

## Union Calendar No. 202

108TH CONGRESS  
1ST SESSION**S. 924****[Report No. 108-345]**

---

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2003

Referred to the Committee on Resources

NOVEMBER 4, 2003

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

---

**AN ACT**

To authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 For the purposes of this Act, the term:

5 (1) “ANCSA” means the Alaska Native Claims  
6 Settlement Act (43 U.S.C. 1601 et seq.);

1           (2) “ANILCA” means the Alaska National In-  
2           terest Lands Conservation Act (16 U.S.C. 3101 et  
3           seq.);

4           (3) “Calista” means the Calista Corporation, an  
5           Alaska Native Regional Corporation established pur-  
6           suant to ANCSA;

7           (4) “Identified Lands” means approximately  
8           10,943 acres of lands (including surface and sub-  
9           surface estates) designated as “Proposed Village  
10          Site” on a map entitled “Proposed Newtok Ex-  
11          change,” dated September, 2002, and available for  
12          inspection in the Anchorage office of the United  
13          States Fish and Wildlife Service;

14          (5) “limited warranty deed” means a warranty  
15          deed which is, with respect to its warranties, limited  
16          to that portion of the chain of title from the moment  
17          of conveyance from the United States to Newtok to  
18          and including the moment at which such title is val-  
19          idly reconveyed to the United States;

20          (6) “Newtok” means the Newtok Native Cor-  
21          poration, an Alaska Native Village Corporation es-  
22          tablished pursuant to ANCSA;

23          (7) “Newtok lands” means approximately  
24          12,101 acres of surface estate comprising conveyed  
25          lands and selected lands identified as Aknerkochik

1 on the map referred to in paragraph (4) and that  
2 surface estate selected by Newtok on Baird Inlet Is-  
3 land as shown on the map; and

4 (8) “Secretary” means the Secretary of the In-  
5 terior.

6 **SEC. 2. LANDS TO BE EXCHANGED.**

7 (a) LANDS EXCHANGED TO THE UNITED STATES.—  
8 If, within 180 days after the date of enactment of this  
9 Act, Newtok expresses to the Secretary in writing its in-  
10 tent to enter into a land exchange with the United States,  
11 the Secretary shall accept from Newtok a valid,  
12 unencumbered conveyance, by limited warranty deed, of  
13 the Newtok lands previously conveyed to Newtok. The Sec-  
14 retary shall also accept from Newtok a relinquishment of  
15 irrevocable prioritized selections for approximately 4,956  
16 acres for those validly selected lands not yet conveyed to  
17 Newtok.

18 (b) LANDS EXCHANGED TO NEWTOK.—In exchange  
19 for the Newtok lands conveyed and selections relinquished  
20 under subsection (a), the Secretary shall, subject to valid  
21 existing rights and notwithstanding section 14(f) of  
22 ANCSA, convey to Newtok the surface and subsurface es-  
23 tates of the Identified Lands. The conveyance shall be by  
24 interim conveyance. Subsequent to the interim conveyance,  
25 the Secretary shall survey identified Lands at no cost to

1 Newtok and issue a patent to the Identified Lands subject  
2 to the provisions of ANCSA and this Act.

3 **SEC. 3. CONVEYANCE.**

4 (a) **TIMING.**—The Secretary shall issue interim con-  
5 veyances pursuant to subsection 2(b) at the earliest pos-  
6 sible time after acceptance of the Newtok conveyance and  
7 relinquishment of selections under subsection 2(a).

8 (b) **RELATIONSHIP TO ANCSA.**—Lands conveyed to  
9 Newtok under this Act shall be treated as having been  
10 conveyed under the provisions of ANCSA, except that the  
11 provisions of 14(c) and 22g of ANCSA shall not apply to  
12 these lands. Consistent with section 103(c) of ANILCA,  
13 these lands shall not be included as a portion of the Yukon  
14 Delta National Wildlife Refuge and shall not be subject  
15 to regulations applicable solely to public lands within this  
16 Conservation System Unit.

17 (c) **EFFECT ON ENTITLEMENT.**—Except as otherwise  
18 provided, nothing in this Act shall be construed to change  
19 the total acreage of land to which Newtok is entitled under  
20 ANCSA.

21 (d) **EFFECT ON NEWTOK LANDS.**—The Newtok  
22 Lands shall be included in the Yukon Delta National Wild-  
23 life Refuge as of the date of acceptance of the conveyance  
24 of those lands from Newtok, except that residents of the  
25 Village of Newtok, Alaska, shall retain access rights to

1 subsistence resources on those Newtok lands as guaran-  
2 teed under section 811 of ANILCA (16 U.S.C. 3121), and  
3 to subsistence uses, such as traditional subsistence fishing,  
4 hunting and gathering, consistent with section 803 of  
5 ANILCA (16 U.S.C. 3113).

6 (e) ADJUSTMENT TO CALISTA CORPORATION ANCSA  
7 ENTITLEMENT FOR RELINQUISHED NEWTOK SELEC-  
8 TIONS.—To the extent that Calista subsurface rights are  
9 affected by this Act, Calista shall be entitled to an equiva-  
10 lent acreage of in lieu subsurface entitlement for the  
11 Newtok selections relinquished in the exchange as set  
12 forth in subsection 2(a) of this Act. This equivalent enti-  
13 tlement shall come from subsurface lands already selected  
14 by Calista, but which have not been conveyed. If Calista  
15 does not have sufficient subsurface selections to accommo-  
16 date this additional entitlement, Calista Corporation is  
17 hereby authorized to make an additional in lieu selection  
18 for the deficient acreage from lands within the region but  
19 outside any conservation system unit.

20 (f) ADJUSTMENT TO EXCHANGE.—If requested by  
21 Newtok, the Secretary may consider and make adjust-  
22 ments to the exchange to meet the purposes of this Act,  
23 subject to all the same terms and conditions of this Act.

**Union Calendar No. 202**

108TH CONGRESS  
1ST SESSION

**S. 924**

**[Report No. 108-345]**

---

---

**AN ACT**

To authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

---

---

NOVEMBER 4, 2003

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed