

106TH CONGRESS
1ST SESSION

H. R. 2804

To expand Alaska Native contracting of Federal land management functions and activities and promote hiring of Alaska Natives by the Federal Government within the State of Alaska, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

A BILL

To expand Alaska Native contracting of Federal land management functions and activities and promote hiring of Alaska Natives by the Federal Government within the State of Alaska, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alaska Federal Lands
5 Management Demonstration Project”.

6 **SEC. 2. CONGRESSIONAL FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress finds and declares the fol-
8 lowing:

1 (1) The Alaska National Interest Lands Con-
2 servation Act (16 U.S.C. 3101 et seq.) established
3 new and expanded units of the National Park Sys-
4 tem and the National Wildlife System in many areas
5 of Alaska. The purposes of these conservation sys-
6 tem units were, among other purposes, to protect
7 habitat for fish and wildlife, to conserve fish and
8 wildlife populations in their natural state, to provide
9 continued opportunity for subsistence uses by local
10 residents, and to protect archaeological sites associ-
11 ated with Native cultures.

12 (2) Many rural Alaskan communities are in
13 close proximity to conservation system lands, and
14 the purposes of these units are uniquely relevant to
15 the culture and ways of Native Alaskans and other
16 residents of rural Alaskan communities. Congress
17 recognized this close relationship in sections 1306,
18 1307 and 1308 of the Alaska National Interest
19 Lands Conservation Act, which directed the Sec-
20 retary of Interior to establish programs whereby Na-
21 tive lands were given preference for the siting of
22 conservation service unit facilities, Native corpora-
23 tions and local residents were given preference for
24 the provision of visitor services, and local residents
25 were given preferences for employment. Despite

1 these provisions, little progress has been made in in-
2 creasing related employment opportunities for Na-
3 tive Alaskan and other local residents.

4 (3) In much of rural Alaska, Indian tribes and
5 tribal organizations have a long history of con-
6 tracting to operate Federal programs and provide
7 Federal services to resident Alaskan Natives and
8 have demonstrated the capacity to provide other
9 kinds of Federal programs and services.

10 (b) PURPOSES.—The purposes of this demonstration
11 project are to design innovative management strategies
12 that will lead to greater efficiency in conservation system
13 unit management, expand Native contracting opportuni-
14 ties, increase local employment, and further the unique
15 purposes of these units as they relate to subsistence prac-
16 tices, Alaska Native cultures, and the preservation of fish
17 and wildlife habitat and populations.

18 **SEC. 3. AUTHORIZATION OF DEMONSTRATION PROJECT.**

19 The Secretary of the Interior shall, for a period not
20 to exceed 5 years following the date of the enactment of
21 this Act, conduct an Alaska Federal Lands Management
22 Demonstration Project.

1 **SEC. 4. ALASKA FEDERAL LANDS MANAGEMENT DEM-**
2 **ONSTRATION PROJECT.**

3 (a) PARTICIPATION.—The Secretary shall select,
4 upon request and in a manner to achieve geographic rep-
5 resentation, not less than 6 eligible Alaska Native tribes
6 or tribal organizations per year to participate in the Dem-
7 onstration Project in fiscal years 2000 and 2001.

8 (b) ELIGIBILITY.—To be eligible to participate in the
9 Demonstration Project, each Indian tribe or tribal organi-
10 zation shall—

11 (1) request participation by resolution or other
12 official action of the governing body of the tribal or-
13 ganization;

14 (2) demonstrate financial and management sta-
15 bility and capability;

16 (3) demonstrate significant use of or depend-
17 ency upon the relevant conservation system unit or
18 other public land unit for which programs, functions,
19 services, and activities are requested to be placed
20 under contract;

21 (4) where the Secretary receives a request to
22 contract specific conservation system unit programs,
23 services, functions, and activities, or portions there-
24 of, from more than 1 Indian tribe or tribal organiza-
25 tion meeting the criteria set forth in paragraphs (1)
26 through (3), the Secretary shall apply the priority

1 selection criteria applied by the Juneau Area Bureau
2 of Indian Affairs for contracting pursuant to the In-
3 dian Self-Determination and Education Assistance
4 Act. If, after applying such criteria, there remains
5 more than one eligible participant and such partici-
6 pants have overlapping requests to negotiate and
7 contract for the same programs, services, functions,
8 and activities, or portions thereof, the Secretary may
9 require such Indian tribes or organizations to agree
10 which entity shall have the ability to contract, or to
11 submit a joint request prior to entering into negotia-
12 tions.

13 (c) CONTRACTS.—

14 (1) IN GENERAL.—Upon request, the Secretary
15 shall negotiate and enter into a contract with each
16 participating Indian tribe or tribal organization to
17 plan, conduct and administer requested programs,
18 services, functions and activities, or portions thereof,
19 related to the administration of a conservation sys-
20 tem unit or other public land unit that is substan-
21 tially located within the geographic region of the re-
22 spective Indian tribe or tribal organization.

23 (2) TECHNICAL SUPPORT.—Contracts author-
24 ized by this Act shall include, at the request of the
25 Indian tribe or tribal organization, the operation and

1 support of the regional advisory councils, biological
2 research, harvest monitoring, and other technical re-
3 search related to conservation and allocation actions
4 by the regional councils, and such other programs,
5 functions, services, and activities reasonably nec-
6 essary to carry out title VIII of the Alaska National
7 Interests Lands Conservation Act.

8 (3) TIME LIMITATION FOR NEGOTIATION OF
9 CONTRACTS.—Not later than 90 days after selection
10 by the Secretary of participating Indian tribes or
11 tribal organizations, the Secretary shall initiate and
12 conclude negotiations, unless an alternative negotia-
13 tion and implementation schedule is otherwise mutu-
14 ally agreed to by the parties. The declination and
15 appeals provisions of the Indian Self-Determination
16 and Education Assistance Act, including section 110
17 of such Act, shall apply to contracts and agreements
18 requested and negotiated under this Act.

19 (d) CONTRACT ADMINISTRATION.—

20 (1) INCLUSION OF CERTAIN TERMS.—At the re-
21 quest of the contracting Indian tribe or tribal orga-
22 nization, the benefits, privileges, terms, and condi-
23 tions of agreements entered into pursuant to titles
24 I and IV of the Indian Self-Determination and Edu-
25 cation Assistance Act shall be available for inclusion

1 in a contract entered into under this Act. If any pro-
2 visions of the Indian Self-Determination and Edu-
3 cation Assistance Act are incorporated they shall
4 have the same force and effect as if set out in full
5 in this Act and shall apply notwithstanding any
6 other provision of law. The parties may include such
7 other terms and conditions as are mutually agreed
8 to and not otherwise contrary to law.

9 (2) AUDIT.—Contracts entered into under this
10 Act shall provide for a single-agency audit report to
11 be filed as required by chapter 75 of title 31, United
12 States Code.

13 (3) TRANSFER OF EMPLOYEES.—Any career
14 Federal employee employed at the time of the trans-
15 fer of an operation or program to an Indian tribe or
16 tribal organization shall not be separated from Fed-
17 eral service by such transfer. Intergovernmental Per-
18 sonnel Actions may be used to transfer supervision
19 of such employees to the contracting Indian tribe or
20 tribal organization. Such transferred employees shall
21 be given priority placement for any available position
22 within their respective agency, notwithstanding any
23 priority reemployment lists, directives, rules, regula-
24 tions or other orders from the Department of the In-

1 terior, the Office of Management and Budget, or
2 other Federal agencies.

3 (e) AVAILABLE FUNDING; PAYMENT.—Under the
4 terms of a contract negotiated pursuant to subsection (a),
5 the Secretary shall provide each Indian tribe or tribal or-
6 ganization funds in an amount not less than the Secretary
7 would have otherwise provided for the operation of the re-
8 quested programs, services, functions, and activities. Con-
9 tracts entered into under this Act shall provide for ad-
10 vance payments to the tribal organizations in the form of
11 annual or semiannual installments.

12 (f) TIMING.—Indian tribes and tribal organizations
13 selected to participate shall be entitled to begin implemen-
14 tation of any requested contracts no later than the first
15 fiscal year following the year in which the Indian tribe
16 or tribal organization is selected for participation, unless
17 the Indian tribe or tribal organization and the Secretary,
18 by mutual agreement, shall agree to an alternate imple-
19 mentation schedule.

20 (g) REPORT.—Not later than 90 days after the close
21 of fiscal years 2000 and 2001 and the end of this Dem-
22 onstration Project, the Secretary shall present to the Con-
23 gress detailed reports, including a narrative, findings, and
24 conclusions on the costs and benefits of the Demonstration
25 Project. The reports shall identify remaining institutional

1 and legal barriers to the contracting of conservation sys-
2 tem unit management to Alaska Native entities and shall
3 contain suggestions for improving, continuing, and ex-
4 panding the Demonstration Project. The reports shall be
5 authored jointly with, and shall include the separate views
6 of, all participating Alaska Native tribes and tribal organi-
7 zations.

8 (h) LIMITATIONS.—

9 (1) REVENUE PRODUCING VISITOR SERVICES.—

10 Contracts authorized under this Act shall not in-
11 clude revenue producing visitor services unless an
12 agreement is reached with the most directly affected
13 Alaskan Native corporations to allow such services
14 to be included in the contract. Such contracts shall
15 not otherwise repeal, alter, or otherwise modify the
16 any other existing provision of sections 1307 and
17 1308 of the Alaska National Interests Lands Con-
18 servation Act.

19 (2) DENALI NATIONAL PARK.—The Denali Na-
20 tional Park shall not be subject to any of the provi-
21 sions of this Act.

22 (i) GRANTS.—

23 (1) IN GENERAL.—Upon application, the Sec-
24 retary shall award a planning grant in the amount
25 of \$100,000 to any participating Alaska Native tribe

1 or tribal organization to plan for the contracting of
2 programs, functions, services, and activities author-
3 ized under this Act.

4 (2) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated \$600,000 in
6 each of the 2 fiscal years immediately following the
7 date of the enactment of this Act to fund planning
8 grants authorized under this subsection.

9 **SEC. 5. ANILCA SECTION 1307 AND 1308 IMPLEMENTATION**
10 **PROGRESS REPORT.**

11 (a) REPORT REQUIRED.—Not later than 6 months
12 after the date of the enactment of this Act, the Secretary
13 shall transmit to the Committee on Energy and Natural
14 Resources of the United States Senate and the Committee
15 on Resources of the United States House of Representa-
16 tives a report detailing the progress that the Department
17 of the Interior has made in the implementation of the pro-
18 visions of sections 1307 and 1308 of the Alaska National
19 Interests Lands Conservation Act. The report shall—

20 (1) include a detailed action plan on the future
21 implementation of the provisions of sections 1307
22 and 1308 of that Act;

23 (2) describe in detail the measures and actions
24 that will be taken to implement such sections, along
25 with a description of the anticipated results to be

1 achieved during the 3 fiscal years following the sub-
2 mission of the report;

3 (3) address any laws, rules, regulations, and
4 policies which limit or deter the goal of Alaska Na-
5 tive hiring or contracting to perform and conduct ac-
6 tivities and programs of Department agencies and
7 bureaus other than those currently available through
8 the Bureau of Indian Affairs.

9 (b) FUNDING.—The report required under subsection
10 (a) shall be completed within existing appropriations.

11 **SEC. 6. DEFINITIONS.—**

12 For the purposes of this Act:

13 (1) CONSERVATION SYSTEM UNIT.—The term
14 “conservation system unit” shall have the meaning
15 given that term in section 102(4) of the Alaska Na-
16 tional Interest Lands Conservation Act.

17 (2) INDIAN TRIBE.—The term “Indian tribe”
18 shall have the meaning given that term in subsection
19 4(e) of the Indian Self-Determination and Education
20 Assistance Act.

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (4) TRIBAL ORGANIZATION.—The term “tribal
24 organization” shall have the meaning given that

- 1 term in subsection 4(1) of the Indian Self-Deter-
- 2 mination and Education Assistance Act.

