

Union Calendar No. 383

105TH CONGRESS
2^D SESSION

H. R. 2000

[Report No. 105-677]

To amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 1997

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

AUGUST 5, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 21, 1997]

A BILL

To amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, 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,*

1 **SECTION 1. AUTOMATIC LAND BANK PROTECTION.**

2 (a) *LANDS RECEIVED IN EXCHANGE FROM CERTAIN*
3 *FEDERAL AGENCIES.*—*The matter preceding clause (i) of*
4 *section 907(d)(1)(A) of the Alaska National Interest Lands*
5 *Conservation Act (43 U.S.C. 1636(d)(1)(A)) is amended by*
6 *inserting “or conveyed to a Native Corporation pursuant*
7 *to an exchange authorized by section 22(f) of Alaska Native*
8 *Claims Settlement Act or section 1302(h) of this Act or*
9 *other applicable law” after “Settlement Trust”.*

10 (b) *LANDS EXCHANGED AMONG NATIVE CORPORA-*
11 *TIONS.*—*Section 907(d)(2)(B) of such Act (43 U.S.C.*
12 *1636(d)(2)(B)) is amended—*

13 (1) *by striking “and” at the end of clause (ii);*

14 (2) *by striking the period at the end of clause*
15 *(iii) and inserting “; and”; and*

16 (3) *by adding at the end the following:*

17 *“(iv) lands or interest in lands shall not be con-*
18 *sidered developed or leased or sold to a third party*
19 *as a result of an exchange or conveyance of such land*
20 *or interest in land between or among Native Corpora-*
21 *tions and trusts, partnerships, corporations, or joint*
22 *ventures, whose beneficiaries, partners, shareholders,*
23 *or joint venturers are Native Corporations.”.*

24 (c) *ACTIONS BY TRUSTEE SERVING PURSUANT TO*
25 *AGREEMENT OF NATIVE CORPORATIONS.*—*Section*

1 907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is
2 amended—

3 (1) by striking “or” at the end of clause (i);

4 (2) by striking the period at the end of clause
5 (ii) and inserting “; or”; and

6 (3) by adding at the end the following:

7 “(iii) to actions by any trustee whose right, title,
8 or interest in land or interests in land arises pursu-
9 ant to an agreement between or among Native Cor-
10 porations and trusts, partnerships, or joint ventures
11 whose beneficiaries, partners, shareholders, or joint
12 venturers are Native Corporations.”.

13 **SEC. 2. RETAINED MINERAL ESTATE.**

14 Section 12(c)(4) of the Alaska Native Claims Settle-
15 ment Act (43 U.S.C. 1611(c)(4)) is amended—

16 (1) by redesignating subparagraphs (C) and (D)
17 as subparagraphs (E) and (F), respectively, and by
18 inserting after subparagraph (B) the following new
19 subparagraphs:

20 “(C) Where such public lands are surrounded by
21 or contiguous to subsurface lands obtained by a Re-
22 gional Corporation under subsections (a) or (b), the
23 Corporation may, upon request, have such public
24 land conveyed to it.

1 “(D)(i) A Regional Corporation which elects to
2 obtain public lands under subparagraph (C) shall be
3 limited to a total of not more than 12,000 acres. Se-
4 lection by a Regional Corporation of in lieu surface
5 acres under subparagraph (E) pursuant to an election
6 under subparagraph (C) shall not be made from any
7 lands within a conservation system unit (as that term
8 is defined by section 102(4) of the Alaska National
9 Interest Lands Conservation Act (16 U.S.C. 3102(4)).

10 “(ii) An election to obtain the public lands de-
11 scribed in subparagraph (A), (B), or (C) shall include
12 all available parcels within the township in which the
13 public lands are located.

14 “(iii) For purposes of this subparagraph and
15 subparagraph (C), the term ‘Regional Corporation’
16 shall refer only to Doyon, Limited.”; and

17 (2) in subparagraph (E) (as so redesignated), by
18 striking “(A) or (B)” and inserting “(A), (B), or
19 (C)”.

20 **SEC. 3. CLARIFICATION ON TREATMENT OF BONDS FROM A**
21 **NATIVE CORPORATION.**

22 Section 29(c) of the Alaska Native Claims Settlement
23 Act (43 U.S.C. 1626(c)) is amended—

1 (1) in paragraph (3)(A), by inserting “and on
2 bonds received from a Native Corporation” after
3 “from a Native Corporation”; and

4 (2) in paragraph (3)(B), by inserting “or bonds
5 issued by a Native Corporation which bonds shall be
6 subject to the protection of section 7(h) until volun-
7 tarily and expressly sold or pledged by the share-
8 holder subsequent to the date of distribution” before
9 the semicolon.

10 **SEC. 4. AMENDMENT TO PUBLIC LAW 102-415.**

11 Section 20 of the Alaska Land Status Technical Cor-
12 rections Act of 1992 (106 Stat. 2129), is amended by adding
13 at the end the following new subsection:

14 “(h) Establishment of the account under subsection (b)
15 and conveyance of land under subsection (c), if any, shall
16 be treated as though 3,520 acres of land had been conveyed
17 to Gold Creek under section 14(h)(2) of the Alaska Native
18 Claims Settlement Act for which rights to subsurface estate
19 are hereby provided to CIRI. Within one year from the date
20 of the enactment of this subsection, CIRI shall select 3,520
21 acres of land from the area designated for selection by para-
22 graph I.B.(2)(b) of the document identified in section 12(b)
23 (referring to the Talkeetna Mountains) of the Act of Janu-
24 ary 2, 1976 (43 U.S.C. 1611 note). Not more than five selec-
25 tions shall be made under this subsection, each of which

1 *shall be reasonably compact and in whole sections, except*
2 *when separated by unavailable land or when the remaining*
3 *entitlement is less than a whole section.”.*

4 **SEC. 5. CALISTA CORPORATION LAND EXCHANGE.**

5 (a) *CONGRESSIONAL FINDINGS.—Congress finds and*
6 *declares that—*

7 (1) *the land exchange authorized by section 8126*
8 *of Public Law 102–172 should be implemented with-*
9 *out further delay;*

10 (2) *the Calista Corporation, the Native Regional*
11 *Corporation organized under the authority of the*
12 *Alaska Native Claims Settlement Act (ANCSA) for*
13 *the Yupik Eskimos of Southwestern Alaska, which in-*
14 *cludes the entire Yukon Delta National Wildlife Ref-*
15 *uge—*

16 (A) *has responsibilities provided for by the*
17 *Settlement Act to help address social, cultural,*
18 *economic, health, subsistence, and related issues*
19 *within the Region and among its villages, in-*
20 *cluding the viability of the villages themselves,*
21 *many of which are remote and isolated;*

22 (B) *has been unable to fully carry out such*
23 *responsibilities; and*

24 (C) *the implementation of the exchange re-*
25 *ferred to in this paragraph is essential to help-*

1 *ing Calista utilize its assets to carry out those*
2 *responsibilities to realize the benefits of ANCSA;*

3 *(3) the parties to the exchange have been unable*
4 *to reach agreement on the valuation of the lands and*
5 *interests in lands to be conveyed to the United States*
6 *under section 8126 of Public Law 102–171; and*

7 *(4) in light of the foregoing, it is appropriate*
8 *and necessary in this unique situation that Congress*
9 *authorize and direct the implementation of this ex-*
10 *change as set forth in this section in furtherance of*
11 *the purposes and underlying goals of the Alaska Na-*
12 *tive Claims Settlement Act and the Alaska National*
13 *Interest Lands Conservation Act.*

14 *(b) LAND EXCHANGE IMPLEMENTATION.—Section*
15 *8126(a) of the Department of Defense Appropriations Act,*
16 *1992 (105 Stat. 1206) is amended—*

17 *(1) by inserting “(1)” after “(a)”;*

18 *(2) by striking “October 1, 1996” and inserting*
19 *“October 1, 2002”;*

20 *(3) by inserting after “October 28, 1991” the fol-*
21 *lowing: “(hereinafter referred to as ‘CCRD’) and in*
22 *the document entitled, ‘The Calista Conveyance and*
23 *Relinquishment Document Addendum’, dated Septem-*
24 *ber 15, 1996 (hereinafter referred to as ‘CCRD Adden-*
25 *dum’)”;*

1 (4) by striking “The value” and all that follows
2 through “Provided, That the” and inserting in lieu
3 thereof the following:

4 “(2) The aggregate values of such lands and interests
5 in lands, together with compensation for the considerations
6 set forth in the findings of this subsection, shall be the sum
7 provided in paragraph (6) of the CCRD Addendum. The”;

8 (5) in the last sentence, by inserting a period
9 after “1642” and striking all that follows in that sen-
10 tence; and

11 (6) by adding at the end the following new para-
12 graph:

13 “(3) The amount credited to the property account is
14 not subject to adjustment for minor changes in acreage re-
15 sulting from preparation or correction of the land descrip-
16 tions in the CCRD or CCRD Addendum or the exclusion
17 of any small tracts of land as a result of hazardous mate-
18 rials surveys.”.

19 (c) *EXTENSION OF RESTRICTION ON CERTAIN PROP-*
20 *ERTY TRANSFERS.*—Section 8126(b) of Public Law 102–
21 172 (105 Stat. 1206) is amended by striking “October 1,
22 1996” and inserting “October 1, 2002”.

23 (d) *EXCHANGE ADMINISTRATION.*—Section 8126(c) of
24 Public Law 102–172 (105 Stat. 1207) is amended—

25 (1) by inserting “(1)” after “(c)”;

1 (2) by striking the sentence beginning “On Octo-
2 ber 1, 1996,” and inserting in lieu thereof the follow-
3 ing: “To the extent such lands and interests have not
4 been exchanged with the United States, on January
5 1, 1998, the Secretary of the Treasury shall establish
6 a property account on behalf of Calista Corporation.
7 If the parties have mutually agreed to a value as pro-
8 vided in subsection (a)(2), the Secretary of the Treas-
9 ury shall credit the account accordingly. In the ab-
10 sence of such an agreement the Secretary of the Treas-
11 ury shall credit the account with an amount equal to
12 66 percent of the total amount determined by para-
13 graph (6) of the CCRD Addendum. The account shall
14 be available for use as provided in subsection (c)(3),
15 as follows:

16 “(A) On January 1, 1998, an amount equal to
17 one-half the amount credited pursuant to this para-
18 graph shall be available for use as provided.

19 “(B) On October 1, 1998, the remaining one-half
20 of the amount credited pursuant to this paragraph
21 shall be available for use as provided.

22 “(2) On October 1, 2002, to the extent any portion of
23 the lands and interests in lands have not been exchanged
24 pursuant to subsection (a) or conveyed or relinquished to
25 the United States pursuant to paragraph (1), the account

1 *established by paragraph (1) shall be credited with an*
2 *amount equal to any remainder of the value determined*
3 *pursuant to paragraph (1).”;*

4 *(3) by inserting “(3)” before “Subject to”;*

5 *(4) by striking “on or after October 1, 1996,”*
6 *and by inserting after “subsection (a) of this section,”*
7 *the following: “upon conveyance or relinquishment of*
8 *equivalent portions of the lands referenced in the*
9 *CCRD and the CCRD Addendum,”; and*

10 *(5) by adding at the end the following new para-*
11 *graphs:*

12 *“(4) Notwithstanding any other provision of law,*
13 *Calista Corporation or the village corporations identified*
14 *in the CCRD Addendum may assign, without restriction,*
15 *any or all of the account upon written notification to the*
16 *Secretary of the Treasury and the Secretary of the Interior.*

17 *“(5) Calista will provide to the Bureau of Land Man-*
18 *agement, Alaska State Office, appropriate documentation*
19 *to enable that office to perform the accounting required by*
20 *paragraph (1) and to forward such information, if re-*
21 *quested by Calista, to the Secretary of the Treasury as au-*
22 *thorized by such paragraph.*

23 *“(6) For the purpose of the determination of the appli-*
24 *cability of section 7(i) of the Alaska Native Claims Settle-*
25 *ment Act (43 U.S.C. 1606(i)) to revenues generated pursu-*

1 *ant to this section, such revenues shall be calculated in ac-*
 2 *cordance with paragraph (5) of the CCRD Addendum.”.*

3 **SEC. 6. MINING CLAIMS.**

4 *Paragraph (3) of section 22(c) of the Alaska Native*
 5 *Claims Settlement Act (43 U.S.C. 1621(c)) is amended—*

6 *(1) by striking out “regional corporation” each*
 7 *place it appears and inserting in lieu thereof “Re-*
 8 *gional Corporation”; and*

9 *(2) by adding at the end the following: “The pro-*
 10 *visions of this section shall apply to Haida Corpora-*
 11 *tion and the Haida Traditional Use Sites, which*
 12 *shall be treated as a Regional Corporation for the*
 13 *purposes of this paragraph, except that any revenues*
 14 *remitted to Haida Corporation under this section*
 15 *shall not be subject to distribution pursuant to section*
 16 *7(i) of this Act.”.*

17 **SEC. 7. SALE, DISPOSITION, OR OTHER USE OF COMMON**

18 **VARIETIES OF SAND, GRAVEL, STONE, PUM-**

19 **ICE, PEAT, CLAY, OR CINDER RESOURCES.**

20 *Subsection (i) of section 7 of the Alaska Native Claims*
 21 *Settlement Act (43 U.S.C. 1606(i)) is amended—*

22 *(1) by striking “Seventy per centum” and insert-*
 23 *ing “(A) Except as provided by subparagraph (B),*
 24 *seventy percent”; and*

25 *(2) by adding at the end the following:*

1 “(B) *In the case of the sale, disposition, or other use*
2 *of common varieties of sand, gravel, stone, pumice, peat,*
3 *clay, or cinder resources made after the date of enactment*
4 *of this subparagraph, the revenues received by a Regional*
5 *Corporation shall not be subject to division under subpara-*
6 *graph (A). Nothing in this subparagraph is intended to or*
7 *shall be construed to alter the ownership of such sand, grav-*
8 *el, stone, pumice, peat, clay, or cinder resources.”.*

9 **SEC. 8. ALASKA NATIVE ALLOTMENT APPLICATIONS.**

10 *Section 905(a) of the Alaska National Interest Lands*
11 *Conservation Act (43 U.S.C. 1634(a)) is amended by add-*
12 *ing at the end the following:*

13 “(7) *Paragraph (1) of this subsection and subsection*
14 *(d) shall apply, and paragraph (5) of this subsection shall*
15 *cease to apply, to an application—*

16 “(A) *that is open and pending on the date of en-*
17 *actment of this paragraph,*

18 “(B) *if the lands described in the application are*
19 *in Federal ownership other than as a result of reac-*
20 *quisition by the United States after January 3, 1959,*
21 *and*

22 “(C) *if any protest which is filed by the State*
23 *of Alaska pursuant to paragraph (5)(B) with respect*
24 *to the application is withdrawn or dismissed either*

1 *before, on, or after the date of the enactment of this*
2 *paragraph.*

3 “(8)(A) *Any allotment application which is open and*
4 *pending and which is legislatively approved by enactment*
5 *of paragraph (7) shall, when allotted, be made subject to*
6 *any easement, trail, or right-of-way in existence on the date*
7 *of the Native allotment applicant’s commencement of use*
8 *and occupancy.*

9 “(B) *The Secretary shall make any factual determina-*
10 *tions required to carry out this paragraph.”.*

11 **SEC. 9. VISITOR SERVICES.**

12 *Paragraph (1) of section 1307(b) of the Alaska Na-*
13 *tional Interest Lands Conservation Act (16 U.S.C. 3197(b))*
14 *is amended—*

15 (1) *by striking “Native Corporation” and insert-*
16 *ing “Native Corporations”; and*

17 (2) *by striking “is most directly affected” and*
18 *inserting “are most directly affected”.*

19 **SEC. 10. LOCAL HIRE REPORT.**

20 (a) *IN GENERAL.—Not later than 18 months after the*
21 *date of enactment of this Act, the Secretary of the Interior*
22 *shall transmit to Congress a report.*

23 (b) *LOCAL HIRE.—The report required by subsection*
24 (a) *shall—*

1 (1) *indicate the actions taken in carrying out*
2 *subsection (b) of section 1308 of the Alaska National*
3 *Interest Lands Conservation Act (16 U.S.C. 3198);*

4 (2) *address the recruitment processes that may*
5 *restrict employees hired under subsection (a) of such*
6 *section from successfully obtaining positions in the*
7 *competitive service; and*

8 (3) *describe the actions of the Secretary of the*
9 *Interior in contracting with Alaska Native Corpora-*
10 *tions to provide services with respect to public lands*
11 *in Alaska.*

12 (c) *COOPERATION.*—*The Secretary of Agriculture shall*
13 *cooperate with the Secretary of the Interior in carrying out*
14 *this section with respect to the Forest Service.*

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