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TITLE: ADMIRALTY ISLAND NATIONAL MONUMENT LAND MANAGEMENT ACT

SPEAKER: Mr. JOHNSTON; Mr. LUGAR; Mr. MITCHELL

TEXT: [*S10337] Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 666, the Alaska Native Claims Settlement Act.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

RESOLVED, That the bill from the Senate (S. 666) entitled "An Act to enroll twenty individuals under the Alaska Native Claims Settlement Act," do pass with the following amendments:

Page 1, after line 2, insert: Title I

Page 1, line 3, strike out That notwithstanding, and insert: Sec. 101. Notwithstanding

Page 2, after line 13, insert:

TITLE II

SECTION 201. TITLE AND PURPOSE.

(a) Title. -- This title may be cited as the "Admiralty Island National Monument Land Management Act of 1990".

(b) Purpose. -- The purpose of this title is to improve Federal management of lands on Admiralty Island, Alaska, as provided herein.

SEC. 202. FINDINGS.

The Congress hereby finds that –

(1) Admiralty Island National Monument, Alaska, is an area of unparalleled natural beauty containing multiple values including but not limited to, fish and wildlife, forestry, recreational, subsistence, educational, wilderness, historical, cultural, and scenic values of enduring benefit to the Nation and the Native peoples residing therein; and

(2) land management and Federal administration of Admiralty Island National Monument may be enhanced by Federal land acquisitions, through land exchanges or otherwise, and by cooperative agreements between the Federal Government and the indigenous residents of the island, the people of the city of Angoon and the Native Village Corporation, Kootznoowoo, Incorporated.

SEC. 203. LAND ACQUISITION AND EXCHANGE.

(a) Section 506(a) of the Alaska National Interest Lands Conservation Act (Public Law 96-487, as amended) is hereby amended by adding at the end thereof the following new paragraph:

"(9)(A) The Secretary is authorized and directed to enter into such cooperative agreements and agreements for land acquisitions, through exchange or otherwise, with Kootznoowoo as are deemed necessary by the Secretary to carry out the purposes specified in section 101 and 503 of this Act and to improve the management of Federal lands on Admiralty Island.

"(B) The Secretary shall make every effort to complete agreements within eighteen months of the date of enactment of this paragraph.

"(C) The Secretary shall report to Congress before the end of such eighteen-month period on the status and results of negotiations with Kootznoowoo. The report shall include, but not be limited to, any Kootznoowoo properties proposed to be acquired by the United States, any Federal land or other compensation to be offered in exchange, and the text of any proposed or executed agreements.

"(D) Any lands on Admiralty Island acquired by the United States pursuant to this paragraph shall be added to and incorporated within the Admiralty Island National Monument.

"(E) The inability of the Secretary and Kootznoowoo to reach agreement shall not preclude subsequent negotiations at any time for the purposes of land exchanges or other matters.

"(F) Enactment of this paragraph shall not create any right or cause of action by Kootznoowoo, Incorporated, or any other party against the United States."

SEC. 204. LAND SELECTION CONSOLIDATION.

(a) Section 506(a)(5) of the Alaska National Interest Lands Conservation Act (Public Law 96-487, as amended) is hereby amended by adding at the end thereof the following new subparagraphs:

"(C) In order to consolidate Federal land ownership and improve management of all land and timber resources in the area, the lands between such sale area and lands lying to the east of such sale area which have been or may be conveyed to Kootznoowoo pursuant to this paragraph shall be made available by the Secretary for an exchange between the Federal Government and Kootznoowoo, Incorporated, pursuant to the terms of section 1302(h) of this Act. If such sale is voluntarily terminated, or is canceled or forfeited in accordance with applicable law and regulations, then the lands within the sale area shall also be made available for exchange. The availability of the lands within the sale area for exchange shall continue for one year following the date the sale is completed and closed, or for one year following its termination, cancellation, or forfeiture, whichever is later. Nothing in this section shall affect valid land selections which the State of Alaska has filed with the Federal Government pursuant to Public Law 85-508, nor shall this section cause these lands to be removed from entry pursuant to the Mining Law of 1872.

"(D) Subject to lode mining claims, known as KAEL 1-216 inclusive, and valid existing rights, the subsurface estate in the lands conveyed to Kootznoowoo, Incorporated, pursuant to subparagraph (C) shall be granted to Sealaska, Incorporated."

SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) Section 703(a)(1) of the Alaska National Interest Lands Conservation Act is amended by deleting the words "Admiralty Island National Monument Wilderness" and inserting in lieu thereof "Kootznoowoo Wilderness".

(b)(1) All rights, title, and interests to that portion of the approximately seventeen and thirty-four one-hundredths acres comprising the Angoon Administrative Site which, pursuant to paragraph (b)(2) of this section, the Secretary dedicates for uses related to the administration of the Tongass National Forest, are hereby confirmed in the United States, said parcel being a valid existing Federal administrative site as referenced in section 506(a)(3)(A) of the Alaska National Interest Lands Conservation Act (Public Law 96-487, as amended). Said administrative site is located on Admiralty Island in township 50 south, range 68 east, section 31, Cooper River Base and Meridian and township 50 south, range 67 east, section 36, Cooper River Base and Meridian.

(2) Within one year of enactment of this paragraph, the Secretary of Agriculture shall adjust, and resurvey as necessary, the boundaries of the Angoon Administrative Site to include only that portion of the site described as follows:

(A) Those lands which lie within the following described boundaries, comprising four and sixty-eight one-hundredths acres more or less:

Beginning at corner 1, also corner 9 of United States survey numbered 8756;

Thence north 45 degrees 30 minutes west, 540.79 feet to corner 2;

Thence north 45 degrees 00 minutes east, 876.60 feet to corner 3;

Thence south 45 degrees 30 minutes east, 540.79 feet to corner 4;

Thence south 45 degrees 00 minutes west, 876.60 feet to corner 1, also corner 9 of United States survey numbered 8756, the point of beginning.

(B) Those lands which lie within that area adjoining the northeastern boundary of the four and sixty-eight one-hundredths acre tract and the mean high tide line of Kootznoowoo Inlet, subject to a perpetual public easement for the existing Angoon-Killisnoo Road.

(C) An easement for road and utility access to the four and sixty-eight hundredths acre tract from the western or southern boundary of the seventeen and thirty-four one-hundredths acre site. To the maximum extent feasible, the Secretary shall locate said easement to connect and follow the existing right-of-way for Relay Road, which lies between lots 1 and 6 of the Samuel G. Johnson subdivision. Said easement shall be at a precise location and of dimensions which the Secretary determines are reasonably necessary for present and projected Federal uses of the site related to administration of the Tongass National Forest. Said easement shall be subject to any valid existing rights except those of Kootznoowoo, Incorporated: PROVIDED, That the easement shall not be located on any lands conveyed by Kootznoowoo, Incorporated, to a third party prior to June 1, 1988, without the express consent of such party: PROVIDED FURTHER, That the Secretary shall exclude from the lands so retained those lands which were occupied on June 1, 1988, by structures and improvements that were not constructed by or for the United States including easements related thereto, or which were constructed by or for the United States but which the Secretary determines are not reasonably necessary for present or projected Federal uses related to the administration of the Tongass National Forest: PROVIDED FURTHER, That the Secretary shall not exclude from the four and sixty-eight one-hundredths acre tract any lands occupied by existing power or utility lines or poles, and the lands so occupied shall be subject to an easement to allow for their continued use, maintenance, and repair.

(3) Title to all lands within the seventeen and thirty-four one-hundredths acre administrative site which are not included by the Secretary in the adjusted area provided by paragraph (b)(2) shall be conveyed by the Secretary of Agriculture by quitclaim deed to Kootznoowoo, Incorporated.

(4) The provisions of paragraphs (b)(2) and (b)(3) are subject to the condition precedent that Kootznoowoo, Incorporated, executes an appropriate written agreement acceptable to the United States attorney for the District of Alaska to dismiss, with prejudice, the pending litigation entitled Kootznoowoo, Incorporated, versus United States Department of Agriculture, Forest Service, Civil

Numbered A84-575, in the United States District Court for the District of Alaska, and agrees therein that Kootznoowoo, Incorporated, and the United States shall each bear their respective costs of said litigation, including attorneys' fees.

TITLE III

Section 301. Subsection (d) of section 37 of the Alaska Native Claims Settlement Act is amended by –

[*S10338] (1) inserting the words "and such resolution is not validly rescinded pursuant to paragraph (2)(B)(ii)" before the period at the end of paragraph (1)(A);

(2) by redesignating paragraph (2)(B) as paragraph (2)(B)(i); and

(3) by adding the following new clauses to paragraph (2)(B):

"(ii) In lieu of approving the amendment to the articles of incorporation described in clause (i) and submitting such amendment to a vote of the shareholders, at any time prior to January 1, 1991, the board of directors of a Native Corporation that has approved a resolution described in paragraph (1)(A) may approve a new resolution rescinding that prior resolution. Upon approval of the new resolution rescinding a resolution described in paragraph (1)(A), the latter resolution shall be void and alienability restrictions on the Settlement Common Stock of such corporation shall continue subsequent to December 18, 1991, until such time as the alienability restrictions are terminated pursuant to the procedure described in subsection (b).

"(iii) Notwithstanding any other provision of law, a civil action that challenges the constitutionality of any provision in clause (ii) shall be barred unless it is filed within one year after the date of the vote of the board of directors approving a resolution to rescind a prior opt-in election under paragraph (1)(A). Any such civil action shall be filed in accordance with section 16(b) of the Alaska Native Claims Settlement Act Amendments of 1987 (101 Stat. 1813-1814).".

AMENDMENT NO. 2334

Mr. MITCHELL. Mr. President, I move that the Senate concur in the House amendments with an amendment which I now send to the desk on behalf of Senator Johnston.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. Mitchell] for Mr. Johnston, proposes an amendment numbered 2334.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 2, line 22, strike "101" and insert "201".

On page 5, after line 2, insert the following new sentence:

"Nothing in subparagraphs (C) or (D) shall create a right or cause of action by Kootznoowoo, Incorporated, or any other party against the United States."

On page 5, lines 19 and 20, strike the word "Cooper" each time it appears and insert in lieu thereof, "Copper".

On page 6, line 5, strike "8756;" and insert "3756;".

On page 6, line 9, strike "876.60" and insert "376.60".

On page 6, line 13, strike "876.60" and insert "376.60".

On page 6, line 14, strike "8756," and insert "3756,".

Mr. JOHNSTON. Mr. President, with the addition of several minor amendments which I will offer to this legislation, I strongly support the enactment of S. 666 as amended by the House of Representatives. The additional provisions added to this bill by the House will help to resolve several longstanding issues regarding the management of certain lands on Admiralty Island and also fix a problem with the legislation the Congress enacted in 1988 dealing with the ownership of lands and corporate stock by Alaska Natives pursuant to the Alaska Native Claims Settlement Act. I commend the House for its action on this measure and am pleased that this bill gives us an opportunity to deal with these issues.

Mr. President, I am offering 7 amendments to the House-passed version of S. 666. Six of these amendments are technical and correct a section cross-reference, erroneous survey identification numbers and incorrect distances contained in a land description in title II regarding the Kootznoowoo, land consolidation provisions. The other amendment adds a provision, also in title II concerning Kootznoowoo, which will help to ensure that any exchange which might ultimately result from negotiations between Kootznoowoo and the Forest Service is one mutually agreed upon by both parties.

Mr. President, I urge my colleagues to join with me in approving this important measure. The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.