

# CONFERENCE REPORT

in this section to claims "based upon the laws of any other nation." The purpose of the reference is to extinguish any land claims based upon the laws and legal system of Russia or any other country if any such land claims exist.

## Section 5. Enrollment

The conference report language was, for the most part, taken from the House passed bill. The Senate amendment (Section 6) provided for the establishment of an Alaska Native Commission which would prepare the final enrollment, resolve disputes and perform other functions under the Act. The conference report provides that enrollment will be the responsibility of the Secretary of Interior rather than the Native Commission, and that most land and other disputes will be settled by arbitration as provided elsewhere in the conference report.

Subsection 5(c) of the conference report deals with the enrollment of Natives who are not residents of Alaska and provides an opportunity for them to elect to be enrolled in a special thirteenth Regional Corporation if a majority of all eligible non-resident Natives favor the creation of such a corporation.

## Section 6. Alaska Native fund

The conference committee split the difference between the \$425 million Federal appropriation in the House passed bill and the \$500 million in subsection 5(a) of the Senate amendment, and recommended \$462,500,000. The payout schedule for the revenues in the Fund is essentially that of the Senate amendment and insures that the bulk of the Federally appropriated funds will be paid out in the early years, thus greatly increasing the present worth of the right to receive these revenues.

The conference committee also recommended the adoption of the Senate amendment's limitation on the use of funds received by corporations under the Act for political purposes.

## Section 7. Regional corporations

The Senate amendment provided for the creation of two Federally chartered Statewide corporations, one to handle investments, and one to perform social welfare functions and to hold title to the mineral estate of lands granted by the bill. In addition, the Senate amendment required: (a) the establishment of seven business for profit Regional Corporations; (b) the establishment of two corporations to be composed of first, non-resident Natives (the "National Corporation"), and second, urban Natives (the "Urban Corporation"); (c) the incorporation of nonprofit membership corporations for each eligible Native Village; and (d) the creation of an Alaska Native Foundation.

The conference report provides for the establishment of 12 Regional Corporations for resident Alaska Natives and permits the creation of a 13th Regional Corporation for non-resident Natives if a majority of non-resident Natives so elect. This 13th Regional Corporation, if created, would serve the same purposes and functions which were to be performed by the National Corporation in the Senate amendment (section 12).

The conference report language provides that the Regional Corporations shall be organized as business for profit corporations. This requirement is in accord with the Senate amendment. In addition, the investment functions to be carried out by the Alaska Native Investment Corporation under section 10 of the Senate Amendment have been assigned in the conference report to the Regional Corporations. Authority to allow the Regional Corporations to join together, to pool investment funds, and to employ the same business management group for the management and administration of investments is found in subsection 7(k) of the conference report. This general grant of authority parallels the specific authority granted to the Investment Corporation in section 10 of the Senate amendment.

The functions to be performed by the Alaska Native Services and Development Corporation under section 8 of the Senate amendment have, for the most part, been redistributed by the conference committee. The Regional Corporations under the conference report language would receive the title to the subsurface estate of the lands granted by the Act. The Regional Corporations would also perform some social welfare functions of regional benefit, would assist the Village Corporations to organize, and would review and advise on the land transactions of the Village Corporations to insure against fraud and overreaching.

The Regional Corporations provided for in the conference report are authorized to merge with other Regional Corporations. This will provide a means of reducing administrative costs and overhead and improving general corporate efficiency.

Section 25 of the Senate amendment would have established an Alaska Native Foundation to carry on the social welfare functions of the Statewide Services and Development Corporation after the Federal charter for the Services Corporation expired. The conference report does not prohibit the Native people from establishing a charitable foundation at some future date and the Senate conferees receded on this item.

The Senate amendment contained specific language in a number of sections which dealt with conflict of laws questions between the Act and State Corporation law. This potential problem is dealt with in subsection 7(p) of the conference report which provides that the provisions of sections 7 and 8 prevail in the event of any conflict.

The conference committee considered, but decided not to adopt, language from the Senate amendment to guard against any special State legislation which might impair the activities and economic viability of the Corporations established by the conference report. It was the conference committee's conclusion that the State would deal fairly in all respects with Native corporations.

Consideration was also given to language in the Senate amendment authorizing Regional Corporations to contribute to the costs of organizing and maintaining local and borough government in rural areas of Alaska. The language was not adopted for the reason that the conference committee concludes that Regional and Village Corporations as established would have this authority.

## Section 8. Village corporations

This section was drawn from section 11 of the Senate amendment. The House bill provided for land and revenue grants to units of municipal government, or to Village Corporations. Under the conference report, before any lands may be granted an eligible village must organize as a non-profit or business for profit corporation to hold title to lands.

## Section 9. Revenue sharing

Sections 9 and 10 of the conference report, with minor exceptions, are substantially the same as section 18 of the Senate amendment.

## Section 10. Statute of limitations

Section 9 of the conference report is patterned after section 18(g) of the Senate amendment. Congressional authority for enactment of this section and other provisions of the conference report is based, in part, upon section 4 of the Alaska Statehood Act.

## Section 11. Withdrawal of public lands

The Senate amendment provided for two optional land grant provisions. The first, in brief, was for 40 million acres (38½ million acres around Villages and 1½ million acres of floating selections). The second was for 50 million acres (20 million acres around Villages; 10 million acres of lands to be selected for economic potential; and 20 million acres of permit lands to provide subsistence use protection). The Natives would select one of the options at an election to be held within one year of the enactment of the Act.

The conference committee concluded that lands granted under the Act should be granted as soon as possible and that the areas from which they would be granted should be immediately identifiable. For this reason, the conference report does not provide for a "free floating" selection.

Section 11 of the conference report withdraws lands around villages, including villages located on lands selected by or tentatively approved to the State. This section also provides for the withdrawal of in lieu lands adjacent to the 25 township area to insure that the land selection rights of Native Villages and Regional Corporations will be fully protected and will not be frustrated by competing State selections or the creation of new interests in lands under the public land laws.

Subsection 11(b) is, in part, drawn from section 13 of the Senate amendment and provides that Native villages not listed in the bill may, if they meet designated criteria, later qualify for benefits under the Act.

## Section 12. Native land selections

Section 12 of the conference report provides for the selection of lands granted to the Native people. In major respects, it parallels section 14 and subsection 13(k) of the Senate amendment.

## Section 13. Surveys

Section 13 of the conference report parallels portions of sections 13 and 15 of the Senate amendment and specifies in greater detail, both here and in subsection 22(j), the manner in which land surveys are to be conducted.

## Section 14. Conveyance of lands

Section 14 of the conference report provides for the conveyance of lands granted by the Act. This subsection parallels in structure and purpose the provisions of section 15 of the Senate amendment.

## Section 15. Timber sale contracts

Section 15 of the conference report authorizes the modification of timber sale contracts and is similar to language in subsection 23(t) of the Senate amendment.

## Section 16. The Tlingit-Haida settlement

Subsection 16 of the conference report provides appropriate and necessary limitations with respect to land grants to Native villages located in the National Forests in Southeast Alaska which participated in the Tlingit-Haida judgment. The parallel language of the Senate amendment is in Section 23.

## Section 17. Joint Federal-State Land Use Planning Commission

Section 17 of the conference report is based upon section 24 of the Senate amendment. Section 17 consists of four major sections and these are discussed below.

1. The Planning Commission has been modified by reducing the membership to ten members. In addition, the regulatory powers found in section 24 have been revised so that the Commission's functions are limited to providing advice, coordination and making recommendations to State and Federal government. The enforcement powers granted under section 24(a)(10) have been eliminated and it is the intent of the conference committee that the Federal government and the State will take such actions as are necessary to administer lands under their respective jurisdictions in a manner which will facilitate a process of joint land use planning in Alaska and permit the attainment of both economic requirements and national and state environmental objectives.

2. Subsection 17(b) of the conference report is substantially the same as section 24(d) of the Senate amendment. This subsection provides for the advance reservation of easements and camping and recreation sites necessary for public access across lands granted to Village and Regional Corporations.

3. Subsection 17(c) of the conference report provides that if the Secretary should withdraw a utility and transportation corridor across the public lands in Alaska, the State and the Village and Regional Corporations may not select lands from the area withdrawn for the corridor. In making the withdrawal the Secretary would be acting on the basis of his existing authority such as the Pickett Act and the President's implied authority.

The language adopted by the conference committee is new. The Senate's amendment, in subsection 24(b), would have withdrawn the corridor for the proposed trans-Alaska oil pipeline, maintained the corridor under Federal jurisdiction, and established a management regime to insure the protection of adjacent public lands and visitors to the area. While the conference report does not contain these specific provisions, many of them will be within the Secretary's authority to achieve if he should decide to withdraw the corridor.

4. Subsection 17(d) of the conference report is patterned, in major respects, after subsection 24(c) of the Senate amendment and, in part, after subsection 9(g) of the House passed bill.

The language adopted by the conference committee provides in subsection (d)(1) for a 90-day withdrawal of all unreserved public lands in Alaska from all forms of appropriation except locations for metaliferous minerals. The purpose of this withdrawal is two-fold:

First, to permit the Secretary an opportunity to make the withdrawals for National Park, Forest, Refuge and Wild Rivers directed under subsection 2(A);