servation Easement to SEAL Trust'' on a map entitled ''Kake Land Exchange-2000'' dated May 2000;

(2) provide for the relinquishment by Kake Tribal Corporation of the Corporation's development rights on lands described in paragraph (1); and

(3) provide for perpetual protection and management of lands depicted as ''KTC Land to City of Kake'' and ''KTC Land-Conservation Easement to SEAL Trust'' on the map described in paragraph (1) as—

(A) a watershed;

(B) a municipal drinking water source in accordance with the laws of the State of Alaska;

(C) a source of fresh water for the Gunnuk Creek Hatchery; and

(D) habitat for black bear, deer, birds, and other wildlife.

(h) Timber manufacturing; export restriction

Notwithstanding any other provision of law, timber harvested from lands conveyed to Kake Tribal Corporation under this section shall not be available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey such timber to any person for the purpose of exporting that timber from the State of Alaska.

(i) Authorization of appropriations

There are authorized such sums as may be necessary to carry out this chapter, including to compensate Kake Tribal Corporation for relinquishing its development rights pursuant to subsection (g)(2) of this section and to provide assistance to Kake Tribal Corporation to meet the requirements of subsection (h) of this section. No funds authorized under this section may be paid to Kake Tribal Corporation unless Kake Tribal Corporation is a party to the conservation easements described in subsection (g) of this section.

(Pub. L. 92–203, § 42, as added Pub. L. 106–283, § 3, Oct. 6, 2000, 114 Stat. 867.)

REFERENCES IN TEXT

The Alaska Statehood Act, referred to in subsecs. (a)(1) and (b)(1), is Pub. L. 85–508, July 7, 1958, 72 Stat. 339, as amended, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

The mining laws and the mineral leasing laws, referred to in subsec. (d), are classified generally to Title 30, Mineral Lands and Mining.

The public land laws, referred to in subsec. (d), are classified generally to this title.

The geothermal leasing laws, referred to in subsec. (d), are classified principally to chapter 23 (§ 1001 et seq.) of Title 30, Mineral Lands and Mining.

DECLARATION OF PURPOSE

Pub. L. 106–283, § 2, Oct. 6, 2000, 114 Stat. 867, provided that: ''The purpose of this Act [see Short Title of 2000 Amendment note set out under section 1601 of this title] is to authorize the reallocation of lands and selection rights between the State of Alaska, Kake Tribal Corporation, and the City of Kake, Alaska, in order to provide for the protection and management of the municipal watershed.''

CHAPTER 33A—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT AND ALASKA STATEHOOD

Sec.
1631. Ownership of submerged lands.
1632. Statute of limitations on decisions of Secretary and reconveyance of land by Village Corporation.
1633. Administrative provisions.
1634. Alaska Native allotments.
1635. State selections and conveyances.
1636. Alaska land bank.
1637. Use of protraction diagrams.
1638. National Environmental Policy Act.
1639. Construction with Alaska Native Claims Settlement Act.
1640. Relinquishment of selections partly within conservation units.
1641. Conveyances to Village Corporations.
1642. Land conveyances.

§ 1631. Ownership of submerged lands

(a) Meandering in the surveying of submerged land

(1) Except as provided in paragraph (2), whenever the Secretary surveys land selected by a Native, a Native Corporation, or the State pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the Alaska Statehood Act, or this Act, lakes, rivers, and streams shall be meandered in accordance with the principles in the Bureau of Land Management, ''Manual of Surveying Instructions'' (1973).

(2) If title to lands beneath navigable waters of a lake less than fifty acres in size or a river or stream less than three chains in width did not vest in the State pursuant to the Submerged Lands Act [43 U.S.C. 1301 et seq., 1311 et seq.], such lake, river, or stream shall not be meandered.

(3) The Secretary is not required to determine the navigability of a lake, river, or stream which because of its size or width is required to be meandered or to compute the acreage of the land beneath such lake, river, or stream or to describe such land in any conveyance document.

(4) Nothing in this subsection shall be construed to require ground survey or monumentation of meanderlines.

(b) Ownership of riparian lands; ratification of memorandum of agreement

(1) Whenever, either before or after August 16, 1988, the Secretary conveys land to a Native, a Native Corporation, or the State pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the Alaska Statehood Act, or this Act which abuts or surrounds a meanderable lake, river, or stream, all right, title, and interest of the United States, if any, in the land under such lake, river, or stream lying between the uplands and the median line or midpoint, as the case may be, shall vest in and shall not be charged against the acreage entitlement of such Native or Native Corporation or the State. The right, title, and interest vested in a Native or Native Corporation shall be no greater an estate than the estate he or it is conveyed in the land which abuts or surrounds the lake, river, or stream.

(2) The specific terms, conditions, procedures, covenants, reservations, and other restrictions

set forth in the document entitled, ''Memorandum of Agreement between the United States Department of the Interior and the State of Alaska'' dated March 28, 1984, signed by the Secretary and the Governor of Alaska and submitted to the Committee on Interior and Insular Affairs of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, are hereby incorporated in this section and are ratified as to the duties and obligations of the United States and the State, as a matter of Federal law.

(c) Interim conveyances and patents; navigability of streams; award of costs and attorney's fees

(1) The execution of an interim conveyance or patent, as appropriate, by the Bureau of Land Management which conveys an area of land selected by a Native or Native Corporation which includes, surrounds, or abuts a lake, river, or stream, or any portion thereof, shall be the final agency action with respect to a decision of the Secretary of the Interior that such lake, river, or stream, is or is not navigable, unless such decision was validly appealed to an agency or board of the Department of the Interior on or before December 2, 1980.

(2) No agency or board of the Department of the Interior other than the Bureau of Land Management shall have authority to determine the navigability of a lake, river, or stream within an area selected by a Native or Native Corporation pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] or this Act unless a determination by the Bureau of Land Management that such lake, river, or stream, is or is not navigable, was validly appealed to such agency or board on or before December 2, 1980.

(3) If title to land conveyed to a Native Corporation pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] or this Act which underlies a lake, river, or stream is challenged in a court of competent jurisdiction and such court determines that such land is owned by the Native Corporation, the Native Corporation shall be awarded a money judgment against the plaintiffs in an amount equal to its costs and attorney's fees, including costs and attorney's fees incurred on appeal.

(d) Definitions

For the purposes of this section, the terms ''navigable'' and ''navigability'' means navigable for the purpose of determining title to lands beneath navigable waters, as between the United States and the several States pursuant to the Submerged Lands Act [43 U.S.C. 1301 et seq., 1311 et seq.] and section 6(m) of the Alaska Statehood Act.

(Pub. L. 96–487, title IX, §901, Dec. 2, 1980, 94 Stat. 2430; Pub. L. 99–258, Mar. 19, 1986, 100 Stat. 42; Pub. L. 99–644, Nov. 10, 1986, 100 Stat. 3581; Pub. L. 100–395, title I, §101, Aug. 16, 1988, 102 Stat. 979.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsecs. (a)(1), (b)(1), and (c)(2), (3), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

This Act, referred to in subsecs. (a)(1), (b)(1), and (c)(2), (3), is Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

The Alaska Statehood Act, referred to in subsecs. (a)(1), (b)(1), and (d), is Pub. L. 85–508, July 7, 1958, 72 Stat. 339, as amended, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

The Submerged Lands Act, referred to in subsecs. (a)(2) and (d), is act May 22, 1953, ch. 65, 67 Stat. 29, as amended, which is classified generally to subchapters I and II (§§1301 et seq., 1311 et seq.) of chapter 29 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

CODIFICATION

August 16, 1988, referred to in subsec. (b)(1), was in the original ''the date of enactment of this section'', which was translated as meaning the date of enactment of Pub. L. 100–395, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1988—Pub. L. 100–395 amended section generally, revising and restating as subsecs. (a) to (d) provisions of former subsecs. (a) to (h).

1986—Subsec. (a). Pub. L. 99–644 substituted ''eight years after the date of execution'' for ''six years after the date of execution'' in two places and ''nine years after December 2, 1980'' for ''seven years after December 2, 1980'' in two places.

Pub. L. 99–258 substituted ''six years after the date of execution'' for ''five years after the date of execution'' in two places.

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

CONSTRUCTION

Section 102 of Pub. L. 100–395 provided that: ''Nothing in this Act [amending this section and section 3192 of Title 16, Conservation, and enacting provisions set out as notes under this section] shall amend or alter any land exchange agreement to which the United States is a party, or any statute, including but not limited to the Act of January 2, 1976 (89 Stat. 1151) and section 506(c) of the Alaska National Interest Lands Conservation Act (94 Stat. 2409; Public Law 96–487), that authorizes, ratifies or implements such an agreement.''

REPORT TO CONGRESS

Section 103 of Pub. L. 100–395 directed Secretary of the Interior to prepare a report that assesses the effects of the implementation of section 101 of Pub. L. 100–395 (amending this section) on Conservation System Units as defined in 16 U.S.C. 3102(4) and makes recommendations for appropriate action, specified scope of the report, and directed Secretary, within one year after Aug. 16, 1988, to submit a report to Congress.

DEFINITIONS

For definition of the terms ''land'', ''Federal land'', ''public lands'', ''conservation system unit'', ''Alaska Native Claims Settlement Act'', ''Native Corporation'', ''Regional Corporation'', ''Village Corporation'', ''Urban Corporation'', ''Native Group'', ''Native land'', ''Secretary'', ''wilderness'' and ''National Wilderness

Preservation System'', ''Alaska Statehood Act'', ''State'', ''Alaska Native'' or ''Native'', ''fish and wildlife'', and ''take'' or ''taking'' as used in this chapter, including sections 1639 to 1641 of this title, as having the same meaning as they have in the Alaska Native Claims Settlement Act, section 1601 et seq. of this title, and the Alaska Statehood Act, Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions, see section 3102 of Title 16, Conservation.

§ 1632. Statute of limitations on decisions of Secretary and reconveyance of land by Village Corporation

(a) Except for administrative determinations of navigability for purposes of determining ownership of submerged lands under the Submerged Lands Act [43 U.S.C. 1301 et seq., 1311 et seq.], a decision of the Secretary under this chapter or the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] shall not be subject to judicial review unless such action is initiated before a court of competent jurisdiction within two years after the day the Secretary's decision becomes final or December 2, 1980, whichever is later: *Provided*, That the party seeking such review shall first exhaust any administrative appeal rights.

(b) Decisions made by a Village Corporation to reconvey land under section 14(c) of the Alaska Native Claims Settlement Act [43 U.S.C. 1613(c)] shall not be subject to judicial review unless such action is initiated before a court of competent jurisdiction within one year after the date of the filing of the map of boundaries as provided for in regulations promulgated by the Secretary.

(Pub. L. 96–487, title IX, § 902, Dec. 2, 1980, 94 Stat. 2433.)

REFERENCES IN TEXT

The Submerged Lands Act, referred to in subsec. (a), is Act May 22, 1953, ch. 65, 67 Stat. 29, as amended, which is classified generally to subchapters I and II (§§ 1301 et seq., 1311 et seq.) of chapter 29 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

This chapter, referred to in subsec. (a), was in the original ''this title'', meaning title IX of Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2430, which enacted this chapter, amended sections 1614 and 1620 of this title, and amended provisions set out as notes under section 1611 of this title and preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of title IX to the code, see Tables.

The Alaska Native Claims Settlement Act, referred to in subsec. (a), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

§ 1633. Administrative provisions

(a) Limitations concerning easements

With respect to lands conveyed to Native Corporations or Native Groups the Secretary shall reserve only those easements which are described in section 17(b)(1) of the Alaska Native Claims Settlement Act and shall be guided by the following principles:

(1) all easements should be designed so as to minimize their impact on Native life styles, and on subsistence uses; and

(2) each easement should be specifically located and described and should include only such areas as are necessary for the purpose or purposes for which the easement is reserved.

(b) Acquisition of future easements

Whenever, after a conveyance has been made by this Act or under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the Secretary determines that an easement not reserved at the time of conveyance or by operation of subsection (a) of this section is required for any purpose specified in section 17(b)(1) of the Alaska Native Claims Settlement Act, he is authorized to acquire such easement by purchase or otherwise. The acquisition of such an easement shall be deemed a public purpose for which the Secretary may exercise his exchange authority pursuant to section 22(f) of the Alaska Native Claims Settlement Act [43 U.S.C. 1621(f)].

(c) Status of certain lease offers

Offers for noncompetitive oil and gas leases under the Mineral Leasing Act of 1920 [30 U.S.C. 181 et seq.] which were filed but which did not result in the issuance of a lease on or before December 18, 1971, on lands selected by, and conveyed before, on, or after December 2, 1980, to, Native Corporations or to individual Natives under paragraph (5) or (6) of section 14(h) [43 U.S.C. 1613(h)(5) or (6)] as part of the entitlement to receive land under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] shall not constitute valid existing rights under section 14(g) of such Act [43 U.S.C. 1613(g)] or under this Act.

(d) Limitation

This Act is not intended to modify, repeal, or otherwise affect any provision of the Act of January 2, 1976 (89 Stat. 1145), as amended or supplemented by Public Laws 94–456 and 95–178, and shall not be construed as imposing any additional restriction on the use or management of those lands described in section 22(k) of the Alaska Native Claims Settlement Act [43 U.S.C. 1621(k)].

(Pub. L. 96–487, title IX, § 903, Dec. 2, 1980, 94 Stat. 2433.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) to (d), is Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

The Alaska Native Claims Settlement Act, referred to in subsecs. (b) and (c), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of this title. Section 17(b) of the Act was classified to section 1616(b) of this title and was omitted from the Code. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

The Mineral Leasing Act of 1920, referred to in subsec. (c), is act Feb. 25, 1920, ch. 85, 41 Stat. 437, as amended, known as the Mineral Leasing Act, which is classified generally to chapter 3A (§ 181 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 181 of Title 30 and Tables.

Act of January 2, 1976 (89 Stat. 1145), as amended or supplemented by Public Laws 94–456 and 95–178, referred

to in subsec. (d), is Pub. L. 94–204, Jan. 2, 1976, 89 Stat. 1145, which enacted sections 1625 to 1627 of this title, amended sections 1615, 1616, 1620, and 1621 of this title, and enacted provisions set out as notes under sections 1604, 1605, 1611, 1613, 1618, and 1625 of this title, as amended and supplemented by Pub. L. 94–456, Oct. 4, 1976, 90 Stat. 1934, which amended section 1615 of this title and provisions set out as notes under section 1611 of this title, and Pub. L. 95–178, Nov. 15, 1977, 91 Stat. 1369, which amended sections 1613, 1615, and 1628 of this title, enacted a provision set out as a note under section 1611 of this title, and amended a provision set out as a note under section 1611 of this title. For complete classification of these Acts to the Code, see Tables.

§ 1634. Alaska Native allotments

(a) Approval of applications for certain lands; lands containing coal, oil, or gas; nonmineral lands; lands within National Park System; protests; voluntary relinquishment of application

(1)(A) Subject to valid existing rights, all Alaska Native allotment applications made pursuant to the Act of May 17, 1906 (34 Stat. 197, as amended) which were pending before the Department of the Interior on or before December 18, 1971, and which describe either land that was unreserved on December 13, 1968, or land within the National Petroleum Reserve—Alaska (then identified as Naval Petroleum Reserve No. 4) or within Fort Davis (except as provided in subparagraph (B)) are hereby approved on the one hundred and eightieth day following December 2, 1980, except where provided otherwise by paragraph (3), (4), (5), or (6) of this subsection, or where the land description of the allotment must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final. The Secretary shall cause allotments approved pursuant to this section to be surveyed and shall issue trust certificates therefor.

(B) The land referred to in subparagraph (A) with respect to Fort Davis—

(i) shall be restricted to—

(I) the allotment applications named in the decision published at 96 IBLA 42 (1987) and to the acreage involved in those applications; or

(II) the heirs of an applicant who made an application described in subclause (I); and

(ii) shall be subject to valid existing rights and an easement for the Iditarod National Historic Trail established by section 1244(a)(7) of title 16, but pending final determination of the trail's location, the easement shall be located on an interim basis by the Secretary, in consultation with the Iditarod Historic Trail Advisory Council.

(2) All applications approved pursuant to this section shall be subject to the provisions of the Act of March 8, 1922 (43 U.S.C. 270–11) [43 U.S.C. 270–11 to 270–13].[1]

(3) When on or before the one hundred and eightieth day following December 2, 1980, the Secretary determines by notice or decision that the land described in an allotment application may be valuable for minerals, excluding oil, gas, or coal, the allotment application shall be adjudicated pursuant to the provision of the Act of May 17, 1906, as amended, requiring that land allotted under said Act be nonmineral: *Provided*, That ''nonmineral'', as that term is used in such Act, is defined to include land valuable for deposits of sand or gravel.

(4) Where an allotment application describes land within the boundaries of a unit of the National Park System established on or before December 2, 1980, and the described land was not withdrawn pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act [43 U.S.C. 1610(a)(1)], or where an allotment application describes land which has been patented or deeded to the State of Alaska or which on or before December 18, 1971, was validly selected by or tentatively approved or confirmed to the State of Alaska pursuant to the Alaska Statehood Act and was not withdrawn pursuant to section 11(a)(1)(A) of the Alaska Native Claims Settlement Act [43 U.S.C. 1610(a)(1)(A)] from those lands made available for selection by section 11(a)(2) of the Act [43 U.S.C. 1610(a)(2)] by any Native Village certified as eligible pursuant to section 11(b) of such Act [43 U.S.C. 1610(b)], paragraph (1) of this subsection and subsection (d) of this section shall not apply and the application shall be adjudicated pursuant to the requirements of the Act of May 17, 1906, as amended, the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], and other applicable law.

(5) Paragraph (1) of this subsection and subsection (d) of this section shall not apply and the Native allotment application shall be adjudicated pursuant to the requirements of the Act of May 17, 1906, as amended, if on or before the one hundred and eightieth day following December 2, 1980—

(A) A Native Corporation files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application, and said land is withdrawn for selection by the Corporation pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]; or

(B) The State of Alaska files a protest with the Secretary stating that the land described in the allotment application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist; or

(C) A person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the allotment application and that said land is the situs of improvements claimed by the person or entity.

(6) Paragraph (1) of this subsection and subsection (d) of this section shall not apply to any application pending before the Department of the Interior on or before December 18, 1971, which was knowingly and voluntarily relinquished by the applicant thereafter.

(7) Paragraph (1) of this subsection and subsection (d) of this section shall apply, and para-

[1] See References in Text note below.

graph (5) of this subsection shall cease to apply, to an application—

(A) that is open and pending on October 31, 1998;

(B) if the lands described in the application are in Federal ownership other than as a result of reacquisition by the United States after January 3, 1959; and

(C) if any protest which is filed by the State of Alaska pursuant to paragraph (5)(B) with respect to the application is withdrawn or dismissed either before, on, or after October 31, 1998.

(8)(A) Any allotment application which is open and pending and which is legislatively approved by enactment of paragraph (7) shall, when allotted, be made subject to any easement, trail, or right-of-way in existence on the date of the Native allotment applicant's commencement of use and occupancy.

(B) The jurisdiction of the Secretary is extended to make any factual determinations required to carry out this paragraph.

(b) Conflicting land descriptions in applications; adjustments; reductions

Where a conflict between two or more allotment applications exists due to overlapping land descriptions, the Secretary shall adjust the descriptions to eliminate conflicts, and in so doing, consistent with other existing rights, if any, may expand or alter the applied-for allotment boundaries or increase or decrease acreage in one or more of the allotment applications to achieve an adjustment which, to the extent practicable, is consistent with prior use of the allotted land and is beneficial to the affected parties: *Provided*, That the Secretary shall, to the extent feasible, implement an adjustment proposed by the affected parties: *Provided further*, That the Secretary's decision concerning adjustment of conflicting land descriptions shall be final and unreviewable in all cases in which the reduction, if any, of the affected allottee's claim is less than 30 percent of the acreage contained in the parcel originally described and the adjustment does not exclude from the allotment improvements claimed by the allottee: *Provided further*, That where an allotment application describes more than one hundred and sixty acres, the Secretary shall at any time prior to or during survey reduce the acreage to one hundred and sixty acres and shall attempt to accomplish said reduction in the manner least detrimental to the applicant.

(c) Amendment of land description in application; notification; protest; adoption of final plan of survey

An allotment applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the allotment application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only: *Provided*, That the Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior, of the intended correction of the allotment's location, and any such party shall have until the one hundred and eightieth day following December 2, 1980, or sixty days following mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a)(5) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of December 2, 1980, notwithstanding the actual date of filing: *Provided further*, That the Secretary may require that all allotment applications designating land in a specified area be amended, if at all, prior to a date certain, which date shall be calculated to allow for orderly adoption of a plan of survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected allotment applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date: *Provided further*, That no allotment application may be amended for location following adoption of a final plan of survey which includes the location of the allotment as described in the application or its location as desired by amendment.

(d) Powersites and power projects

Where the land described in an allotment application pending before the Department of the Interior on or before December 18, 1971 (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classified for powersite or power-project purposes, notwithstanding such withdrawal, reservation, or classification the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Act of May 17, 1906, as amended, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section: *Provided, however*, That if the described land is included as part of a project licensed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended [16 U.S.C. 791a et seq.], or is presently utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, the foregoing provision shall not apply and the allotment application shall be adjudicated pursuant to the Act of May 17, 1906, as amended: *Provided further*, That where the allotment applicant commenced use of the land after its withdrawal or classification for powersite purposes, the allotment shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended [16 U.S.C. 818]: *Provided further*, That any right of reentry reserved in a certificate of allotment pursuant to this section shall expire twenty years after December 2, 1980, if at that time the allotted land is not subject to a license or an application for a license under part I of the Federal Power Act, as amended [16 U.S.C. 791a et seq.], or actually utilized or being developed for a purpose authorized by that Act, as amended [16 U.S.C. 791a et seq.], or other Act of Congress.

(e) Validity of existing rights; rights acquired by actual use and national forest lands unaffected

Prior to issuing a certificate for an allotment subject to this section, the Secretary shall identify and adjudicate any record entry or application for title made under an Act other than the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the allotment application, and shall determine whether such entry or application represents a valid existing right to which the allotment application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification, or as affecting national forest lands.

(f) Reinstatement

(1)(A) Notwithstanding paragraphs (1) and (6) of subsection (a) of this section, and subject to subparagraph (B), each Alaska Native allotment application made pursuant to the Act entitled ''An Act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska'', approved May 17, 1906 (34 Stat. 197), that—

(i) was pending before the Department of the Interior on or before December 18, 1971; and

(ii) describes lands within the National Petroleum Reserve-Alaska that have been selected, interim conveyed, or patented to a Village Corporation or Regional Corporation,

is reinstated only for the purpose of this section, subject to this section.

(B) The reinstatement under subparagraph (A) shall be carried out regardless of whether the application was—

(i) relinquished by the applicant; or

(ii) denied by the Department of the Interior, if the denial was based solely on the grounds that land within the National Petroleum Reserve-Alaska was unavailable.

(2)(A) To the extent that the application describes lands (or any interest in the lands) that have been selected, interim conveyed, or patented to a Village Corporation or Regional Corporation, the Secretary is authorized to accept from the Village Corporation or Regional Corporation the reconveyance or relinquishment of the lands (or any interest in the lands).

(B)(i) To the extent that the application describes lands (or any interest in the lands) that a Village Corporation is not willing to reconvey or relinquish pursuant to subparagraph (A), the applicant may relinquish any claim to any portion of the lands (or any interest in the lands) or may, with the consent of the affected Village Corporation, amend the application to exclude the lands and include in lieu thereof a description of lands selected by, interim conveyed to, or patented to the Village Corporation of an acreage that is not to exceed the amount of land relinquished.

(ii) The Secretary is authorized to accept the reconveyance or relinquishment of the lands (or any interest in the lands) described in the amended application from the Village Corporation or Regional Corporation in lieu of the lands (or any interest in the lands) described in the initial application.

(C) If a Village Corporation or Regional Corporation reconveys lands (or any interest in the lands) to the United States under subparagraph (A) or (B), the Secretary shall reduce the acreage charged against the entitlement of the Village Corporation or Regional Corporation.

(D) The authority of the Secretary to accept the reconveyance or relinquishment of lands (or any interest in the lands) under this paragraph shall terminate on the date that is 6 years after October 14, 1992.

(3)(A) Subject to any valid existing rights, to the extent that the application describes lands that are authorized to be reconveyed or relinquished to the United States under paragraph (2), the Village Corporation shall file with the Secretary, not later than 3 years after October 14, 1992, the name of the applicant and the land description of each allotment proposed to be reconveyed or relinquished.

(B) Upon receipt of the land description, the Secretary shall immediately notify the State of Alaska and all interested parties of the land description proposed to be reconveyed or relinquished, and any such party shall have 60 days following notification in which to file with the Department of the Interior a protest as provided in subsection (a)(5) of this section.

(C) The Secretary shall then either—

(i) if no protest is filed, approve the application; or

(ii) if a protest is filed, adjudicate the legal sufficiency of any protest timely filed; and—

(I) if the protest is legally insufficient, approve the application; or

(II) if the protest is valid, issue a decision that closes the application and that is final for the Department.

(D) The Secretary shall, with respect to each allotment approved pursuant to this subsection—

(i) survey the allotment; and

(ii) following reconveyance or relinquishment, issue a Native allotment certificate to the applicant or heirs of the applicant.

(4)(A) To the extent a Village Corporation or a Regional Corporation reconveys lands (or any interest in the lands) to the United States pursuant to paragraph (2) and the conveyance results in a reduction in the acreage charged against the entitlement of the Village Corporation or Regional Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), the Village Corporation or Regional Corporation shall be entitled to make selections in lieu of the reconveyed lands (or any interest in the lands).

(B)(i) The quantity of acreage of the surface estate reconveyed pursuant to paragraph (2) shall be added to the quantity of acreage of underselection, if any, for the Village Corporation. The Secretary shall provide for the selection of lands for replacement in accordance with the procedures for withdrawals and selections under section 22(j)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(j)(2)).

(ii)(I) A Village Corporation described in clause (i) shall be entitled to select lands for re-

placement from the lands that have been withdrawn for selection by the Village Corporation pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1610(a)(1)).

(II) In any case in which the lands described in subclause (I) are no longer in Federal ownership and the Village Corporation is entitled to make a selection pursuant to this subparagraph, the Secretary shall withdraw, and the Village Corporation shall select, Federal lands that are compact and contiguous with lands previously conveyed to the Village Corporation.

(C) Lands (or any interests in the lands) in the replacement of lands (or interests in the lands) reconveyed by the Regional Corporation to the United States under this subsection shall be selected by the Regional Corporation from lands that are—

(i) compact and contiguous with other lands previously conveyed to the Regional Corporation within the National Petroleum Reserve-Alaska; and

(ii) beneath the surface estate of lands selected and conveyed to a Village Corporation.

(D) The Secretary shall convey the lands selected pursuant to this paragraph in accordance with this subsection.

(5)(A) Each Native allotment certificate issued to an applicant or the heirs of the applicant pursuant to paragraph (3) shall be subject to any existing easement or other right that had been reserved, conveyed, transferred, or recognized by the United States prior to the issuance of the certificate.

(B) Each conveyance by the Secretary to any applicant or to the heirs of the applicant under this subsection shall reserve to the United States—

(i) except as provided in subparagraph (C), all interests in oil, gas, and coal in the conveyed lands, and the right of the United States, or a lessee or assignee of the United States, to enter on lands conveyed to the applicant or to the heirs of the applicant, to drill, explore, mine, produce, and remove the oil, gas, or coal; and

(ii) all other rights reasonably incident to the mineral reservations described in clause (i).

(C)(i) If the oil, gas, or coal described in subparagraph (B)(i) was previously conveyed to the Regional Corporation and the Regional Corporation reserves those interests in a reconveyance to the United States, the Secretary shall reserve from the reconveyance to the applicant or to the heirs of the applicant for the benefit of the Regional Corporation the same rights and privileges that would have been reserved for the United States.

(ii) With respect to a reconveyance of lands (or any interest in the lands) by the Regional Corporation to the United States that does not convey the entire mineral estate, the Regional Corporation shall not be entitled—

(I) to a reduction of the acreage charged against the entitlement under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); or

(II) to select mineral interests to replace the acreage.

(6) The United States shall not be subject to liability for the presence of any hazardous substance in land or an interest in land solely as a result of any reconveyance to and transfer by the United States of the land or interest pursuant to this subsection.

(Pub. L. 96–487, title IX, § 905, Dec. 2, 1980, 94 Stat. 2435; Pub. L. 102–415, §§ 2, 12, Oct. 14, 1992, 106 Stat. 2112, 2115; Pub. L. 105–333, § 9, Oct. 31, 1998, 112 Stat. 3134.)

REFERENCES IN TEXT

Act of March 8, 1922 (43 U.S.C. 270–11), referred to in subsec. (a)(2), is act Mar. 8, 1922, ch. 96, 42 Stat. 415, as amended, which enacted sections 270–11 to 270–13 of this title. Sections 270–11 and 270–13 of this title were repealed by Pub. L. 94–579, title VII, § 703(a), Oct. 21, 1976, 90 Stat. 2789. For complete classification of this Act to the Code, see Tables.

Act of May 17, 1906, as amended, referred to in subsecs. (a)(3), (4), (5), (d), (e), and (f)(1)(A), is act May 17, 1906, ch. 2469, 34 Stat. 197, as amended, which was classified to sections 270–1 to 270–3 of this title prior to its repeal by Pub. L. 92–203, § 18(a), Dec. 18, 1971, 85 Stat. 710.

The Alaska Statehood Act, referred to in subsecs. (a)(4) and (e), is Pub. L. 85–508, July 7, 1958, 72 Stat. 339, as amended, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

The Alaska Native Claims Settlement Act, referred to in subsecs. (a)(4), (5)(A), (e), and (f)(4)(A), (5)(C)(ii)(I), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

That Act, as amended, referred to in subsec. (d), is the Federal Power Act, act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§ 791a et seq.) of Title 16, Conservation. Part I of the Federal Power Act of June 10, 1920, as amended, is classified generally to subchapter I (§ 791a et seq.) of chapter 12 of Title 16. For complete classification of this Act to the Code, see section 791a of Title 16 and Tables.

CODIFICATION

In subsecs. (a)(1), (3)–(5), (c), and (d), ''December 2, 1980'' substituted for ''the effective date of this Act'', which probably meant the date of enactment of Pub. L. 96–487.

AMENDMENTS

1998—Subsec. (a)(7), (8). Pub. L. 105–333 added pars. (7) and (8).

1992—Subsec. (a)(1). Pub. L. 102–415, § 2, designated existing provisions as subpar. (A), inserted ''or within Fort Davis (except as provided in subparagraph (B))'' after ''Naval Petroleum Reserve No. 4)'', and added subpar. (B).

Subsec. (f). Pub. L. 102–415, § 12, added subsec. (f).

§ 1635. State selections and conveyances

(a) Omitted

(b) School lands settlement

(1) In full and final settlement of any and all claims by the State of Alaska arising under the Act of March 4, 1915 (38 Stat. 1214), as confirmed and transferred in section 6(k) of the Alaska Statehood Act, the State is hereby granted seventy-five thousand acres which it shall be entitled to select until January 4, 1994, from vacant, unappropriated, and unreserved public lands. In

exercising the selection rights granted herein, the State shall be deemed to have relinquished all claims to any right, title, or interest to any school lands which failed to vest under the above statutes at the time Alaska became a State (January 3, 1959), including lands unsurveyed on that date or surveyed lands which were within Federal reservations or withdrawals on that date.

(2) Except as provided herein, such selections shall be made in conformance with the provisions for selections under section 6(b) of the Alaska Statehood Act. Selections made under this subsection shall be in units of whole sections as shown on the official survey plats of the Bureau of Land Management, including protraction diagrams, unless part of the section is unavailable or the land is otherwise surveyed, or unless the Secretary waives the whole section requirement.

(3) Lands selected and conveyed to the State under this subsection shall be subject to the provisions of subsections (j) and (k) of section 6 of the Alaska Statehood Act.

(c) Prior tentative approvals

(1) All tentative approvals of State of Alaska land selections pursuant to the Alaska Statehood Act are hereby confirmed, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], and the United States hereby confirms that all right, title, and interest of the United States in and to such lands is deemed to have vested in the State of Alaska as of the date of tentative approval; except that this subsection shall not apply to tentative approvals which, prior to December 2, 1980, have been relinquished by the State, or have been finally revoked by the United States under authority other than authority under section 11(a)(2), 12(a), or 12(b) of the Alaska Native Claims Settlement Act [43 U.S.C. 1610(a)(2), 1611(a), or 1611(b)].

(2) Upon approval of a land survey by the Secretary, such lands shall be patented to the State of Alaska.

(3) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(4) Future tentative approvals of State land selections, when issued, shall have the same force and effect as those existing tentative approvals which are confirmed by this subsection and shall be processed for patent by the same administrative procedures as specified in paragraphs (2) and (3) of this subsection.

(d) Prior State selections

(1) In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], all right, title and interest of the United States in and to all vacant, unappropriated, and unreserved lands, including lands subject to subsection (*l*) of this section, which are specified in the list entitled ''Prior State of Alaska Selections to be Conveyed by Congress'', dated July 24, 1978, submitted by the State of Alaska and on file in the Office of the Secretary except those Federal lands which are specified in a list dated October 19, 1979, submitted by the State of Alaska and on file with the Office of the Secretary. If any of those townships listed above contain lands within the boundaries of any conservation system unit, national conservation area, national recreation area, new national forest or forest addition, established, designated, or expanded by this Act, then only those lands within such townships which have been previously selected by the State of Alaska shall be conveyed pursuant to this subsection.

(2) In furtherance of the State's entitlement to lands under section 6(a) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska, subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], all right, title and interest of the United States in and to all valid land selections made from the national forests under authority of said section 6(a) which have been approved by the Secretary of Agriculture prior to July 1, 1979.

(3) As soon as practicable after December 2, 1980, the Secretary shall issue tentative approvals to such State selections as required by the Alaska Statehood Act and pursuant to subsection (i) of this section. The sequence of issuance of such tentative approvals shall be on the basis of priorities determined by the State.

(4) Upon approval of a land survey by the Secretary, such lands shall be patented to the State of Alaska.

(5) If the State elects to receive patent to any of the lands which are the subject of this subsection on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(6) Future valid State land selections shall be subject only to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.].

(e) Future "top filings"

Subject to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the State, at its option, may file future selection applications and amendments thereto, pursuant to section 6(a) or (b) of the Alaska Statehood Act or subsection (b) of this section, for lands which are not, on the date of filing of such applications, available within the meaning of section 6(a) or (b) of the Alaska Statehood Act, other than lands within any conservation system unit or the National Petroleum Reserve—Alaska. Each such selection application, if otherwise

valid, shall become an effective selection without further action by the State upon the date the lands included in such application become available within the meaning of subsection (a) or (b) of section 6 regardless of whether such date occurs before or after expiration of the State's land selection rights. Selection applications heretofore filed by the State may be refiled so as to become subject to the provisions of this subsection; except that no such refiling shall prejudice any claim of validity which may be asserted regarding the original filing of such application. Nothing contained in this subsection shall be construed to prevent the United States from transferring a Federal reservation or appropriation from one Federal agency to another Federal agency for the use and benefit of the Federal Government.

(f) Right to overselect

(1) The State of Alaska may select lands exceeding by not more than 25 per centum in total area the amount of State entitlement which has not been patented or tentatively approved under each grant or confirmation of lands to the State contained in the Alaska Statehood Act or other law. If its selections under a particular grant exceed such remaining entitlement, the State shall thereupon list all selections for that grant which have not been tentatively approved in desired priority order of conveyance, in blocks no larger than one township in size; except that the State may alter such priorities prior to receipt of tentative approval. Upon receipt by the State of subsequent tentative approvals, such excess selections shall be reduced by the Secretary pro rata by rejecting the lowest prioritized selection blocks necessary to maintain a maximum excess selection of 25 per centum of the entitlement which has not yet been tentatively approved or patented to the State under each grant.

(2) The State of Alaska may, by written notification to the Secretary, relinquish any selections of land filed under the Alaska Statehood Act or subsection (b) of this section prior to receipt by the State of tentative approval, except that lands conveyed pursuant to subsection (g) of this section may not be relinquished pursuant to this paragraph.

(3) Omitted

(g) Conveyance of specified lands

In furtherance of the State's entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska all right, title, and interest of the United States in and to all vacant, unappropriated, and unreserved lands, including lands subject to subsection (e) of this section but which lie within those townships outside the boundaries of conservation system units, National Conservation Areas, National Recreation Areas, new national forests and forest additions, established, designated, or expanded by this Act, which are specified in the list entitled ''State Selection Lands May 15, 1978'', dated July 24, 1978, submitted by the State of Alaska and on file in the office of the Secretary of the Interior. The denomination of lands in such list which are not, on December 2, 1980, available lands within the meaning of section 6(b) of the Alaska Statehood Act and this Act shall be treated as a future selection application pursuant to subsection (e) of this section, to the extent such an application could have been filed under such subsection (e) of this section.

(h) Limitation of conveyances of specified lands tentative approvals; surveys

(1) Lands identified in subsection (g) of this section are conveyed to the State subject to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]. All right, title, and interest of the United States in and to such lands shall vest in the State of Alaska as of December 2, 1980, subject to those reservations specified in subsection (*l*) of this section.

(2)(A) As soon as practicable after December 2, 1980, the Secretary shall issue to the State tentative approvals to such lands as required by the Alaska Statehood Act and pursuant to subsection (i) of this section.

(B)(i) The sequence of issuance of such tentative approvals shall be on the basis of priorities determined by the State.

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

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

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

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

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

(3) Upon approval of a land survey by the Secretary, those lands identified in subsection (g) of this section shall be patented to the State of Alaska.

(4) If the State elects to receive patent to any of the lands which are identified in subsection (g) of this section on the basis of protraction surveys in lieu of field surveys, the Secretary shall issue patent to the State on that basis within six months after notice of such election for townships having no adverse claims on the public land records. For townships having such adverse claims of record, patent on the basis of protraction surveys shall be issued as soon as practicable after such election.

(i) Adjudication

Nothing contained in this section shall relieve the Secretary of the duty to adjudicate conflicting claims regarding the lands specified in subsection (g) of this section, or otherwise selected under authority of the Alaska Statehood Act, subsection (b) of this section, or other law, prior to the issuance of tentative approval.

(j) Clarification of land status outside units

As to lands outside the boundaries of a conservation system unit, National Recreation Areas, National Conservation Areas, new national forests and forest additions, the following withdrawals, classifications, or designations shall not, of themselves, remove the lands involved from the status of vacant, unappropriated, and unreserved lands for the purposes of

subsection (d) or (g) of this section and future State selections pursuant to the Alaska Statehood Act or subsection (b) of this section:

(1) withdrawals for classification pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act [43 U.S.C. 1616(d)(1)]; except that, in accordance with the Memorandum of Understanding between the United States and the State of Alaska dated September 2, 1972, to the extent that Public Land Orders Numbered 5150, 5151, 5181, 5182, 5184, 5187, 5190, 5194, and 5388 by their terms continue to prohibit State selections of certain lands, such lands shall remain unavailable for future State selection except as provided by subsection (e) of this Act;[1]

(2) withdrawals pursuant to section 11 of the Alaska Native Claims Settlement Act [43 U.S.C. 1610], which are not finally conveyed pursuant to section 12, 14, or 19 of such Act [43 U.S.C. 1611, 1613, or 1618];

(3) classifications pursuant to the Classification and Multiple Use Act (78 Stat. 987);

(4) classifications or designations pursuant to the National Forest Management Act (90 Stat. 2949) as amended; and

(5) classifications, withdrawals exceeding 5,000 acres (except withdrawals exceeding 5,000 acres which the Congress, by concurrent resolution, approves within 180 days of the withdrawal or December 2, 1980, whichever occurs later), or designations pursuant to the Federal Land Policy and Management Act (90 Stat. 2743) [43 U.S.C. 1701 et seq.].

(k) Interim provisions

Notwithstanding any other provision of law, on lands selected by, or granted or conveyed to, the State of Alaska under section 6 of the Alaska Statehood Act or this Act, but not yet tentatively approved to the State:

(1) The Secretary is authorized to make contracts and grant leases, licenses, permits, rights-of-way, or easements, and any tentative approval or patent shall be subject to such contract, lease, license, permit, right-of-way, or easement; except that (A) the authority granted the Secretary by this subsection is that authority the Secretary otherwise would have had under existing laws and regulations had the lands not been selected by the State, and (B) the State has concurred prior to such action by the Secretary.

(2) On and after December 2, 1980, 90 per centum of any and all proceeds derived from contracts, leases, licenses, permits, rights-of-way, or easements or from trespasses originating after the date of selection by the State shall be held by the Secretary until such lands have been tentatively approved to the State. As such lands are tentatively approved, the Secretary shall pay to the State from such account the proceeds allocable to such lands which are derived from contracts, leases, licenses, permits, rights-of-way, easements, or trespasses. The proceeds derived from contracts, leases, licenses, permits, rights-of-way, easements or trespasses and deposited to the account pertaining to lands selected by the State but not tentatively approved due to rejection or relinquishment shall be paid as would have been required by law were it not for the provisions of this Act. In the event that the tentative approval does not cover all of the land embraced within any contract, lease, license, permit, right-of-way, easement, or trespass, the State shall only be entitled to the proportionate amount of the proceeds derived from such contract, lease, license, permit, right-of-way, or easement, which results from multiplying the total of such proceeds by a fraction in which the numerator is the acreage of such contract, lease, license, permit, right-of-way, or easement which is included in the tentative approval and the denominator is the total acreage contained in such contract, lease, license, permit, right-of-way, or easement; in the case of trespass, the State shall be entitled to the proportionate share of the proceeds in relation to the damages occurring on the respective lands.

(3) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act [43 U.S.C. 1608] or the fourth sentence of section 6(h) of the Alaska Statehood Act.

***(l)* Existing rights**

(1) All conveyances to the State under section 6 of the Alaska Statehood Act, this Act, or any other law, shall be subject to valid existing rights, to Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], and to any right-of-way or easement reserved for or appropriated by the United States prior to selection of the underlying lands by the State of Alaska.

(2) Where, prior to a conveyance to the State, a right-of-way or easement has been reserved for or appropriated by the United States or a contract, lease, permit, right-of-way, or easement has been issued for the lands, the conveyance shall contain provisions making it subject to the right-of-way or easement reserved or appropriated and to the contract, lease, license, permit, right-of-way, or easement issued or granted, and also subject to the right of the United States, contractee, lessee, licensee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits previously granted, issued, reserved, or appropriated. Upon issuance of tentative approval, the State shall succeed and become entitled to any and all interests of the United States as contractor, lessor, licensor, permittor,[2] or grantor, in any such contracts, leases, licenses, permits, rights-of-way, or easements, except those reserved to the United States in the tentative approval.

(3) The administration of rights-of-way or easements reserved to the United States in the tentative approval shall be in the United States, including the right to grant an interest in such right-of-way or easement in whole or in part.

(4) Where the lands tentatively approved do not include all of the land involved with any contract, lease, license, permit, right-of-way, or easement issued or granted, the administration

[1] So in original. Probably should be "subsection (e) of this section;".

[2] So in original. Probably should be "permitter,".

of such contract, lease, license, permit, right-of-way, or easement shall remain in the United States unless the agency responsible for administration waives such administration.

(5) Nothing in this subsection shall relieve the State or the United States of any obligations under section 9 of the Alaska Native Claims Settlement Act [43 U.S.C. 1608] or the fourth sentence of section 6(h) of the Alaska Statehood Act.

(m) Extinguishment of certain time extensions

Any extensions of time periods granted to the State pursuant to section 17(d)(2)(E) of the Alaska Native Claims Settlement Act [43 U.S.C. 1616(d)(2)(E)] are hereby extinguished, and the time periods specified in subsections (a) and (b) of this section shall hereafter be applicable to State selections.

(n) Effect on third-party rights

(1) Nothing in this section shall alter the rights or obligations of any party with regard to section 12 of the Act of January 2, 1976 (Public Law 94–204), sections 4 and 5 of the Act of October 4, 1976 (Public Law 94–456), or section 3 of the Act of November 15, 1977 (Public Law 94–178).

(2) Any conveyance of land to or confirmation of prior selections of the State made by this Act or selections allowed under this Act shall be subject to the rights of Cook Inlet Region, Incorporated, to nominate lands outside of its region with such nominations to be superior to any selection made by the State after July 18, 1975, including any lands conveyed to the State pursuant to subsection (g) of this section, and to the duty of the Secretary, with consent of the State, to make certain lands within the Cook Inlet Region available to the Corporation, both in accordance with the provisions of section 12(b) of the Act of January 2, 1976 (Public Law 94–204), as amended.

(3) Nothing in this chapter shall prejudice a claim of validity or invalidity regarding any third-party interest created by the State of Alaska prior to December 18, 1971, under authority of section 6(g) of the Alaska Statehood Act or otherwise.

(4) Nothing in this Act shall affect any right of the United States or Alaska Natives to seek and receive damages against any party for trespass against, or other interference with, aboriginal interests if any, occurring prior to December 18, 1971.

(*o*) Status of lands within units

(1) Notwithstanding any other provision of law, subject to valid existing rights any land withdrawn pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act [43 U.S.C. 1616(d)(1)] and within the boundaries of any conservation system unit, National Recreation Area, National Conservation Area, new national forest or forest addition, shall be added to such unit and administered accordingly unless, before, on, or after December 2, 1980, such land has been validly selected by and conveyed to a Native Corporation, or unless before December 2, 1980, such land has been validly selected by, and after December 2, 1980, is conveyed to the State. At such time as the entitlement of any Native Corporation to land under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] is satisfied, any land within a conservation system unit selected by such Native Corporation shall, to the extent that such land is in excess of its entitlement, become part of such unit and administered accordingly: *Provided*, That nothing in this subsection shall necessarily preclude the future conveyance to the State of those Federal lands which are specified in a list dated October 19, 1979, submitted by the State of Alaska and on file with the Office of the Secretary: *Provided further*, That nothing in this subsection shall affect any conveyance to the State pursuant to subsections (b), (c), (d), or (g) of this section.

(2) Until conveyed, all Federal lands within the boundaries of a conservation system unit, National Recreation Area, National Conservation Area, new national forest or forest addition, shall be administered in accordance with the laws applicable to such unit.

(p) PYK line

The second proviso of section 6(b) of the Alaska Statehood Act regarding Presidential approval of land selection north and west of the line described in section 10 of such Act shall not apply to any conveyance of land to the State pursuant to subsections (c), (d), and (g) of this section but shall apply to future State selections.

(Pub. L. 96–487, title IX, §906, Dec. 2, 1980, 94 Stat. 2437; Pub. L. 108–452, title I, §102, Dec. 10, 2004, 118 Stat. 3577.)

REFERENCES IN TEXT

Act of March 4, 1915, as confirmed and transferred in section 6(k) of the Alaska Statehood Act, referred to in subsec. (b)(1), is act Mar. 4, 1915, ch. 181, §1, 38 Stat. 1214, which was classified to section 353 of Title 48, Territories and Insular Possessions, and was repealed by section 6(k) of the Alaska Statehood Act, Pub. L. 85–508, §6(k), July 7, 1958, 72 Stat. 343. See section 6(k) of the Alaska Statehood Act set out as a note preceding section 21 of Title 48.

The Alaska Statehood Act, referred to in text, is Pub. L. 85–508, July 7, 1958, 72 Stat. 339, as amended, which is set out as a note preceding section 21 of Title 48. For complete classification of this Act to the Code, see Tables.

The Alaska Native Claims Settlement Act, referred to in subsecs. (c)(1), (d)(1), (2), (6), (e), (h)(1), (*l*)(1), and (*o*)(1), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

This Act, referred to in subsecs. (d)(1), (g), (k), (*l*)(1), and (n)(2), (4), is Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

The Classification and Multiple Use Act, referred to in subsec. (j)(3), probably means Pub. L. 88–607, Sept. 19, 1964, 78 Stat. 986, which enacted sections 1411 to 1418 of this title, and was omitted from the Code.

The National Forest Management Act, as amended, referred to in subsec. (j)(4), probably means the National Forest Management Act of 1976, Pub. L. 94–588, Oct. 22, 1976, 90 Stat. 2949, as amended. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 1600 of Title 16, Conservation, and Tables.

The Federal Land Policy and Management Act, referred to in subsec. (j)(5), probably means the Federal

Land Policy and Management Act of 1976, Pub. L. 94–579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

Section 12 of the Act January 2, 1976 (Public Law 94–204), referred to in subsec. (n)(1) and (2), is section 12 of Pub. L. 94–204, Jan. 2, 1976, 89 Stat. 1150, as amended, which is set out as a note under section 1611 of this title.

Sections 4 and 5 of the Act of October 4, 1976 (Public Law 94–456), referred to in subsec. (n)(1), are sections 4 and 5 of Pub. L. 94–456, Oct. 4, 1976, 90 Stat. 1935, which are set out as a note under section 1611 of this title.

Section 3 of the Act of November 15, 1977 (Public Law 94–178), referred to in subsec. (n)(1), probably means section 3 of Pub. L. 95–178, Nov. 15, 1977, 91 Stat. 1369, which enacted a provision set out as a note under section 1611 of this title and amended a provision set out as a note under section 1611 of this title.

This chapter, referred to in subsec. (n)(3), was in the original ''this title'', meaning title IX of Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2430, which enacted this chapter, amended sections 1614 and 1620 of this title, and amended provisions set out as notes under section 1611 of this title and preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of title IX to the Code, see Tables.

Section 10 of the Alaska Statehood Act, referred to in subsec. (p), is section 10 of Pub. L. 85–508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48.

CODIFICATION

Section is comprised of section 906 of Pub. L. 96–487. Subsecs. (a) and (f)(3) of section 906 of Pub. L. 96–487 amended section 6(a) and (b), and section 6(g), respectively, of the Alaska Statehood Act, Pub. L. 85–508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

In subsec. (j)(5), ''December 2, 1980'' substituted for ''the effective date of this Act'', which probably meant the date of enactment of Pub. L. 96–487.

AMENDMENTS

2004—Subsec. (h)(2). Pub. L. 108–452 designated first sentence as subpar. (A) and second sentence as cl. (i) of subpar. (B) and added cl. (ii) of subpar. (B).

SELECTION OF CERTAIN REVERSIONARY INTERESTS HELD BY THE UNITED STATES

Pub. L. 108–452, title I, §103, Dec. 10, 2004, 118 Stat. 3577, provided that:

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

''(1) are deemed to be selected; and

''(2) may, with the concurrence of the Secretary [of the Interior] or the head of the Federal agency with administrative jurisdiction over the land, be conveyed under section 6 of Public Law 85–508 (commonly known as the 'Alaska Statehood Act') (72 Stat. 340) [set out as a note preceding section 21 of Title 48, Territories and Insular Possessions].

''(b) EFFECT ON ENTITLEMENT.—If, before the date of enactment of this Act [Dec. 10, 2004], the entitlement of the State has not been charged with respect to a parcel for which a reversionary interest is conveyed under subsection (a), the total acreage of the parcel shall be charged against the remaining entitlement of the State.

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

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

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

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

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

SETTLEMENT OF REMAINING ENTITLEMENT

Pub. L. 108–452, title I, §106, Dec. 10, 2004, 118 Stat. 3579, provided that:

''(a) IN GENERAL.—The Secretary [of the Interior] may enter into a binding written agreement with the State [of Alaska] with respect to—

''(1) the exact number and location of acres of land remaining to be conveyed under each entitlement established or confirmed by Public Law 85–508 (commonly known as the 'Alaska Statehood Act') (72 Stat. 340) [set out as a note preceding section 21 of Title 48, Territories and Insular Possessions], from—

''(A) the land selected by the State as of January 3, 1994; and

''(B) selections under the Act of January 21, 1929 (45 Stat. 1091, chapter 92) [43 U.S.C. 852 note];

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

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

''(4) the survey of the exterior boundaries of the land to be conveyed.

''(b) CONSULTATION.—Before entering into an agreement under subsection (a), the Secretary shall ensure that any concerns or issues identified by any Federal agency potentially affected are given consideration.

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

''(d) AVAILABILITY OF AGREEMENTS.—Agreements entered into under subsection (a) shall be available for public inspection in the appropriate offices of the Department of the Interior.

''(e) EFFECT.—Nothing in this section increases the entitlement provided to the State under Public Law 85–508 (commonly known as the 'Alaska Statehood Act') (72 Stat. 340), or the Act of January 21, 1929 (45 Stat. 1091, chapter 92).''

EFFECT OF FEDERAL MINING CLAIMS

Pub. L. 108–452, title I, §107, Dec. 10, 2004, 118 Stat. 3580, provided that:

''(a) CONDITIONAL RELINQUISHMENTS.—

''(1) IN GENERAL.—To facilitate the conversion of Federal mining claims to State [of Alaska] mining claims on land selected or topfiled by the State, a Federal mining claimant may file with the Secretary [of the Interior] a voluntary relinquishment of the Federal mining claim conditioned on conveyance of the land to the State.

''(2) CONVEYANCE OF RELINQUISHED CLAIM.—The Secretary may convey the land described in the relinquished Federal mining claim to the State if, with respect to the land—

''(A) the State has filed as of January 3, 1994—

''(i) a selection application under Public Law 85–508 (commonly known as the 'Alaska Statehood Act') (72 Stat. 339) [set out as a note preced-

ing section 21 of Title 48, Territories and Insular Possessions]; or

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

''(B) the land addressed by the selection application or future selection application is conveyed to the State.

''(3) OBLIGATIONS UNDER FEDERAL LAW.—Until the date on which the land is conveyed under paragraph (2), a Federal mining claimant shall be subject to any obligations relating to the land under Federal law.

''(4) NO RELINQUISHMENT.—If the land previously encumbered by the relinquished Federal mining claim is not conveyed to the State under paragraph (2), the relinquishment of land under paragraph (1) shall be of no effect.

''(b) RIGHTS-OF-WAY; OTHER INTEREST.—On conveyance to the State of a relinquished Federal mining claim under this section, the State shall assume authority over any leases, licenses, permits, rights-of-way, operating plans, other land use authorizations, or reclamation obligations applicable to the relinquished Federal mining claim on the date of conveyance.''

FINAL PRIORITIZATION OF STATE SELECTIONS

Pub. L. 108–452, title IV, § 404, Dec. 10, 2004, 118 Stat. 3593, provided that:

''(a) FILING OF FINAL PRIORITIES.—

''(1) IN GENERAL.—The State [of Alaska] shall, not later than the date that is 4 years after the date of enactment of this Act [Dec. 10, 2004], in accordance with section 906(f)(1) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(f)(1)), file final priorities with the Secretary [of the Interior] for all land grant entitlements to the State which remain unsatisfied on the date of the filing.

''(2) RANKING.—All selection applications on file with the Secretary on the date specified in paragraph (1) shall—

''(A) be ranked on a Statewide basis in order of priority; and

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

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

''(4) ACREAGE LIMITATION.—

''(A) IN GENERAL.—Acreage for top-filings shall not be counted against the 125 percent limitation established under section 906(f)(1) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(f)(1)).

''(B) RELINQUISHMENT.—

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

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

''(5) LOWER-PRIORITY SELECTIONS.—Notwithstanding the prioritization of selection applications under paragraph (1), if the Secretary reserves sufficient entitlements for the top-filed selections, the Secretary may continue to convey lower-priority selections.

''(b) DEADLINE FOR PRIORITIZATION.—

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

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

''(c) FINANCIAL ASSISTANCE.—The Secretary may, using amounts made available to carry out this Act [see Short Title of 2004 Amendment note set out under section 1601 of this title], provide financial assistance to other Federal agencies, the State, and Native Corporations and entities to assist in completing the transfer of land by September 30, 2009.''

§ 1636. Alaska land bank

(a) Establishment; agreements

(1) In order to enhance the quantity and quality of Alaska's renewable resources and to facilitate the coordinated management and protection of Federal, State, and Native and other private lands, there is hereby established the Alaska Land Bank Program. Any private landowner is authorized as provided in this section to enter into a written agreement with the Secretary if his lands adjoin, or his use of such lands would directly affect, Federal land, Federal and State land, or State land if the State is not participating in the program. Any private landowner described in subsection (d)(1) of this section whose lands do not adjoin, or whose use of such lands would not directly affect either Federal or State lands also is entitled to enter into an agreement with the Secretary. Any private landowner whose lands adjoin, or whose use of such lands would directly affect, only State, or State and private lands, is authorized as provided in this section to enter into an agreement with the State of Alaska if the State is participating in the program. If the Secretary is the contracting party with the private landowner, he shall afford the State an opportunity to participate in negotiations and become a party to the agreement. An agreement may include all or part of the lands of any private landowner: *Provided*, That no lands shall be included in the agreement unless the Secretary, or the State, determines that the purposes of the program will be promoted by their inclusion.

(2) If a private landowner consents to the inclusion in an agreement of the stipulations provided in subsections (b)(1), (b)(2), (b)(4), (b)(5), and (b)(7) of this section, and if such owner does not insist on any additional terms which are unacceptable to the Secretary or the State, as appropriate, the owner shall be entitled to enter into an agreement pursuant to this section. If an agreement is not executed within one hundred and twenty days of the date on which a private landowner communicates in writing his consent to the stipulations referred to in the preceding sentence, the appropriate Secretary or State agency head shall execute an agreement. Upon such execution, the private owner shall receive the benefits provided in subsection (c) hereof.

(3) No agreement under this section shall be construed as affecting any land, or any right or interest in land, of any owner not a party to such agreement.

(b) Terms of agreement

Each agreement referred to in subsection (a) of this section shall have an initial term of ten years, with provisions, if any, for renewal for additional periods of five years. Such agreement shall contain the following terms:

(1) The landowner shall not alienate, transfer, assign, mortgage, or pledge the lands subject to the agreement except as provided in section 14(c) of the Alaska Native Claims Settlement Act [43 U.S.C. 1613(c)], or permit development or improvement on such lands except as provided in the agreement. For the purposes of this section only, each agreement entered into with a landowner described in

subsection (d)(1) of this section shall constitute a restriction against alienation imposed by the United States upon the lands subject to the agreement.

(2) Lands subject to the agreement shall be managed by the owner in a manner compatible with the management plan, if any, for the adjoining Federal or State lands, and with the requirements of this subsection. If lands subject to the agreement do not adjoin either Federal or State lands, they shall be managed in a manner compatible with the management plan, if any, of Federal or State lands which would be directly affected by the use of such private lands. If no such plan has been adopted, or if the use of such private lands would not directly affect either Federal or State lands, the owner shall manage such lands in accordance with the provisions in paragraph (1) of this subsection. Except as provided in (3)[1] of this subsection, nothing in this section or the management plan of any Federal or State agency shall be construed to require a private landowner to grant public access on or across his lands.

(3) If the surface landowner so consents, such lands may be made available for local or other recreational use: *Provided*, That the refusal of a private landowner to permit the uses referred to in this subsection shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(4) Appropriate Federal and/or State agency heads shall have reasonable access to such privately owned land for purposes relating to the administration of the adjoining Federal or State lands, and to carry out their obligations under the agreement.

(5) Reasonable access to such land by officers of the State shall be permitted for purposes of conserving fish and wildlife.

(6) Those services or other consideration which the appropriate Secretary or the State shall provide to the owner pursuant to subsection (c)(1) of this section shall be set forth.

(7) All or part of the lands subject to the agreement may be withdrawn from the Alaska land bank program not earlier than ninety days after the landowner—

(A) submits written notice thereof to the other parties which are signatory to the agreement; and

(B) pays all Federal, State and local property taxes and assessments which, during the particular term then in effect, would have been incurred except for the agreement, together with interest on such taxes and assessments in an amount to be determined at the highest rate of interest charged with respect to delinquent property taxes by the Federal, State or local taxing authority, if any.

(8) The agreement may contain such additional terms, which are consistent with the provisions of this section, as seem desirable to the parties entering into the agreement: *Provided*, That the refusal of the landowner to agree to any additional terms shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(c) Benefits to private landowners

(1) In addition to any requirement of applicable law, the appropriate Secretary is authorized to provide technical and other assistance with respect to fire control, trespass control, resource and land use planning, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement, all with or without reimbursement as agreed upon by the parties, so long as the landowner is in compliance with the agreement.

(2) The provision of section 21(e) of the Alaska Native Claims Settlement Act [43 U.S.C. 1620(e)] shall apply to all lands which are subject to an agreement made pursuant to this section so long as the parties to the agreement are in compliance therewith.

(d) Automatic protections for lands conveyed pursuant to Alaska Native Claims Settlement Act

(1)(A) Notwithstanding any other provision of law or doctrine of equity, all land and interests in land in Alaska conveyed by the Federal Government pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] to a Native individual or Native Corporation or subsequently reconveyed by a Native Corporation pursuant to section 39 of that Act [43 U.S.C. 1629e] to a Settlement Trust or conveyed to a Native Corporation pursuant to an exchange authorized by section 22(f) of the Alaska Native Claims Settlement Act [43 U.S.C. 1621(f)] or section 3192(h) of title 16 or other applicable law shall be exempt, so long as such land and interests are not developed or leased or sold to third parties from—

(i) adverse possession and similar claims based upon estoppel;

(ii) real property taxes by any governmental entity;

(iii) judgments resulting from a claim based upon or arising under—

(I) title 11 or any successor statute,

(II) other insolvency or moratorium laws, or

(III) other laws generally affecting creditors' rights;

(iv) judgments in any action at law or in equity to recover sums owed or penalties incurred by a Native Corporation or Settlement Trust or any employee, officer, director, or shareholder of such corporation or trust, unless this exemption is contractually waived prior to the commencement of such action; and

(v) involuntary distributions or conveyances related to the involuntary dissolution of a Native Corporation or Settlement Trust.

(B) Except as otherwise provided[2] specifically provided, the exemptions described in subparagraph (A) shall apply to any claim or judgment existing on or arising after February 3, 1988.

(2) DEFINITIONS.—(A) For purposes of this subsection, the term—

[1] So in original. Probably should be "paragraph (3)".

[2] So in original. The word "provided" probably should not appear.

(i) ''Developed'' means a purposeful modification of land, or an interest in land, from its original state that effectuates a condition of gainful and productive present use without further substantial modification. Any such modification shall be performed by the Native individual or Native Corporation. Surveying, construction of roads, providing utilities, or other similar actions, which are normally considered to be component parts of the development process but do not create the condition described in the preceding sentence, shall not constitute a developed state within the meaning of this clause. In order to terminate the exemptions listed in paragraph (1), land, or an interest in land, must be developed for purposes other than exploration, and the exemptions will be terminated only with respect to the smallest practicable tract actually used in the developed state. Any lands previously developed by third-party trespassers shall not be considered to have been developed.;[3]

(ii) ''Exploration'' means the examination and investigation of undeveloped land to determine the existence of subsurface nonrenewable resources; and

(iii) ''Leased'' means subjected to a grant of primary possession entered into for a gainful purpose with a determinable fee remaining in the hands of the grantor. With respect to a lease that conveys rights of exploration and development, the exemptions listed in paragraph (1) shall continue with respect to that portion of the leased tract that is used solely for the purposes of exploration.

(B) For purposes of this subsection—

(i) land shall not be considered developed solely as a result of—

(I) the construction, installation, or placement upon such land of any structure, fixture, device, or other improvement intended to enable, assist, or otherwise further subsistence uses or other customary or traditional uses of such land, or

(II) the receipt of fees related to hunting, fishing, and guiding activities conducted on such land;

(ii) land upon which timber resources are being harvested shall be considered developed only during the period of such harvest and only to the extent that such land is integrally related to the timber harvesting operation;

(iii) land subdivided by a State or local platting authority on the basis of a subdivision plat submitted by the holder of the land or its agent, shall be considered developed on the date an approved subdivision plat is recorded by such holder or agent unless the subdivided property is a remainder parcel; and

(iv) lands or interest in lands shall not be considered developed or leased or sold to a third party as a result of an exchange or conveyance of such land or interest in land between or among Native Corporations and trusts, partnerships, corporations, or joint ventures, whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.

[3] So in original. The period probably should not appear.

(3) ACTION BY A TRUSTEE.—(A) Except as provided in this paragraph and in section 14(c)(3) of the Alaska Native Claims Settlement Act [43 U.S.C. 1613(c)(3)] no trustee, receiver, or custodian vested pursuant to applicable Federal or State law with a right, title, or interest of a Native individual or Native Corporation shall—

(i) assign or lease to a third party,

(ii) commence development or use of, or

(iii) convey to a third party,

any right, title, or interest in any land, or interests in land, subject to the exemptions described in paragraph (1).

(B) The prohibitions of subparagraph (A) shall not apply—

(i) when the actions of such trustee, receiver, or custodian are for purposes of exploration or pursuant to a judgment in law or in equity (or arbitration award) arising out of any claim made pursuant to section 7(i) or section 14(c) of the Alaska Native Claims Settlement Act [43 U.S.C. 1606(i) or 1613(c)];

(ii) to any land, or interest in land, which has been—

(I) developed or leased prior to the vesting of the trustee, receiver, or custodian with the right, title, or interest of the Native Corporation; or

(II) expressly pledged as security for any loan or expressly committed to any commercial transaction in a valid agreement; or

(iii) to actions by any trustee whose right, title, or interest in land or interests in land arises pursuant to an agreement between or among Native Corporations and trusts, partnerships, or joint ventures whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.

(4) EXCLUSIONS, REATTACHMENT OF EXEMPTIONS.—(A) The exemptions listed in paragraph (1) shall not apply to any land, or interest in land, which is—

(i) developed or leased or sold to a third party;

(ii) held by a Native Corporation in which neither—

(I) the Settlement Common Stock of the corporation,

(II) the Settlement Common Stock of the corporation and other stock of the corporation held by holders of Settlement Common Stock, nor

(III) the Settlement Common Stock of the corporation and other stock of the corporation held by holders of Settlement Common Stock and by Natives and descendants of Natives,

represents a majority of either the total equity of the corporation or the total voting power of the corporation for the purposes of electing directors; or

(iii) held by a Settlement Trust with respect to which any of the conditions set forth in section 39 of the Alaska Native Claims Settlement Act [43 U.S.C. 1629e] have been violated.

(B) The exemptions described in clauses (iii), (iv), and (v) of paragraph (1)(A) shall not apply to any land, or interest in land—

(i) to the extent that such land or interest is expressly pledged as security for any loan or

expressly committed to any commercial transaction in a valid agreement, and

(ii) to the extent necessary to enforce a judgment in any action at law or in equity (or any arbitration award) arising out of any claim made pursuant to section 7(i) or section 14(c) of the Alaska Native Claims Settlement Act [43 U.S.C. 1606(i) or 1613(c)].

(C) If the exemptions listed in paragraph (1) are terminated with respect to land, or an interest in land, as a result of development (or a lease to a third party), and such land, or interest in land, subsequently reverts to an undeveloped state (or the third-party lease is terminated), then the exemptions shall again apply to such land, or interest in land, in accordance with the provisions of this subsection.

(5) TAX RECAPTURE UPON SUBDIVISION PLAT RECORDATION.—(A) Upon the recordation with an appropriate government authority of an approved subdivision plat submitted by, or on behalf of, a Native individual, Native Corporation, or Settlement Trust with respect to land described in paragraph (1), such individual, corporation, or trust shall pay in accordance with this paragraph all State and local property taxes on the smallest practicable tract integrally related to the subdivision project that would have been incurred by the individual, corporation, or trust on such land (excluding the value of subsurface resources and timber) in the absence of the exemption described in paragraph (1)(A)(ii) during the thirty months prior to the date of the recordation of the plat.

(B) State and local property taxes specified in subparagraph (A) of this paragraph (together with interest at the rate of 5 per centum per annum commencing on the date of recordation of the subdivision plat) shall be paid in equal semi-annual installments over a two-year period commencing on the date six months after the date of recordation of the subdivision plat.

(C) At least thirty days prior to final approval of a plat of the type described in subparagraph (A), the government entity with jurisdiction over the plat shall notify the submitting individual, corporation, or trust of the estimated tax liability that would be incurred as a result of the recordation of the plat at the time of final approval.

(6) SAVINGS.—(A) No provision of this subsection shall be construed to impair, or otherwise affect, any valid contract or other obligation that was entered into prior to February 3, 1988.

(B) Enactment of this subsection shall not affect any real property tax claim in litigation on February 3, 1988.

(e) Condemnation

All land subject to an agreement made pursuant to subsection (a) of this section and all land, and interests in land, conveyed or subsequently reconveyed pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] to a Native individual, Native Corporation, or Settlement Trust shall be subject to condemnation for public purposes in accordance with the provisions of this Act and other applicable law.

(f) Existing contracts

Nothing in this section shall be construed as impairing, or otherwise affecting in any manner, any contract or other obligation which was entered into prior to December 2, 1980, or which (1) applies to any land which is subject to an agreement, and (2) was entered into before the agreement becomes effective.

(g) State jurisdiction

Except as expressly provided in subsection (d) of this section, no provision of this section shall be construed as affecting the civil or criminal jurisdiction of the State of Alaska.

(Pub. L. 96–487, title IX, § 907, Dec. 2, 1980, 94 Stat. 2444; Pub. L. 100–241, § 11, Feb. 3, 1988, 101 Stat. 1806; Pub. L. 105–333, §§ 1, 2, Oct. 31, 1998, 112 Stat. 3129.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsecs. (d)(1)(A) and (e), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

This Act, referred to in subsec. (e), is Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

AMENDMENTS

1998—Subsec. (d)(1)(A). Pub. L. 105–333, § 1(a), in introductory provisions, inserted ''or conveyed to a Native Corporation pursuant to an exchange authorized by section 22(f) of the Alaska Native Claims Settlement Act or section 3192(h) of title 16 or other applicable law'' after ''Settlement Trust''.

Subsec. (d)(2)(A)(i). Pub. L. 105–333, § 2(3), which directed the amendment of cl. (i) by adding ''Any lands previously developed by third-party trespassers shall not be considered to have been developed.'' without specifying where the language was to be added, was executed by adding the language before the semicolon at the end to reflect the probable intent of Congress.

Pub. L. 105–333, § 2(1), (2), inserted ''Any such modification shall be performed by the Native individual or Native Corporation.'' after ''substantial modification.'' and inserted a period after ''developed state'' the second place it appeared.

Subsec. (d)(2)(B)(iv). Pub. L. 105–333, § 1(b), added cl. (iv).

Subsec. (d)(3)(B)(iii). Pub. L. 105–333, § 1(c), added cl. (iii).

1988—Subsec. (a)(1). Pub. L. 100–241, § 11(1), (2), substituted ''subsection (d)(1) of this section'' for ''subsection (c)(2) of this section'' and ''no lands shall be included'' for ''lands not owned by landowners described in subsection (c)(2) of this section shall not be included''.

Subsec. (b)(1). Pub. L. 100–241, § 11(1), substituted ''subsection (d)(1) of this section'' for ''subsection (c)(2) of this section''.

Subsec. (c). Pub. L. 100–241, § 11(3), amended subsec. (c) generally, changing structure of subsection from one consisting of introductory provisions and four numbered paragraphs to one consisting of two numbered paragraphs.

Pub. L. 100–241, § 11(1), substituted ''subsection (d)(1) of this section'' for ''subsection (c)(2) of this section'' in pars. (3) and (4)(A).

Subsec. (d). Pub. L. 100–241, § 11(3), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''Notwithstanding any other provision of this section, unless the landowner decides otherwise, the benefits specified in subsection (d)(1) of this section shall apply to lands conveyed pursuant to the Alaska

Native Claims Settlement Act [43 U.S.C. 1601 et seq.], or sections 1631 and 1632 of this title for a period of three years from the date of conveyance or December 2, 1980, whichever is later: *Provided*, That this subsection shall not apply to any lands which on December 2, 1980, are the subject of a mortgage, pledge or other encumbrance.''

Pub. L. 100–241, § 11(1), substituted ''subsection (d)(1) of this section'' for ''subsection (c)(2) of this section''.

Subsec. (e). Pub. L. 100–241, § 11(3), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: ''The provisions of section 21(e) of the Alaska Native Claims Settlement Act [43 U.S.C. 1620(e)] shall apply to all lands which are subject to an agreement under this section so long as the parties to the agreement are in compliance therewith.''

Subsec. (g). Pub. L. 100–241, § 11(4), added subsec. (g).

§ 1637. Use of protraction diagrams

With the agreement of the party to whom a patent is to be issued under this chapter, or the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], the Secretary, in his discretion, may base such patent on protraction diagrams in lieu of field surveys. Any person or corporation receiving a patent under this chapter or the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] on the basis of a protraction diagram shall receive any gain or bear any loss of acreage due to errors, if any, in such protraction diagram.

(Pub. L. 96–487, title IX, § 909, Dec. 2, 1980, 94 Stat. 2447.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in text, is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

§ 1638. National Environmental Policy Act

The National Environmental Policy Act of 1969 (83 Stat. 852) [42 U.S.C. 4321 et seq.] shall not be construed, in whole or in part, as requiring the preparation or submission of an environmental impact statement for withdrawals, conveyances, regulations, orders, easement determinations, or other actions which lead to the issuance of conveyances to Natives or Native Corporations, pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], or this Act. Nothing in this section shall be construed as affirming or denying the validity of any withdrawals by the Secretary under section 14(h)(3) of the Alaska Native Claims Settlement Act [43 U.S.C. 1613(h)(3)].

(Pub. L. 96–487, title IX, § 910, Dec. 2, 1980, 94 Stat. 2447.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Alaska Native Claims Settlement Act, referred to in text, is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

This Act, referred to in text, is Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

§ 1639. Construction with Alaska Native Claims Settlement Act

Except as specifically provided in this Act, (i) the provisions of the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] are fully applicable to this Act, and (ii) nothing in this Act shall be construed to alter or amend any of such provisions.

(Pub. L. 96–487, title XIV, § 1412, Dec. 2, 1980, 94 Stat. 2498.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

The Alaska Native Claims Settlement Act, referred to in cl. (i), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

CODIFICATION

Section was not enacted as part of title IX of Pub. L. 96–487 which comprises this chapter.

§ 1640. Relinquishment of selections partly within conservation units

Whenever a valid State or Native selection is partly in and partly out of the boundary of a conservation system unit, notwithstanding any other provision of law to the contrary, the State or any Native Corporation may relinquish its rights in any portion of any validly selected Federal land, including land underneath waters, which lies within the boundary of the conservation system unit. Upon relinquishment, the Federal land (including land underneath waters) so relinquished within the boundary of the conservation system unit shall become, and be administered as, a part of the conservation system unit. The total land entitlement of the State or Native Corporation shall not be affected by such relinquishment. In lieu of the lands and waters relinquished by the State, the State may select pursuant to the Alaska Statehood Act as amended by this Act, an equal acreage of other lands available for such purpose. The Native Corporation may retain an equal acreage from overselection lands on which selection applications were otherwise properly and timely filed. A relinquishment pursuant to this section shall not invalidate an otherwise valid State or Native Corporation land selection outside the boundaries of the conservation system unit, on the grounds that, after such relinquishment, the remaining portion of the land selection no longer meets applicable requirements of size, compactness, or contiguity, or that the portion of the selection retained immediately outside the con-

servation system unit does not follow section lines along the boundary of the conservation system unit. The validity of the selection outside such boundary shall not be adversely affected by the relinquishment.

(Pub. L. 96–487, title XIV, § 1415, Dec. 2, 1980, 94 Stat. 2499.)

REFERENCES IN TEXT

The Alaska Statehood Act as amended by this Act, referred to in text, is Pub. L. 85–508, July 7, 1958, 72 Stat. 339 as amended by Pub. L. 96–487, Dec. 2, 1980, 96 Stat. 2371, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

This Act, referred to in text, is Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

CODIFICATION

Section was not enacted as part of title IX of Pub. L. 96–487 which comprises this chapter.

§ 1641. Conveyances to Village Corporations

(a) Optional procedure

The provisions of this section shall be applicable only to the conveyance of Federal lands described herein to a Native Corporation which within one hundred and eighty days after December 2, 1980, or the date of eligibility determination, whichever is later, files a document with the Secretary setting forth its election to receive conveyance pursuant to this section.

(b) "Core" townships, etc.

(1)(A) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), 14(b), or 22(*l*) of the Alaska Native Claims Settlement Act [43 U.S.C. 1611(a), 1613(a), 1613(b), or 1621(*l*)], subject to valid existing rights and section 1633(a) of this title, there is hereby conveyed to and vested in each Village Corporation for a Native Village which is determined by the Secretary to be eligible for land under section 11 or 16 of the Alaska Native Claims Settlement Act [43 U.S.C. 1610 or 1615] and which did not elect to acquire a former reserve under section 19(b) of such Act [43 U.S.C. 1618(b)], all of the right, title, and interest of the United States in and to the surface estate in the public lands, as defined in such Act [43 U.S.C. 1601 et seq.], in the township or townships withdrawn pursuant to section 11(a)(1) or 16(a) of such Act [43 U.S.C. 1610(a)(1) or 1615(a)] in which all or any part of such Village is located. As used in this paragraph the term ''Native Village'' has the same meaning such term has in section 3(c) of the Alaska Native Claims Settlement Act [43 U.S.C. 1602(c)].

(B) Where two or more Village Corporations are entitled to the same land by virtue of the same township or townships embracing all or part of the Native Villages, the conveyance made by paragraph (A) shall not be effective as to such lands until an arbitration decision or other binding agreement between or among the Corporations is filed with and published by the Secretary. Within thirty days of receipt of such decision or agreement, the Secretary shall publish notice of the decision or agreement in the Federal Register. Effective with such publication, title to the lands conveyed by subparagraph (A) shall vest in the Village Corporation as specified in the decision or agreement. For purposes of section 1632 of this title, until title vests in the Village Corporation pursuant to this subparagraph, the Secretary shall consider the entire acreage involved chargeable to each Corporation's entitlement.

(2) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), or 22(*l*) of the Alaska Native Claims Settlement Act [43 U.S.C. 1611(a), 1613(a), or 1621(*l*)], subject to valid existing rights and section 1633(a) of this title, there is hereby conveyed to and vested in each Village Corporation for a Native Village which is determined by the Secretary to be eligible for land under section 11 of such Act [43 U.S.C. 1610], and which did not elect to acquire a former reserve under section 19(b) of such Act [43 U.S.C. 1618(b)], all of the right, title, and interest of the United States in and to the surface estate in the township or townships withdrawn pursuant to section 11(a)(2) of such Act [43 U.S.C. 1610(a)(2)] in which all or any part of such village is located: *Provided*, That any such land reserved to or selected by the State of Alaska under the Acts of March 4, 1915 (38 Stat. 1214), as amended, January 21, 1929 (45 Stat. 1091), as amended, or July 28, 1956 (70 Stat. 709), and lands selected by the State which have been tentatively approved to the State under section 6(g) of the Alaska Statehood Act and as to which the State, prior to December 18, 1971, had conditionally granted title to, or contracts to purchase, the surface estate to third parties, including cities and boroughs within the State, and such reservations, selections, grants, and contracts had not expired or been relinquished or revoked by December 2, 1980, shall not be conveyed by operation of this paragraph: *And provided further*, That the provisions of subparagraph (1)(B) of this subsection shall apply to the conveyances under this paragraph.

(3) Subject to valid existing rights and section 1633(a) of this title, there is hereby conveyed to and vested in each Village Corporation which, by December 2, 1980, is determined by the Secretary to be eligible under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] to, and has elected to, acquire title to any estate pursuant to section 19(b) of the Alaska Native Claims Settlement Act [43 U.S.C. 1618(b)], all of the right, title, and interest of the United States in and to the estates in a reserve, as such reserve existed on December 18, 1971, which was set aside for the use or benefit of the stockholders or members of such Corporation before December 18, 1971. Nothing in this paragraph shall apply to the Village Corporation for the Native village of Klukwan, which Corporation shall receive those rights granted to it by the Act of January 2, 1976 (Public Law 94–204) as amended by the Act of October 4, 1976 (Public Law 94–456).

(4) Subject to valid existing rights and section 1633(a) of this title, and except where such lands are within a National Wildlife Refuge or the National Petroleum Reserve—Alaska, for which the Regional Corporation obtains in-lieu rights pursuant to section 12(a)(1) of the Alaska Native

Claims Settlement Act [43 U.S.C. 1611(a)(1)], there is hereby conveyed to and vested in each Regional Corporation which, as a result of a conveyance of a surface estate by operation of paragraphs (1) and (2) of this subsection, is entitled under section 14(f) of the Alaska Native Claims Settlement Act [43 U.S.C. 1613(f)] to receive the subsurface estate corresponding to such surface estate, all of the right, title, and interest of the United States in and to such subsurface estate.

(c) Documents

As soon as possible after December 2, 1980, the Secretary shall issue to each Native Corporation referred to in subsection (b) of this section interim conveyances or patents to the estate or estates conveyed to such Corporation by such subsection, but title shall be deemed to have passed on the date of the filing of a document of election described in subsection (a) of this section, notwithstanding any delay in the issuance of the interim conveyances or patents.

(d) Reconveyances; disputes

A Village Corporation's obligation to reconvey lands under section 14(c) of the Alaska Native Claims Settlement Act [43 U.S.C. 1613(c)] shall arise only upon receipt of an interim conveyance or patent, whichever is earlier, under subsection (c) of this section or under such Act [43 U.S.C. 1601 et seq.]. For purposes of the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], legislative conveyances made by, or interim conveyances and patents issued pursuant to, this title shall have the same effect as if issued pursuant to sections 14(a), 14(b), 14(f), and 19(b) of the Alaska Native Claims Settlement Act [43 U.S.C. 1613(a), 1613(b), 1613(f), and 1618(b)] and shall be deemed to have been so issued. Disputes between or among Native Corporations arising from conveyances under this Act shall be resolved by a board of arbitrators of a type described in section 12(e) of the Alaska Native Claims Settlement Act [43 U.S.C. 1611(e)] pertaining to disputes over land selection rights and the boundaries of Village Corporations.

(e) Existing rights

All conveyances made by operation of this section shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] as if such conveyances or patents had been made or issued pursuant to that Act.

(f) Easements

For a period of one year from December 2, 1980, the Secretary may identify and issue a decision to reserve in the patent those easements, pursuant to section 17(b)(3) of the Alaska Native Claims Settlement Act, which are described in section 17(b)(1) of such Act on lands conveyed by this section, but the Secretary shall not reserve a greater number of easements or more land for a particular easement or easements than is reasonably necessary and he shall be guided by the principles of section 1633 of this title. Upon the finality of the decision so issued, such easements shall be reserved in the conveyance document or documents issued by the Secretary as required by this section.

(g) "Native Corporation" defined

For purposes of this section, the term ''Native Corporation'' means Village Corporations and Regional Corporations.

(Pub. L. 96–487, title XIV, § 1437, Dec. 2, 1980, 94 Stat. 2546.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsecs. (b)(1)(A), (3), (d), and (e), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of this title. Section 17(b) of the Act was classified to section 1616(b) of this title and was omitted from the Code. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

Act of March 4, 1915, as amended, referred to in subsec. (b)(2), is act Mar. 4, 1915, ch. 181, 38 Stat. 1214, as amended, which enacted section 353 of Title 48, Territories and Insular Possessions, and a provision set out as a note under section 852 of this title. Section 353 of Title 48 was repealed by Pub. L. 85–508, § 6(k), July 7, 1958, 72 Stat. 343. For complete classification of this Act to the Code, see Tables.

Act of January 21, 1929, as amended, referred to in subsec. (b)(2), is act Jan. 21, 1929, ch. 92, 45 Stat. 1091, as amended, which is set out as a note under section 852 of this title. For complete classification of this Act to the Code, see Tables.

Act July 28, 1956, referred to in subsec. (b)(2), is act July 28, 1956, ch. 772, 70 Stat. 709, as amended. For complete classification of this Act to the Code, see Tables.

Section 6(g) of the Alaska Statehood Act, referred to in subsec. (b)(2), is section 6(g) of Pub. L. 85–508, July 7, 1948, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

Act of January 2, 1976 (Public Law 94–204) as amended by the Act of October 4, 1976 (Public Law 94–456), referred to in subsec. (b)(3), is Pub. L. 94–204, Jan. 2, 1976, 89 Stat. 1145, as amended, which enacted sections 1625 to 1627 of this title, amended sections 1615, 1616, 1620, and 1621 of this title, and enacted provisions set out as notes under sections 1604, 1605, 1611, 1613, 1618, and 1625 of this title, as amended by Pub. L. 94–456, Oct. 4, 1976, 90 Stat. 1934, which amended section 1615 of this title and provisions set out as notes under section 1611 of this title. For complete classification of these Acts to the Code, see Tables.

This title, referred to in subsec. (d), is title XIV of Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2491, which enacted sections 1639 to 1641 of this title, amended sections 1602, 1606, 1607, 1611, 1613, 1620, and 1621 of this title, enacted provisions set out as notes under sections 1605, 1613, and 1618 of this title, and amended provisions set out as notes under sections 1611 and 1613 of this title. For complete classification of title XIV to the Code, see Tables.

This Act, referred to in subsec. (d), is Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2371, as amended, known as the Alaska National Interest Lands Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

CODIFICATION

Section was not enacted as part of title IX of Pub. L. 96–487 which comprises this chapter.

§ 1642. Land conveyances

Solely for the purpose of bringing claims that arise from the discharge of oil, the Congress confirms that all right, title, and interest of the United States in and to the lands validly selected pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) by Alaska

Native corporations are deemed to have vested in the respective corporations as of March 23, 1989. This section shall take effect with respect to each Alaska Native corporation only upon its irrevocable election to accept an interim conveyance of such land and notice of such election has been formally transmitted to the Secretary of the Interior.

(Pub. L. 96–487, title XIV, § 1438, as added Pub. L. 101–380, title VIII, § 8301, Aug. 18, 1990, 104 Stat. 572.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in text, is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

EFFECTIVE DATE

Section applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101–380, set out as a note under section 2701 of Title 33, Navigation and Navigable Waters.

CHAPTER 34—TRANS-ALASKA PIPELINE

Sec.
1651. Congressional findings and declaration.
1652. Authorizations for construction.
1653. Liability for damages.
1654. Antitrust laws.
1655. Roads and airports.
1656. Civil penalties.

§ 1651. Congressional findings and declaration

The Congress finds and declares that:

(a) The early development and delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest because of growing domestic shortages and increasing dependence upon insecure foreign sources.

(b) The Department of the Interior and other Federal agencies, have, over a long period of time, conducted extensive studies of the technical aspects and of the environmental, social, and economic impacts of the proposed trans-Alaska oil pipeline, including consideration of a trans-Canada pipeline.

(c) The earliest possible construction of a trans-Alaska oil pipeline from the North Slope of Alaska to Port Valdez in that State will make the extensive proven and potential reserves of low-sulfur oil available for domestic use and will best serve the national interest.

(d) A supplemental pipeline to connect the North Slope with a trans-Canada pipeline may be needed later and it should be studied now, but it should not be regarded as an alternative for a trans-Alaska pipeline that does not traverse a foreign country.

(Pub. L. 93–153, title II, § 202, Nov. 16, 1973, 87 Stat. 584.)

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–380, title VIII, § 8001, Aug. 18, 1990, 104 Stat. 564, provided that: ''This title [enacting sections 1642 and 1656 of this title, amending sections 1350 and 1653 of this title and section 3145 of Title 16, Conservation, and enacting provisions set out as notes under this section and section 1653 of this title] may be cited as the 'Trans-Alaska Pipeline System Reform Act of 1990'.''

SHORT TITLE

Section 201 of title II of Pub. L. 93–153 provided that: ''This title [enacting this chapter] may be cited as the 'Trans-Alaska Pipeline Authorization Act'.''

SEPARABILITY

Section 411 of Pub. L. 93–153 provided that: ''If any provision of this Act [enacting this chapter, section 1456a of this title, and section 3512 of Title 44, Public Printing and Documents, amending section 1608 of this title, sections 45, 46, 53, and 56 of Title 15, Commerce and Trade, section 185 of Title 30, Mineral Lands and Mining, section 3502 of Title 44, and section 391a of former Title 46, Shipping, and enacting provisions set out as notes under sections 1608 and 1651 of this title, section 1904 of Title 12, Banks and Banking, section 45 of Title 15, section 791a of Title 16, Conservation, and section 1221 of Title 33, Navigation and Navigable Waters] or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby.''

PRESIDENTIAL TASK FORCE

Pub. L. 101–380, title VIII, § 8103, Aug. 18, 1990, 104 Stat. 567, established a Presidential Task Force on the Trans-Alaska Pipeline System, to conduct an audit of the Trans-Alaska Pipeline System and make recommendations to the President, Congress, and the Governor of Alaska, authorized appropriations for the Task Force, and required it to transmit its final report to the President, Congress, and the Governor no later than 2 years after the date on which funding was made available.

NORTH SLOPE CRUDE OIL; REPORT ON EQUITABLE ALLOCATION

Pub. L. 94–586, § 18, Oct. 22, 1976, 90 Stat. 2916, directed that the President, within 6 months of Oct. 22, 1976, determine special expediting procedures necessary to insure the equitable allocation of North Slope crude oil to the Northern Tier States of Washington, Oregon, Idaho, Montana, Illinois, Indiana, and Idaho to carry out the provisions of section 410 of Pub. L. 93–153 [set out below], and to report his findings to Congress, such report to include a statement demonstrating the impact that the delivery system would have on reducing the dependency of New England and the Middle Atlantic States on foreign oil imports.

TRANS-CANADA PIPELINE; NEGOTIATIONS WITH CANADA; FEASIBILITY STUDY

Title III (§§ 301–303) of Pub. L. 93–153 authorized the President to enter into negotiations with the Government of Canada to determine Canadian willingness to permit construction of pipelines or other transportation systems across its territory to bring gas and oil from Alaska's North Slope to the United States; the need for intergovernmental agreements to protect interests of any parties involved with construction, operation, and maintenance of such natural gas or oil transportation systems; terms and conditions for construction across Canadian territory; desirability of joint studies to insure environmental protection, reduce regulatory uncertainty, and insure meeting energy requirements; quantity of oil and gas for which Canada would guarantee transit; and acquisition of other energy sources so as to make unnecessary the shipment of oil from the Alaska pipeline by tanker into the Puget Sound area. The President was to report to Congress on actions taken and recommendations for further action. In addition, the Secretary of the Interior was to investigate, and to report to Congress within 2 years of Nov. 16, 1973, as to the feasibility of oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that would deliver oil or gas to United States markets. Nothing in title III was to limit the authority of the Secretary or any other Federal official to grant a gas or oil pipeline