

Subsec. (a)(3)(B)(ii). Pub. L. 109-221, §101(b)(2), substituted “section 1629b(a)(4) of this title” for “(a)(4) of section 1629b of this title”.

2003—Subsec. (a)(3)(B). Pub. L. 108-7, §337(b), as amended by Pub. L. 109-221, §101(b)(1), added subpar. (B) and struck out former subpar. (B) which read as follows: “shall give rise to dissenters rights to the extent provided under the laws of the State only if the rights of beneficiaries in the Settlement Trust receiving a conveyance are inalienable.”

2000—Subsec. (c)(8). Pub. L. 106-559 added par. (8).

1998—Subsec. (b)(1)(B). Pub. L. 105-333 inserted “or the land is conveyed for a homesite by the Trust to a beneficiary of the Trust who is also a legal resident under Alaska law of the Native village of the settlor corporation and the conveyance does not exceed 1.5 acres” after “settlor corporation”.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-221 effective Feb. 20, 2003, see section 101(c) of Pub. L. 109-221, set out as a note under section 1629b of this title.

§ 1629f. Claims arising from contamination of transferred lands

(a) As used in this section the term “contaminant” means¹ hazardous substance harmful to public health or the environment, including friable asbestos.

(b) Within 18 months of November 2, 1995, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native Corporations and organizations, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report addressing issues presented by the presence of contaminants on lands conveyed or prioritized for conveyance to such corporations pursuant to this chapter. Such report shall consist of—

- (1) existing information concerning the nature and types of contaminants present on such lands prior to conveyance to Alaska Native Corporations;
- (2) existing information identifying to the extent practicable the existence and availability of potentially responsible parties for the removal or remediation of the effects of such contaminants;
- (3) identification of existing remedies;
- (4) recommendations for any additional legislation that the Secretary concludes is necessary to remedy the problem of contaminants on the lands; and
- (5) in addition to the identification of contaminants, identification of structures known to have asbestos present and recommendations to inform Native landowners on the containment of asbestos.

(Pub. L. 92-203, § 40, as added Pub. L. 104-42, title I, § 103, Nov. 2, 1995, 109 Stat. 354.)

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

¹ So in original. Probably should be “means a”.

§ 1629g. Open season for certain Alaska Native veterans for allotments

(a) In general

(1) During the eighteen month period following promulgation of implementing rules pursuant to subsection (e) of this section, a person described in subsection (b) of this section shall be eligible for an allotment of not more than two parcels of federal¹ land totaling 160 acres or less under the Act of May 17, 1906 (chapter 2469; 34 Stat. 197), as such Act was in effect before December 18, 1971.

(2) Allotments may be selected only from lands that were vacant, unappropriated, and unreserved on the date when the person eligible for the allotment first used and occupied those lands.

(3) The Secretary may not convey allotments containing any of the following—

(A) lands upon which a native or non-native campsite is located, except for a campsite used primarily by the person selecting the allotment;

(B) lands selected by, but not conveyed to, the State of Alaska pursuant to the Alaska Statehood Act or any other provision of law;

(C) lands selected by, but not conveyed to, a Village or Regional Corporation;

(D) lands designated as wilderness by statute;

(E) acquired lands;

(F) lands containing a building, permanent structure, or other development owned or controlled by the United States, another unit of government, or a person other than the person selecting the allotment;

(G) lands withdrawn or reserved for national defense purposes other than National Petroleum Reserve-Alaska;

(H) National Forest Lands; and

(I) lands selected or claimed, but not conveyed, under a public land law, including but not limited to the following:

- (1) Lands within a recorded mining claim.
- (2) Home sites.
- (3) Trade and Manufacturing sites.
- (4) Reindeer sites or headquarters sites.
- (5) Cemetery sites.

(4) A person who qualifies for an allotment on lands prohibited from conveyance by a provision of subsection (a)(3) of this section may select an alternative allotment from the following lands located within the geographic boundaries of the same Regional Corporation as the excluded allotment—

(A) lands withdrawn pursuant to section 1610(a)(1) of this title which were not selected, or were relinquished after selection;

(B) lands contiguous to the outer boundary of lands withdrawn pursuant to section 1610(a)(1)(C) of this title, except lands excluded from selection by a provision of subsection (a)(3) of this section and lands within a National Park; or

(C) vacant, unappropriated and unreserved lands.

(5) After consultation with a person entitled to an allotment within a Conservation System

¹ So in original. Probably should be capitalized.

Unit, the Secretary may convey alternative lands of equal acreage, including lands within a Conservation System Unit, to that person if the Secretary determines that the allotment would be incompatible with a purpose for which the Conservation System Unit was established.

(6) All conveyances under this section shall—

(A) be subject to valid existing rights, including any right of the United States to income derived, directly or indirectly, from a lease, license, permit, right-of-way or easement; and

(B) reserve to the United States deposits of oil, gas and coal, together with the right to explore, mine, and remove these minerals, on lands which the Secretary determines to be prospectively valuable for development.

(b) Eligible person

(1) A person is eligible to select an allotment under this section if that person—

(A) would have been eligible for an allotment under the Act of May 17, 1906 (chapter 2469; 34 Stat. 197), as that Act was in effect before December 18, 1971 (except that the term “nonmineral”, as used in that Act, shall for the purpose of this subsection be defined as provided in section 1634(a)(3) of this title, except that such definition shall not apply to land within a conservation system unit); and

(B) is a veteran who served during the period between January 1, 1969 and December 31, 1971 and—

(i) served at least 6 months between January 1, 1969 and December 31, 1971; or

(ii) enlisted or was drafted into military service after June 2, 1971 but before December 3, 1971.

(2)(A) The personal representative or special administrator, appointed in an Alaska State court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) of this section may, for the benefit of the heirs, select an allotment if the decedent was a veteran who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—

(i) was killed in action;

(ii) was wounded in action and subsequently died as a direct consequence of that wound, as determined by the Department of Veterans Affairs or based on other evidence acceptable to the Secretary; or

(iii) died while a prisoner of war.

(B)(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.

(3) No person who received an allotment or has a pending allotment under the Act of May 17, 1906 may receive an allotment under this section.

(c) Study and report

(1) The Secretary of the Interior shall conduct a study to identify and assess the circumstances of veterans of the Vietnam era who—

(A) served during a period other than that specified in subsection (b)(1)(B) of this section;

(B) were eligible for an allotment under the Act of May 17, 1906; and

(C) did not apply for an allotment under that Act.

(2) The Secretary shall, within one year of October 21, 1998, issue a written report on the study, including findings and recommendations, to the Committee on Appropriations and the Committee on Energy and Natural Resources in the Senate and the Committee on Appropriations and the Committee on Resources in the House of Representatives.

(d) Definitions

For the purposes of this section, the terms “veteran” and “Vietnam era” have the meanings given those terms by paragraphs (2) and (29), respectively, of section 101 of title 38.

(e) Regulations

No later than 18 months after October 21, 1998, the Secretary of the Interior shall promulgate, after consultation with Alaska Natives groups, rules to carry out this section.

(Pub. L. 92-203, §41, as added Pub. L. 105-276, title IV, §432, Oct. 21, 1998, 112 Stat. 2516; amended Pub. L. 106-559, title III, §301, Dec. 21, 2000, 114 Stat. 2782; Pub. L. 108-452, title III, §306, Dec. 10, 2004, 118 Stat. 3590.)

REFERENCES IN TEXT

Act of May 17, 1906, referred to in subsecs. (a)(1), (b)(1)(A), (3) and (c)(1)(B), (C), 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 subsec. (a)(3)(B), 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.

AMENDMENTS

2004—Subsec. (b)(1)(A). Pub. L. 108-452, §306(1), inserted before semicolon at end “(except that the term ‘nonmineral’, as used in that Act, shall for the purpose of this subsection be defined as provided in section 1634(a)(3) of this title, except that such definition shall not apply to land within a conservation system unit)”.

Subsec. (b)(2). Pub. L. 108-452, §306(2), designated existing provisions as subpar. (A), redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (A), inserted “or based on other evidence acceptable to the Secretary” after “Department of Veterans Affairs” in cl. (ii), and added subpar. (B).

2000—Subsec. (a)(3)(I)(4). Pub. L. 106-559, §301(1), substituted “or” for “and Reindeer”.

Subsec. (a)(4)(B). Pub. L. 106-559, §301(2), substituted “; or” for “; and” at end.

Subsec. (b)(1)(B)(i). Pub. L. 106-559, §301(3), substituted “December 31” for “June 2”.

Subsec. (b)(2). Pub. L. 106-559, §301(4), inserted introductory provisions and struck out former introductory provisions which read as follows: “The personal representative of the estate of a decedent who was eligible under subsection (b)(1) of this section may, for the benefit of the heirs, select an allotment if, during the period specified in subsection (b)(1)(B) of this section, the decedent—”.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 1629h. Kake Tribal Corporation land transfer

(a) In general

If—

(1) the State of Alaska relinquishes its selection rights under the Alaska Statehood Act (Public Law 85-508) to lands described in subsection (c)(2) of this section; and

(2) Kake Tribal Corporation and Sealaska Corporation convey all right, title, and interest to lands described in subsection (c)(1) of this section to the City of Kake, Alaska,

then the Secretary of Agriculture (hereinafter referred to as “Secretary”) shall, not later than 180 days thereafter, convey to Kake Tribal Corporation title to the surface estate in the land identified in subsection (c)(2) of this section, and convey to Sealaska Corporation title to the subsurface estate in such land.

(b) Effect on selection totals

(1) Of the lands to which the State of Alaska relinquishes selection rights and which are conveyed to the City of Kake pursuant to subsection (a) of this section, 694.5 acres shall be charged against lands to be selected by the State of Alaska under section 6(a) of the Alaska Statehood Act and 694.5 acres against lands to be selected by the State of Alaska under section 6(b) of the Alaska Statehood Act.

(2) The land conveyed to Kake Tribal Corporation and to Sealaska Corporation under this section is, for all purposes, considered to be land conveyed under this chapter. However, the conveyance of such land to Kake Tribal Corporation shall not count against or otherwise affect the Corporation’s remaining entitlement under section 1615(b) of this title.

(c) Lands subject to exchange

(1) The lands to be transferred to the City of Kake under subsection (a) of this section are the surface and subsurface estate to approximately 1,430 acres of land owned by Kake Tribal Corporation and Sealaska Corporation, and depicted as “KTC Land to City of Kake” on the map entitled “Kake Land Exchange-2000”, dated May 2000.

(2) The lands subject to relinquishment by the State of Alaska and to conveyance to Kake Tribal Corporation and Sealaska Corporation under subsection (a) of this section are the surface and subsurface estate to approximately 1,389 acres of Federal lands depicted as “Jenny

Creek-Land Selected by the State of Alaska to KTC” on the map entitled “Kake Land Exchange-2000”, dated May 2000.

(3) In addition to the transfers authorized under subsection (a) of this section, the Secretary may acquire from Sealaska Corporation the subsurface estate to approximately 1,127 acres of land depicted as “KTC Land-Conservation Easement to SEAL Trust” on the map entitled “Kake Land Exchange-2000”, dated May 2000, through a land exchange for the subsurface estate to approximately 1,168 acres of Federal land in southeast Alaska that is under the administrative jurisdiction of the Secretary. Any exchange under this paragraph shall be subject to the mutual consent of the United States Forest Service and Sealaska Corporation.

(d) Withdrawal

Subject to valid existing rights, the lands described in subsection (c)(2) of this section are withdrawn from all forms of location, entry, and selection under the mining and public land laws of the United States and from leasing under the mineral and geothermal leasing laws. This withdrawal expires 18 months after the effective date of this section.

(e) Maps

The maps referred to in this chapter shall be maintained on file in the Office of the Chief, United States Forest Service, the Office of the Secretary of the Interior, and the Office of the Petersburg Ranger District, Alaska.

(f) Watershed management

The United States Forest Service may cooperate with Kake Tribal Corporation and the City of Kake in developing a watershed management plan that provides for the protection of the watershed in the public interest. Grants may be made, and contracts and cooperative agreements may be entered into, to the extent necessary to assist the City of Kake and Kake Tribal Corporation in the preparation and implementation of a watershed management plan for the land within the City of Kake’s municipal watershed.

(g) Effective date

This section is effective upon the execution of one or more conservation easements that, subject to valid existing rights of third parties—

(1) encumber all lands depicted as “KTC Land to City of Kake” and “KTC Land-Conservation 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