

(Pub. L. 96-487, title XIII, §1328, Dec. 2, 1980, 94 Stat. 2489.)

REFERENCES IN TEXT

Act of June 1, 1938 (52 Stat. 609), referred to in subsec. (a)(1), is act June 1, 1938, ch. 317, 52 Stat. 609, which was classified to sections 682a to 682e of Title 43, Public Lands, was repealed by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787, 2789.

Act of May 3, 1927 (44 Stat. 1364), referred to in subsec. (a)(1), probably means act Mar. 3, 1927, ch. 323, 44 Stat. 1364, which was classified to section 687a of Title 43, and was repealed by Pub. L. 94-579, title VII, §703(b), Oct. 21, 1976, 90 Stat. 2789, 2791.

Act of May 14, 1898, referred to in subsec. (a)(1), is act May 14, 1898, ch. 299, 30 Stat. 409, which is classified to sections 607a and 615a of this title, sections 270, 270-4, 687a, 687a-2, 687a-3, 687a-4, 687a-5, and 942-1 to 942-9 of Title 43, and section 392 of Title 48, Territories and Insular Possessions. Section 270 of Title 43 was repealed by Pub. L. 94-579, title VII, §703(a), Oct. 21, 1976, 90 Stat. 2789. Section 270-4 of Title 43 was repealed by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787. Sections 687a and 687a-2 to 687a-5 of Title 43 were repealed by Pub. L. 94-579, title VII, §§703(a), 704(a), Oct. 21, 1976, 90 Stat. 2789, 2792. Section 392 of Title 48 was eliminated from the Code as obsolete. For complete classification of this Act to the Code, see Tables.

Act of March 3, 1891, referred to in subsec. (a)(1), is act Mar. 3, 1891, ch. 561, 26 Stat. 1095, which is classified to sections 161, 162, 165, 173, 174, 185, 202, 212, 321, 323, 325, 327 to 329, 663, 671, 687a-6, 718, 728, 732, 893, 946 to 949, 989, 1165, 1166, 1181, and 1197 of this title, sections 471, 607, 611, 611a, and 613 of Title 16, Conservation, section 495 of Title 25, Indians, and sections 30, 36, 44, 45, 48; and 52 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables.

The effective date of this Act, referred to in subsecs. (a) to (c), probably means the date of enactment of Pub. L. 96-487, which was approved Dec. 2, 1980.

This Act, referred to in subsec. (a)(2) and (3)(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 this title and Tables.

The Alaska Native Claims Settlement Act, referred to in subsecs. (a)(2), (3)(A) and (d), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Federal Power Act and that Act, referred to in subsec. (c), is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§791a et seq.) of this title. 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 this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

The Alaska Statehood Act, referred to in subsec. (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.

Act of May 17, 1906, as amended, referred to in subsec. (d), is act May 17, 1906, ch. 2469, 34 Stat. 197, as amended, which was classified to sections 270-1 to 270-3 of Title 43, Public Lands, prior to its repeal by Pub. L. 92-203, §18(a), Dec. 18, 1971, 85 Stat. 710. See section 1617 of Title 43.

SUBCHAPTER VII—NATIONAL NEED MINERAL ACTIVITY RECOMMENDATION PROCESS

**§3231. Areas subject to national need recommendation process**

The process contained in this subchapter shall apply to all public lands within Alaska except for lands within units of the National Park System and the Arctic National Wildlife Refuge.

(Pub. L. 96-487, title XV, §1501, Dec. 2, 1980, 94 Stat. 2549.)

**§3232. Recommendations of President to Congress**

**(a) Recommendation**

At any time after December 2, 1980, the President may transmit a recommendation to the Congress that mineral exploration, development, or extraction not permitted under this Act or other applicable law shall be permitted in a specified area of the lands referred to in section 3231 of this title. Notice of such transmittal shall be published in the Federal Register. No recommendation of the President under this section may be transmitted to the Congress before ninety days after publication in the Federal Register of notice of his intention to submit such recommendation.

**(b) Findings**

A recommendation may be transmitted to the Congress under subsection (a) of this section if the President finds that, based on the information available to him—

- (1) there is an urgent national need for the mineral activity; and
- (2) such national need outweighs the other public values of the public lands involved and the potential adverse environmental impacts which are likely to result from the activity.

**(c) Report**

Together with his recommendation, the President shall submit to the Congress—

- (1) a report setting forth in detail the relevant factual background and the reasons for his findings and recommendation;
- (2) a statement of the conditions and stipulations which would govern the activity if approved by the Congress; and

- (3) in any case in which an environmental impact statement is required under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], a statement which complies with the requirements of section 102(2)(C) of such Act [42 U.S.C. 4332(2)(C)]. In the case of any recommendation for which an environmental impact statement is not required under section 102(2)(C) of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)], the President may, if he deems it desirable, include such a statement in his transmittal to the Congress.

**(d) Approval**

Any recommendation under this section shall take effect only upon enactment of a joint resolution approving such recommendation within the first period of one hundred and twenty calendar days of continuous session of Congress be-