

AMENDMENTS LIT CONTROVERSY

Correction of Errors On Land Claims Bill Stirs Up a Hornet's Nest

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WASHINGTON, D.C.—Intro-

duction of Alaska Native Claims Amendments in the House and Senate have created such controversy and confusion that one might conclude the land claims issue wasn't finally resolved by Act of Congress in December.

After Congress went back into session two weeks ago, Interior Committee Chairman Wayne Aspinall introduced legislation in the House of Representatives to amend the Alaska Native Claims Settlement Act.

"The purpose of the bill is to correct a number of minor errors that occurred because of the haste in which the Alaska Native Claims Settlement Act was enacted immediately prior to adjournment of the First Session," stated an explanation prepared by the staff of Aspinall's committee.

"The errors were: (1) Typing or proofreading errors, (2) Inadequate cross-references in some of the sections, (3) internal incon-

sistencies, and (4) Incomplete provisions," continued the report.

Shortly after the Aspinall Amendment was introduced in the House, another Alaska Native Claims amendment was introduced in the Senate by Senator Ted Stevens.

"I have proposed an amendment to authorize the advance of 12.5 million dollars to regional corporations and Native villages this year. Half of this money would go to villages, but only to villages that the census has certified without any doubt as having met the population requirements of the Act," Stevens stated.

"I wanted the corporations to have money with which to organize. No attorney fees could be paid out of that first 12.5 million. I think we will be successful in getting the money advanced, possibly by late April," added the Senator.

The Stevens and Aspinall amendments don't appear to have much in common. The relationship between the two bills is more easily understood after examination of differences between procedural rules of the two bodies of Congress.

In the House, unless a piece of legislation is regarded as a purely technical amendment devoid of substantive issues which might divide opinion within a committee, bills are subject to tedious subcommittee and committee scrutiny.

If such a bill is regarded as being non-controversial in nature, chances are better for much faster action.

Committee rules in the Senate are more flexible. Members may request consideration of a bill at any time. Since the advance funding issue might be considered to be substantive by

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the House, the fastest means of moving that proposal requires swift House approval of a technical amendment.

On the Senate side, a more substantive funding advance could be added on.

"When the House sends us a technical bill, I want to work out an amendment here (on the Senate side)," said Senator Stevens.

The House Interior Committee was expected to consider the Aspinall amendment during its weekly meeting on January 26. It didn't. Rep. Lloyd Meeds (D-Wash) wasn't satisfied that the bill was devoid of substantive issues.

"It resolved a lot of technical problems against the Natives, but nothing for them. They happened to be technicalities that didn't do the Natives any good," commented Meeds on the amendment.

Although the Congressman declined to elaborate, a brief glance at the bill sets three subsections apart from the others which are primarily concerned with spelling and punctuation corrections.

A committee staff memorandum noted, "Subsection (L) corrects an ambiguity by specifying that only Villages (as distinguished from Regional Corporations) may make selections within Wildlife Refuges and National Forests, and by providing that Regional Corporation selections within Pet. 4 will apply to the surface estate only. Both provisions were intended by the Conference Committee."

Reading further, "Subsection (o) and Subsection (p), together, make the reservation of subsurface rights apply to all, rather than a part, of the lands selected within the Wildlife Refuge System. This was the Conference Committee's intention."

One former congressional staffer, who spent several years working on Native land claims proposals, suggested that ambiguous language in the act might later afford regional corporations an opportunity to seek subsurface rights in Petroleum No. 4 and in wildlife reserves.

"That's ridiculous," observed Alaska Congressman Nick Begich. "The record is clear on that. As far as they are concerned, the Pet. 4 argument is invalid."

Begich, who led a House fight to allow penetration of Pet. 4 subsurface rights last year, added, "I lost on that battle. The intent of Congress is clear on this issue."

Rep. Begich was hopeful that committee approval on the amendment would be won soon and anticipated final passage within two to three months. Senator Stevens was also anxious for the House bill to reach the

Senate, criticizing Rep. Meeds for his objections.

"I wish he would let the bill get through the House as a technical and non-controversial bill. From the point of their (House) timing, Meeds is doing us harm," he said.

Learning of Steven's observations, Meeds replied, "No comment."

In spite of their differences, Begich, Meeds, and Stevens all agreed that the regional corporations were in need of money this year. Meeds suggested that commercial loans could be used in the interim.

"I met with bankers and asked them to agree to loans as soon as the corporations are legally formed. I believe that they will agree. When we (Congress) advance the money, I want to see the stipulation that the corporations must first repay loans secured since the passage of the claims act before spending it anywhere else," stated Stevens."

Begich also favors the funding advance, but strongly opposes an interim use of commercial loans.

"The Native people should not pay interest on money that has been authorized by Congress and requested by the President in his budget. Eight per cent on 12 million dollars is a lot of money. I think it is a dangerous process," he said.

A better alternative, he suggested, would be for Native corporations to approach the State of Alaska.

"Money should be borrowed from the State. Funds for meetings, attorney fees and other expenses needed in organizing the corporations are required immediately. Funds for planning could be available from the State now, too. The amount probably would be much less than the 12.5 million dollars, but Natives shouldn't have to pay interest on this money," he noted.

In the meantime, in spite of predictions of early action from Begich and Stevens, the Aspinall amendment has not been scheduled for House Interior Committee consideration.

According to Louis Sigler, special consultant on Indian Affairs to the committee, the bill can only come before the committee during the regular Wednesday meeting of the full committee.

Senator Mike Gravel was not contacted by the Tundra Times during the amendment controversy. He was in Juneau to address the state legislature. In his remarks, Gravel accepted credit for obtaining the 12.5 million dollar advance.

Gravel said that he wrote the President in December to request the money.