

PROTECTION OF SUBSISTENCE RESOURCES

the Secretary or the Secretary of Agriculture of mineral or vegetative materials pursuant to the Act of July 31, 1947 (61 Stat. 681), as amended, or from the disposition of timber or other resources within any National Forest by the Secretary of Agriculture.

(d) The royalties provided under this section shall not operate to exclude lands subject thereto from selection by the State under the Statehood Act of July 7, 1958 (72 Stat. 339), if such lands otherwise are available for selection. Every patent of public lands issued to the State of Alaska under the Statehood Act after the effective date of this Act, however, shall expressly reserve for the benefit of the Natives: (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under any lease or other disposition by the State) of the minerals defined in subsection (a) hereof produced on or removed from such lands; (2) a right to receive 2 per centum of all revenues derived by the State from rentals and bonuses upon disposition of such minerals; and (3) a right to receive 2 per centum of all other revenues derived by the State from the sale, lease, permit or other disposition of such lands or the mineral and vegetative resources therein. Such royalty and other revenues shall be paid into the Fund and shall be distributed or withdrawn therefrom only in accordance with this Act. In the event of default by the State of Alaska in making such payments, and in addition to any other remedies provided by law, there shall be deducted annually and deposited in the Fund the amount of any underpayment, to be taken first from the share of mineral revenues from public lands in Alaska paid as Federal grants-in-aid to the State and, if such share is insufficient, from any other funds paid to the State of Alaska by the United States.

REVOCATION OF RESERVATIONS; EXCEPTIONS

SEC. 15. (a) Notwithstanding any other provisions of law, and except where inconsistent with the provisions of this Act, the various reserves set aside by legislation or by Executive or secretarial order for Native use or for the administration of Native affairs, including reserves created under the Act of May 31, 1938 (52 Stat. 593), are hereby revoked, subject to any valid existing rights: *Provided*, That lands within any reserve which is revoked pursuant to this subsection shall be deemed to be public lands as of the effective date of this Act and subject to withdrawal in accordance with section 10 hereof.

(b) (1) Notwithstanding any other provisions of law or of this Act, and in lieu of any right to the withdrawal, selection and conveyance of lands pursuant to sections 10-12, inclusive, each Native village may vote, in accordance with the procedures established under section 11(b), to acquire title to the reserve or reserves set aside for its use or benefit prior to the effective date of this Act.

(2) Lands within the various reserves described in subsection (a) shall remain withdrawn from selection by the State and all other forms of appropriation under the public land laws, including the mining and mineral leasing laws, until the Native village for which it was set aside decides whether to acquire title thereto pursuant to this subsection or sections 10-12, inclusive, and, in the event of an affirmative decision to invoke this subsection, until the

Secretary issues a patent in accordance with such decision: *Provided*, That the Secretary shall hold the lands and interests in lands to which each village may be entitled in trust until such village organizes as a corporation or otherwise qualifies to own real property. A village shall acquire the same rights, title and interest in lands under this subsection as other Native villages acquire pursuant to sections 10-12, inclusive.

(c) Notwithstanding any other provision of law or of this Act, and in lieu of any right to the withdrawal, selection and conveyance of lands pursuant to sections 10-12, inclusive, the Native village of Tyonek may vote, in accordance with the procedures established under section 11(b), to acquire title to the Moquawkie Reserve set aside by Executive order of February 27, 1915. In the event Tyonek decides to acquire title to the Moquawkie Reserve in accordance with this subsection: (1) the Secretary shall issue a patent to such Native village to all lands and interests in lands (including oil, gas, and other minerals) within such Reserve, subject to valid existing rights; and (2) the Native village of Tyonek and its members shall be entitled to share in the compensation paid pursuant to section 5 hereof, but shall not be entitled to any other benefits accorded the Natives of Alaska under this Act.

(d) In the event the tract to which a Native village acquires title pursuant to subsections (b) or (c) hereof is smaller than the area of land to which the village otherwise would be entitled under sections 10-12 of this Act, such village may select and obtain a conveyance of additional lands pursuant to such sections in an amount sufficient, with lands acquired under this section, to equal its entitlement.

(e) The Annette Islands Reserve established by the Act of March 3, 1891 (26 Stat. 1101), is hereby granted to the Native village of Metlakatla, and such village shall have no right to the withdrawal, selection or conveyance of lands pursuant to sections 10-12, inclusive. The Native village of Metlakatla and any persons who qualify for enrollment as Alaska Natives solely because of their Tsimshian Indian blood shall not be entitled to share in the compensation paid pursuant to section 5(a) hereof, but shall be entitled to all other benefits accorded the Natives of Alaska under this Act. In addition to the rights conferred under section 16, Metlakatla and its members shall have the right for a period of fifty years to fish for commercial purposes within the Annette Islands Reserve in accordance with such rules and regulations as the Secretary may prescribe.

(f) Nothing in this Act shall repeal, modify, or otherwise affect the right of the Secretary to establish a townsite on Saint Paul Island or the right of Natives of the Pribilof Islands to acquire title to tracts therein pursuant to the Act of November 2, 1966 (80 Stat. 1094).

PROTECTION OF SUBSISTENCE RESOURCES

SEC. 16. (a) Notwithstanding any provision of Federal or State law to the contrary, the Natives of Alaska shall have a right to hunt, fish, trap, gather fuel and pick berries or other natural food products for subsistence purposes on lands withdrawn for their benefit or to which any Native village or regional corporation acquires title pursuant to sections 10-12, inclusive, or section 15 hereof, and also on public lands of the United States, including lands selected by the State under

the Statehood Act of July 7, 1958 (72 Stat. 339), for a period of one hundred years after the effective date of this Act, subject in the case of public lands to such reasonable restrictions as the Secretary or the head of the State or Federal agency having jurisdiction over such lands may impose: *Provided*, That such subsistence right shall terminate with respect to land patented to third parties on the date of the patent or twenty-five years after the effective date of this Act, whichever later occurs.

(b) For a period of twenty-five years after the effective date of this Act, the Secretary, upon petition by any individual residing in Alaska or by the Department of Fish and Game of the State of Alaska, shall, after a public hearing, and under such rules and regulations as he may prescribe, determine whether or not an emergency exists with respect to the depletion of subsistence biotic resources in any given area of the State and may thereupon delimit and declare that such area will be closed to entry for hunting, fishing, or trapping, except by residents of such area, subject to the provisions of any treaty concerning such resources. The closing authorized by this section shall not be for a period of more than five years, but may be extended by the Secretary after hearing, and a published finding that the emergency continues to exist. Any person knowingly hunting, fishing, or trapping in such area, except a resident thereof, may, upon conviction, be required to forfeit any gear, vehicle, boat or aircraft used in connection with such violation, and shall, upon conviction, be subject to a fine of not more than \$1,000, or to imprisonment for not more than a year, or both.

ATTORNEYS' FEES AND EXPENSES

SEC. 17. There are authorized to be appropriated to the Secretary such sums as may be necessary to pay—

(a) all reasonable attorneys' fees and out-of-pocket expenses incurred by or on behalf of any Native, Native village or other Native tribe, band or group under a contract approved by the Secretary in the actual prosecution of a claim pending before any court or the Indian Claims Commission which is dismissed pursuant to this Act: *Provided*, That the amount of such fees and reimbursable expenses shall be determined in accordance with such contract or, if the contract does not provide for compensation in the event of a dismissal, by the Secretary on a quantum meruit basis; and

(b) all reasonable attorneys' fees and out-of-pocket expenses incurred by or on behalf of any Native village, tribe, band, group or association, including the Alaska Federation of Natives, for legal representation with respect to the scope and preparation of this Act and previously proposed legislation to settle claims against the United States or the State based upon aboriginal right, title, use or occupancy of lands by the Natives in Alaska, or with respect to litigation (excepting the cases covered under subsection (a) hereof) involving the validity of or otherwise affecting such claims: *Provided*, That the amount of such fees and reimbursable expenses shall be subject to approval of the Secretary in accordance with the terms of the attorneys' contracts: *And provided further*, That services by the attorneys for which

compensation previously has been paid shall be eliminated from consideration in determining the fees payable hereunder.

TAXATION

SEC. 18. (a) The compensation paid to the Natives of Alaska pursuant to section 5(a) of this Act, and any interest earned with respect thereto while such funds are deposited in the Fund or are invested by the Secretary pursuant to section 5(d), shall not be subject to any form of Federal or State taxation either (1) at the time of receipt, or (2) upon distribution to any Native corporation or individual Native, whether directly by a per capita payment or indirectly through such corporation or corporations. For purposes of this subsection, the first dividend payments or other cash distributions made by any Native corporation shall be deemed to be distributions out of its share of funds derived from section 5(a), including interest, until such share has been fully distributed.

(b) The compensation paid to the Natives pursuant to section 5(b) of this Act, and any interest earned with respect thereto while such funds are deposited in the Fund, shall not be subject to any form of Federal or State taxation either (1) at the time of receipt, or (2) upon distribution to any Native corporation or individual Native, whether directly by a per capita payment or indirectly through such corporation or corporations, for a period of twenty years after the effective date of this Act. For purposes of this subsection, the first dividend payments or other cash distributions made by any Native corporation, after the distribution of compensation paid pursuant to section 5(a) in accordance with subsection (a) hereof, shall be deemed to be distributions out of its share of funds derived from section 5(b), including interest, until such share has been fully distributed. After the expiration of the foregoing twenty-year period, the compensation paid to the Natives pursuant to section 5(b), and any interest with respect thereto while such funds are deposited in the Fund, shall not be subject to Federal or State income taxation at the time of receipt, but shall be subject to such taxation upon distribution to any Native or Native corporation on the same basis as like income is taxed when received by a non-Native individual or corporation.

(c) Lands withdrawn for the benefit of a Native village or to which it acquires title pursuant to sections 10-12, inclusive, or section 15 hereof, lands to which a regional corporation acquires title pursuant to section 12, and mineral rights to which any Native corporation acquires title pursuant to sections 12 or 15 hereof, shall be exempt from State and local real property taxes for a period of fifty years after the effective date of this Act: *Provided*, That municipal taxes or assessments may be imposed upon individually owned real property within its jurisdiction by any Native village incorporated as a governmental unit under the laws of the State of Alaska: *And provided further*, That easements, rights-of-way, leaseholds and similar interests in such real property may be taxed in accordance with State or local law. All rents, royalties,

profits, and other revenues or proceeds derived from such lands and mineral rights shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation.

(d) Lands withdrawn for the benefit of a Native village or to which it acquires title pursuant to sections 10-12, inclusive, or section 15 of this Act, and lands to which a regional corporation acquires title pursuant to section 12, shall, so long as the fee therein remains not subject to State or local taxes on real estate, continue to be regarded as public lands for the purpose of computing the Federal share of any highway project pursuant to title 23 of the United States Code, as amended and supplemented, and so long as there are also no substantial revenues from such lands, continue to receive forest fire protection services from the United States at no cost.

REVIEW BY CONGRESS

SEC. 19. On or before March 1 of each year during the twenty years following the effective date of this Act, the Commission and the Secretary, respectively, shall submit reports to Congress concerning the operation and implementation of this Act during the previous calendar year. Within ninety days after the end of each five-year period following enactment of this Act, the Commission and the Secretary also shall submit to Congress, through the President, a joint report on the status of the Natives and their organizations, a summary of actions taken under this Act, and their respective recommendations as may be appropriate for extension, amendment or clarification of any provisions of this Act. This joint report and the Commission's annual report shall include as an appendix all statements, memoranda, reports and other written comments presented to the Commission for forwarding to Congress by any Native village, corporation or association.

APPROPRIATIONS

SEC. 20. There is authorized to be appropriated to the Commission and the Secretary, respectively, such sums as may be necessary to carry out the functions and responsibilities that they are required to perform under the provisions of this Act. Such sums shall remain available until expended.

PUBLICATION

SEC. 21. The Commission and the Secretary are authorized to issue and publish in the Federal Register, pursuant to the Administrative Procedures Act (5 U.S.C. 500 and following), such rules and regulations as may be necessary to carry out the purposes of this Act.

SAVINGS CLAUSE

SEC. 22. Except as specifically provided for in this Act, nothing in this Act shall be construed as repealing any other provision of Federal law applicable to Alaska. To the extent that a conflict may exist between any provision of this Act and any other Federal laws applicable to Alaska, the provisions of this Act shall govern.

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