

106TH CONGRESS
1ST SESSION

S. 1826

To provide grants to the State of Alaska for the purpose of assisting that State in fulfilling its responsibilities under sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 1999

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide grants to the State of Alaska for the purpose of assisting that State in fulfilling its responsibilities under sections 803, 804, and 805 of the Alaska National Interest Lands Conservation Act, 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. CERTIFICATION; GRANTS.**

4 (a) CERTIFICATION.—Upon the request of the Gov-
5 ernor of Alaska, the Secretary of the Interior shall
6 promptly certify to the President of the Senate and the
7 Speaker of the House of Representatives that a bill or res-
8 olution has been passed by the Alaska State Legislature

1 which, if approved by the electorate, would amend the
2 Constitution of the State of Alaska to enable the imple-
3 mentation of State laws of general applicability consistent
4 with, and which provide for, the definition, preference, and
5 participation specified in sections 803, 804, and 805 of
6 the Alaska National Interest Lands Conservation Act
7 (hereinafter referred to as “ANILCA”) (16 U.S.C. 3113,
8 3114, and 3115, respectively).

9 (b) GRANTS.—If the Secretary of the Interior makes
10 a certification pursuant to subsection (a), the Secretary
11 of the Interior and the Secretary of Agriculture shall each
12 make a grant of all unobligated funds provided for activi-
13 ties under title VIII of ANILCA to the State of Alaska
14 for the purpose of assisting that State in fulfilling its re-
15 sponsibilities under sections 803, 804, and 805 of that
16 title.

17 **SEC. 2. RESTRICTION ON FEDERAL ACTION.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law and in accordance with subsection (b), no final
20 or interim rule, regulation, or policy issued pursuant to
21 title VIII of ANILCA to manage or to assert jurisdiction,
22 authority, or control over land, water, and wild, renewable
23 resources (including fish and wildlife) in Alaska for sub-
24 sistence uses, may be implemented or enforced except
25 within areas which—

1 (1) were subject to Federal management for
2 subsistence uses pursuant to that title as of October
3 1, 1998;

4 (2) are listed in section 100.3(b) of title 50,
5 Code of Federal Regulations, as published on Octo-
6 ber 1, 1998; and

7 (3) constitute “public land or public lands”, as
8 such term is defined in section 100.4 of title 50,
9 Code of Federal Regulations, as published on Octo-
10 ber 1, 1998.

11 (b) EFFECTIVE DATE.—Subsection (a) shall go into
12 effect on the date that the Secretary of the Interior makes
13 a certification pursuant to section 1(a), and shall remain
14 in effect unless—

15 (1) the amendment to the Constitution of the
16 State of Alaska to enable the implementation of
17 State laws of general applicability consistent with,
18 and which provide for, the definition, preference, and
19 participation specified in sections 803, 804, and 805
20 of the ANILCA upon which such certification pursu-
21 ant to section 1(a) was based is not approved by the
22 electorate at the earliest date permitted under State
23 law; or

24 (2) State laws of general applicability consistent
25 with, and which provide for, the definition, pref-

1 erence, and participation specified in sections 803,
 2 804, and 805 of ANILCA do not take effect by the
 3 end of the first regular session of the Alaska Legis-
 4 lature following the date on which such a constitu-
 5 tional amendment is approved by the electorate.

6 **SEC. 3. LOCAL HIRING AND PARTICIPATION.**

7 When undertaking activities pursuant to title VIII of
 8 ANILCA—

9 (1) section 1308 of that Act shall be imple-
 10 mented;

11 (2) the participation of and consult with the
 12 State of Alaska, Native Corporations established
 13 under the Alaska Native Claims Settlement Act, and
 14 other Alaska Native entities shall be encouraged in
 15 developing the implementation plan for activities
 16 under title VIII of ANILCA; and

17 (3) where practicable, State, Native Corpora-
 18 tions, and entities shall be contracted with to pro-
 19 vide these activities.

20 **SEC. 4. CLAIM TO TIDAL OR SUBMERGED LANDS NOT AF-**
 21 **FECTED.**

22 Nothing in this Act invalidates, validates, or in any
 23 other way affects any claim of the State of Alaska to title
 24 to any tidal or submerged land in Alaska.

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