

Juneau, Alaska 99801

# LAND CLAIMS BILL INTRODUCED

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# IN THE SENATE OF THE UNITED STATES A BILL

To settle the land claims of Alaska Natives, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of May 25, 1962 (44 Stat. 629; 48 U.S.C. 355(c)), is amended to read as follows:

"SEC. 3 (a) The Secretary of the Interior is authorized to grant in trust, subject to valid existing rights, to each tribe, band, clan, village, community, or group of Natives in Alaska, hereinafter referred to as a group of Natives, upon his own initiative and without application, title to the village site or sites now occupied by such group of Natives if not otherwise patented and if not withdrawn for purposes unrelated to Native use or the administration of Native affairs. The Secretary is further authorized, subject to valid existing rights, to grant title to such additional lands within the environs of such site



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or sites as would contribute significantly, in the judgment of the Secretary, to the livelihood of the community, taking into account such factors as population, economic resources of the group, traditional way of life, and the nature and value of the land proposed to be granted. Such grant may include a grant of title, subject to valid existing rights, to noncontiguous lands being used and occupied by such Natives for burial grounds, airfields, water supply, hunting and fishing camps, and dock or boat-launching sites that are not withdrawn for other purposes: Provided, That the provisions of this sentence and the provisions of subsection (b) of this section shall not apply to groups of Natives who are beneficiaries of the judgment recovered by the Tlingit and Haida Indians in Court of Claims Docket No. 47,900. The Secretary is authorized to make any grant subject to easements for public use or benefit. In no case may the grants of land to a single grantee under this section exceed fifty thousand acres.

"(b) In the case of Native villages within whose environs there are not sufficient additional lands in Federal ownership to permit the Secretary to make the grant of additional lands contemplated by subsection (a), the Secretary may convey other lands in lieu thereof but subject to the same conditions and limitations that apply to conveyances of land within the environs of a village.

"(c) For the purposes of this Act the term 'Native' means an Alaskan Indian, Eskimo, or Aleut of at least one-fourth degree Indian, Eskimo, or Aleut blood.

"(d) Beneficiaries of the grants made pursuant to subsection (a) shall be the Natives who comprised the members of the grantee upon the date of the grant, as determined by the Secretary of the Interior, together with any descendants of such members of one-fourth degree of Native blood. The interest of a beneficiary shall not be transferable in any manner, either during his lifetime or upon his death. Whenever a distribution of capital or income of the trust is made to the beneficiaries, the finding of the Secretary as to the qualified recipients shall be final and conclusive.

"(e) Title to land granted pursuant to subsection (a) may be held by the United States in trust, acting through the Secretary of the Interior as trustee, or it may be conveyed by the Secretary of the Interior to a trustee selected by a group of Natives by a majority vote of the members nineteen years of age and older who reside in or near the village. Any trustee selected by the Natives shall be subject to approval by the Secretary. In the event a group of Natives does not select a trustee approved by the Secretary within one year from the date, the Secretary notifies said group of his readiness to convey title, the Secretary may convey title to the State of Alaska, with its consent, as trustee, or to any other trustee selected by the Secretary. The term of a trust established pursuant to this section shall be liquidated in accordance with the terms of the trust instrument, or as prescribed by the Secretary of the Interior if there is no trust instrument. Prior to conveyance of a site to a trustee the Secretary shall have its exterior boundaries surveyed. This requirement for survey shall be satisfied without continuous marking of the line, but by establishment of monuments along all the boundaries, except meander courses, by electronic measurement or other means, at intervals of not more than six thousand feet, or by extension of the rectangular system of surveys over the areas claimed. Claims or selections of surveyed lands shall be in accordance with the plats of survey and those for unsurveyed lands shall, following survey, be so conformed. Land granted pursuant to subsection (a) shall be subject to the applicable laws of the State of Alaska, except that during the period of the trusteeship such land shall not be subject to State or local taxes upon real estate.

"(f) A trustee who receives a conveyance under this section shall be subject to the laws of the State of Alaska governing the execution of trusts, and shall have the powers and duties set forth in the deed of trust, including without limitation subdivision, management, and disposal of the lands, investment and reinvestment of the proceeds, and distribution of income or capital of the trust to the members of the beneficiary. In the disposal of any tract of land the trustee shall give a right of first refusal to the occupant thereof. The title to land conveyed by a trustee to a Native shall be subject to the provisions of section 1 of this Act with respect to lands conveyed to Indians or Eskimos in town sites established under section 11 of the Act of March 3, 1891 (26 Stat. 1099; 48 U.S.C. 355), as supplemented by the Act of February 26, 1948 (62 Stat. 35; 48 U.S.C. 355(e)).

"(g) So long as the lands are held by the United States in trust, the Secretary of the Interior shall have all the powers to administer the trust which he could confer upon another trustee, but he shall not be subject to the laws of Alaska governing the execution of trusts.

"(h) The Secretary of the Interior or a trustee who receives a conveyance under this section may convey without compensation to private religious, charitable, or educational institutions or organizations the land occupied by buildings or facilities owned by them on the date the trust is established, where such buildings or facilities are situated within the boundaries of the land to be granted pursuant to subsection (a).

"(i) In order to assist him in the administration of this section, the Secretary of the Interior may appoint a commission of not to exceed five members, one of whom shall be appointed from nominations submitted by the Governor of Alaska, and one of whom shall be appointed from nominations submitted by Alaska Natives in accordance with procedures prescribed by the Secretary. The Secretary shall prescribe the duties and powers of the commission, the compensation to be paid to its members, provide for payment of commission expenses, including employment of necessary personnel, and provide for payment of commission expenses, including employment of necessary personnel, and provide such other assistance, within existing authorizations, as he deems desirable. The commission's duties may include the preparation of a roster of groups of Natives eligible to receive grants under section 1(a) hereof, rolls of Natives eligible to receive distributions of trust property under section 1(d) hereof, rolls of Natives eligible to be granted a townsite lot under section 1(f) hereof, and rolls of Natives eligible to vote in any election held pursuant to this Act. Before any such roster or roll is finally approved by the Secretary, it shall be published in such manner as he shall find to be practicable and effective, and opportunity shall be given to lodge protests thereto.

"(j) There are authorized to be appropriated not more than \$12 million, to be available until expended, to defray costs of the planning, subdivision, survey, management, and disposal of lands under the provisions of this section, either directly by the Secretary of the Interior or through contract with the appropriate trustee, and to pay the expenses of the commission established under subsection (i).

"(k) At the beginning of each session of Congress the Secretary of the Interior shall report to the chairmen of the House and Senate Committees on Interior and Insular Affairs the grants made under this section and an estimate of the time needed to complete the grants. The reports may be discontinued when the grants are substantially completed."

## Interim Administration under Public Land Laws

SEC. 2. (a) The Secretary of the Interior may, subject to valid existing rights, withdraw from all forms of appropriation under any of the public land laws, including without limitation selection by the State of Alaska under the Statehood Act of July 7, 1958 (72 Stat. 339), any lands that are subject to conveyance to a group of Natives pursuant to section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355(c)), as amended by section 1 of this Act. A State selection of lands that are withdrawn shall not be approved, regardless of whether the selection was initiated before or after the withdrawal.

(b) A Native claim based on use and occupancy of unwithdrawn land shall not be the basis for the rejection of State selections or other applications or claims under the public land laws.

(c) Either before withdrawing lands under this section or before granting a patent pursuant to section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355(c)), as amended by section 1 of this Act, the Secretary of the Interior shall consult the Secretary of Defense with respect to the effect of the withdrawal or grant on the security of the United States.

## Reservations and Reserves

SEC. 3. (a) The areas of lands and waters heretofore reserved and set aside for the use of the Native inhabitants of Akutan, Diomed, Karluk, Unalakleet, Venetie, and Wales shall be held in trust by the United States for the benefit of the Native inhabitants thereof for twenty-five years after the date of this Act, at which time the trust shall be liquidated in the manner provided for the liquidation of trusts under section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355(c)), as amended by section 1 of this Act. During the term of the trust the Secretary of the Interior shall have all of the powers granted to a trustee under section 3 of said 1926 Act, as amended, and lands in that immediate vicinity are available for grants under such Act, additional lands may be granted by the Secretary of the Interior under that section, but only if warranted by the economic needs of the Native inhabitants. Criteria applicable to these situations shall be developed by the commission authorized by section 3(i) of said 1926 Act, as amended, and shall be made available to the Secretary as advisory recommendations.

(b) Lands held in trust pursuant to this section shall be subject to the applicable laws of the State of Alaska, except that during the period of trusteeship such land shall not be subject to State or local taxes on real estate.

(c) The various reserves set aside by Executive order or Secretarial order for Native use or for administration of Native affairs, including those created under authority of the Act of May 31, 1938 (52 Stat. 593), shall be revoked pro tanto by the grant of title pursuant to section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355(c)), as amended by section 1 of this Act.

(d) The trusts created by this section shall be subject to the right of the Secretary of the Interior to issue and enforce such regulations as he deems desirable for the protection of migratory birds that are protected by treaty to which the United

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States is a party.

(e) The Secretary of the Interior may, with the concurrence of the agency administering the land, issue to Natives exclusive or nonexclusive permits, for twenty-five years or less, to use for hunting, fishing, and trapping purposes any lands in Alaska that are owned by the United States without thereby acquiring any privileges other than those stated in the permits. Such permits may contain conditions deemed desirable by the Secretary, and shall be subject to applicable State game and fish laws. Any patents or leases hereafter issued in such areas pursuant to the Alaska Statehood Act, or the public land, mining, and mineral leasing laws, may contain a reservation to the United States of the right to issue such permits and to renew them for an additional term of not to exceed twenty-five years in the discretion of the Secretary.

## Jurisdiction of the United States Court of Claims

SEC. 4. (a) The United States Court of Claims shall have jurisdiction to hear and adjudicate a single claim filed within six years from the date of this Act by the Attorney General of the State of Alaska on behalf of all Natives of Alaska based on the taking by the United States of any lands to which any group of such Natives claims aboriginal title by reason of use or occupancy, other than lands subject to grant under section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355(c)) as amended by section 1 of this Act. If the Court determines that as of March 30, 1867, any group of Natives had aboriginal title through use or occupancy of any such lands, the aboriginal title shall be regarded as taken as of that date, and the Court shall enter judgment for a sum equal to the market value of such lands upon that date without interest, and less offsets, counterclaims, and demands that would be allowable under section 2 of the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1050; 25 U.S.C. 70 (a)). The judgment shall be in favor of the Natives of Alaska without regard to group affiliations. A claim of aboriginal title to a particular area shall not be defeated because the land may have been occupied or used by more than one identifiable group of Natives of Alaska, but the claimants must show that there were living upon the date of this Act Natives of Alaska who are descendants of the identifiable group through whom aboriginal title to any area is sought to be established. The provisions of this section shall not apply to any lands in southeastern Alaska for which a money judgment has been or may hereafter be awarded by the Court of Claims in the case of *The Tlingit and Haida Indians v. The United States*, No. 47,900; or to any lands that are set aside and administered for the benefit of Natives; or to any lands that are subject to an aboriginal title claim adjudicated by the Indian Claims Commission, or pending before the Indian Claims Commission six months after the date of this Act. Prior to the expiration of such six months the plaintiffs may cause their claim to be dismissed by the Indian Claims Commission and the lands involved may then be included in the claim filed pursuant to this section.

(b) As used in this section, the term "Natives of Alaska" means all Alaskan Indians, Eskimos, or Aleuts of at least one-fourth degree Indian, Eskimo, or Aleut blood living upon the date of this Act, but the distribution of any judgment or award under this section shall be limited to Natives of Alaska living upon the date the Congress appropriates funds to pay any judgment that may be entered against the United States. It shall not include Natives who have shared or will share in any award in the Tlingit claim or other claims adjudicated by the Indian Claims Commission, or the Metlakatla Indians of the Annette Island Reservation.

(c) The Court shall award to the State of Alaska the reasonable costs and expenses, including counsel fees, incurred in the preparation of claims authorized to be filed by this section.

SEC. 5. Nothing in this Act shall affect the right of Natives as citizens to acquire public lands of the United States under the Native Allotment Act of May 17, 1906 (34 Stat. 197), as amended (48 U.S.C. 357), or the provisions of other applicable statutes.

SEC. 6. The enactment of this legislation shall be in full and complete satisfaction of all claims of tribes, bands, clans, villages, communities, and groups of Natives against the United States based upon alleged aboriginal right, title, use, or occupancy, excepting only claims now pending in the Indian Claims Commission or the Court of Claims by previous authorization of the Congress.

SEC. 7. Lands granted pursuant to section 3 of the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355(c)), as amended by section 1 of this Act, shall, so long as they remain 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.