Alaska State Office of the Bureau of Land Management. The right of first refusal shall not apply to transfers of the land to family members or to transfers by gift deed.

“(3) CONCURRENCE REQUIRED.—If an application pending before the Department of the Interior as described in paragraph (1) describes land selected by, but not conveyed by interim conveyance or patent to a Native Corporation, the concurrence of an authorized official of the Bureau of Land Management and regional head of the managing Federal agency if different than the Bureau of Land Management shall be required in order for an application to proceed under this section.

“(4) NATIVE ALLOTMENT CERTIFICATE.—

“(A) IN GENERAL.—On acceptance of a reconveyance or relinquishment from a Native Corporation under paragraph (1), the Secretary shall issue a native allotment certificate to the applicant for the land reconveyed or relinquished by the Native Corporation.

“(B) INCLUSIONS.—The Native Allotment Certificate shall include a right of first refusal if a written copy of an agreement to include such provision is filed with the Alaska State Office of the Bureau of Land Management prior to issuance of the Native Allotment Certificate.

“(C) RESERVATIONS.—Any allotment relocated under this section shall, when allotted, be made subject to any easement, trail, or

right-of-way in existence on the relocated allotment land on the date of relocation.”.

**SEC. 304. COMPENSATORY ACREAGE.**

(a) IN GENERAL.—The Secretary shall adjust the acreage entitlement computation records for the State of Alaska or an affected Native Corporation to account for any difference in the amount of acreage between the corrected description and the previous description in any conveyance document as a result of actions taken under section 18(d) of the Alaska Native Claims Settlement Act (as added by section 301), section 302, or section 18(e) of the Alaska Native Claims Settlement Act (as added by section 303), or for other voluntary reconveyances to the United States for the purpose of facilitating timely completion of land transfer in Alaska.

(b) LIMITATION.—No adjustment to the acreage conveyance computations shall be made where the State of Alaska or an affected Native Corporation retains a partial estate in the described allotment land.

(c) AVAILABILITY OF ADDITIONAL LAND.—If, as a result of implementation under section 18(d) of the Alaska Native Claims Settlement Act (as added by section 301) or section 302, a Village Corporation has insufficient remaining selections from which to receive its full entitlement under the Alaska Native Claims Settlement Act, the Secretary has sole and unreviewable discretion to use the authority and procedures available under section 22(j)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(j)(2)) and section 207 to make additional land available for selection by the Village Corporation.

**SEC. 305. NATIVE ALLOTMENT DEADLINES.**

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) (as amended by section 303) is amended by adding at the end the following:

“(f) REQUEST FOR REINSTATEMENT.—

“(1) IN GENERAL.—An applicant for a Native allotment filed under the Act of May 17, 1906 (34 Stat. 197, chapter 2469) or filed under section 41 of this Act shall be entitled to have the Secretary accept a reinstatement of a previously closed Native allotment application or to accept a reconstructed copy of an application claimed to have been timely filed with an agency of the Department of the Interior, only if the applicant filed a request for reinstatement or acceptance of a reconstructed application with the Alaska State Office, Bureau of Land Management, before the date of enactment of this subsection.

“(2) REQUIREMENTS.—No request to accept a Native allotment application as timely filed, submitted before the date of enactment of this subsection, shall be granted unless the request or application contains—

“(A) the name of the person to whom the application was originally given;

“(B) the Department of the Interior Bureau for whom that person worked;

“(C) the month and year in which the application was originally submitted;

“(D) the place at which the application was originally submitted (address or specific location, more than the community's name);

“(E) a complete application, including—

“(i) the date of commencement of qualifying use and occupancy;

“(ii) a description of the land for which the application is being made;

“(iii) a map sufficient to locate the property on the ground; and

“(iv) at least 2 written statements from knowledgeable individuals attesting to the applicant's qualifying use and occupancy of the land described in the application;

“(F) a written explanation setting forth all information known concerning the original filing of the application and the reasons that the application was not forwarded when

originally submitted, if known, which explanation shall not include any additional information or explanatory material that was filed after the date of enactment of this Act; and

“(G) sworn statements from at least 2 knowledgeable individuals, with their current addresses, who will not benefit from the granting of the Native allotment application, attesting to the fact that an application for Native allotment was originally filed as set forth in the request, not including any additional witness statements or supplementation of the previously submitted statements.

“(3) PROHIBITION ON REOPENING OF APPLICATION.—No application for a Native allotment that was closed, whether through relinquishment, denial or otherwise, under the laws (including regulations) that existed as of the date of closure, shall be reopened after the date of enactment of this subsection.

“(4) VOLUNTARY RECONVEYANCE.—The United States—

“(A) may seek voluntary reconveyance of any land described in an application that is reopened, accepted, or is reconstructed that is accepted as timely filed after the date of enactment of this Act; but

“(B) shall not file an action in any court to recover title from a current landowner.

“(5) EXCEPTION.—Except as otherwise provided in this subsection, after the date of enactment of this subsection, no requests to amend an allotment description may be granted unless the request is initiated by the Secretary in order to conform the allotment description to its on-the-ground or surveyed description.”.

**SEC. 306. ELIMINATION OF SHORE SPACE MEASUREMENT.**

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) (as amended by section 305) is amended by adding at the end the following:

“(g) APPLICABILITY OF SHORE SPACE MEASUREMENT REQUIREMENT.—Section 2094 of part 43, Code of Federal Regulations, (relating to Shore Space) shall not apply to Native allotment applications which are required to be adjudicated under the Act of May 17, 1906 (34 Stat. 197, chapter 2469), if the land has been surveyed before the date of enactment of this Act or has been the subject of a field examination, before the date of enactment of this subsection, which did not recommend adjustment of the land that is the subject of the application due to excessive shore space.”.

**SEC. 307. AMENDMENTS TO SECTION 41 OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT.**

Section 41(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g(b)) is amended—

(1) in paragraph (1)(A), by inserting before the semicolon at the end the following: “(except that the term ‘nonmineral’, as used in that Act, shall for the purpose of this subsection, include land valuable for deposits of sand or gravel except for claims describing land within the National Park System)”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(B) by inserting “(A)” after “(2)”;

(C) in clause (ii) (as redesignated by subparagraph (A)), by inserting after “Department of Veterans Affairs” the following: “or based on other evidence acceptable to the Secretary of the Interior”; and

(D) by adding at the end the following:

“(B)(i) If the Secretary requests that the Secretary of Veterans Affairs make a determination whether a veteran died as a direct consequence of a wound received in action, the Secretary of Veterans Affairs shall, within 60 days of receipt of the request—

“(I) provide a determination to the Secretary if the records of the Department of Veterans Affairs contain sufficient information to support such a determination; or

“(II) notify the Secretary that the records of the Department of Veterans Affairs do not contain sufficient information to support a determination and that further investigation will be necessary.

“(ii) Not later than 1 year after notification to the Secretary that further investigation is necessary, the Department of Veterans Affairs shall complete the investigation and provide a determination to the Secretary.”

#### TITLE IV—FINAL PRIORITIES; CONVEYANCE AND SURVEY PLANS

##### SEC. 401. DEADLINE FOR ESTABLISHMENT OF REGIONAL PLANS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the Bureau of Land Management (referred to in this title as the “Director”), in coordination and consultation with Native Corporations, Federal land management agencies, and the State, shall update and revise the 12 preliminary Regional Conveyance and Survey Plans.

(b) INCLUSIONS.—The updated and revised plans under subsection (a) shall identify any conflicts to be resolved and recommend any actions that should be taken to facilitate the finalization of land conveyances in a region by 2009.

##### SEC. 402. DEADLINES FOR ESTABLISHMENT OF VILLAGE PLANS.

Not later than 30 months after the date of enactment of this Act, the Director, in coordination with affected Federal land management agencies, the State, and Village Corporations, shall complete a final closure plan with respect to the entitlements for each Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

##### SEC. 403. FINAL PRIORITIZATION OF ANCSA SELECTIONS

(a) IN GENERAL.—Any Village or Regional Corporation that has not entered in a voluntary, negotiated settlement of final entitlement under section 212 by the date of enactment of this Act, shall submit the final, irrevocable priorities of the Village or Regional Corporation—

(1) not later than 36 months after the date of enactment of this Act for Village Corporations; and

(2) not later than 42 months after the date of enactment of this Act for Regional Corporations.

(b) ACREAGE LIMITATIONS.—The priorities submitted under subsection (a) shall not exceed land that is the greater of—

(1) not more than 125 percent of the remaining entitlement; or

(2) not more than 640 acres in excess of the remaining entitlement.

(c) CORRECTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the priorities submitted under subsection (a) may not be revoked, rescinded, or modified by the Village or Regional Corporation.

(2) TECHNICAL CORRECTIONS.—Not later than 90 days after the date of receipt of a notification by the Director that there is a technical error in the priorities, the Village or Regional Corporation may correct the technical error in accordance with any recommendations of, and in the manner prescribed by, the Director.

(d) RELINQUISHMENT.—

(1) IN GENERAL.—As of the date on which the Village or Regional Corporation submits the final priorities of the Village or Regional Corporation under subsection (a), any unprioritized, remaining selections of the Village or Regional Corporation—

(A) are relinquished; and

(B) shall have no further segregative effect.

(2) RECORDS.—All relinquishments under paragraph (1) shall be included in Bureau of Land Management land records.

(e) FAILURE TO SUBMIT PRIORITIES.—If a Village or Regional Corporation fails to submit priorities by the deadline specified in subsection (a)—

(1) with respect to a Village or Regional Corporation that has priorities on file with the Director, the Director—

(A) shall convey to the Village or Regional Corporation the remaining entitlement of the Village or Regional Corporation, as determined based on the most recent priorities of the Village or Regional Corporation on file with the Director; and

(B) may reject any selections not needed to fulfill the entitlement; or

(2) with respect to a Village or Regional Corporation that does not have priorities on file with the Bureau of Land Management, the Director shall satisfy the entitlement by conveying land selected by the Director, in consultation with the Village or Regional Corporation, the Federal land managing agency, and the State, that, to the maximum extent practicable, is—

(A) compact;

(B) contiguous to land previously conveyed to the Village or Regional Corporation; and

(C) consistent with the applicable preliminary Regional Conveyance and Survey Plan referred to in section 401.

##### SEC. 404. FINAL PRIORITIZATION OF STATE SELECTIONS.

(a) FILING OF SELECTION PRIORITIES.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Director notifies the State that the portion of the Regional Conveyance and Survey Plan relating to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is complete, the State shall file selection priorities for the Regional Conveyance and Survey Plan area.

(2) IDENTIFICATION OF PRIORITIES.—In the selection priorities filed under paragraph (1), the State shall identify all prioritized selections as being in 1 of the following 3 categories:

(A) Irrevocable priorities available for immediate conveyance.

(B) Topfiled priorities not currently available for conveyance.

(C) Revocable priorities not available for immediate conveyance.

(b) CONVEYANCE.—The Director shall convey any irrevocable priorities identified under subsection (a)(2)(A) as soon as practicable after the date of enactment of this Act but not later than September 30, 2009.

(c) CORRECTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), irrevocable priorities identified under subsection (a)(2)(A) may not be rescinded or modified by the State.

(2) TECHNICAL CORRECTIONS.—Not later than 30 days after the date of receipt of a notification by the Director that there is a technical error in the irrevocable priorities, the State may correct the technical error in accordance with any recommendations of, and in the manner prescribed by, the Director.

(d) MAXIMUM ACREAGE.—The cumulative quantity of revocable selections (other than topfiled) shall not exceed 3,525,000 acres.

(e) RELINQUISHMENT.—

(1) IN GENERAL.—The State shall relinquish any State selections in a Regional Conveyance and Survey Plan area not identified as an irrevocable, topfiled, or revocable priority.

(2) FAILURE TO RELINQUISH.—If the State fails to relinquish a selection under paragraph (1), the Director shall reject the selection.

(f) FILING OF FINAL PRIORITIES.—

(1) IN GENERAL.—In addition to the prioritization required under subsection (a), the State shall, not later than the date that is 4 years after the date of enactment of this Act, in accordance with section 906(f)(1) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(f)(1)), file final priorities with the Bureau of Land Management for all land grant entitlements to the State which remain unsatisfied on the date of the filing.

(2) RANKING.—All selection applications on file with the Bureau of Land Management on the date specified in paragraph (1) shall—

(A) be ranked; and

(B) include an estimate of the acreage included in each selection.

(3) INCLUSIONS.—The State shall include in the prioritized list land which has been topfiled under section 906(e) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(e)).

(4) ACREAGE LIMITATION.—

(A) IN GENERAL.—Acreage for topfiled selections shall not be counted against the 125 percent limitation.

(B) RELINQUISHMENT.—

(i) IN GENERAL.—The State shall relinquish any selections that exceed the 125 percent limitation.

(ii) FAILURE TO RELINQUISH.—If the State fails to relinquish a selection under clause (i), the Director shall reject the selection.

(g) DEADLINE FOR PRIORITIZATION.—

(1) IN GENERAL.—The State shall irrevocably prioritize sufficient selections to allow the Director to complete transfer of 101,000,000 acres by September 30, 2009.

(2) FINANCIAL ASSISTANCE.—The Director may, using amounts made available to carry out this Act, provide financial assistance to other Federal agencies, the State, and Native Corporations and entities to assist in completing the transfer of land by September 30, 2009.

(3) REPRIORITIZATION.—Any selections remaining after September 30, 2009, may be reprioritized.

#### TITLE V—ALASKA LAND CLAIMS HEARINGS AND APPEALS

##### SEC. 501. ALASKA LAND CLAIMS HEARINGS AND APPEALS.

(a) ESTABLISHMENT.—The Secretary shall establish a hearings and appeals process to decide appeals from land transfer decisions issued by the Secretary in the State.

(b) ADMINISTRATIVE LAW JUDGES.—

(1) APPOINTMENT.—For purposes of carrying out subsection (a), the Secretary may appoint administrative law judges or other officers to hear appeals under subsection (a) for a specified term, as determined by the Secretary.

(2) POWERS.—Judges and other officers appointed under paragraph (1) shall have the powers set forth in section 556(c) of title 5, United States Code.

(c) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding the fact that proposed regulations have not been published, on establishment of the hearings and appeals process under subsection (a) the Secretary shall immediately publish in the Federal Register final regulations establishing procedures and practices for the hearings and appeals process.

(2) APPLICABLE LAW.—Section 910 of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1638) shall apply to the regulations published under paragraph (1).

#### TITLE VI—REPORT TO CONGRESS

##### SEC. 601. REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the status of the implementation of this Act.

(b) CONTENTS.—The report shall—

(1) describe the status of conveyances to Alaska Natives, Native Corporations, and the State; and

(2) include recommendations for completing the conveyances required by this Act.

#### TITLE VII—AUTHORIZATION OF APPROPRIATIONS

##### SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under subsection (a) shall be available until expended.

By Mr. CAMPBELL:

S. 1467. A bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, I rise today to introduce a bill to designate a stretch of the Rio Grande River as an Outstanding Natural Area. This Outstanding Natural Area designation is the hallmark of successful partnerships between local landowners, farmers, governments and interested advocacy groups to develop a plan to preserve an important stretch of river and the southwest Willow Flycatcher, a federally recognized endangered species.

The Rio Grande River and its tributaries rise in the San Juan Mountains and flow into the San Luis Valley. The Valley, like so much of Colorado is dependent on snowmelt for water. In fact, the 600,000 acres of irrigated farm land within the Valley only get an average of seven inches of precipitation each year. It goes without saying that the Rio Grande River is the lifeblood of the Valley for flora and fauna as well as thousands of farmers and landowners.

The legislation that I am introducing today is the product of careful collaboration between interested stakeholder, including environmental groups, landowners, farmers, and local governments. All of these parties recognized that in order to protect this important thirty-three miles of watershed something had to be done. After much deliberation, all agreed that designating the stretch of River from the southern edge of the Alamosa National Wildlife Refuge to the New Mexico State line as an Outstanding Natural Area would be the best way to maintain this critical reach.

This bill establishes a Commission made up of Federal, State, and local stakeholders who are charged with developing a management plan to restore and protect the area. The Secretary of Interior must review and approve the plan. Upon approval, the Secretary of Interior would implement the management plan, coordinating with State and local governments, and cooperating with land owners. Private landowners are encouraged to participate in the Commission.

As in much of the West, Rio Grande River's water is apportioned to downstream states through interstate com-

pact. Therefore, make no mistake; this bill does not include an implied or reserved water right.

The Outstanding Natural Area legislation that I am introducing today is supported by the local Boards of county Commissioners, the local water user organizations, the local Cattlemen's Association, the environmental community, and affected private landowners along the River.

We often talk about bringing interested folks to the table to work out a cooperative solution to an issue. All too often, either people don't come to the table or the discussions fail to bear fruit. This bill is a positive example of what can be accomplished when interested stakeholders come together in good faith and work toward a common goal. I am proud to introduce this legislation and continue that effort.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1467

*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 "Rio Grande Outstanding Natural Area Act".

##### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds as follows:

(1) Preservation and restoration of the land in the Area are required to preserve the Area's unique scientific, scenic beauty, educational, and environmental values, including unique land forms, scenic beauty, cultural sites, and habitats used by various species of raptors and other birds, mammals, reptiles, and amphibians.

(2) There are archaeological and historic sites in the Area resulting from at least 10,000 years of use for subsistence and commerce.

(3) The archaeological sites represent regional ancestry, including Paleo-Indian and nomadic bands of Ute and Apache.

(4) The Area contains exceptional scenic values and opportunities for wildlife viewing.

(5) Approximately 2,771 acres of land within the Area are owned by the United States and administered by the Secretary, acting through the Director of the Bureau of Land Management, and approximately 7,885 acres of land within the Area are owned by private landowners.

(6) The Area is located downstream from areas in Colorado of significant and long-standing water development and use.

(7) The availability of water for use in Colorado is governed, in significant part, by the Compact, which obligates the State of Colorado to deliver certain quantities of water to the Colorado-New Mexico State line for the benefit of the States of New Mexico and Texas in accordance with the terms of the Compact.

(8) Because of the allocations of water made by the Compact to downstream States, the levels of use and development of water in Colorado, and the unpredictable and seasonal nature of the water supply, the Secretary shall manage the land within the Area to accomplish the purposes of this Act without asserting reserved water rights for instream flows or appropriating or acquiring water rights for that purpose.

(b) PURPOSES.—The purposes of this Act are to conserve, restore, and protect for fu-

ture generations the natural, ecological, historic, scenic, recreational, wildlife, and environmental resources of the Area.

##### SEC. 3. DEFINITIONS.

In this Act:

(1) AREA.—The term "Area" means the Rio Grande Outstanding Natural Area established under section 4.

(2) AREA MANAGEMENT PLAN.—The term "Area Management Plan" means the plan developed by the Commission in cooperation with Federal, State, and local agencies and approved by the Secretary.

(3) COMMISSION.—The term "Commission" means the Rio Grande Outstanding Natural Area Commission as established in this Act.

(4) COMPACT.—The term "Compact" means the Rio Grande Compact, consented to by Congress in the Act of May 31, 1939 (53 Stat. 785, chapter 155).

(5) MAP.—The term "Map" means the map entitled "\_\_\_\_", dated \_\_\_\_, and numbered \_\_\_\_.

(6) PUBLIC LANDS.—The term "public lands" has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) STATE.—The term "State" means the State of Colorado.

##### SEC. 4. ESTABLISHMENT OF AREA.

(a) IN GENERAL.—There is established the Rio Grande Outstanding Natural Area.

(b) BOUNDARIES.—The Area shall consist of approximately 10,656 acres extending for a distance of 33.3 miles along the Rio Grande River in southern Colorado from the southern boundary of the Alamosa National Wildlife Refuge to the Colorado-New Mexico State line, encompassing the Rio Grande River and its adjacent riparian areas extending not more than 1,320 feet on either side of the river.

(c) MAP AND LEGAL DESCRIPTION.—

(1) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a legal description of the Area in the office of the Director of the Bureau of Land Management, Department of the Interior, in Washington, District of Columbia, and the Office of the Colorado State Director of the Bureau of Land Management.

(2) FORCE AND EFFECT.—The Map and legal description of the Area shall have the same force and effect as if they were included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description as they may appear from time to time.

(3) PUBLIC AVAILABILITY.—The Map and legal description of the Area shall be available for public inspection in the office of the Colorado State Director of the Bureau of Land Management, Department of the Interior in Denver, Colorado.

##### SEC. 5. COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Rio Grande Outstanding Natural Area Commission.

(b) PURPOSE.—The Commission shall assist appropriate Federal, State, and local authorities in the development and implementation of an integrated resource management plan for the Area called the Area Management Plan.

(c) MEMBERSHIP.—The Commission shall be composed of 9 members, designated or appointed not later than 6 months after the date of the enactment of this Act as follows:

(1) 2 officials of Department of the Interior designated by the Secretary, 1 of whom shall represent the Federal agency responsible for the management of the Area and 1 of whom shall be the manager of the Alamosa National Wildlife Refuge.

(2) 2 individuals appointed by the Secretary, 1 of whom shall be based on the recommendation of the State Governor, representing the Colorado Division of Wildlife, and 1 representing the Colorado Division of Water Resources responsible for the Rio Grande drainage.

(3) 1 representative of the Rio Grande Water Conservation District appointed by the Secretary based on the recommendation of the State Governor, representing the local region in which the Area is established.

(4) 4 individuals appointed by the Secretary based on recommendations of the State Governor, representing the general public who are citizens of the State and of the local region in which the Area is established, who have knowledge and experience in the appropriate fields of interest relating to the preservation and restoration and use of the Area. 2 appointees from the local area shall represent nongovernmental agricultural interests and 2 appointees from the local area shall represent nonprofit nongovernmental environmental interests.

(d) TERMS.—Members shall be appointed for terms of 5 years and may be reappointed.

(e) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission.

(f) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission.

(g) MEETINGS.—The Commission shall hold its first meeting not later than 90 days after the date on which the last of its initial members is appointed, and shall meet at least quarterly at the call of the chairperson.

#### SEC. 6. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

(c) ACQUISITION OF REAL PROPERTY.—Except as provided in section 12, the Commission may not acquire any real property or interest in real property.

(d) COOPERATIVE AGREEMENTS.—For purposes of carrying out the Area Management Plan, the Commission may enter into cooperative agreements with the State, with any political subdivision of the State, or with any person. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the State, a political subdivision, or a person which may affect the implementation of the Area Management Plan.

#### SEC. 7. DUTIES OF THE COMMISSION.

(a) PREPARATION OF PLAN.—Not later than 2 years after the Commission conducts its first meeting, it shall submit to the Secretary an Area Management Plan. The Area Management Plan shall be—

(1) based on existing Federal, State, and local plans, but shall coordinate those plans and present a unified preservation, restoration, and conservation plan for the Area;

(2) developed in accordance with the provisions of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(3) consistent, to the extent possible, with the management plans adopted by the Director of the Bureau of Land Management for adjacent properties in Colorado and New Mexico.

(b) CONTENTS.—The Area Management Plan shall include the following:

(1) An inventory which includes any property in the Area which should be preserved,

restored, managed, developed, maintained, or acquired because of its natural, scientific, scenic, or environmental significance.

(2) Recommended policies for resource management which consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements, that will protect the Area's natural, scenic, and wildlife resources and environment.

(3) Recommended policies for resource management to provide for protection of the Area for solitude, quiet use, and pristine natural values.

(c) IMPLEMENTATION OF THE PLAN.—Upon approval of the Area Management Plan by the Secretary, as provided in section 9, the Commission shall assist the Secretary in implementing the Area Management Plan by taking appropriate steps to preserve and interpret the natural resources of the Area and its surrounding area. These steps may include the following:

(1) Assisting the State in preserving the Area.

(2) Assisting the State and local governments, and political subdivisions of the State in increasing public awareness of and appreciation for the natural, historical, and wildlife resources in the Area.

(3) Encouraging local governments and political subdivisions of the State to adopt land use policies consistent with the management of the Area and the goals of the Area Management Plan, and to take actions to implement those policies.

(4) Encouraging and assisting private landowners within the Area in understanding and accepting the provisions of the Area Management Plan and cooperating in its implementation.

#### SEC. 8. TERMINATION OF THE COMMISSION.

(a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate 10 years and 6 months after the date of the enactment of this Act.

(b) EXTENSIONS.—The Commission may be extended for a period of not more than 5 years beginning on the day of termination specified in subsection (a) if, not later than 180 days before that day, the Commission—

(1) determines that such an extension is necessary in order to carry out the purpose of this Act; and

(2) submits such proposed extension to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

#### SEC. 9. ADMINISTRATION BY SECRETARY.

(a) PLAN APPROVAL; PUBLICATION.—Not later than 60 days after the Secretary receives a proposed management plan from the Commission, the Secretary, with the assistance of the Commission, shall initiate the environmental compliance activities which the Secretary determines to be appropriate in order to allow the review of the proposed plan and any alternatives thereto and to allow public participation in the environmental compliance activities. Thereafter, the Secretary shall approve an Area Management Plan for the Area consistent with the Commission's proposed plan to the extent possible, that reflects the results of the environmental compliance activities undertaken. Not later than 18 months after the Secretary receives the proposed management plan, the Secretary shall publish the Area Management Plan in the Federal Register.

(b) ADMINISTRATION.—The Secretary shall administer the lands owned by the United States within the Area in accordance with the laws and regulations applicable to public lands and the Area Management Plan in such a manner as shall provide for the following:

(1) The conservation, restoration, and protection of the Area's unique scientific, sce-

nic, educational, recreational, and wildlife values.

(2) The continued use of the Area for purposes of education, scientific study, and limited public recreation in a manner that does not substantially impair the purposes for which the Area is established.

(3) The protection of the wildlife habitat of the Area.

(4) The elimination of opportunities to construct water storage facilities within the Area.

(5) The reduction or elimination of roads and motorized vehicles from the public lands to the greatest extent possible within the Area.

(6) The elimination of roads and motorized use on the public lands within the area on the western side of the river from Lobatos Bridge south to the State line.

(c) NO RESERVATION OF WATER RIGHTS.—Public lands affected by this Act shall not be subject to reserved water rights for any Federal purpose.

(d) CHANGES IN STREAMFLOW REGIME.—To the extent that changes to the streamflow regime beneficial to the Area can be accommodated through negotiation with the State of Colorado, the Rio Grande Water Conservation District, and water users within Colorado, such changes should be encouraged, but may not be imposed as a requirement.

(e) PRIVATE LANDS.—Private lands within the Area will be affected by the designation and management of the Area only to the extent that the private landowner agrees in writing to be bound by the Area Management Plan.

#### SEC. 10. MANAGEMENT.

(a) AREA MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall implement the Area Management Plan for all of the land within the Area that accomplishes the purposes of and is consistent with the provisions of this Act.

(2) NON-FEDERAL LAND.—The Area Management Plan shall apply to all land within the Area owned by the United States and may be made to apply to non-Federal land within the Area only when written acceptance of the Area Management Plan is given by the owners of such land.

(b) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Area Management Plan shall be developed and adopted in coordination with the appropriate State agencies and local governments in Colorado.

(c) COOPERATION BY PRIVATE LANDOWNERS.—In implementing the Area Management Plan, the Secretary shall encourage full public participation and seek the cooperation of all private landowners within the Area, regardless of whether the landowners are directly or indirectly affected by the Area Management Plan. If accepted by private landowners, in writing, the provisions of the Area Management Plan may be applied to the individual parcels of private land.

(d) NEW IMPOUNDMENTS.—In managing the Area, neither the Secretary nor any other Federal agency or officer may approve or issue any permit for, or provide any assistance for, the construction of any new dam, reservoir, or impoundment on any segment of the Rio Grande River or its tributaries within the exterior boundaries of the Area.

#### SEC. 11. RESTORATION TO PUBLIC LANDS STATUS.

(a) EXISTING RESERVATIONS.—All reservations of public lands within the Area for Federal purposes that have been made by an Act of Congress or Executive order prior to the date of enactment of this Act are revoked.

(b) PUBLIC LANDS.—Subject to subsection (c), public lands within the Area that were subject to a reservation described in subsection (a)—

(1) are restored to the status of public lands; and

(2) shall be administered in accordance with the Area Management Plan.

(c) **WITHDRAWAL.**—All public lands within the Area are withdrawn from settlement, sale, location, entry, or disposal under the laws applicable to public lands, including the following:

(1) Sections 910, 2318 through 2340, and 2343 through 2346 of the Revised Statutes (commonly known as the "General Mining Law, of 1872") (30 U.S.C. 21, 22, 23, 24, 26 through 30, 33 through 43, 46 through 48, 50 through 53).

(2) The Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a).

(3) The Act of April 26, 1882 (22 Stat. 49, chapter 106; 30 U.S.C. 25, 31).

(4) Public Law 85-876 (30 U.S.C. 28-1, 28-2).

(5) The Act of June 21, 1949 (63 Stat. 214, chapter 232; 30 U.S.C. 28b through 28e, 54).

(6) The Act of March 3, 1991 (21 Stat. 505, chapter 140; 30 U.S.C. 32).

(7) The Act of May 5, 1876 (19 Stat. 52, chapter 91; 30 U.S.C. 49).

(8) Sections 15, 16, and 26 of the Act of June 6, 1990 (31 Stat. 327, 328, 329, chapter 786; 30 U.S.C. 49a, 49c, 49d).

(9) Section 2 of the Act of May 4, 1934 (48 Stat. 1243, chapter 2559; 30 U.S.C. 49e, 49f).

(10) The Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (commonly known as the "Mineral Lands Leasing Act of 1920"; 30 U.S.C. 181 et seq.).

(11) The Act entitled "An Act to provide for the disposal of materials on public lands of the United States", approved July 31, 1947 (commonly known as the "Materials Act of 1947"; 30 U.S.C. 601 et seq.).

(d) **WILD AND SCENIC RIVERS.**—No land or water within the Area shall be designated as a wild, scenic, or recreational river under section 2 of the Wild and Scenic Rivers Act (16 U.S.C. 1273).

#### SEC. 12. ACQUISITION OF NON-FEDERAL LANDS.

(a) **ACQUISITION OF LANDS NOT CURRENTLY IN FEDERAL OWNERSHIP.**—The Secretary, with the cooperation and assistance of the Commission, may acquire by purchase, exchange, or donation all or any part of the land and interests in land, including conservation easements, within the Area from willing sellers only.

(b) **ADMINISTRATION.**—Any lands and interests in lands acquired under this section—

(1) shall be administered in accordance with the Area Management Plan;

(2) shall not be subject to reserved water rights for any Federal purpose, nor shall the acquisition of the land authorize the Secretary or any Federal agency to acquire instream flows in the Rio Grande River at any place within the Area;

(3) shall become public lands; and

(4) shall upon acquisition be immediately withdrawn as provided in section 11.

#### SEC. 13. STATE INSTREAM FLOW PROTECTION AUTHORIZED.

Nothing in this Act shall be construed to prevent the State from acquiring an instream flow through the Area pursuant to the terms, conditions, and limitations of Colorado law to assist in protecting the natural environment to the extent and for the purposes authorized by Colorado law.

#### SEC. 14. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to—

(1) authorize, expressly or by implication, the appropriation or reservation of water by any Federal agency, or any other entity or individual other than the State of Colorado, for any instream flow purpose associated with the Area;

(2) affect the rights or jurisdiction of the United States, a State, or any other entity

over waters of any river or stream or over any ground water resource;

(3) alter, amend, repeal, interpret, modify, or be in conflict with the Compact;

(4) alter or establish the respective rights of any State, the United States, or any person with respect to any water or water-related right;

(5) impede the maintenance of the free-flowing nature of the waters in the Area so as to protect—

(A) the ability of the State of Colorado to fulfill its obligations under the Compact; or

(B) the riparian habitat within the Area;

(6) allow the conditioning of Federal permits, permissions, licenses, or approvals to require the bypass or release of waters appropriated pursuant to State law to protect, enhance, or alter the water flows through the Area;

(7) affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers along the Rio Grande River and its tributaries upstream of the Area;

(8) impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or upstream of the Area, that is more restrictive than those that would be applicable had the Area not been established; or

(9) modify, alter, or amend title I of the Reclamation Project Authorizing Act of 1972, as amended (Public Law 92-514, 86 Stat. 964; Public Law 96-375, 94 Stat. 1507; Public Law 98-570, 98 Stat. 2941; and Public Law 100-516, 100 Stat. 257), or to authorize the Secretary to acquire water from other sources for delivery to the Rio Grande River pursuant to section 102(c) of such title.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. ENZI, Mr. DASCHLE, Mr. JOHNSON, and Mr. INOUE):

S. 1469. A bill to amend the Head Start Act to provide grants to Tribal Colleges and Universities to increase the number of post-secondary degrees in early childhood education and related fields earned by Indian Head Start agency staff members, parents of children served by such an agency, and members of the community involved; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Tribal Colleges and Universities/Head Start Partnership Act, on behalf of myself and Senators ENZI, DASCHLE, JOHNSON, and INOUE.

As I am sure you all know, Head Start is the flagship Federal program that insures that disadvantaged children have access to the educational, social, health, and behavioral services that they need in order to be ready to enter and excel in school. Studies clearly show that Head Start is a strong and effective program and that children who enroll in it benefit from improved cognitive and social skills. Although Head Start is a model program, it can be even better. One factor that we know is strongly related to student outcomes is teacher quality and education. Simply put, the more advanced the credentials of the teach-

er, the better the outcomes for students.

In recognition of this fact, the 1998 Head Start reauthorization required that 50 percent of all Head Start teachers have at least an Associate's Degree, AA, in early childhood or a related field by 2003. In the impending reauthorization of Head Start, is it likely that teacher credential requirements will be increased even further.

Although across the Nation as a whole, the 50 percent AA degree requirement for Head Start teachers has been met, there are some regions and sub-groups in the U.S. for which this is not the case. It is particularly difficult for Head Start teachers on Indian reservations, in rural areas, and those who teach migrants to access the necessary educational opportunities. Often, the distance these individuals would have to travel to take classes at the nearest college that offers an early childhood education degree is simply prohibitive.

The purpose of the Tribal College and University/Head Start Partnership Act is to facilitate the continuing education of Native American Head Start teachers so that they can obtain the credentials they need to provide the best outcomes for the children under their care. Nationally, only 14 percent of Native American Head Start teachers have an AA degree and a scant 7 percent have a BA degree or higher.

The current Act is based on the "Head Start Partnerships with Tribally Controlled Land-Grant Colleges and Universities" discretionary grants program at HHS. This program provided grants to 16 tribal universities and colleges during the period 1999-2001. The purpose of the program was to utilize the capabilities of these institutions of higher education to improve the quality of Head Start and Early Head Start programs funded through the American Indian Programs Branch, primarily by providing education and training opportunities for Head Start staff. Partnership agreements provided academic credits primarily toward Associate's or Bachelor's Degrees. Since the program began in 1999, 322 students have graduated from these programs and an additional 59 are expected to graduate by the end of 2003.

In my home State of New Mexico, Southwestern Indian Polytechnic Institute, SIPI, received a 3-year grant of \$150,000 per year. This grant has supported the teaching of courses leading directly to an AA degree in early childhood. There are roughly 125 declared majors, 90 percent of whom are Head Start teachers, enrolled in these classes each semester, distributed across eleven reservations and pueblos in New Mexico, the closest of which is 30 miles from the SIPI campus. Without access to this type of distance education, these dedicated Head Start teachers would not be able to receive the education that is crucial to both their own futures and to the lives of the many children they teach.