

Section of the Bill in which President Thomas' testimony is referring.

S.1466
Alaska Land Transfer Acceleration Act of 2003
(Introduced in Senate)

TITLE III--NATIVE ALLOTMENTS

SEC. 301. TITLE AFFIRMATION OF NATIVE ALLOTMENT LOCATION AND DESCRIPTION.

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) is amended by adding at the end the following:

(d) TITLE AFFIRMATION-

(1) **IN GENERAL-** The Secretary may correct a conveyance to a Native Corporation or to the State that includes land described in a valid allotment application to exclude the described allotment land with the written concurrence of the Native Corporation or the State.

(2) **CONCURRENCE-** A written concurrence shall--

(A) include a finding that the land description proposed by the Secretary is acceptable; and

(B) attest that the Native Corporation or the State has not--

(i) granted any third party rights or taken any other action that would affect the ability of the United States to convey full title under the Act of May 17, 1906 (34 Stat. 197, chapter 2469); and;

(ii) stored or allowed the deposit of hazardous waste on the land.

(3) **CORRECTED DOCUMENT-** On receipt of an acceptable written concurrence, the Alaska State Office of the Bureau of Land Management shall--

(A) issue a corrected conveyance document to the State or Native Corporation, as appropriate; and

(B) issue a certificate of allotment to the allotment applicant.

(4) **NO OTHER DOCUMENTATION REQUIRED-** No documents of reconveyance from the State or an Alaska Native Corporation or evidence of title, other than the written concurrence and

attestation described in paragraph (1), are necessary to use the procedures authorized by this subsection.

(5) EFFECT ON LIABILITY- Nothing in this section relieves the State, the United States, or any other entity of any existing liability under Federal or State law arising out of the presence or release of hazardous or toxic substances or solid wastes nor shall the United States be subject to such liability under applicable laws solely as a result of taking any actions under this subsection.'

SEC. 302. TITLE RECOVERY OF NATIVE ALLOTMENTS

(a) IN GENERAL- If the State or any Native Corporation does not elect to take advantage of the title affirmation process available under subsection (d) of section 18 of the Alaska Native Claims Settlement Act (as added by section 301), the State or any Native Corporation may quitclaim, by a date certain established by the Secretary, all or any part of its interest in the land encompassed by an allotment claim by tendering a valid and appropriate deed to the United States.

(b) ACCEPTANCE OF DEED BY UNITED STATES- The United States may accept the deed if the United States determines that the issuance of an allotment is appropriate based on evidence of record with the Bureau of Land Management or attestation of the State or Native Corporation as to the use of the land by the allotment applicant.

(c) OFFERING OF ALTERNATE LAND- The State, under the authority granted in section 18(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1617(c)), or a Native Corporation under the authority granted in section 303, may elect to offer land other than those encompassed by the allotment claim in substitution for the originally described land.

(d) ACCEPTANCE OF DEED BY APPLICANT- Before the acceptance of the title by the United States, the Secretary shall provide the applicant or the personal representative of a deceased applicant 90 days to accept the offered deed.

(e) ACCEPTANCE BY UNITED STATES- On receipt of the applicant's acceptance, the Secretary may accept the quitclaim deed and issue the allotment.

(f) BINDING EFFECT- The allottee shall be bound by the terms and conditions of the conveyance to the United States and the conveyance to the allottee by the United States.

(g) SURVEY- If acceptance by the applicant is not received by the Bureau of Land Management, Alaska State Office, within the 90-day time period provided under subsection (d), the United States shall, with the permission of the landowner, survey the boundaries of the allotment claim on file with the Secretary to fix in an irrevocable manner the location of the claim.

(h) NO DOCUMENTATION REQUIRED- When the Secretary reacquires title to land from a Native Corporation or the State for the purpose of conveying an allotment, there shall be no requirement to prepare a certificate of inspection and possession or to perform a hazardous

materials inspection prior to the acceptance of the reconveyance to the United States or conveyance to the Native allotment applicant.

(i) NO LIABILITY- The United States shall not be liable for any contamination on the land solely by virtue of reacquiring title or conveying the allotment.

SEC. 303. NATIVE ALLOTMENT RELOCATION ON LAND SELECTED BY OR CONVEYED TO A NATIVE CORPORATION.

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) (as amended by section 301) is amended by adding at the end the following:

(e) AMENDMENT OF LAND DESCRIPTION-

(1) IN GENERAL- An allotment applicant who had a valid application pending before the Department of the Interior on December 18, 1971, and whose application is still open on the records of the Secretary as of the date of enactment of this subsection may amend the land description in the application to describe land other than the land that the applicant originally intended to claim if--

(A) the application--

(i) describes land selected by or conveyed by interim conveyance or patent to a Native Corporation formed to receive benefits under this Act; or

(ii) otherwise conflicts with an interest in land granted to a Native Corporation by the United States;

(B) the amended land description describes land selected by or conveyed by interim conveyance or patent to a Native Corporation of approximately equal acreage in substitution for the land described in the original application; and

(C) the Native Corporation, or its successor in interest, that selected the land or received an interim conveyance or patent for the land, provides a corporate resolution authorizing reconveyance or relinquishment to the United States of the land, or interest in land, described in the amended application.

(2) RIGHT OF FIRST REFUSAL-

(A) IN GENERAL- The allotment applicant and the Native Corporation may agree that the Native Allotment Certificate, when issued, shall contain a right of first refusal allowing the Native Corporation to match any offer to buy the allotted land at or over appraised value, with approval of an authorized official of the Bureau of Indian Affairs, within 30 days of notice of intent to accept an offer.

(B) FILING- Any agreement to make the allotment subject to such a right of first refusal shall be in writing and shall be filed with the Alaska State Office of the Bureau of Land Management. The right of first refusal shall not apply to transfers of the land to family members or to transfers by gift deed.

(3) CONCURRENCE REQUIRED- If an application pending before the Department of the Interior as described in paragraph (1) describes land selected by, but not conveyed by interim conveyance or patent to a Native Corporation, the concurrence of an authorized official of the Bureau of Land Management and regional head of the managing Federal agency if different than the Bureau of Land Management shall be required in order for an application to proceed under this section.

(4) NATIVE ALLOTMENT CERTIFICATE-

(A) IN GENERAL- On acceptance of a reconveyance or relinquishment from a Native Corporation under paragraph (1), the Secretary shall issue a native allotment certificate to the applicant for the land reconveyed or relinquished by the Native Corporation.

(B) INCLUSIONS- The Native Allotment Certificate shall include a right of first refusal if a written copy of an agreement to include such provision is filed with the Alaska State Office of the Bureau of Land Management prior to issuance of the Native Allotment Certificate.

(C) RESERVATIONS- Any allotment relocated under this section shall, when allotted, be made subject to any easement, trail, or right-of-way in existence on the relocated allotment land on the date of relocation.'

SEC. 304. COMPENSATORY ACREAGE.

(a) IN GENERAL- The Secretary shall adjust the acreage entitlement computation records for the State of Alaska or an affected Native Corporation to account for any difference in the amount of acreage between the corrected description and the previous description in any conveyance document as a result of actions taken under section 18(d) of the Alaska Native Claims Settlement Act (as added by section 301), section 302, or section 18(e) of the Alaska Native Claims Settlement Act (as added by section 303), or for other voluntary reconveyances to the United States for the purpose of facilitating timely completion of land transfer in Alaska.

(b) LIMITATION- No adjustment to the acreage conveyance computations shall be made where the State of Alaska or an affected Native Corporation retains a partial estate in the described allotment land.

(c) AVAILABILITY OF ADDITIONAL LAND- If, as a result of implementation under section 18(d) of the Alaska Native Claims Settlement Act (as added by section 301) or section 302, a Village Corporation has insufficient remaining selections from which to receive its full entitlement under the Alaska Native Claims Settlement Act, the Secretary has sole and unreviewable discretion to use the authority and procedures available under section 22(j)(2) of

the Alaska Native Claims Settlement Act (43 U.S.C. 1621(j)(2)) and section 207 to make additional land available for selection by the Village Corporation.

SEC. 305. NATIVE ALLOTMENT DEADLINES.

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) (as amended by section 303) is amended by adding at the end the following:

(f) REQUEST FOR REINSTATEMENT-

(1) **IN GENERAL-** An applicant for a Native allotment filed under the Act of May 17, 1906 (34 Stat. 197, chapter 2469) or filed under section 41 of this Act shall be entitled to have the Secretary accept a reinstatement of a previously closed Native allotment application or to accept a reconstructed copy of an application claimed to have been timely filed with an agency of the Department of the Interior, only if the applicant filed a request for reinstatement or acceptance of a reconstructed application with the Alaska State Office, Bureau of Land Management, before the date of enactment of this subsection.

(2) **REQUIREMENTS-** No request to accept a Native allotment application as timely filed, submitted before the date of enactment of this subsection, shall be granted unless the request or application contains--

(A) the name of the person to whom the application was originally given;

(B) the Department of the Interior Bureau for whom that person worked;

(C) the month and year in which the application was originally submitted;

(D) the place at which the application was originally submitted (address or specific location, more than the community's name);

(E) a complete application, including--

(i) the date of commencement of qualifying use and occupancy;

(ii) a description of the land for which the application is being made;

(iii) a map sufficient to locate the property on the ground; and

(iv) at least 2 written statements from knowledgeable individuals attesting to the applicant's qualifying use and occupancy of the land described in the application;

(F) a written explanation setting forth all information known concerning the original filing of the application and the reasons that the application was not forwarded when originally submitted, if

known, which explanation shall not include any additional information or explanatory material that was filed after the date of enactment of this Act; and

(G) sworn statements from at least 2 knowledgeable individuals, with their current addresses, who will not benefit from the granting of the Native allotment application, attesting to the fact that an application for Native allotment was originally filed as set forth in the request, not including any additional witness statements or supplementation of the previously submitted statements.

(3) PROHIBITION ON REOPENING OF APPLICATION- No application for a Native allotment that was closed, whether through relinquishment, denial or otherwise, under the laws (including regulations) that existed as of the date of closure, shall be reopened after the date of enactment of this subsection.

(4) VOLUNTARY RECONVEYANCE- The United States--

(A) may seek voluntary reconveyance of any land described in a application that is reopened, accepted, or is reconstructed that is accepted as timely filed after the date of enactment of this Act; but

(B) shall not file an action in any court to recover title from a current landowner.

(5) EXCEPTION- Except as otherwise provided in this subsection, after the date of enactment of this subsection, no requests to amend an allotment description may be granted unless the request is initiated by the Secretary in order to conform the allotment description to its on-the-ground or surveyed description.'

SEC. 306. ELIMINATION OF SHORE SPACE MEASUREMENT.

Section 18 of the Alaska Native Claims Settlement Act (43 U.S.C. 1617) (as amended by section 305) is amended by adding at the end the following:

(g) APPLICABILITY OF SHORE SPACE MEASUREMENT REQUIREMENT- Section 2094 of part 43, Code of Federal Regulations, (relating to Shore Space) shall not apply to Native allotment applications which are required to be adjudicated under the Act of May 17, 1906 (34 Stat. 197, chapter 2469), if the land has been surveyed before the date of enactment of this Act or has been the subject of a field examination, before the date of enactment of this subsection, which did not recommend adjustment of the land that is the subject of the application due to excessive shore space.'

SEC. 307. AMENDMENTS TO SECTION 41 OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT.

Section 41(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g(b)) is amended--

(1) in paragraph (1)(A), by inserting before the semicolon at the end the following: `(except that the term `nonmineral', as used in that Act, shall for the purpose of this subsection, include land valuable for deposits of sand or gravel except for claims describing land within the National Park System)'; and

(2) in paragraph (2)--

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(B) by inserting `(A)' after `(2)';

(C) in clause (ii) (as redesignated by subparagraph (A)), by inserting after `Department of Veterans Affairs' the following: `or based on other evidence acceptable to the Secretary of the Interior'; and

(D) by adding at the end the following:

(i) If the Secretary requests that the Secretary of Veterans Affairs make a determination whether a veteran died as a direct consequence of a wound received in action, the Secretary of Veterans Affairs shall, within 60 days of receipt of the request--

(I) provide a determination to the Secretary if the records of the Department of Veterans Affairs contain sufficient information to support such a determination; or

(II) notify the Secretary that the records of the Department of Veterans Affairs do not contain sufficient information to support a determination and that further investigation will be necessary.

(ii) Not later than 1 year after notification to the Secretary that further investigation is necessary, the Department of Veterans Affairs shall complete the investigation and provide a determination to the Secretary.'.

TITLE IV--FINAL PRIORITIES; CONVEYANCE AND SURVEY PLANS

SEC. 401. DEADLINE FOR ESTABLISHMENT OF REGIONAL PLANS.

(a) IN GENERAL- Not later than 18 months after the date of enactment of this Act, the Director of the Bureau of Land Management (referred to in this title as the `Director'), in coordination and consultation with Native Corporations, Federal land management agencies, and the State, shall update and revise the 12 preliminary Regional Conveyance and Survey Plans.

(b) INCLUSIONS- The updated and revised plans under subsection (a) shall identify any conflicts to be resolved and recommend any actions that should be taken to facilitate the finalization of land conveyances in a region by 2009.

SEC. 402. DEADLINES FOR ESTABLISHMENT OF VILLAGE PLANS.

Not later than 30 months after the date of enactment of this Act, the Director, in coordination with affected Federal land management agencies, the State, and Village Corporations, shall complete a final closure plan with respect to the entitlements for each Village Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

SEC. 403. FINAL PRIORITIZATION OF ANCSA SELECTIONS

(a) **IN GENERAL-** Any Village or Regional Corporation that has not entered in a voluntary, negotiated settlement of final entitlement under section 212 by the date of enactment of this Act, shall submit the final, irrevocable priorities of the Village or Regional Corporation--

(1) not later than 36 months after the date of enactment of this Act for Village Corporations; and

(2) not later than 42 months after the date of enactment of this Act for Regional Corporations.

(b) **ACREAGE LIMITATIONS-** The priorities submitted under subsection (a) shall not exceed land that is the greater of--

(1) not more than 125 percent of the remaining entitlement; or

(2) not more than 640 acres in excess of the remaining entitlement.

(c) **CORRECTIONS-**

(1) **IN GENERAL-** Except as provided in paragraph (2), the priorities submitted under subsection (a) may not be revoked, rescinded, or modified by the Village or Regional Corporation.

(2) **TECHNICAL CORRECTIONS-** Not later than 90 days after the date of receipt of a notification by the Director that there is a technical error in the priorities, the Village or Regional Corporation may correct the technical error in accordance with any recommendations of, and in the manner prescribed by, the Director.