

business for purposes of any form of Federal, State, or local taxation.

**(i) Personal Holding Company Act exemption**

No Corporation created pursuant to this chapter shall be considered to be a personal holding company within the meaning of section 542(a) of title 26 prior to January 1, 1992.

**(j) Shareholder homesites**

A real property interest distributed by a Native Corporation to a shareholder of such Corporation pursuant to a program to provide homesites to its shareholders, shall be deemed conveyed and received pursuant to this chapter: *Provided*, That alienability of the Settlement Common Stock of the Corporation has not been terminated pursuant to section 1629c of this title: *Provided further*, That the land received is restricted by covenant for a period not less than ten years to single-family (including traditional extended family customs) residential occupancy, and by such other covenants and retained interests as the Native Corporation deems appropriate: *Provided further*, That the land conveyed does not exceed one and one-half acres: *Provided further*, That if the shareholder receiving the homesite subdivides such homesite, he or she shall pay all Federal, State, and local taxes that would have been incurred but for this subsection together with simple interest at 6 per centum per annum calculated from the date of receipt of the homesite, including taxes or assessments for the provision of road access and water and sewage facilities by the conveying corporation or the shareholder.

(Pub. L. 92-203, §21, Dec. 18, 1971, 85 Stat. 713; Pub. L. 94-204, §13, Jan. 2, 1976, 89 Stat. 1154; Pub. L. 95-600, title V, §541, Nov. 6, 1978, 92 Stat. 2887; Pub. L. 96-487, title IX, §904, title XIV, §§1407-1409, Dec. 2, 1980, 94 Stat. 2434, 2495, 2496; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-241, §12(b), Feb. 3, 1988, 101 Stat. 1810; Pub. L. 102-415, §5, Oct. 14, 1992, 106 Stat. 2113.)

REFERENCES IN TEXT

The Alaska National Interest Lands Conservation Act, referred to in subsec. (d)(1), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended. 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 Johnson-O'Malley Act of April 16, 1934, as amended (25 U.S.C. 452), referred to in subsec. (e), is act Apr. 16, 1934, ch. 147, 48 Stat. 596, which was classified to section 452 et seq. of Title 25, Indians, prior to editorial reclassification as section 5342 et seq. of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 25 and Tables.

Public Law 815, 81st Congress (64 Stat. 967), referred to in subsec. (e), is act Sept. 23, 1950, ch. 995, as amended generally by Pub. L. 85-620, title I, §101, Aug. 12, 1958, 72 Stat. 548, which was classified generally to chapter 19 (§631 et seq.) of Title 20, Education, prior to repeal by Pub. L. 103-382, title III, §331(a), Oct. 20, 1994, 108 Stat. 3965. For complete classification of this Act to the Code, see Tables.

Public Law 874, 81st Congress (64 Stat. 1100), referred to in subsec. (e), is act Sept. 30, 1950, ch. 1124, 64 Stat. 1100, as amended, popularly known as the Educational Agencies Financial Aid Act, which was classified generally to chapter 13 (§236 et seq.) of Title 20, prior to repeal by Pub. L. 103-382, title III, §331(b), Oct. 20, 1994,

108 Stat. 3965. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1992—Subsec. (j). Pub. L. 102-415 struck out “prior to December 18, 1991,” after “A real property interest distributed” and substituted “*Provided*, That alienability of the Settlement Common Stock of the Corporation has not been terminated pursuant to section 1629c of this title: *Provided further*, That” for “*Provided*, That”.

1988—Subsec. (a). Pub. L. 100-241, §12(b)(1), inserted “(even if the Regional Corporation or Village Corporation distributing the dividend has not segregated revenue received from the Alaska Native Fund from revenue received from other sources)” after “distributions”.

Subsec. (j). Pub. L. 100-241, §12(b)(2), (3), substituted “Native Corporation” for “Village Corporation” in two places and “That if the shareholder receiving the homesite subdivides such homesite, he or she shall pay all Federal, State, and local taxes that would have been incurred but for this subsection together with simple interest at 6 per centum per annum calculated from the date of receipt of the homesite, including taxes or assessments for the provision of road access and water and sewage facilities by the conveying corporation or the shareholder.” for “That the shareholder receiving the homesite, if the shareholder subdivides the land received, shall pay all Federal, State, and local taxes which would have been incurred but for this subsection, together with simple interest at six percent per annum calculated from the date of receipt of the land to be paid to the appropriate taxing authority.”

1986—Subsecs. (c), (i). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1980—Subsec. (c). Pub. L. 96-487, §1408, inserted provision requiring that fair value of such land or interest in land at time of receipt be adjusted as provided in section 1016 of title 26 and proviso defining the basis of any such land attributable to an interest in a mine, well, other natural deposit, or block of timber.

Subsec. (d). Pub. L. 96-487, §904, designated existing provision as par. (1), substituted “Regional Corporation or corporation established pursuant to section 1613(h)(3) of this title” for “Regional Corporation”, “third parties or which are used solely for the purposes of exploration shall” for “third parties shall”, “from the vesting of title pursuant to the Alaska National Interest Lands Conservation Act or the date of issuance of an interim conveyance or patent, whichever is earlier, for those interests to such individual, group, or corporation” for “after December 18, 1971”, and “any portion of such interest” for “leased or developed real property” and inserted “which is leased or developed for purposes other than exploration for so long as such portion is leased or being developed” after “laws of the State”, and added par. (2).

Subsec. (e). Pub. L. 96-487, §1409, substituted “Native Group, corporation organized under section 1613(h)(3) of this title, or Village” for “Native Group, or Village”, “(64 Stat. 967, 1100). So long as there are no substantial” for “(64 Stat. 967, 1100), and so long as there are also no substantial”, and “such lands they shall continue to receive wildland fire” for “such lands, continue to receive forest fire”.

Subsec. (j). Pub. L. 96-487, §1407, added subsec. (j).

1978—Subsecs. (g) to (i). Pub. L. 95-600 added subsecs. (g) to (i).

1976—Subsec. (f). Pub. L. 94-204 added subsec. (f).

**§ 1621. Miscellaneous provisions**

**(a) Contract restrictions; percentage fee; enforcement; liens, executions, or judgments**

None of the revenues granted by section 1605 of this title, and none of the lands granted by this

chapter to the Regional and Village Corporation and to Native groups and individuals shall be subject to any contract which is based on a percentage fee of the value of all or some portion of the settlement granted by this chapter. Any such contract shall not be enforceable against any Native as defined by this chapter or any Regional or Village Corporation and the revenues and lands granted by this chapter shall not be subject to lien, execution or judgment to fulfill such a contract.

**(b) Patents for homesteads, headquarters sites, trade and manufacturing sites, or small tract sites; use and occupancy protection**

The Secretary is directed to promptly issue patents to all persons who have made a lawful entry on the public lands in compliance with the public land laws for the purpose of gaining title to homesteads, headquarters sites, trade and manufacturing sites, or small tract sites (43 U.S.C. 682<sup>1</sup>), and who have fulfilled all requirements of the law prerequisite to obtaining a patent. Any person who has made a lawful entry prior to August 31, 1971, for any of the foregoing purposes shall be protected in his right of use and occupancy until all the requirements of law for a patent have been met even though the lands involved have been reserved or withdrawn in accordance with Public Land Order 4582, as amended, or the withdrawal provisions of this chapter: *Provided*, That occupancy must have been maintained in accordance with the appropriate public land law: *Provided further*, That any person who entered on public lands in violation of Public Land Order 4582, as amended, shall gain no rights.

**(c) Mining claims; possessory rights, protection**

(1) On any lands conveyed to Village and Regional Corporations, any person who prior to August 31, 1971, initiated a valid mining claim or location under the general mining laws and recorded notice of said location with the appropriate State or local office shall be protected in his possessory rights, if all requirements of the general mining laws are complied with, for a period of five years and may, if all requirements of the general mining laws are complied with, proceed to patent.

(2)(A)(i) Subject to valid existing rights, an unpatented mining claim or location, or portion thereof, under the general mining laws that is situated outside the boundaries of a conservation system unit (as such term is defined in the Alaska National Interest Lands Conservation Act) and within the exterior boundaries of lands validly selected by a Village or Regional Corporation pursuant to section 1611 of this title or section 1613(h) of this title and that lapses, is abandoned, relinquished, or terminated, declared null and void, or otherwise expires, after August 31, 1971, because of failure to comply with requirements of the general mining laws (including the mining laws of the State of Alaska), is deemed to be null and void for the purposes of this paragraph. The Secretary shall promptly determine the validity of such claims or locations within conservation system units.

(ii) Subject to valid existing rights and to subparagraph (B), the lands outside a conservation

system unit included in a mining claim or location described in clause (i) shall—

(I) be considered part of the lands selected pursuant to sections 1611 of this title and 1613(h) of this title by the Village or Regional Corporation described in clause (i); and

(II) be eligible for conveyance pursuant to this chapter unless specifically identified and excluded from an initial selection application.

(iii) Subject to valid existing rights and to subparagraph (B), any portion outside a conservation system unit of a mining claim or location described in clause (i) that is situated within the exterior boundaries of lands conveyed prior to October 14, 1992, from selections under section 1611 or section 1613(h) of this title shall be conveyed pursuant to this chapter.

(B) No lands shall be conveyed pursuant to this subsection if the conveyance would result in the receipt of title to lands in excess of an acreage entitlement under this chapter.

(3) This section shall apply to lands conveyed by interim conveyance or patent to a Regional Corporation pursuant to this chapter which are made subject to a mining claim or claims located under the general mining laws, including lands conveyed prior to November 2, 1995. Effective on November 2, 1995, the Secretary, acting through the Bureau of Land Management and in a manner consistent with section 1613(g) of this title, shall transfer to the Regional Corporation administration of all mining claims determined to be entirely within lands conveyed to that corporation. Any person holding such mining claim or claims shall meet such requirements of the general mining laws and section 1744 of this title, except that any filings that would have been made with the Bureau of Land Management if the lands were within Federal ownership shall be timely made with the appropriate Regional Corporation. The validity of any such mining claim or claims may be contested by the Regional Corporation, in place of the United States. All contest proceedings and appeals by the mining claimants of adverse decisions made by the Regional Corporation shall be brought in Federal District Court for the District of Alaska. Neither the United States nor any Federal agency or official shall be named or joined as a party in such proceedings or appeals. All revenues from such mining claims received after November 2, 1995, shall be remitted to the Regional Corporation subject to distribution pursuant to section 1606(i) of this title, except that in the event that the mining claim or claims are not totally within the lands conveyed to the Regional Corporation, the Regional Corporation shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim so conveyed. The provisions of this section shall apply to Haida Corporation and the Haida Traditional Use Sites, which shall be treated as a Regional Corporation for the purposes of this paragraph, except that any revenues remitted to Haida Corporation under this section shall not be subject to distribution pursuant to section 1606(i) of this title.

<sup>1</sup> So in original. See References in Text note below.

**(d) Purchase restrictions for personnel inapplicable to chapter**

The provisions of section 11 of this title shall not apply to any land grants or other rights granted under this chapter.

**(e) National Wildlife Refuge System; replacement lands**

If land within the National Wildlife Refuge System is selected by a Village Corporation pursuant to the provisions of this chapter, the secretary<sup>2</sup> shall add to the Refuge System other public lands in the State to replace the lands selected by the Village Corporation.

**(f) Land exchanges**

The Secretary, the Secretary of Defense, the Secretary of Agriculture, and the State of Alaska are authorized to exchange lands or interests therein, including Native selection rights, with the corporations organized by Native groups, Village Corporations, Regional Corporations, and the corporations organized by Natives residing in Juneau, Sitka, Kodiak, and Kenai, all as defined in this chapter, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency for the purpose of effecting land consolidations or to facilitate the management or development of the land, or for other public purposes. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged: *Provided*, That when the parties agree to an exchange and the appropriate Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

**(g) National Wildlife Refuge System lands subject of patents; Federal reservation of first refusal rights; provision in patents for continuing application of laws and regulations governing Refuge**

If a patent is issued to any Village Corporation for land in the National Wildlife Refuge System, the patent shall reserve to the United States the right of first refusal if the land is ever sold by the Village Corporation. Notwithstanding any other provision of this chapter, every patent issued by the Secretary pursuant to this chapter—which covers lands lying within the boundaries of a National Wildlife Refuge on December 18, 1971, shall contain a provision that such lands remain subject to the laws and regulations governing use and development of such Refuge.

**(h) Withdrawals of public lands; termination date**

(1) All withdrawals made under this chapter, except as otherwise provided in this subsection, shall terminate within four years of December 18, 1971: *Provided*, That any lands selected by Village or Regional Corporations or by a Native group under section 1611 of this title shall remain withdrawn until conveyed pursuant to section 1613 of this title.

(2) The withdrawal of lands made by section 1610(a)(2) and section 1615 of this title shall terminate three years from December 18, 1971.

(3) The provisions of this section shall not apply to any withdrawals made under section 1616 of this title.

(4) The Secretary is authorized to terminate any withdrawal made by or pursuant to this chapter whenever he determines that the withdrawal is no longer necessary to accomplish the purposes of this chapter.

**(i) Administration of withdrawn lands; contracting and other authority of Secretaries not impaired by withdrawal**

Prior to a conveyance pursuant to section 1613 of this title, lands withdrawn by or pursuant to sections 1610, 1613, and 1615 of this title shall be subject to administration by the Secretary, or by the Secretary of Agriculture in the case of National Forest lands, under applicable laws and regulations, and their authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal.

**(j) Interim conveyances and underselections**

(1) Where lands to be conveyed to a Native, Native Corporation, or Native group pursuant to this chapter as amended and supplemented have not been surveyed, the same may be conveyed by the issuance of an "interim conveyance" to the party entitled to the lands. Subject to valid existing rights and such conditions and reservations authorized by law as are imposed, the force and effect of such an interim conveyance shall be to convey to and vest in the recipient exactly the same right, title, and interest in and to the lands as the recipient would have received had he been issued a patent by the United States. Upon survey of lands covered by an interim conveyance a patent thereto shall be issued to the recipient. The boundaries of the lands as defined and conveyed by the interim conveyance shall not be altered but may then be redescribed, if need be, in reference to the plat of survey. The Secretary shall make appropriate adjustments to insure that the recipient receives his full entitlement. Where the term "patent," or a derivative thereof, is used in this chapter unless the context precludes such construction, it shall be deemed to include "interim conveyance," and the conveyances of land to Natives and Native Corporations provided for this chapter shall be as fully effectuated by the issuance of interim conveyances as by the issuance of patents.

(2) Where lands selected and conveyed, or to be conveyed to a Village Corporation are insufficient to fulfill the Corporation's entitlement under section 1611(b), 1613(a), 1615(b), or 1615(d) of this title, the Secretary is authorized to withdraw twice the amount of unfulfilled entitlement and provide the Village Corporation ninety days from receipt of notice from the Secretary to select from the lands withdrawn the land it desires to fulfill its entitlement. In making the withdrawal, the Secretary shall first withdraw public lands that were formerly withdrawn for selection by the concerned Village Corporation by or pursuant to section 1610(a)(1), 1610(a)(3), 1615(a), or 1615(d) of this title. Should such lands no longer be available, the Secretary may withdraw public lands that are vacant, unreserved, and unappropriated, except that the

<sup>2</sup> So in original. Probably should be capitalized.

Secretary may withdraw public lands which had been previously withdrawn pursuant to section 1616(d) of this title. Any subsequent selection by the Village Corporation shall be in the manner provided in this chapter for such original selections.

(3) In lieu of withdrawal under paragraph (2), land may be segregated from all other forms of appropriation for the purposes described in that paragraph if—

(A) the Secretary and the Village Corporation enter into an agreement identifying the land for selection; and

(B) the Village Corporation files an application for selection of the land.

**(k) National forest land patents; conditions**

Any patents to lands under this chapter which are located within the boundaries of a national forest shall contain such conditions as the Secretary deems necessary to assure that:

(1) the sale of any timber from such lands shall, for a period of five years, be subject to the same restrictions relating to the export of timber from the United States as are applicable to national forest lands in Alaska under rules and regulations of the Secretary of Agriculture; and

(2) such lands are managed under the principle of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands for a period of twelve years.

**(l) Land selection limitation; proximity to home rule or first class city and Ketchikan**

Notwithstanding any provision of this chapter, no Village or Regional Corporation shall select lands which are within two miles from the boundary, as it exists on December 18, 1971, of any home rule or first class city (excluding boroughs) or which are within six miles from the boundary of Ketchikan.

**(m) Licenses held by Alaska Native regional corporations**

An Alaska Native regional corporation organized pursuant to this chapter, or an affiliate thereof, that holds a Federal Communications Commission license in the personal communications service as of the date of enactment of this section<sup>3</sup> and has either paid for such license in full or has complied with the payment schedules for such license shall be permitted to transfer or assign without penalty such license to any transferee or assignee. No economic penalties shall apply to any transfer or assignment authorized under this section. Any amounts owed to the United States for the initial grant of such licenses shall become immediately due and payable upon the consummation of any such transfer or assignment. Any application for such a transfer or assignment shall be deemed granted if not denied by the Commission within 90 days of the date on which it was initially filed. Any provision of law or regulation to the contrary is hereby amended.

(Pub. L. 92-203, §22, Dec. 18, 1971, 85 Stat. 713; Pub. L. 94-204, §17, Jan. 2, 1976, 89 Stat. 1156;

Pub. L. 96-487, title XIV, §1410, Dec. 2, 1980, 94 Stat. 2496; Pub. L. 102-415, §14, Oct. 14, 1992, 106 Stat. 2121; Pub. L. 104-42, title I, §102, Nov. 2, 1995, 109 Stat. 353; Pub. L. 105-333, §7, Oct. 31, 1998, 112 Stat. 3133; Pub. L. 106-259, title VIII, §8149, Aug. 9, 2000, 114 Stat. 706; Pub. L. 108-452, title II, §208, Dec. 10, 2004, 118 Stat. 3586.)

REFERENCES IN TEXT

Section 682 of this title, referred to in subsec. (b), probably means section 682a of this title which was repealed by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787.

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

Section 6(i) of the Alaska Statehood Act, referred to in subsec. (f), is section 6(i) of Pub. L. 85-508, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

The date of enactment of this section, referred to in subsec. (m), probably means the date of enactment of Pub. L. 106-259, which enacted subsec. (m) of this section and was approved Aug. 9, 2000.

AMENDMENTS

2004—Subsec. (j)(3). Pub. L. 108-452 added par. (3).

2000—Subsec. (m). Pub. L. 106-259, which directed the addition of subsec. (m) at the end of section 1621 of Public Law 92-204, was executed by adding subsec. (m) at the end of this section, which is section 22 of Pub. L. 92-203, to reflect the probable intent of Congress.

1998—Subsec. (c)(3). Pub. L. 105-333 substituted “Regional Corporation” for “regional corporation” wherever appearing and inserted at end “The provisions of this section shall apply to Haida Corporation and the Haida Traditional Use Sites, which shall be treated as a Regional Corporation for the purposes of this paragraph, except that any revenues remitted to Haida Corporation under this section shall not be subject to distribution pursuant to section 1606(i) of this title.”

1995—Subsec. (c)(3). Pub. L. 104-42 added par. (3).

1992—Subsec. (c). Pub. L. 102-415 designated existing provisions as par. (1) and added par. (2).

1980—Subsec. (j). Pub. L. 96-487 substituted provision authorizing Secretary to convey lands by interim conveyance when the lands have not been surveyed, upon survey to issue a patent and redescribe the lands if necessary, and, where lands selected and conveyed, or to be conveyed, to a Village Corporation are insufficient to fulfill the Corporation’s entitlement, to withdraw twice the amount of unfulfilled entitlement and provide the Village Corporation 90 days from receipt of notice to select from the lands withdrawn the land it desires to fulfill its entitlement for provision authorizing the Secretary, in any area of Alaska for which protraction diagrams do not exist, which does not conform to the United States Land Survey System, or which has not been adequately surveyed to permit selection, to take such actions as are necessary to accomplish the purposes of this chapter.

1976—Subsec. (f). Pub. L. 94-204 authorized State of Alaska to make direct exchanges of land between it and Native Corporations, authorized State to transfer mineral interests, notwithstanding section 6(i) of the Alaska Statehood Act, to Federal agencies in such exchanges, and authorized exchanges on a basis other than equal value, by agreement of the parties or if deemed in the public interest.

**§ 1622. Annual reports to Congress until 1984; submission in 1985 of report of status of Natives, summary of actions taken, and recommendations**

The Secretary shall submit to the Congress annual reports on implementation of this chap-

<sup>3</sup> See References in Text note below.