

It's time for cooperation

by Janie Leask

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Nobody ever claimed that efforts to amend the Alaska Native Claims Settlement Act would be easy. The process requires continued, good faith cooperation and negotiation — not just with each other, but also with the diverse interests represented in Congress.

Recognizing the shortcomings of the current Senate bill (S. 1145), AFN worked with our two senators to craft a *new* Senate substitute for S. 1145, the measure now before the Senate Committee on Energy and Natural Resources.

The new version of the 1991 bill, sponsored by Sen. Frank Murkowski, will be taken up by the committee when it reconvenes in September.

S. 1145 is identical to last year's bill which was overwhelmingly rejected by delegates to the 1986 AFN Convention. And for good reason, since S. 1145 has serious shortcomings, which the Senate substitute eliminates:

- S. 1145 would require that all regional corporations take affirmative action, or "opt-in" to continue stock restrictions. The Senate substitute automatically continues stock restrictions unless specific action is taken to remove them.

- Dissenters' rights are mandatory under S. 1145, but in the Senate substitute, dissenters' rights are optional if a vote is taken to opt-out of continued restrictions.

- S. 1145 contains a restrictive disclaimer, which would hurt Native tribes by limiting their ability to fully control lands and assets transferred to them from Native corporations. The Senate substitute replaces the restrictive disclaimer with one more acceptable to AFN.

It became clear, however, that we couldn't protect the so-called "QTE" provision unless we were willing to live with the restrictive disclaimer. The QTE provision spells out the authority to transfer corporate land and assets to non-corporate organizations, including IRA and traditional councils.

Deleting the QTE provision was an extremely difficult decision. But, important as that provision is, it is not worth risking the rest of the critical 1991 amendments.

In the absence of the QTE provision, the Senate substitute provides another avenue for protecting lands and assets, by transferring them to a newly established state-chartered Settlement Trust.

The Senate substitute is not perfect. Nor does it necessarily constitute the final form of 1991 amendments since the House and Senate will have to reach agreement before a measure is actually passed.

But with the changes represented in the Senate substitute, Alaska's Native community has reason to be optimistic that an acceptable 1991 bill will ultimately reach the president's desk with the fundamental protections we all seek.