

Calendar No. 67

104TH CONGRESS
1ST SESSION

H. R. 400

[Report No. 104-44]

AN ACT

To provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes.

APRIL 7 (legislative day, APRIL 5), 1995
Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 2 (legislative day, JANUARY 30), 1995

Received; read twice and referred to the Committee on Energy and Natural
Resources

APRIL 7 (legislative day, APRIL 5), 1995

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To provide for the exchange of lands within Gates of the
Arctic National Park and Preserve, 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. SHORT TITLE.**

4 This Act may be cited as the “Anaktuvuk Pass Land
5 Exchange and Wilderness Redesignation Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

1 (1) The Alaska National Interest Lands Con-
2 servation Act (94 Stat. 2371), enacted on December
3 2, 1980, established Gates of the Arctic National
4 Park and Preserve and Gates of the Arctic Wilder-
5 ness. The village of Anaktuvuk Pass, located in the
6 highlands of the central Brooks Range, is virtually
7 surrounded by these national park and wilderness
8 lands and is the only Native village located within
9 the boundary of a National Park System unit in
10 Alaska.

11 (2) Unlike most other Alaskan Native commu-
12 nities, the village of Anaktuvuk Pass is not located
13 on a major river, lake, or coastline that can be used
14 as a means of access. The residents of Anaktuvuk
15 Pass have relied increasingly on snow machines in
16 winter and all-terrain vehicles in summer as their
17 primary means of access to pursue caribou and
18 other subsistence resources.

19 (3) In a 1983 land exchange agreement, linear
20 easements were reserved by the Inupiat Eskimo peo-
21 ple for use of all-terrain vehicles across certain na-
22 tional park lands, mostly along stream and river
23 banks. These linear easements proved unsatisfactory,
24 because they provided inadequate access to subsist-

1 ence resources while causing excessive environmental
2 impact from concentrated use.

3 (4) The National Park Service and the
4 Nunamiut Corporation initiated discussions in 1985
5 to address concerns over the use of all-terrain vehi-
6 cles on park and wilderness land. These discussions
7 resulted in an agreement, originally executed in
8 1992 and thereafter amended in 1993 and 1994,
9 among the National Park Service, Nunamiut Cor-
10 poration, the City of Anaktuvuk Pass, and Arctic
11 Slope Regional Corporation. Full effectuation of this
12 agreement, as amended, by its terms requires ratifi-
13 cation by the Congress.

14 **SEC. 3. RATIFICATION OF AGREEMENT.**

15 (a) RATIFICATION.—

16 (1) IN GENERAL.—The terms, conditions, pro-
17 cedures, covenants, reservations and other provisions
18 set forth in the document entitled “Donation, Ex-
19 change of Lands and Interests in Lands and Wilder-
20 ness Redesignation Agreement Among Arctic Slope
21 Regional Corporation, Nunamiut Corporation, City
22 of Anaktuvuk Pass and the United States of Amer-
23 ica” (hereinafter referred to in this Act as “the
24 Agreement”), executed by the parties on December
25 17, 1992, as amended, are hereby incorporated in

1 this Act, are ratified and confirmed, and set forth
2 the obligations and commitments of the United
3 States, Arctic Slope Regional Corporation,
4 Nunamiut Corporation and the City of Anaktuvuk
5 Pass, as a matter of Federal law.

6 (2) LAND ACQUISITION.—Lands acquired by
7 the United States pursuant to the Agreement shall
8 be administered by the Secretary of the Interior
9 (hereinafter referred to as the “Secretary”) as part
10 of Gates of the Arctic National Park and Preserve,
11 subject to the laws and regulations applicable there-
12 to.

13 (b) MAPS.—The maps set forth as Exhibits C1, C2,
14 and D through I to the Agreement depict the lands subject
15 to the conveyances, retention of surface access rights, ac-
16 cess easements and all-terrain vehicle easements. These
17 lands are depicted in greater detail on a map entitled
18 “Land Exchange Actions, Proposed Anaktuvuk Pass Land
19 Exchange and Wilderness Redesignation, Gates of the
20 Arctic National Park and Preserve”, Map No. 185/80,039,
21 dated April 1994, and on file at the Alaska Regional Of-
22 fice of the National Park Service and the offices of Gates
23 of the Arctic National Park and Preserve in Fairbanks,
24 Alaska. Written legal descriptions of these lands shall be
25 prepared and made available in the above offices. In case

1 of any discrepancies, Map No. 185/80,039 shall be con-
2 trolling.

3 **SEC. 4. NATIONAL PARK SYSTEM WILDERNESS.**

4 (a) GATES OF THE ARCTIC WILDERNESS.—

5 (1) REDESIGNATION.—Section 701(2) of the
6 Alaska National Interest Lands Conservation Act
7 (94 Stat. 2371, 2417) establishing the Gates of the
8 Arctic Wilderness is hereby amended with the addi-
9 tion of approximately 56,825 acres as wilderness
10 and the rescission of approximately 73,993 acres as
11 wilderness, thus revising the Gates of the Arctic Wil-
12 derness to approximately 7,034,832 acres.

13 (2) MAP.—The lands redesignated by para-
14 graph (1) are depicted on a map entitled “Wilderness
15 Actions, Proposed Anaktuvuk Pass Land Ex-
16 change and Wilderness Redesignation, Gates of the
17 Arctic National Park and Preserve”, Map No. 185/
18 80,040, dated April 1994, and on file at the Alaska
19 Regional Office of the National Park Service and the
20 office of Gates of the Arctic National Park and Pre-
21 serve in Fairbanks, Alaska.

22 (b) NOATAK NATIONAL PRESERVE.—Section
23 201(8)(a) of the Alaska National Interest Land Conserva-
24 tion Act (94 Stat. 2380) is amended by—

1 (1) striking “approximately six million four
2 hundred and sixty thousand acres” and inserting in
3 lieu thereof “approximately 6,477,168 acres”; and

4 (2) inserting “and the map entitled ‘Noatak
5 National Preserve and Noatak Wilderness Addition’
6 dated September 1994” after “July 1980”.

7 (c) NOATAK WILDERNESS.—Section 701(7) of the
8 Alaska National Interest Lands Conservation Act (94
9 Stat. 2417) is amended by striking “approximately five
10 million eight hundred thousand acres” and inserting in
11 lieu thereof “approximately 5,817,168 acres”.

12 **SEC. 5. CONFORMANCE WITH OTHER LAW.**

13 (a) ALASKA NATIVE CLAIMS SETTLEMENT ACT.—All
14 of the lands, or interests therein, conveyed to and received
15 by Arctic Slope Regional Corporation or Nunamiut Cor-
16 poration pursuant to the Agreement shall be deemed con-
17 veyed and received pursuant to exchanges under section
18 22(f) of the Alaska Native Claims Settlement Act, as
19 amended (43 U.S.C. 1601, 1621(f)). All of the lands or
20 interests in lands conveyed pursuant to the Agreement
21 shall be conveyed subject to valid existing rights.

22 (b) ALASKA NATIONAL INTEREST LANDS CONSERVA-
23 TION ACT.—Except to the extent specifically set forth in
24 this Act or the Agreement, nothing in this Act or in the
25 Agreement shall be construed to enlarge or diminish the

1 rights, privileges, or obligations of any person, including
2 specifically the preference for subsistence uses and access
3 to subsistence resources provided under the Alaska Na-
4 tional Interest Lands Conservation Act (16 U.S.C. 3101
5 et seq.).

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Anaktuvuk Pass Land*
8 *Exchange and Wilderness Redesignation Act of 1995”.*

9 **TITLE I—ANAKTUVUK PASS LAND EX-**
10 **CHANGE AND WILDERNESS REDESIG-**
11 **NATION**

12 **SEC. 101. FINDINGS.**

13 *The Congress makes the following findings:*

14 *(1) The Alaska National Interest Lands Con-*
15 *servaion Act (94 Stat. 2371), enacted on December 2,*
16 *1980, established Gates of the Arctic National Park*
17 *and Preserve and Gates of the Arctic Wilderness. The*
18 *village of Anaktuvuk Pass, located in the highlands of*
19 *the central Brooks Range, is virtually surrounded by*
20 *these national park and wilderness lands and is the*
21 *only Native village located within the boundary of a*
22 *National Park System unit in Alaska.*

23 *(2) Unlike most other Alaskan Native commu-*
24 *nities, the village of Anaktuvuk Pass is not located on*
25 *a major river, lake, or coastline that can be used as*

1 *a means of access. The residents of Anaktuvuk Pass*
2 *have relied increasingly on snow machines in winter*
3 *and all-terrain vehicles in summer as their primary*
4 *means of access to pursue caribou and other subsist-*
5 *ence resources.*

6 *(3) In a 1983 land exchange agreement, linear*
7 *easements were reserved by the Inupiat Eskimo people*
8 *for use of all-terrain vehicles across certain national*
9 *park lands, mostly along stream and river banks.*
10 *These linear easements proved unsatisfactory, because*
11 *they provided inadequate access to subsistence re-*
12 *sources while causing excessive environmental impact*
13 *from concentrated use.*

14 *(4) The National Park Service and the*
15 *Nunamiut Corporation initiated discussions in 1985*
16 *to address concerns over the use of all-terrain vehicles*
17 *on park and wilderness land. These discussions re-*
18 *sulted in an agreement, originally executed in 1992*
19 *and thereafter amended in 1993 and 1994, among the*
20 *National Park Service, Nunamiut Corporation, the*
21 *City of Anaktuvuk Pass, and Arctic Slope Regional*
22 *Corporation. Full effectuation of this agreement, as*
23 *amended, by its terms requires ratification by the*
24 *Congress.*

1 **SEC. 102. RATIFICATION OF AGREEMENT.**

2 (a) *RATIFICATION.*—

3 (1) *IN GENERAL.*—*The terms, conditions, proce-*
4 *dures, covenants, reservations and other provisions set*
5 *forth in the document entitled “Donation, Exchange*
6 *of Lands and Interests in Lands and Wilderness Re-*
7 *designation Agreement Among Arctic Slope Regional*
8 *Corporation, Nunamiut Corporation, City of*
9 *Anaktuvuk Pass and the United States of America”*
10 *(hereinafter referred to in this Act as “the Agree-*
11 *ment”), executed by the parties on December 17, 1992,*
12 *as amended, are hereby incorporated in this Act, are*
13 *ratified and confirmed, and set forth the obligations*
14 *and commitments of the United States, Arctic Slope*
15 *Regional Corporation, Nunamiut Corporation and*
16 *the City of Anaktuvuk Pass, as a matter of Federal*
17 *law.*

18 (2) *LAND ACQUISITION.*—*Lands acquired by the*
19 *United States pursuant to the Agreement shall be ad-*
20 *ministered by the Secretary of the Interior (herein-*
21 *after referred to as the “Secretary”) as part of Gates*
22 *of the Arctic National Park and Preserve, subject to*
23 *the laws and regulations applicable thereto.*

24 (b) *MAPS.*—*The maps set forth as Exhibits C1, C2,*
25 *and D through I to the Agreement depict the lands subject*
26 *to the conveyances, retention of surface access rights, access*

1 *easements and all-terrain vehicle easements. These lands are*
2 *depicted in greater detail on a map entitled “Land Ex-*
3 *change Actions, Proposed Anaktuvuk Pass Land Exchange*
4 *and Wilderness Redesignation, Gates of the Arctic National*
5 *Park and Preserve”, Map No. 185/80,039, dated April 1994,*
6 *and on file at the Alaska Regional Office of the National*
7 *Park Service and the offices of Gates of the Arctic National*
8 *Park and Preserve in Fairbanks, Alaska. Written legal de-*
9 *scriptions of these lands shall be prepared and made avail-*
10 *able in the above offices. In case of any discrepancies, Map*
11 *No. 185/80,039 shall be controlling.*

12 **SEC. 103. NATIONAL PARK SYSTEM WILDERNESS.**

13 (a) *GATES OF THE ARCTIC WILDERNESS.—*

14 (1) *REDESIGNATION.—Section 701(2) of the*
15 *Alaska National Interest Lands Conservation Act (94*
16 *Stat. 2371, 2417) establishing the Gates of the Arctic*
17 *Wilderness is hereby amended with the addition of*
18 *approximately 56,825 acres as wilderness and the re-*
19 *scission of approximately 73,993 acres as wilderness,*
20 *thus revising the Gates of the Arctic Wilderness to ap-*
21 *proximately 7,034,832 acres.*

22 (2) *MAP.—The lands redesignated by paragraph*
23 *(1) are depicted on a map entitled “Wilderness Ac-*
24 *tions, Proposed Anaktuvuk Pass Land Exchange and*
25 *Wilderness Redesignation, Gates of the Arctic Na-*

1 *tional Park and Preserve”, Map No. 185/80,040,*
2 *dated April 1994, and on file at the Alaska Regional*
3 *Office of the National Park Service and the office of*
4 *Gates of the Arctic National Park and Preserve in*
5 *Fairbanks, Alaska.*

6 *(b) NOATAK NATIONAL PRESERVE.—Section 201(8)(a)*
7 *of the Alaska National Interest Land Conservation Act (94*
8 *Stat. 2380) is amended by—*

9 *(1) striking “approximately six million four*
10 *hundred and sixty thousand acres” and inserting in*
11 *lieu thereof “approximately 6,477,168 acres”; and*

12 *(2) inserting “and the map entitled ‘Noatak Na-*
13 *tional Preserve and Noatak Wilderness Addition’*
14 *dated September 1994” after “July 1980”.*

15 *(c) NOATAK WILDERNESS.—Section 701(7) of the*
16 *Alaska National Interest Lands Conservation Act (94 Stat.*
17 *2417) is amended by striking “approximately five million*
18 *eight hundred thousand acres” and inserting in lieu thereof*
19 *“approximately 5,817,168 acres”.*

20 **SEC. 104. CONFORMANCE WITH OTHER LAW.**

21 *(a) ALASKA NATIVE CLAIMS SETTLEMENT ACT.—All*
22 *of the lands, or interests therein, conveyed to and received*
23 *by Arctic Slope Regional Corporation or Nunamiut Cor-*
24 *poration pursuant to the Agreement shall be deemed con-*
25 *veyed and received pursuant to exchanges under section*

1 22(f) of the Alaska Native Claims Settlement Act, as amend-
2 ed (43 U.S.C. 1601, 1621(f)). All of the lands or interests
3 in lands conveyed pursuant to the Agreement shall be con-
4 veyed subject to valid existing rights.

5 (b) ALASKA NATIONAL INTEREST LANDS CONSERVA-
6 TION ACT.—Except to the extent specifically set forth in this
7 Act or the Agreement, nothing in this Act or in the Agree-
8 ment shall be construed to enlarge or diminish the rights,
9 privileges, or obligations of any person, including specifi-
10 cally the preference for subsistence uses and access to sub-
11 sistence resources provided under the Alaska National Inter-
12 est Lands Conservation Act (16 U.S.C. 3101 et seq.).

13 **TITLE II—ALASKA PENINSULA**

14 **SUBSURFACE CONSOLIDATION**

15 **SEC. 201. DEFINITIONS.**

16 *As used in this Act:*

17 (1) AGENCY.—The term agency—

18 (A) means—

19 (i) any instrumentality of the United
20 States; and

21 (ii) any Government corporation (as
22 defined in section 9101(1) of title 31,
23 United States Code); and

24 (B) includes any element of an agency.

1 (2) *ALASKA NATIVE CORPORATION.*—The term
2 “Alaska Native Corporation” has the same meaning
3 as is provided for “Native Corporation” in section
4 3(m) of the Alaska Native Claims Settlement Act (43
5 U.S.C. 1602(m)).

6 (3) *KONIAG.*—The term “Koniag” means
7 Koniag, Incorporated, which is a Regional Corpora-
8 tion.

9 (4) *KONIAG ACCOUNT.*—The term “Koniag Ac-
10 count” means the account established under section 4.

11 (5) *PROPERTY.*—The term “property” has the
12 same meaning as is provided in section 12(b)(7)(vii)
13 of Public Law 94–204 (43 U.S.C. 1611 note).

14 (6) *REGIONAL CORPORATION.*—The term “Re-
15 gional Corporation” has the same meaning as is pro-
16 vided in section 3(g) of the Alaska Native Claims Set-
17 tlement Act (43 U.S.C. 1602(g)).

18 (7) *SECRETARY.*—Except as otherwise provided,
19 the term “Secretary” means the Secretary of the Inte-
20 rior.

21 (8) *SELECTION RIGHTS.*—The term “selection
22 rights” means those rights granted to Koniag, pursu-
23 ant to subsections (a) and (b) of section 12, and sec-
24 tion 14(h)(8), of the Alaska Native Claims Settlement
25 Act (43 U.S.C. 1611 and 1613(h)(8)), to receive title

1 to the oil and gas rights and other interests in the
2 subsurface estate of the approximately 275,000 acres
3 of public lands in the State of Alaska identified as
4 “Koniag Selections” on the map entitled “Koniag In-
5 terest Lands, Alaska Peninsula”, dated May 1989.

6 **SEC. 202. ACQUISITION OF KONIAG SELECTION RIGHTS.**

7 (a) The Secretary shall determine, pursuant to sub-
8 section (b) hereof, the value of Selection Rights which
9 Koniag possesses within the boundaries of Aniakchak Na-
10 tional Monument and Preserve, Alaska Peninsula National
11 Wildlife Refuge, and Becharof National Wildlife Refuge.

12 (b) VALUE.—

13 (1) IN GENERAL.—The value of the selection
14 rights shall be equal to the fair market value of—

15 (A) the oil and gas interests in the lands or
16 interests in lands that are the subject of the selec-
17 tion rights; and

18 (B) in the case of the lands or interests in
19 lands for which Koniag is to receive the entire
20 subsurface estate, the subsurface estate of the
21 lands or interests in lands that are the subject of
22 the selection rights.

23 (2) APPRAISAL.—

24 (A) SELECTION OF APPRAISER.—

1 (i) *IN GENERAL.*—Not later than 90
2 days after the date of enactment of this Act,
3 the Secretary and Koniag shall meet to se-
4 lect a qualified appraiser to conduct an ap-
5 praisal of the selection rights. Subject to
6 clause (ii), the appraiser shall be selected by
7 the mutual agreement of the Secretary and
8 Koniag.

9 (ii) *FAILURE TO AGREE.*—If the Sec-
10 retary and Koniag fail to agree on an ap-
11 praiser by the date that is 60 days after the
12 date of the initial meeting referred to in
13 clause (i), the Secretary and Koniag shall,
14 by the date that is not later than 90 days
15 after the date of the initial meeting, each
16 designate an appraiser who is qualified to
17 perform the appraisal. The 2 appraisers so
18 identified shall select a third qualified ap-
19 praiser who shall perform the appraisal.

20 (B) *STANDARDS AND METHODOLOGY.*—The
21 appraisal shall—

22 (i) be conducted in conformity with the
23 standards of the Appraisal Foundation (as
24 defined in section 1121(9) of the Financial

1 *Institutions Reform, Recovery, and Enforce-*
2 *ment Act of 1989 (12 U.S.C. 3350(9)); and*

3 *(ii) utilize risk adjusted discounted*
4 *cash flow methodology.*

5 *(C) SUBMISSION OF APPRAISAL REPORT.—*

6 *Not later than 180 days after the selection of an*
7 *appraiser pursuant to subparagraph (A), the ap-*
8 *praiser shall submit to the Secretary and to*
9 *Koniag a written appraisal report specifying the*
10 *value of the selection rights and the methodology*
11 *used to arrive at the value.*

12 *(3) DETERMINATION OF VALUE.—*

13 *(A) DETERMINATION BY THE SECRETARY.—*

14 *Not later than 60 days after the date of the re-*
15 *ceipt of the appraisal report under paragraph*
16 *(2)(C), the Secretary shall determine the value of*
17 *the selection rights and shall notify Koniag of*
18 *the determination.*

19 *(B) ALTERNATIVE DETERMINATION OF*
20 *VALUE.—*

21 *(i) IN GENERAL.—Subject to clause*
22 *(ii), if Koniag does not agree with the value*
23 *determined by the Secretary under subpara-*
24 *graph (A), the procedures specified in sec-*
25 *tion 206(d) of the Federal Land Policy and*

1 *Management Act of 1976 (43 U.S.C.*
2 *1716(d)) shall be used to establish the value.*

3 *(ii) AVERAGE VALUE LIMITATION.—*
4 *The average value per acre of the selection*
5 *rights shall not be more than \$300.*

6 **SEC. 203. KONIAG ACCOUNT.**

7 *(a) IN GENERAL.—*

8 *(1) The Secretary shall enter into negotiations*
9 *for an agreement or agreements to exchange Federal*
10 *lands or interests therein which are in the State of*
11 *Alaska for the Koniag Selection Rights referred to in*
12 *section 202.*

13 *(2) If the value of the Federal lands to be ex-*
14 *changed is less than the value of the Koniag Selection*
15 *Rights established in section 202, then the Secretary*
16 *may exchange the Federal lands for an equivalent*
17 *portion of the Koniag Selection Rights. The remain-*
18 *ing selection rights shall remain available for addi-*
19 *tional exchanges.*

20 *(3) For purposes of this section, the term “Fed-*
21 *eral lands” means lands or interests therein located*
22 *in Alaska, administered by the Secretary and the title*
23 *to which is in the United States but excluding all*
24 *lands and interests therein which are located within*
25 *a conservation system unit as defined in the Alaska*

1 *National Interest Lands Conservation Act section*
2 *102(4).*

3 *(b) ACCOUNT.—*

4 *(1) IN GENERAL.—With respect to any Koniag*
5 *Selection Rights for which an exchange has not been*
6 *completed by October 1, 2004 (hereafter in this section*
7 *referred to as “remaining selection rights”), the Sec-*
8 *retary of the Treasury, in consultation with the Sec-*
9 *retary, shall, notwithstanding any other provision of*
10 *law, establish in the Treasury of the United States,*
11 *an account to be known as the Koniag Account. Upon*
12 *the relinquishment of the remaining selection rights to*
13 *the United States, the Secretary shall credit the*
14 *Koniag Account in the amount of the appraised value*
15 *of the remaining selection rights.*

16 *(2) INITIAL BALANCE.—The initial balance of the*
17 *Koniag Account shall be equal to the value of the se-*
18 *lection rights as determined pursuant to section 3(b).*

19 *(3) USE OF ACCOUNT.—*

20 *(A) IN GENERAL.—Amounts in the Koniag*
21 *Account shall—*

22 *(i) be made available by the Secretary*
23 *of the Treasury to Koniag for bidding on*
24 *and purchasing property sold at public sale,*

1 *subject to the conditions described in this*
2 *paragraph; and*

3 *(ii) remain available until expended.*

4 *(B) ASSIGNMENT.—*

5 *(i) IN GENERAL.—Subject to clause (ii)*
6 *and notwithstanding any other provision of*
7 *law, the right to request the Secretary of the*
8 *Treasury to withdraw funds from the*
9 *Koniag Account shall be assignable in whole*
10 *or in part by Koniag.*

11 *(ii) NOTICE OF ASSIGNMENT.—No as-*
12 *signment shall be recognized by the Sec-*
13 *retary of the Treasury until Koniag files*
14 *written notice of the assignment with the*
15 *Secretary of the Treasury and the Sec-*
16 *retary.*

17 *(C) BIDDING AND PURCHASING.—*

18 *(i) IN GENERAL.—Koniag may use the*
19 *Koniag Account to—*

20 *(I) bid, in the same manner as*
21 *any other bidder, for any property at*
22 *any public sale by an agency; and*

23 *(II) purchase the property in ac-*
24 *cordance with applicable laws, includ-*

1 *ing the regulations of the agency offer-*
2 *ing the property for sale.*

3 *(ii) REQUIREMENTS FOR AGENCIES.—*

4 *In conducting a transaction described in*
5 *clause (i), an agency shall accept, in the*
6 *same manner as cash, an amount tendered*
7 *from the Koniag Account.*

8 *(iii) ADJUSTMENT OF BALANCE.—The*
9 *Secretary of the Treasury shall adjust the*
10 *balance of the Koniag Account to reflect*
11 *each transaction under clause (i).*

12 *(4) SPECIAL PROCEDURES.—The Secretary of the*
13 *Treasury, in consultation with the Secretary, shall es-*
14 *tablish procedures to permit the Koniag Account to—*

15 *(A) receive deposits;*

16 *(B) make deposits into escrow when an es-*
17 *crow is required for the sale of any property;*
18 *and*

19 *(C) reinstate to the Koniag Account any*
20 *unused escrow deposits if a sale is not con-*
21 *summated.*

22 *(c) TREATMENT OF AMOUNTS FROM ACCOUNT.—The*
23 *Secretary of the Treasury shall—*

24 *(1) deem as a cash payment any amount ten-*
25 *dered from the Koniag Account and received by an*

1 *agency as a proceed from a public sale of property;*
2 *and*

3 *(2) make any transfer necessary to permit the*
4 *agency to use the proceed in the event an agency is*
5 *authorized by law to use the proceed for a specific*
6 *purpose.*

7 *(d) REQUIREMENT FOR THE ADMINISTRATION OF*
8 *SALES.—*

9 *(1) IN GENERAL.—Subject to paragraph (2), the*
10 *Secretary of the Treasury and the heads of agencies*
11 *shall administer sales described in subsection*
12 *(a)(3)(C) in the same manner as is provided for any*
13 *other Alaska Native Corporation that—*

14 *(A) is authorized by law as of the date of*
15 *enactment of this Act; and*

16 *(B) has an account similar to the Koniag*
17 *Account for bidding on and purchasing property*
18 *sold for public sale.*

19 *(2) PROHIBITION.—Amounts in an account es-*
20 *tablished for the benefit of a specific Alaska Native*
21 *Corporation may not be used to satisfy the property*
22 *purchase obligations of any other Alaskan Native Cor-*
23 *poration.*

24 *(e) REVENUES.—The Koniag Account shall be deemed*
25 *to be an interest in the subsurface for purposes of section*

1 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C.
2 1601 et seq.).

3 **SEC. 204. CERTAIN CONVEYANCES.**

4 (a) *INTERESTS IN LAND.*—For the purpose of section
5 21(c) of the Alaska Native Claims Settlement Act (43 U.S.C.
6 1620(c)), the following shall be deemed to be an interest in
7 land:

8 (1) *The establishment of the Koniag Account and*
9 *the right of Koniag to request the Secretary of the*
10 *Treasury to withdraw funds from the Koniag Ac-*
11 *count.*

12 (2) *The receipt by a Settlement Trust (as defined*
13 *in section 3(t) of such Act (43 U.S.C. 1602(t)) of a*
14 *conveyance by Koniag of any right in the Koniag Ac-*
15 *count.*

16 (b) *AUTHORITY TO APPOINT TRUSTEES.*—In estab-
17 *lishing a Settlement Trust under section 39 of such Act (43*
18 *U.S.C. 1629e), Koniag may delegate the authority granted*
19 *to Koniag under subsection (b)(2) of such section to any*
20 *entity that Koniag may select without affecting the status*
21 *of the Settlement Trust under this section.*

Passed the House of Representatives February 1,
1995.

Attest:

ROBIN H. CARLE,

Clerk.

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