

104TH CONGRESS
1ST SESSION

H. R. 2505

To amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 1995

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTOMATIC LAND BANK PROTECTION.**

4 (a) LANDS RECEIVED IN EXCHANGE FROM CERTAIN
5 FEDERAL AGENCIES.—The matter preceding clause (i) of
6 section 907(d)(1)(A) of the Alaska National Interest
7 Lands Conservation Act (43 U.S.C. 1636(d)(1)(A)) is
8 amended by inserting “or conveyed to a Native Corpora-
9 tion pursuant to an exchange authorized by section 22(f)
10 of Alaska Native Claims Settlement Act or section

1 1302(h) of this Act or other applicable law” after “Settle-
2 ment Trust”.

3 (b) LANDS EXCHANGED AMONG NATIVE CORPORA-
4 TIONS.—Section 907(d)(2)(B) of such Act (43 U.S.C.
5 1636(d)(2)) is amended by striking “and” at the end of
6 clause (ii), by striking the period at the end of clause (iii)
7 and inserting “; and”, and by adding at the end the follow-
8 ing:

9 “(iv) lands or interest in lands shall not be con-
10 sidered developed or leased or sold to a third party
11 as a result of an exchange or conveyance of such
12 land or interest in land between or among Native
13 Corporations and trusts, partnerships, corporations,
14 or joint ventures, whose beneficiaries, partners,
15 shareholders, or joint venturers are Native Corpora-
16 tions.”.

17 (c) ACTIONS BY TRUSTEE SERVING PURSUANT TO
18 AGREEMENT OF NATIVE CORPORATIONS.—Section
19 907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is
20 amended by striking “or” at the end of clause (i), by strik-
21 ing the period at the end of clause (ii) and inserting “;
22 or”, and by adding at the end the following:

23 “(iii) to actions by any trustee whose right,
24 title, or interest in land or interests in land arises
25 pursuant to an agreement between or among Native

1 Corporations and trusts, partnerships, or joint ven-
2 tures whose beneficiaries, partners, shareholders, or
3 joint venturers are Native Corporations.”.

4 **SEC. 2. RETAINED MINERAL ESTATE.**

5 Section 12(c)(4) of the Alaska Native Claims Settle-
6 ment Act (43 U.S.C. 1611(c)(4)) is amended—

7 (1) by redesignating subparagraphs (C) and
8 (D) as subparagraphs (D) and (E), respectively, and
9 by inserting after subparagraph (B) the following
10 new subparagraph:

11 “(C) Where such public lands are surrounded by or
12 contiguous to subsurface lands obtained by a Regional
13 Corporation under subsections (a) or (b), the Corporation
14 may, upon request, have such public land conveyed to it.”;
15 and

16 (2) in subparagraph (D) (as so redesignated),
17 by striking “(A) or (B)” and inserting “(A), (B), or
18 (C)”.

19 **SEC. 3. ELIM NATIVE CORPORATION LAND RESTORATION.**

20 (a) WITHDRAWAL AND AVAILABILITY FOR SELEC-
21 TION.—The lands described in subsection (b) are with-
22 drawn from disposition under the public land laws, entry
23 or appropriation under the mining laws of the United
24 States, and the operation of the mineral leasing laws of
25 the United States, subject to valid existing rights, for a

1 period of one year from the date of enactment of this Act,
2 for selection by the Elim Native Corporation under this
3 section:

4 (b) LANDS DESCRIBED.—The lands described in this
5 section are a parcel of land in the vicinity of Elim, Alaska,
6 at approximately latitude 64 50 N. Longitude 162 00 W,
7 more particularly described as follows:

8 Beginning at the point of intersection of line 3–
9 4, U.S. Survey No. 2548 with the protracted West
10 Boundary of T8S, R18W KRM, Alaska;

11 Thence North, along the west boundary of the
12 aforementioned township, approximately 4½ miles
13 to the protracted position for the corner of sections
14 1, 6, 7, and 12;

15 Thence Northeasterly, parallel with line 4–3 of
16 U.S. Survey No. 2548, approximately 20½ miles, to
17 a point;

18 Thence East approximately 6 miles to corner
19 no. 3 U.S. Survey No. 2548;

20 Thence Southwesterly along lines 3–4, U.S.
21 Survey 2548 approximately 27½ miles to the point
22 of beginning, containing, 52,799.3 acres, more or
23 less.

24 (c) AUTHORIZATION TO SELECT LANDS; RESERVA-
25 TION OF EASEMENT.—The Elim Native Corporation is

1 authorized to select the lands described in subsection (b)
2 to satisfy its land entitlements under section 19(b) of the
3 Alaska Native Claims Settlement Act (43 U.S.C. 1618(b).
4 The Secretary is authorized to receive, adjudicate and con-
5 vey the lands to the Elim Native Corporation subject to
6 (1) valid existing rights, and (2) an easement reserved to
7 the United States for the benefit of the public. An ease-
8 ment in the lands shall be reserved to the Iditarod Na-
9 tional Historic Trail.

10 (d) WITHDRAWAL AND SELECTION OF ADDITIONAL
11 LANDS.—The Secretary is authorized to withdraw, and
12 Elim Native Corporation is authorized to select, within 18
13 months after the date of the enactment of this Act addi-
14 tional lands adjacent to the lands withdrawn by subsection
15 (a) to fulfill Elim Native Corporation’s land entitlements
16 equal to the total acreage of the Norton Bay Reservation
17 as withdrawn by Executive Order No. 2508, dated Janu-
18 ary 3, 1917.

19 **SEC. 4. EXTENSION OF EXEMPTION PERIOD FROM ESTATE**
20 **AND GIFT TAX FOR STOCK THROUGH ITS PE-**
21 **RIOD OF INALIENABILITY.**

22 Section 21(f) of the Alaska Native Claims Settlement
23 Act (43 U.S.C. 1620(f)) is amended by striking “January
24 1, 1992,” and in lieu thereof “the date on which

1 alienability restrictions terminate in accordance with the
2 provisions of this title, settlement”.

3 **SEC. 5. PROPOSED AMENDMENT TO PUBLIC LAW 102-415.**

4 Section 20(f) of the Alaska Land Status Technical
5 Corrections Act of 1992 (106 Stat. 2129) is amended by
6 adding at the end the following new paragraph:

7 “(4) The Region shall be deemed to have 3,520
8 acres of subsurface entitlement pursuant to this sec-
9 tion, which entitlement shall be satisfied in the man-
10 ner prescribed for the Region in section 14(h)(9) of
11 the Alaska Native Claims Settlement Act (43 U.S.C.
12 1613(h)(9)).”.

13 **SEC. 6. CALISTA CORPORATION LAND EXCHANGES.**

14 (a) VALUATION OF LANDS.—Section 8126(a) of Pub-
15 lic Law 102-172 (105 Stat. 1206) is amended—

16 (1) by inserting “(1)” after “(a)”;

17 (2) in subsection (a)(1) (as so designated), by
18 inserting “, as amended” after “October 28, 1991”;

19 (3) in subsection (a)(1) (as so designated)—

20 (A) by striking “The value of the lands”
21 and all that follows through “establish the
22 value:” and inserting the following: “The value
23 of any interests in any fee estate, or entitlement
24 to select a fee estate, identified in that docu-
25 ment shall be set at no less than the acre-equiv-

1 alent exchange value referenced in section
2 12(b)(7)(iv) of the Act of January 2, 1976
3 (Public Law 94–204), as amended. The value of
4 any interests in any subsurface estate shall be
5 set at no less than 31 percent of such acre-
6 equivalent exchange value.”; and

7 (B) by striking “43 U.S.C. 1601” and all
8 that follows and inserting in lieu thereof “the
9 Alaska Native Claims Settlement Act (43
10 U.S.C. 1601 et seq.), except for subsections (a),
11 (b), (c), (f), (g), (i), (h), and (j) of section 21
12 and section 30(b) (43 U.S.C. 1620 (a), (b), (c),
13 (f), (g), (i), (h), and (j); 1627(b)), and except
14 for section 907(d) of the Alaska National Inter-
15 est Lands Conservation Act (43 U.S.C.
16 1637(d)).”; and

17 (4) by adding at the end the following:

18 “(2) The Secretary shall determine the value of the
19 lands or interests in lands pursuant to this subsection not
20 later than 60 days following enactment of this paragraph:
21 *Provided*, That, if the Secretary fails to determine a value
22 within the required time, the value of the lands and inter-
23 ests in lands shall be determined in accordance with para-
24 graph (1).”.

1 (b) NATURAL RESOURCE REVENUES.—Section 7(i)
2 of the Alaska Native Claims Settlement Act (43 U.S.C.
3 1606(i)) is amended by adding at the end the following:
4 “For the purposes of this subsection, the term ‘revenues’
5 does not include any benefit received or realized for a sale
6 or exchange of assets pursuant to section 8126 of Public
7 Law 102–172, as amended.”.

8 **SEC. 7. MINING CLAIMS.**

9 Section 22(c)(3) of the Alaska Native Claims Settle-
10 ment Act (43 U.S.C. 1621(c)(3)) is amended by striking
11 out “Regional Corporation” each place it appears, except
12 in the last sentence, and inserting in lieu thereof “Re-
13 gional Corporation, or Village Corporation where applica-
14 ble,”.

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