

104TH CONGRESS
2^D SESSION

H. R. 2505

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 1996

Received

AN ACT

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,*

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

2 (a) LANDS RECEIVED IN EXCHANGE FROM CERTAIN
3 FEDERAL AGENCIES.—The matter preceding clause (i) of
4 section 907(d)(1)(A) of the Alaska National Interest
5 Lands Conservation Act (43 U.S.C. 1636(d)(1)(A)) is
6 amended by inserting “or conveyed to a Native Corpora-
7 tion pursuant to an exchange authorized by section 22(f)
8 of Alaska Native Claims Settlement Act or section
9 1302(h) of this Act or other applicable law” after “Settle-
10 ment Trust”.

11 (b) LANDS EXCHANGED AMONG NATIVE CORPORA-
12 TIONS.—Section 907(d)(2)(B) of such Act (43 U.S.C.
13 1636(d)(2)) is amended by striking “and” at the end of
14 clause (ii), by striking the period at the end of clause (iii)
15 and inserting “; and”, and by adding at the end the follow-
16 ing:

17 “(iv) lands or interest in lands shall not be con-
18 sidered developed or leased or sold to a third party
19 as a result of an exchange or conveyance of such
20 land or interest in land between or among Native
21 Corporations and trusts, partnerships, corporations,
22 or joint ventures, whose beneficiaries, partners,
23 shareholders, or joint venturers are Native Corpora-
24 tions.”.

25 (c) ACTIONS BY TRUSTEE SERVING PURSUANT TO
26 AGREEMENT OF NATIVE CORPORATIONS.—Section

1 907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is
2 amended by striking “or” at the end of clause (i), by strik-
3 ing the period at the end of clause (ii) and inserting “;
4 or”, and by adding at the end the following:

5 “(iii) to actions by any trustee whose right,
6 title, or interest in land or interests in land arises
7 pursuant to an agreement between or among Native
8 Corporations and trusts, partnerships, or joint ven-
9 tures whose beneficiaries, partners, shareholders, or
10 joint venturers are Native Corporations.”.

11 **SEC. 2. RETAINED MINERAL ESTATE.**

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

14 (1) by redesignating subparagraphs (C) and
15 (D) as subparagraphs (E) and (F), respectively, and
16 by inserting after subparagraph (B) the following
17 new subparagraphs:

18 “(C) Where such public lands are surrounded by or
19 contiguous to subsurface lands obtained by a Regional
20 Corporation under subsections (a) or (b), the Corporation
21 may, upon request, have such public land conveyed to it.

22 “(D)(i) A Regional Corporation which elects to obtain
23 public lands under subparagraph (C) shall be limited to
24 a total of not more than 12,000 acres. Selection by a Re-
25 gional Corporation of in lieu surface acres under subpara-

1 graph (E) pursuant to an election under subparagraph (C)
2 shall not be made from any lands within a conservation
3 system unit (as that term is defined by section 102(4) of
4 the Alaska National Interest Lands Conservation Act (16
5 U.S.C. 3102(4)).

6 “(ii) An election to obtain the public lands described
7 in subparagraph (A), (B), or (C) shall include all available
8 parcels within the township in which the public lands are
9 located.

10 “(iii) For purposes of this subparagraph and sub-
11 paragraph (C), the term ‘Regional Corporation’ shall refer
12 only to Doyon, Limited.”; and

13 (2) in subparagraph (E) (as so redesignated),
14 by striking “(A) or (B)” and inserting “(A), (B), or
15 (C)”.

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

17 Section 20 of the Alaska Land Status Technical Cor-
18 rections Act of 1992 (106 Stat. 2129) is amended by add-
19 ing at the end the following new subsection:

20 “(h) Establishment of the account under subsection
21 (b) and conveyance of land under subsection (c), if any,
22 shall be treated as though 3,520 acres of land had been
23 conveyed to Gold Creek under section 14(h)(2) of the
24 Alaska Native Claims Settlement Act for which rights to
25 in-lieu subsurface estate are hereby provided to CIRI.

1 Within 1 year from the date of enactment of this sub-
2 section, CIRI shall select 3,520 acres of land from the
3 area designated for in-lieu selection by paragraph
4 I.B.(2)(b) of the document identified in section 12(b) of
5 the Act of January 2, 1976 (43 U.S.C. 1611 note).”.

6 **SEC. 4. CALISTA CORPORATION LAND EXCHANGE.**

7 (a) CONGRESSIONAL FINDINGS.—Congress finds and
8 declares that—

9 (1) the land exchange authorized by section
10 8126 of Public Law 102–172 should be implemented
11 without further delay;

12 (2) lands and interests in lands in the exchange
13 are within the boundaries of the Yukon Delta Na-
14 tional Wildlife Refuge established by the Alaska Na-
15 tional Interest Lands Conservation Act (ANILCA)
16 and include wetlands, grasslands, marshes, and
17 riverine and upland fish and wildlife habitat lands,
18 which represent the premier habitat area for water-
19 fowl and other birds in the Pacific and other
20 flyways—

21 (A) for nesting, breeding, and staging
22 grounds for countless thousands of migratory
23 waterfowl, including species such as Spectacled
24 Eider, Tundra Swan, White-fronted Goose,
25 many song birds and neotropical migrants,

1 Harlequin Duck, Canvasbacked Duck, Snow
2 Goose, several species of diving and dabbling
3 ducks, Cackling and other subspecies of Canada
4 Geese, and Emperor Goose; and

5 (B) as habitat for other wildlife and fish
6 such as wolf, brown and black bear, moose, car-
7 ibou, otter, fox, mink, musk ox, salmon,
8 grayling, sheefish, rainbow trout, blackfish,
9 pike, and dolly varden,

10 the acquisition of which lands and interests in lands
11 would further the purposes for which the refuge was
12 established by ANILCA;

13 (3) the Yukon-Kuskokwim Delta Region is bur-
14 dened by some of the most serious and distressing
15 economic, social, and health conditions existing any-
16 where in the United States, including high incidence
17 of infant mortality, teenage suicide, hepatitis, alco-
18 holism, meningitis, tuberculosis, and unemployment
19 (60 to 90 percent);

20 (4) the Calista Corporation, the Native Re-
21 gional Corporation organized under the authority of
22 the Alaska Native Claims Settlement Act (ANCSA)
23 for the Yupik Eskimos of Southwestern Alaska,
24 which includes the entire Yukon Delta National
25 Wildlife Refuge—

1 (A) has responsibilities provided for by the
2 Settlement Act to help address social, cultural,
3 economic, health, subsistence, and related issues
4 within the Region and among its villages, in-
5 cluding the viability of the villages themselves,
6 many of which are remote and isolated; and

7 (B) has been unable to fully carry out such
8 responsibilities, and
9 the implementation of this exchange is essential to
10 helping Calista utilize its assets to carry out those
11 responsibilities to realize the benefits of ANCSA;

12 (5) the parties to the exchange have been un-
13 able to reach agreement on the valuation of the
14 lands and interests in lands to be conveyed to the
15 United States under section 8126 of Public Law
16 102–171; and

17 (6) in light of the foregoing, it is appropriate
18 and necessary in this unique situation that Congress
19 authorize and direct the implementation of this ex-
20 change as set forth in this section in furtherance of
21 the purposes and underlying goals of the Alaska Na-
22 tive Claims Settlement Act and the Alaska National
23 Interest Lands Conservation Act.

1 (b) LAND EXCHANGE IMPLEMENTATION.—Section
2 8126(a) of Public Law 102–172 (105 Stat. 1206) is
3 amended—

4 (1) by inserting “(1)” after “(a)”;

5 (2) by striking “October 1, 1996” and inserting
6 “October 1, 2002”;

7 (3) by inserting after “October 28, 1991” the
8 following: “(hereinafter referred to as ‘CCRD’) and
9 in the document entitled, ‘The Calista Conveyance
10 and Relinquishment Document Addendum’, dated
11 September 15, 1996 (hereinafter referred to as
12 ‘CCRD Addendum’)”;

13 (4) by striking “The value” and all that follows
14 through “*Provided*, That the” and inserting in lieu
15 thereof the following:

16 “(2) Unless prior to December 31, 1996, the parties
17 mutually agree on a value of the lands and interests in
18 lands to be exchanged as contained in the CCRD and the
19 CCRD Addendum, the aggregate values of such lands and
20 interests in lands shall be established as of January 1,
21 1997, as provided in paragraph (6) of the CCRD Adden-
22 dum. The”;

23 (5) in the last sentence, by inserting a period
24 after “1642” and striking all that follows in that
25 sentence; and

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

3 “(3) The amount credited to the property account is
4 not subject to adjustment for minor changes in acreage
5 resulting from preparation or correction of the land de-
6 scriptions in the CCRD or CCRD Addendum or the exclu-
7 sion of any small tracts of land as a result of hazardous
8 materials surveys.”.

9 (c) EXTENSION OF RESTRICTION ON CERTAIN PROP-
10 ERTY TRANSFERS.—Section 8126(b) of Public Law 102–
11 172 (105 Stat. 1206) is amended by striking “October
12 1, 1996” and inserting “October 1, 2002”.

13 (d) EXCHANGE ADMINISTRATION.—Section 8126(c)
14 of Public Law 102–172 (105 Stat. 1207) is amended—

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

16 (2) by striking the sentence beginning “On Oc-
17 tober 1, 1996,” and inserting in lieu thereof the fol-
18 lowing: “To the extent such lands and interests have
19 not been exchanged with the United States, on Jan-
20 uary 1, 1997, the Secretary of the Treasury shall es-
21 tablish a property account on behalf of Calista Cor-
22 poration. If the parties have mutually agreed to a
23 value as provided in subsection (a)(2), the Secretary
24 of the Treasury shall credit the account accordingly.

25 In the absence of such an agreement the Secretary

1 of the Treasury shall credit the account with an
2 amount equal to 66 percent of the total amount de-
3 termined by paragraph (6) of the CCRD Addendum.
4 The account shall be available for use as provided in
5 subsection (c)(3), as follows:

6 “(A) On January 1, 1997, an amount equal to
7 one-half the amount credited pursuant to this para-
8 graph shall be available for use as provided.

9 “(B) On October 1, 1997, the remaining one-
10 half of the amount credited pursuant to this para-
11 graph shall be available for use as provided.

12 “(2) On October 1, 2002, to the extent any portion
13 of the lands and interests in lands have not been ex-
14 changed pursuant to subsection (a) or conveyed or relin-
15 quished to the United States pursuant to paragraph (1),
16 the account established by paragraph (1) shall be credited
17 with an amount equal to any remainder of the value deter-
18 mined pursuant to paragraph (1).”;

19 (3) by inserting “(3)” before “Subject to”;

20 (4) by striking “on or after October 1, 1996,”
21 and by inserting after “subsection (a) of this sec-
22 tion,” the following: “upon conveyance or relinquish-
23 ment of equivalent portions of the lands referenced
24 in the CCRD and the CCRD Addendum,”; and

1 (5) by adding at the end the following new
2 paragraphs:

3 “(4) Notwithstanding any other provision of law,
4 Calista Corporation or the village corporations identified
5 in the CCRD Addendum may assign, without restriction,
6 any or all of the account upon written notification to the
7 Secretary of the Treasury and the Secretary of the Inte-
8 rior.

9 “(5) Calista will provide to the Bureau of Land Man-
10 agement, Alaska State Office, appropriate documentation,
11 including maps of the parcels to be exchanged to enable
12 that office to perform the accounting required by para-
13 graph (1) and to forward such information, if requested
14 by Calista, to the Secretary of the Treasury as authorized
15 by such paragraph. Minor boundary adjustments shall be
16 made between Calista and the Department to reflect the
17 acreage figures reflected in the CCRD and the CCRD Ad-
18 dendum.

19 “(6) For the purpose of the determination of the ap-
20 plicability of section 7(i) of the Alaska Native Claims Set-
21 tlement Act (43 U.S.C. 1606(i)) to revenues generated
22 pursuant to this section, such revenues shall be calculated
23 in accordance with paragraph (4) of the CCRD Adden-
24 dum.”.

1 **SEC. 5. MINING CLAIMS.**

2 Paragraph (3) of section 22(c) of the Alaska Native
3 Claims Settlement Act (43 U.S.C. 1621(c)) is amended—

4 (1) by striking out “regional corporation” each
5 place it appears and inserting in lieu thereof “Re-
6 gional Corporation”; and

7 (2) by adding at the end the following: “The
8 provisions of this section shall apply to Haida Cor-
9 poration and the Haida Traditional Use Sites, which
10 shall be treated as a Regional Corporation for the
11 purposes of this paragraph, except that any revenues
12 remitted to Haida Corporation under this section
13 shall not be subject to distribution pursuant to sec-
14 tion 7(i) of this Act.”.

15 **SEC. 6. SALE, DISPOSITION, OR OTHER USE OF COMMON**
16 **VARIETIES OF SAND, GRAVEL, STONE, PUM-**
17 **ICE, PEAT, CLAY, OR CINDER RESOURCES.**

18 Subsection (i) of section 7 of the Alaska Native
19 Claims Settlement Act (43 U.S.C. 1606(i)) is amended—

20 (1) by striking “Seventy per centum” and in-
21 serting “(A) Except as provided by subparagraph
22 (B), seventy percent”; and

23 (2) by adding at the end the following:

24 “(B) In the case of the sale, disposition, or other use
25 of common varieties of sand, gravel, stone, pumice, peat,
26 clay, or cinder resources made after the date of enactment

1 of this subparagraph, the revenues received by a Regional
2 Corporation shall not be subject to division under subpara-
3 graph (A). Nothing in this subparagraph is intended to
4 or shall be construed to alter the ownership of such sand,
5 gravel, stone, pumice, peat, clay, or cinder resources.”.

6 **SEC. 7. ALASKA NATIVE ALLOTMENT APPLICATIONS.**

7 Section 905(a) of the Alaska National Interest Lands
8 Conservation Act (43 U.S.C. 1634(a)) is amended by add-
9 ing at the end the following:

10 “(7) Paragraph (1) of this subsection and section (d)
11 shall apply, and paragraph (5) of this subsection shall
12 cease to apply, to an application—

13 “(A) that is open and pending on the date of
14 enactment of this paragraph,

15 “(B) if the lands described in the application
16 are in Federal ownership, and

17 “(C) if all protests which were filed by the
18 State of Alaska pursuant to paragraph (5)(B) with
19 respect to the application have been withdrawn and
20 not reasserted or are dismissed.”.

21 **SEC. 8. VISITOR SERVICES.**

22 Paragraph (1) of section 1307(b) of the Alaska Na-
23 tional Interest Lands Conservation Act (16 U.S.C.
24 3197(b)) is amended—

1 (1) by striking “Native Corporation” and in-
2 sserting “Native Corporations”; and

3 (2) by striking “is most directly affected” and
4 inserting “are most directly affected”.

5 **SEC. 9. REPORT.**

6 Within nine months after the date of enactment of
7 this Act, the Secretary of the Interior shall submit to Con-
8 gress a report which includes the following:

9 (1) LOCAL HIRE.—(A) The report shall—

10 (i) indicate the actions taken in carrying
11 out subsection (b) of section 1308 of the Alaska
12 National Interest Lands Conservation Act (16
13 U.S.C. 3198); and

14 (ii) also address the recruitment processes
15 that may restrict employees hired under sub-
16 section (a) of such section from successfully ob-
17 taining positions in the competitive service.

18 (B) The Secretary of Agriculture shall cooper-
19 ate with the Secretary of the Interior in carrying out
20 this paragraph with respect to the Forest Service.

21 (2) LOCAL CONTRACTS.—The report shall de-
22 scribe the actions of the Secretary of the Interior in

1 contracting with Alaska Native Corporations to pro-
2 vide services with respect to public lands in Alaska.

 Passed the House of Representatives September 26,
1996.

Attest:

ROBIN H. CARLE,

Clerk.