on. But we want to explain the basis on which we have made these decisions. We are open to suggestions, as long as those suggestions allow us to retain those basic principles and maintain us at revenue neutrality level and a fairness across-the-board to families and businesses and individuals throughout this country.

I urge my colleagues to take a look, to work with us. The door is open for us to sit down and talk, whether to colleagues in the Senate or families or businesses across the country who want to bring their special input to this particular effort. We look forward to working with them and, over time, incorporating this in the plan to make us a fiscally healthier country and a country that is growing and dynamic and can retain its place as a place of prosperity and opportunity for not only those of us today but for our future generations.

Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 730. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Tlingit and Haida people, the first people of Southeast Alaska, were perhaps the first group of Alaska Natives to organize for the purpose of asserting their aboriginal land claims. The Native land claims movement in the rest of Alaska did not gain momentum until the 1960s when aboriginal land titles were threatened by the impending construction of the Trans Alaska Pipeline. In Southeast Alaska, the taking of Native lands for the Tongass National Forest and Glacier Bay National Monument spurred the Tlingit and Haida people to fight to recover their lands in the early part of the 20th century.

One of the first steps in this battle came with the formation of the Alaska Native Brotherhood in 1912. In 1935, the Jurisdictional Act, which allowed the Tlingit and Haida Indians to pursue their land claims in the U.S. Court of Claims, was enacted by Congress. After decades of litigation, the Native people of Southeast Alaska received a cash settlement in 1968 from the Court of Claims for the land previously taken to create the Tongass National Forest and the Glacier Bay National Monument. Yes there was a cash settlement of $7.5 million, but the Native people of Southeast Alaska have long believed that it did not adequately compensate them for the loss of their lands and resources.

When the Native people of Southeast Alaska chose to pursue their land claims in court they could not have foreseen that Congress would ultimately settle the land claims of all of Alaska's Native people through the Alaska Native Claims Settlement Act, ANCSA, of 1971. Nor could they have foreseen that they would be disadvantaged in obtaining the return of their aboriginal lands because of their early, and ultimately successful, effort to litigate their land claims.

The Claims Settlement Act imposed a series of highly prescriptive limitations on the lands that Sealaska Corporation, the regional Alaska Native Corporation formed for Southeast Alaska, could select in satisfaction of the Tlingit and Haida land claims. None of the other 11 Alaska-based regional Native corporations were subject to these limitations. Today, I join with my Alaska colleague, Sen. MARK BEGICH, to reintroduce legislation to right this wrong.

For the most part, Sealaska Corporation has agreed to live within the constraints imposed by the 1971 legislation. It has taken conveyance of roughly 290,000 acres from the pool of lands it was allowed to select under the 1971 act. As Sealaska moves to finalize its land selections, it has asked the Congress for flexibility to receive title to slightly different lands that it was not permitted to select under the 1971 legislation.

The legislation we are introducing today will allow Sealaska to select its remaining entitlement from outside of the withdrawal areas permitted in the 1971 legislation. It

The legislation we are introducing today will allow Sealaska to select its remaining entitlement from outside of the withdrawal areas permitted in the 1971 legislation. It allows the Native Corporation to select up to 3,600 acres of its remaining land entitlement from lands with sacred, cultural, traditional or historical significance throughout the Alaska Panhandle. Substantial restrictions will be placed on the use of these lands.

Up to 5,000 acres of land could be selected for non-timber or mineral related economic development. These lands are called ''Futures'' sites in the bill. Other lands referred to as ''economic development lands'' in the bill could be used for timber related and non-timber related economic development. These lands are on Prince of Wales Island, on nearby Kosciusko Island.

Sealaska observes that if it were required to take title to lands within the constraints prescribed by the 1971 legislation it would take title to large swaths of roadless acres in pristine portions of the Tongass National Forest, the original selection areas containing 112,000 acres of old-growth timber. The lands it proposes to take for economic uses under this legislation are predominantly in roaded and less sensitive areas of the Tongass National Forest, meaning that under this bill Sealaska likely will select roughly 39,000 fewer acres of old-growth than otherwise might be the case. In the process it will at most select 9 percent of the second-growth, leaving the U.S. Forest Service hundreds of thousands of the 428,972 acres of second-growth in the forest. It will be selecting about 28,570 acres of second-growth, leaving the Forest Service more than 88 percent of the second-growth in the forest for it to use to promote a ''young''-growth strategy in our Nation's largest national forest.

The pools of lands that would be available to Sealaska under this legislation are depicted on a series of maps referred to in the bill. It must be emphasized that not all of the lands depicted on these maps will necessarily end up in Sealaska's ownership. Sealaska by this legislation will not receive title to lands in excess of its remaining acreage entitlement under the 1971 legislation and this legislation does not change that entitlement total, still to be finalized by the Bureau of Land Management.

Now this legislation has traveled a long path, one that has seen it change substantially to meet a variety of concerns. Early in the 110th Congress, Alaska Congressman DON YOUNG in 2007 introduced H.R. 3560 to address these issues. Later in September 2008 I introduced legislation similar to, but somewhat different from that bill to give all parties time to thoroughly review the measure. In 2009, I reintroduced the bill after Sealaska and the communities of Southeast Alaska worked collaboratively in good faith to identify issues that may arise from the transfer of lands on which those communities have relied on for subsistence and recreation out of the Tongass National Forest and into Native corporation ownership. Throughout 2009 and into 2010, I and my staff held 12 town meetings in Alaska to collect comments on the bill, and made modifications to it in response to the comments we received. When the bill did not advance in 2010, my staff again held two town meetings and other briefings this winter to gain additional comments and suggested changes in the bill. It is after these comments, and following email and letter suggestions from a variety of sources, that I and Senator BEGICH now move to reintroduce a new version of this bill. It will be somewhat different than a new bill also being introduced today by Congressman YOUNG in the House, a bill more similar to his original bill from 2007.

The legislation we are introducing today in the 112th Congress is different from the original bill in numerous respects. In some cases, the lands open to Sealaska selection have changed from those that were available in the first House bill to accommodate community concerns. For example, this bill reduces the selection pool to about 79,000 acres. It allows for timber land selections in North Election Creek, Polk Inlet-McKenzie Inlet, near Keete, at 12 Mile Arm, at Calder, all on Prince of Wales Island, at several sites on Koscuisko Island and on northern Kuiu Island. These sites are far different than in 2009 since following comments, all of the areas on northern Prince of Wales involving Red Bay, Buster Creek and Labouchere Bay have been deleted

from the bill to meet the concerns of Port Protection and Point Baker residents. Also a large 12,462-acre parcel in the Keete area also was removed to accommodate environmentalist concerns. This bill also makes a series of map changes in these parcels, removing 745 acres at Karheen Lakes on Tuxekan Island to protect fisheries, and removes timber lands around Halibut Harbor and Cape Pole on Koscuisko Islands to also protect fishermen and boaters.

Concerning Future sites, this bill keeps 30 sites, specifically dropping the 30-acre Dog Cove site, near Naha, north of Ketchikan, as a result of State and community concerns and imposing a restriction against development for 15 years of a proposed geothermal site at Pegmatite Mountain, 25 miles north of Tenakee on Chichagof Island. That restriction allows the possibility of a renewable energy site to serve Hoonah and Pelican and perhaps Tenakee, if other projects can't first be completed to provide lower-cost power to those communities. The bill already has removed several dozen Future sites that had been proposed since 2007.

The bill in a change from the 2009 version includes a number of conservation areas, totaling 151,650 acres, to help protect fisheries and karst formations on Prince of Wales, Kupreanof, Kuiu and Sukkwan and Goat Islands. The conservation areas, first proposed after public comment in spring 2010, remove no timber lands from the current timber base, but do provide added protections to key fishery habitats such as those around Sarkar Lakes, Eek Lake, Bay of Pillars and Lovelace Creeks. Further to protect fisheries, this bill, as sought by many fishermen, imposes an 100-foot setback requirement for any timber lands conveyed to Sealaska from timber operations around class 1–A fish streams for 5 years—plenty of time for the State of Alaska to consider whether it needs to make any changes in its current State Forest Practices Act setback requirements.

The bill retains a series of changes made in the bill in the past to solve concerns over any unintended consequences that the bill might cause concerning the definition of Indian country in Alaska. It removes all sites from possible conveyance in Glacier Bay National Park and Preserve. It removes any presumption that any site qualifies as a sacred, cultural, traditional or educational site in Southeast, returning the nomination process for all such selections to the regulations that covered such selections immediately following the 1971 act's passage. And the bill incorporates a host of changes sought by governments, the state and a wide variety of groups and individuals to clarify language and solve concerns over everything from public access guarantees to access rights by bear guides. The bill maintains public access rights to all 17(b) easements and guarantees public access to all timber lands.

Sealaska also has offered a series of commitments to ensure that the benefits of this legislation flow to the broader Southeast Alaska economy and not just to the Corporation and its Native shareholders. The biggest is that all revenues will need to be shared under Section 7(i) of ANCSA with all other Native shareholders statewide.

We all hope that after 40 years that this measure can advance to passage this Congress and resolve the last land entitlement that Southeast Alaska's more than 20,000 Native shareholders have long had a right to receive. It is impossible to expect Alaska's Native corporations to provide meaningful assistance to Alaska's Native community if they continue to be denied the lands that Congress intended them to receive to utilize to provide economic benefits for the Native peoples of the State. I hope this measure can pass and become law before the 40th anniversary of the claims settlement act in December of this year. Justice delayed truly is justice denied.

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

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

S. 730

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 ''Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSERVATION SYSTEM UNIT.—The term ''conservation system unit'' has the meaning given the term in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102).

(2) LAND USE DESIGNATION II.—The term ''Land Use Designation II'' has the meaning described in title V of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539 et seq.), as further amended by section 201 of the Tongass Timber Reform Act of 1990 (Public Law 101–626).

(3) SEALASKA.—The term ''Sealaska'' means the Sealaska Corporation, a Regional Native Corporation created under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. SELECTIONS IN SOUTHEAST ALASKA.

(a) SELECTION BY SEALASKA.—

(1) IN GENERAL.—Notwithstanding section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)), Sealaska is authorized to select and receive conveyance of the remaining land entitlement of Sealaska under that Act (43 U.S.C. 1601 et seq.) from Federal land located in southeast Alaska from each category described in subsections (b) and (c).

(2) TREATMENT OF LAND CONVEYED.—Land conveyed pursuant to this Act is to be treated as land conveyed pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) subject to, but not limited to—

(A) reservation of public easements across land pursuant to section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b));

(B) valid existing rights pursuant to section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)); and

(C) the land bank protections of section 907(d) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)).

(b) WITHDRAWAL OF LAND.—The following public land is withdrawn, subject to valid existing rights, from all forms of appropriation under public land laws, including the mining and mineral leasing laws, and from selection under the Act of July 7, 1958 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21; Public Law 85–508), and shall be available for selection by, and conveyance to, Sealaska to complete the remaining land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)):

(1) Land identified on the maps dated February 1, 2011, and labeled ''Attachment A (Maps 1 through 8)''.

(2) Sites with traditional, recreational, and renewable energy use value, as identified on the map entitled ''Sites with Traditional, Recreational, and Renewable Energy Use Value'', dated February 1, 2011, and labeled ''Attachment D'', subject to the condition that not more than 5,000 acres shall be selected for those purposes.

(3) Sites identified on the map entitled ''Traditional and Customary Trade and Migration Routes'', dated February 1, 2011, and labeled ''Attachment C'', which includes an identification of—

(A) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus and at 8 locations along the route, with the route, location, and boundaries of the conveyance described on the map inset entitled ''Yakutat to Dry Bay Trade and Migration Route'' on the map entitled ''Traditional and Customary Trade and Migration Routes'', dated February 1, 2011, and labeled ''Attachment C'';

(B) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled ''Bay of Pillars to Port Camden Trade and Migration Route'' on the map entitled ''Traditional and Customary Trade and Migration Routes'', dated February 1, 2011, and labeled ''Attachment C''; and

(C) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled ''Portage Bay to Duncan Canal Trade and Migration Route'' on the map entitled ''Traditional and Customary Trade and Migration Routes'', dated February 1, 2011, and labeled ''Attachment C''.

(c) SITES WITH SACRED, CULTURAL, TRADITIONAL, OR HISTORIC SIGNIFICANCE.—Subject to the criteria and procedures applicable to land selected pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) and set forth in the regulations promulgated at section 2653.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), except as otherwise provided in this Act—

(1) Sealaska shall have a right to identify up to 3,600 acres of sites with sacred, cultural, traditional, or historic significance, including archeological sites, cultural landscapes, and natural features having cultural significance; and

(2) on identification of the land by Sealaska under paragraph (1), the identified land shall be—

(A) withdrawn, subject to valid existing rights, from all forms of appropriation under public land laws, including the mining and mineral leasing laws, and from selection under the Act of July 7, 1958 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21; Public Law 85–508); and

(B) available for selection by, and conveyance to, Sealaska to complete the remaining

land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)), subject to the conditions that—

(i) no sites with sacred, cultural, traditional, or historic significance may be selected from within a unit of the National Park System; and

(ii) beginning on the date that is 15 years after the date of enactment of this Act, Sealaska shall be limited to identifying not more than 360 acres of sites with sacred, cultural, traditional, or historic significance under this subsection.

(d) FOREST DEVELOPMENT ROADS.—Sealaska shall receive from the United States, subject to such reasonable terms and conditions as the Forest Service may impose, nonexclusive easements to Sealaska to allow—

(1) access on the forest development road and use of the log transfer site identified in paragraphs (3)(b), (3)(c), and (3)(d) of the patent numbered 50–85–0112 and dated January 4, 1985;

(2) access on the forest development road identified in paragraphs (2)(a) and (2)(b) of the patent numbered 50–92–0203 and dated February 24, 1992;

(3) access on the forest development road identified in paragraph (2)(a) of the patent numbered 50–94–0046 and dated December 17, 1993;

(4) access on the forest development roads and use of the log transfer facilities identified on the maps dated February 1, 2011, and labeled ''Attachment A (Maps 1 through 8)'';

(5) a reservation of a right to construct a new road to connect to existing forest development roads, as generally identified on the maps described in paragraph (4); and

(6) access to, and reservation of a right to, construct a new log transfer facility and log storage area at the location identified on the maps described in paragraph (4).

SEC. 4. CONVEYANCES TO SEALASKA.

(a) TIMELINE FOR CONVEYANCE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the Secretary shall work with Sealaska to develop a mutually agreeable schedule to complete the conveyance of land to Sealaska under this Act.

(2) FINAL PRIORITIES.—Consistent with the provisions of section 403 of the Alaska Land Transfer Acceleration Act (43 U.S.C. 1611 note; Public Law 108–452), not later than 18 months after the date of enactment of this Act, Sealaska shall submit to the Secretary the final, irrevocable priorities for selection of land withdrawn under section 3(b)(1).

(3) SUBSTANTIAL COMPLETION REQUIRED.—Not later than 2 years after the date of selection by Sealaska of land withdrawn under section 3(b)(1), the Secretary shall substantially complete the conveyance of the land to Sealaska under this Act.

(4) EFFECT.—Nothing in this Act shall interfere with, or cause any delay in, the duty of the Secretary to convey land to the State of Alaska under section 6 of the Act of July 7, 1958 (commonly known as the ''Alaska Statehood Act'') (48 U.S.C. note prec. 21; Public Law 85–508).

(b) EXPIRATION OF WITHDRAWALS.—On completion of the selection by Sealaska and the conveyances to Sealaska of land under subsection (a) in a manner that is sufficient to fulfill the land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8))—

(1) the right of Sealaska to receive any land under section 14(h)(8) of that Act from within a withdrawal area established under subsections (a) and (d) of section 16 of that Act (43 U.S.C. 1615(a) and 1615(d)) shall be terminated;

(2) the withdrawal areas set aside for selection by Native Corporations in southeast Alaska under subsections (a) and (d) of section 16 of that Act (43 U.S.C. 1615(a) and 1615(d)) shall be rescinded; and

(3) land located within a withdrawal area that is not conveyed to Sealaska or to a southeast Alaska Village Corporation or Urban Corporation shall be returned to the unencumbered management of the Forest Service as part of the Tongass National Forest.

(c) LIMITATION.—Sealaska shall not select or receive under this Act any conveyance of land pursuant to paragraph (1) or (2) of section 3(b) located within any conservation system unit.

(d) APPLICABLE EASEMENTS AND PUBLIC ACCESS.—

(1) IN GENERAL.—The conveyance to Sealaska of land withdrawn pursuant to paragraphs (1) and (3) of section 3(b) that is located outside a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) a reservation for easements for public access on the public roads depicted on the maps dated February 1, 2011, and labeled ''Attachment A (Maps 1 through 8)'';

(B) a reservation for easements along the temporary roads designated by the Forest Service as of the date of enactment of this Act for the public access trails depicted on the maps described in subparagraph (A);

(C) the right of noncommercial public access for subsistence uses, consistent with title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), and recreational access, without liability to Sealaska, subject to—

(i) the right of Sealaska to regulate access granted under this subparagraph to ensure public safety, to protect cultural or scientific resources, and to provide environmental protection; and

(ii) the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of the conditions on use; and

(D) the requirement that, with respect to the land conveyed to the corporation pursuant to section 3(b)(1), Sealaska shall continue to manage the land in accordance with the State of Alaska Forest Resources and Practices Act, Alaska Stat. 41.17, except that, for a period of 5 years beginning on the date of enactment of this Act, Alaska Stat. 41.17.116(1) shall apply to the harvest of timber within 100 feet of a water body defined in Alaska Stat. 41.17.950(31).

(2) SACRED, CULTURAL, TRADITIONAL AND HISTORIC SITES.—The conveyance to Sealaska of land withdrawn pursuant to section 3(c) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) the right of public access across the conveyances where no reasonable alternative access around the land is available without liability to Sealaska; and

(B) the right of Sealaska to regulate access granted under this paragraph across the conveyances to ensure public safety, to protect cultural or scientific resources, to provide environmental protection, or to prohibit activities incompatible with the use and enjoyment of the land by Sealaska, subject to the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of the conditions on use.

(3) TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.—The conveyance to Sealaska of land withdrawn pursuant to section 3(b)(3) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to a requirement that Sealaska provide public access across the conveyances if an adjacent landowner or the public has a legal right to use the adjacent private or public land.

(4) SITES WITH TRADITIONAL, RECREATIONAL, AND RENEWABLE ENERGY USE VALUE.—The conveyance to Sealaska of land withdrawn pursuant to section 3(b)(2) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) the right of public access across the land without liability to Sealaska; and

(B) the condition that public access across the land would not be unreasonably restricted or impaired.

(5) EFFECT.—No right of access provided to any individual or entity (other than Sealaska) by this subsection—

(A) creates any interest, other than an interest retained by the United States, of such an individual or entity in the land conveyed to Sealaska in excess of that right of access; or

(B) provides standing in any review of, or challenge to, any determination by Sealaska with respect to the management or development of the applicable land.

(e) CONDITIONS ON SACRED, CULTURAL, TRADITIONAL, AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.—The conveyance to Sealaska of land withdrawn pursuant to sections 3(b)(3) and 3(c)—

(1) shall be subject to a covenant prohibiting any commercial timber harvest or mineral development on the land;

(2) shall be subject to a covenant allowing use of the land only as described in subsection (f); and

(3) shall not be subject to any additional restrictive covenant based on cultural or historic values, or any other restriction, encumbrance, or easement, except as provided in sections 14(g) and 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)).

(f) USES OF SACRED, CULTURAL, TRADITIONAL, AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.—Any land conveyed to Sealaska from land withdrawn pursuant to sections 3(b)(3) and 3(c) may be used for—

(1) preservation of cultural knowledge and traditions associated with the site;

(2) historical, cultural, and scientific research and education;

(3) public interpretation and education regarding the cultural significance of the site to Alaska Natives;

(4) protection and management of the site to preserve the natural and cultural features of the site, including cultural traditions, values, songs, stories, names, crests, and clan usage, for the benefit of future generations; and

(5) site improvement activities for any purpose described in paragraphs (1) through (4), subject to the condition that the activities—

(A) are consistent with the sacred, cultural, traditional, or historic nature of the site; and

(B) are not inconsistent with the management plans for adjacent public land.

(g) TERMINATION OF RESTRICTIVE COVENANTS.—

(1) IN GENERAL.—Each restrictive covenant regarding cultural or historical values with respect to any interim conveyance or patent for a historic or cemetery site issued to Sealaska pursuant to the Federal regulations contained in sections 2653.5(a) and 2653.11 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), in accordance with section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)), terminates as

a matter of law on the date of enactment of this Act.

(2) REMAINING CONDITIONS.—Land subject to a covenant described in paragraph (1) on the day before the date of enactment of this Act shall be subject to the conditions described in subsection (e).

(3) RECORDS.—Sealaska shall be responsible for recording with the land title recorders office of the State of Alaska any modification to an existing conveyance of land under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) as a result of this Act.

(h) CONDITIONS ON SITES WITH TRADITIONAL, RECREATIONAL, AND RENEWABLE ENERGY USE VALUE.—Each conveyance of land to Sealaska from land withdrawn pursuant to section 3(b)(2) shall be subject to—

(1) a covenant prohibiting any commercial timber harvest or mineral development; and

(2) the conveyance of the site identified as Pegmatite Mountain Geothermal #53 on the map labeled ''Attachment D'' and dated February 1, 2011, shall be subject to a covenant prohibiting commercial development of the site for a period of 15 years beginning on the date of enactment of this Act, provided that Sealaska shall have a right to engage in site evaluation and analysis during the period.

(i) ESCROW FUNDS FOR WITHDRAWN LAND.—On the withdrawal by this Act of land identified for selection by Sealaska, the escrow requirements of section 2 of Public Law 94–204 (43 U.S.C. 1613 note), shall thereafter apply to the withdrawn land.

(j) GUIDING AND OUTFITTING SPECIAL USE PERMITS OR AUTHORIZATIONS.—

(1) IN GENERAL.—Consistent with the provisions of section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)), on land conveyed to Sealaska from land withdrawn pursuant to sections 3(b)(1) and 3(b)(2), an existing holder of a guiding or outfitting special use permit or authorization issued by the Forest Service shall be entitled to its rights and privileges on the land for the remaining term of the permit, as of the date of conveyance to Sealaska, and for 1 subsequent 10-year renewal of the permit, subject to the condition that the rights shall be considered a valid existing right reserved pursuant to section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)), and shall be managed accordingly.

(2) NOTICE OF COMMERCIAL ACTIVITIES.—Sealaska, with respect to the holder of a guiding or outfitting special use permit or authorization under this subsection, and a permit holder referenced in this subsection, with respect to Sealaska, shall have an obligation to inform the other party of their respective commercial activities before engaging in the activities on land, which has been conveyed to Sealaska under this Act, subject to the permit or authorization.

(3) NEGOTIATION OF NEW TERMS.—Nothing in this subsection precludes Sealaska and a permit holder under this subsection from negotiating new mutually agreeable permit terms that supersede the requirements of—

(A) this subsection;

(B) section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)); or

(C) any deed covenant.

(4) LIABILITY.—Sealaska shall bear no liability regarding use and occupancy pursuant to special use permits or authorizations on land selected or conveyed pursuant to this Act.

SEC. 5. MISCELLANEOUS.

(a) STATUS OF CONVEYED LAND.—Each conveyance of Federal land to Sealaska pursuant to this Act, and each Federal action carried out to achieve the purpose of this Act, shall be considered to be conveyed or acted on, as applicable, pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(b) ENVIRONMENTAL MITIGATION AND INCENTIVES.—Notwithstanding subsection (e) and (h) of section 4, all land conveyed to Sealaska pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and this Act shall be considered to be qualified to receive or participate in, as applicable—

(1) any federally authorized carbon sequestration program, ecological services program, or environmental mitigation credit; and

(2) any other federally authorized environmental incentive credit or program.

(c) NO MATERIAL EFFECT ON FOREST PLAN.—

(1) IN GENERAL.—Except as required by paragraph (2) and the amendment made by section 6, implementation of this Act, including the conveyance of land to Sealaska, alone or in combination with any other factor, shall not require an amendment of, or revision to, the Tongass National Forest Land and Resources Management Plan before the first revision of that Plan scheduled to occur after the date of enactment of this Act.

(2) BOUNDARY ADJUSTMENTS.—The Secretary of Agriculture shall implement any land ownership boundary adjustments to the Tongass National Forest Land and Resources Management Plan resulting from the implementation of this Act through a technical amendment to that Plan.

(d) EFFECT ON ENTITLEMENT.—Nothing in this Act shall have any effect upon the entitlement due to any Native Corporation, other than Sealaska, under—

(1) the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); or

(2) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

SEC. 6. CONSERVATION AREAS.

(a) IN GENERAL.—Section 508 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 94 Stat. 2381, 104 Stat. 4428) is amended—

(1) in the matter preceding paragraph (1), by striking ''The following lands are hereby'' and inserting the following:

''(a) IN GENERAL.—The following land is''; and

(2) by adding at the end the following:

''(13) CONSERVATION AREAS.—Subject to valid existing rights, certain land for conservation purposes, comprising approximately 151,565 acres, as depicted on the map entitled ''Conservation Areas'', dated February 1, 2011, and labeled ''Attachment E'', which is more particularly described as follows:

''(A) BAY OF PILLARS.—Certain land, comprising approximately 21,146.5 acres, located on the southern shore of the Bay in Forest Service Value Comparison Unit 4030.

''(B) KUSHNEAHIN CREEK.—Certain land, comprising approximately 36,703 acres, located on southwestern Kupreanof Island in the Forest Service Value Comparison Units 4300 and 4310.

''(C) SARKAR LAKES.—Certain land, comprising approximately 25,403.7 acres, located on Prince of Wales Island in Forest Service Value Comparison Unit 5541.

''(D) WESTERN KOSCUISKO.—Certain land, comprising approximately 7,416.5 acres, located on Koscuisko Island in Forest Service Value Comparison Units 5410, 5430, and 5440.

''(E) HONKER DIVIDE.—Certain land, comprising approximately 15,586.2 acres, located on Prince of Wales Island in Forest Service Value Comparison Units 5740, 5750, 5760, 5780, and 5971.

''(F) EEK LAKE AND SUKKWAN ISLAND.—Certain land, comprising approximately 34,644.1 acres, located in Forest Service Value Comparison Units 6320, 6700, 6710 and 6720.

''(G) EASTERN KOSCUISKO.—Certain karst land, comprising approximately 1,663 acres, located on Koscuisko Island in Forest Service Value Comparison Units 5430 and 5460.

''(H) NORTHERN PRINCE OF WALES.—Certain karst land, comprising approximately 10,888 acres, located in Forest Service Value Comparison Units 5280, 5290, 5311, 5313, 5330, 5360, and 5371.

''(b) MANAGEMENT OF CONSERVATION AREAS.—

''(1) IN GENERAL.—Subject to paragraph (2), the conservation areas designated by subsection (a)(13) shall be allocated to Land Use Designation II status (as defined in section 2 of the Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act) and shall be managed by the Secretary of Agriculture to protect subsistence activities and unique biological and geological resources and to prohibit commercial timber harvests or new road construction, in accordance with management guidelines developed under the Tongass National Forest Land and Resource Management Plan.

''(2) REQUIREMENTS.—In managing the areas designated by subsection (a)(13)—

''(A) the Forest Service shall protect the traditional and cultural use, biological and geological value, and, where applicable, the roadless character of the areas;

''(B) industrial logging and associated road building shall be prohibited;

''(C) timber micro-sales in accessible areas shall be allowed;

''(D) restoration projects in young-growth stands and salmon streams shall be encouraged for meeting integrated resource objectives;

''(E) subsistence enhancement and low impact recreation and tourism development projects shall be encouraged;

''(F) sustainable, community-scaled economic development of forest and marine resources shall be allowed, including issuance of special use permits for non-timber forest products gathering, mariculture development, and transportation and energy development; and

''(G) existing and future Transportation and Utility Systems shall be permitted in designated Transportation and Utility System Corridors under the Tongass National Forest Land and Resource Management Plan.

''(c) LIMITATION.—The establishment of the conservation areas by subsection (a)(13) shall not be used by the Secretary of Agriculture or a designee of the Secretary of Agriculture as a basis for any administrative management decisions to establish by administrative action any buffers, withdrawals, land-use designations, road closures, or other similar actions on any land, value comparison units, or adjacent land-use designations.''.

SEC. 7. MAPS.

(a) AVAILABILITY.—Each map referred to in this Act shall be maintained on file in—

(1) the office of the Chief of the Forest Service; and

(2) the office of the Secretary.

(b) CORRECTIONS.—The Secretary or the Chief of the Forest Service may make any necessary correction to a clerical or typographical error in a map referred to in this Act.

(c) TREATMENT.—No map referred to in this Act shall be considered to be an attempt by the Federal Government to convey any State or private land.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.

By Mr. UDALL of New Mexico:

S. 732. A bill to improve billing disclosures to cellular telephone consumers; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, cell phones today are becoming ubiquitous and more essential to our everyday lives. Americans today have over 300 million wireless phones.

We use these phones in new and innovative ways. Consumers today increasingly use their cell phones for much more than just talking. Mobile broadband services now allow us to surf the Internet, search for nearby shops or restaurants, and watch videos right on our wireless handsets.

Since we now use these devices in new ways, it can be more difficult for consumers to realize they have exceeded their monthly subscriptions for cell phone service. This can have dramatic consequences for consumers.

Consider the case of a Navy ROTC midshipman who mistakenly left his smartphone's roaming function turned on while he was abroad. His phone downloaded e-mail messages, and he was sent a bill for almost $1,300. News outlets have highlighted other cases from across the country, including cases where children on family subscription plans racked up thousands of dollars in extra charges. A 13-year-old's cell phone data usage led to a bill for almost $22,000.

Bob St. Germain of Massachusetts was billed $18,000 for a 6-week period when his son used a cell phone to connect a computer to the Internet. I am proud to have Mr. St. Germain's support for the legislation I am introducing today. Unfortunately, these stories we hear about in the media are certainly not isolated cases, just the most egregious.

In fact, a recent Federal Communications Commission, FCC, survey found that 30 million Americans, or 1 in 6 adult cell phone users, have experienced cases of ''bill shock.'' Cell phone bill shock occurs when a consumer's monthly bill increases when they have not changed their plan. In about one in four cases, the consumer's bill increased by more than $100. According to a survey by Consumers Union, the publishers of Consumer Reports magazine, the median bill shock amount was $83.

With new, advanced developments in technology, bill shock is a growing problem. The introduction of faster ''4G'' networks will make it easier than ever for customers to burn through data limits. Americans who have cell phone ''family plans'' with multiple phone lines may face even greater difficulty monitoring their usage. More and more cell phone companies are dropping their unlimited data plans, and the risk of bill shock only stands to get worse.

Although consumers can already access their phone usage by requesting this information from their cell phone provider, the FCC survey found that almost 85 percent of American consumers who suffered bill shock were not alerted that they were about to exceed their allowed voice minutes, text messages, or data downloads.

In many cases, a simple alert message would help consumers avoid bill shock. That is why today I am pleased to introduce the Cell Phone Bill Shock Act of 2011.

This legislation is similar to what I proposed in the last Congress. It would require that cell phone companies do two things: first, that they notify cell phone customers when they have used 80 percent of their limit of voice minutes, text messages, or data usage. This notification could be in the form of a text message or email, and should be free of charge. Second, this legislation would require cell phone companies to obtain a customer's consent before charging for services in excess of their limit of voice, text, or data usage. Customers could give such consent by calling or sending a free text message or email to their phone company.

In the European Union, wireless phone companies already provide similar notifications when wireless consumers are roaming and when they reach 80 percent of their monthly data roaming services.

Congress already approved legislation to help consumers avoid bank overdraft fees from debit card and ATM transactions. Banks must now obtain their customer's permission before allowing debit card transactions which would incur overdraft fees. My legislation extends that same concept to cell phone customers, who should benefit from similar protections against ''bill shock.''

The texting and Internet capabilities that make today's cell phones more useful than ever should be applied to help consumers avoid bill shock. Sending an automatic text notification to one's phone or an email alert should not place a burden on cell phone companies. Passing my commonsense legislation will help prevent consumers from facing ''bill shock'' problems in the future.

I look forward to working with my colleagues to pass this important legislation.

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

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

S. 732

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 ''Cell Phone Bill Shock Act of 2011''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A recent survey conducted by the Federal Communications Commission found that 1 out of 6 consumers who subscribe to commercial mobile service has experienced ''bill shock'', which is the sudden increase in the monthly bill of a subscriber even though the subscriber has not made changes to their monthly service plan.

(2) Most consumers who experience bill shock do not receive notification from their provider of commercial mobile service when the consumer is about to exceed the monthly limit of voice minutes, text message, or data megabytes.

(3) Most consumers who experience bill shock do not receive notification from their provider of commercial mobile service that their bill has suddenly increased.

(4) Prior to the enactment of this Act, a provider of commercial mobile service was under no obligation to notify a consumer of such services of a pending or sudden increase in their bill for the use of such service.

(5) Section 332 of the Communications Act of 1934 (47 U.S.C. 332) requires that all commercial mobile service provider charges, practices, classifications, and regulations ''for or in connection with'' interstate communications service be just and reasonable, and authorizes the Federal Communications Commission to promulgate rules to implement this requirement.

SEC. 3. NOTIFICATION OF CELL PHONE USAGE LIMITS; SUBSCRIBER CONSENT.

(a) DEFINITION.—In this section, the term ''commercial mobile service'' has the same meaning as in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)).

(b) NOTIFICATION OF CELL PHONE USAGE LIMITS.—The Federal Communications Commission shall promulgate regulations to require that a provider of commercial mobile service shall—

(1) notify a subscriber when the subscriber has used 80 percent of the monthly limit of voice minutes, text messages, or data megabytes agreed to in the commercial mobile service contract of the subscriber;

(2) send, at no charge to the subscriber, the notification described in paragraph (1) in the form of a voice message, text message, or email; and

(3) ensure that such text message or email is not counted against the monthly limit for voice minutes, text messages, or data megabytes of the commercial mobile service contract of the subscriber.

(c) SUBSCRIBER CONSENT.—The Federal Communications Commission shall promulgate regulations to require a provider of commercial mobile service shall—

(1) obtain the consent of a subscriber who received a notification under subsection (b) to use voice, text, or data services in excess of the monthly limit of the commercial mobile service contract of the subscriber before the provider may allow the subscriber to use such excess services; and

(2) allow a subscriber to, at no cost, provide the consent required under paragraph (1) in the form of a voice message, text message, or email that is not counted against the monthly limit for voice minutes, text messages, or data megabytes of the commercial mobile service contract of the subscriber.

By Mr. ROBERTS (for himself and Ms. STABENOW):

S. 733. A bill to amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I rise today to address a health care concern that impacts all of us—access to health care.

When you or your loved one is sick—the most important thing on earth is

to fight for the very best medical care possible. And when the diagnosis is cancer—a disease far too many of our friends and family have faced—it becomes all the more important and all the more time sensitive.

Unfortunately, in some cases, access to care—as well as the life-saving drugs needed to treat a variety of forms of this disease—are being negatively impacted by the current reimbursement structure for Medicare Part B drugs and biologicals. In layman's terms, it's one more hurdle that doctors have to fight for their patients.

That is why I am introducing today legislation that would end the hurdle. My bill would exclude customary prompt pay discounts from the manufacturer's average sales price for purposes of Medicare Part B drugs and biologicals.

In Hillsboro, Kansas we have already seen cancer clinics begin to close as a direct result of the current reimbursement structure which limits patient access to care that they desperately need. Currently the prompt pay discounts artificially reduce Medicare Part B drug reimbursement rates for community oncology clinics, jeopardizing the viability of these providers. The closing of the clinic in Hillsboro can be directly attributed to this reimbursement structure. Additionally, prompt pay discounts also reduce the payment rates of private payers that use Average Sales Price. My legislation is a step forward in addressing problems with Medicare reimbursement for cancer drugs.

Primary Healthcare Distributors, PHDs, act as a middle man between providers and drug and product manufacturers. Most healthcare providers must receive daily deliveries of products from many different manufacturers. PHDs streamline the system and provide efficiencies by aggregating the ordering and shipping logistics. Some 80 percent of prescription medicines in the U.S. are stored, managed and delivered by PHDs. These PHDs receive prompt pay discounts from drug manufacturers in recognition of the efficiencies they provide.

However, these efficiencies are threatened by the Medicare Modernization Act's, MMA's, inappropriate inclusion of these prompt pay discounts in the calculation of the Average Sales Price for Medicare Part B drugs, those administered in a doctor's office. The inclusion of these discounts ultimately reduces reimbursements to providers, who are not the actual beneficiaries of the discounts. It provides a perverse incentive for manufacturers to go around the PHD to offer prompt pay discounts directly to the providers, thereby eliminating the efficiencies of the current system and potentially creating another burden for providers.

Congress has recognized the importance of excluding prompt pay discounts from providers' payment formulas in the Medicaid program. This bill would extend that exclusion to Medicare Part B.

I believe that the policy is right; that is why today I, along with Senator STABENOW, am introducing legislation to amend Part B of Title XVII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare.

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

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

S. 733

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

SECTION 1. EXCLUDING CUSTOMARY PROMPT PAY DISCOUNTS FROM MANUFACTURERS TO WHOLESALERS FROM THE AVERAGE SALES PRICE FOR MEDICARE PAYMENTS FOR DRUGS AND BIOLOGICALS.

(a) IN GENERAL.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended—

(1) in the first sentence, by inserting ''(other than customary prompt pay discounts extended to wholesalers)'' after ''prompt pay discounts''; and

(2) in the second sentence, by inserting ''(other than customary prompt pay discounts extended to wholesalers)'' after ''other price concessions''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs and biologicals that are furnished on or after January 1, 2012.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 130—DESIGNATING APRIL 5, 2011, AS ''GOLD STAR WIVES DAY''

Mr. BURR (for himself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 130

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2011, marks the 66th anniversary of the first meeting of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 5, 2011, as ''Gold Star Wives Day'';

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe ''Gold Star Wives Day'' to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

SENATE RESOLUTION 131—DESIGNATING APRIL 2011 AS ''TSUNAMI AWARENESS MONTH''

Mr. AKAKA (for himself and Mr. INOUYE) submitted the following resolution; which was considered and agreed to:

S. RES. 131

Whereas a tsunami is a series of ocean or sea waves generated by a sea floor disturbance, such as an earthquake, landslide, volcanic eruption, or meteorite;

Whereas a tsunami could occur during any season and at any time;

Whereas a tsunami is a threat to life and property for all coastal communities, and tsunamis have caused serious injuries and millions of dollars in property damage in the United States;

Whereas the danger posed by a tsunami cannot be eliminated, but the impact of a tsunami can be mitigated through community preparedness, timely warnings, and effective response;

Whereas tsunamis historically have posed the greatest hazard to Hawaii, Alaska, California, Oregon, Washington, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Virgin Islands, tsunamis also pose risks to all ocean coasts of the United States;

Whereas Federal, State, and local officials have partnered to coordinate a national effort to reduce the impact of tsunamis through the National Tsunami Hazard Mitigation Program;

Whereas the National Oceanic and Atmospheric Administration's National Weather Service operates 2 tsunami warning centers, the Pacific Tsunami Warning Center and the West Coast and Alaska Tsunami Warning Center, that detect potential tsunamis and issue warnings;

Whereas Tsunami Awareness Month provides an opportunity to highlight the importance of tsunami preparedness and to encourage the people of the United States to take steps to be better prepared for tsunamis at home, work, and school;

Whereas the people of the United States can prepare for tsunamis by finding out if their home, school, workplace or other frequently visited locations are in tsunami hazard areas, and by identifying evacuation routes; and