

Editorial Notes

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 over-selection 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 conservation 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.)

Editorial Notes

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, 94 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 com-

plete 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) 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), 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 [43 U.S.C. 1616(b)(3)], which are described in section 17(b)(1) of such Act [43 U.S.C. 1616(b)(1)] 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.)

Editorial Notes

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 classi-

fied 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.

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.)

Statutory Notes and Related Subsidiaries

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

Pub. L. 93-153, title II, §201, Nov. 16, 1973, 87 Stat. 584, provided that: "This title [enacting this chapter] may be cited as the 'Trans-Alaska Pipeline Authorization Act'."