

108TH CONGRESS
2D SESSION

H. R. 4601

To amend the Alaska Native Claims Settlement Act to recognize Alexander Creek as a Native village, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2004

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

A BILL

To amend the Alaska Native Claims Settlement Act to recognize Alexander Creek as a Native village, 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. ALEXANDER CREEK VILLAGE RECOGNITION.**

4 The Alaska Native Claims Settlement Act (43 U.S.C.
5 1601 et seq.) is amended by adding at the end the fol-
6 lowing:

7 “ALEXANDER CREEK VILLAGE RECOGNITION

8 “SEC. 43.

9 “(a) RECOGNITION OF THE VILLAGE OF ALEXANDER
10 CREEK.—Alexander Creek, located within Township 15N,

1 Range 7W, Seward Meridian, Alaska, is an eligible Native
2 village under section 11(b)(3).

3 “(b) DEFINITIONS.—For the purposes of this section,
4 the following terms apply:

5 “(1) The term ‘agency’ includes—

6 “(A) any instrumentality of the United
7 States;

8 “(B) any element of an agency; and

9 “(C) any wholly owned or mixed-owned
10 corporation of the United States Government
11 identified in chapter 91 of title 31, United
12 States Code.

13 “(2) The term ‘conservation system unit’ has
14 the meaning given that term in the Alaska National
15 Interest Lands Conservation Act.

16 “(3) The term ‘Alexander Creek’ means Alex-
17 ander Creek Incorporated, an Alaska Native Group
18 corporation, organized pursuant to this Act.

19 “(4) The term ‘property’ has the meaning given
20 that term in Public Law 94–204 (43 U.S.C. 1611
21 note).

22 “(5) The term ‘Region’ means Cook Inlet Re-
23 gion Incorporated, an Alaska Native Regional Cor-
24 poration, which is the appropriate Regional Corpora-
25 tion for Alexander Creek under section 1613(h).

1 “(c) ESTABLISHMENT.—(1) The Secretary of the
2 Treasury, in consultation with the Secretary of the Inte-
3 rior, shall establish an account in the Treasury to be
4 known as the ‘Alexander Creek account’.

5 “(2) Funds in the Alexander Creek account shall—

6 “(A) be available to Alexander Creek for bid-
7 ding on and purchasing property sold at public sale,
8 subject to paragraph (3); and

9 “(B) remain available until expended.

10 “(3)(A) Alexander Creek may use funds in the Alex-
11 ander Creek account to bid as any other bidder for prop-
12 erty in Alaska at any public sale by an agency and may
13 purchase such property in accordance with applicable laws
14 and regulations of the agency offering the property for
15 sale.

16 “(B) In conducting a transaction described in sub-
17 paragraph (A), an agency shall accept, in the same man-
18 ner as cash, any amount tendered from the Alexander
19 Creek account. The Secretary of the Treasury shall adjust
20 the balance of the Alexander Creek account to reflect the
21 transaction.

22 “(C) The Secretary of the Treasury, in consultation
23 with the Secretary of the Interior, shall establish proce-
24 dures for the following transactions related to the Alex-
25 ander Creek account:

1 “(i) Receipt of deposits.

2 “(ii) Receipt of deposits into escrow when an
3 escrow is required for the sale of property.

4 “(iii) Reinstatement to the Alexander Creek ac-
5 count of any unused escrow deposits in the event
6 that a sale of property is not consummated.

7 “(d) LAND EXCHANGE.—The Secretary of the Inte-
8 rior shall enter into negotiations to attempt to conclude,
9 under the authority of section 22(f), a land exchange to
10 acquire the surface estate in lands not within any con-
11 servation system unit from the State of Alaska or the
12 Matanuska-Susitna Borough under the same procedures
13 set forth in section 22(f) to enable Alexander Creek to se-
14 lect additional public lands within Alexander Creek’s origi-
15 nal withdrawal area in Alaska, as identified by Alexander
16 Creek.

17 “(e) AMOUNT.—(1) The initial balance of the Alex-
18 ander Creek account shall be the fair market value of the
19 surface estate of the approximately 61,440 acres of defi-
20 ciency selections made by Alexander Creek, as depicted on
21 the map entitled ‘_____’ and dated
22 _____.

23 “(2) If a conveyance is made to Alexander Creek pur-
24 suant to subsection (d), the Alexander Creek account shall
25 be reduced by the amount of the actual acres conveyed

1 multiplied by the average value per acre determined under
2 subsection (g).

3 “(f) SUBSURFACE ESTATE.—The subsurface estate
4 to lands conveyed to Alexander Creek under this section
5 shall be conveyed, without consideration, to the Region.

6 “(g) APPRAISAL.—(1)(A) The Secretary shall deter-
7 mine the amount to be deposited into the Alexander Creek
8 account by appraising the fair market value, as of the date
9 of the enactment of this section, of each section selected
10 as a separate parcel and considering that ‘public interest’
11 use may be the highest and best use of such parcels.

12 “(B) Alexander Creek shall have the opportunity to
13 present evidence of value to the Secretary. The Secretary
14 shall provide Alexander Creek with a preliminary draft of
15 the appraisal. Alexander Creek shall have a reasonable
16 and sufficient opportunity to comment on the appraisal.

17 “(2) The Secretary shall forward a certified copy of
18 the appraisal to Alexander Creek.

19 “(h) IMPLEMENTATION.—(1) Alexander Creek may
20 assign without restriction any or all of the Alexander
21 Creek account upon written notification to the Secretary
22 of the Treasury and the Secretary of the Interior. In the
23 event that such an assignment is made to the Region, on
24 notice from Alexander Creek to the Secretary of the
25 Treasury and the Secretary of the Interior, the amount

1 of such assignment shall be added to or made a part of
2 the Region's Property Account in the Treasury established
3 pursuant to section 12(b) of Public Law 94–204, and may
4 be used in the same manner as other funds in that ac-
5 count.

6 “(2) Upon certification by the Secretary of the Inte-
7 rior of the appraisal completed pursuant to subsection (g),
8 Alexander Creek shall be deemed to have accepted the
9 terms of this section in lieu of any other land entitlement
10 it could have received pursuant to this Act. Such accept-
11 ance shall satisfy all claims Alexander Creek had or may
12 have had against the United States on the date of the en-
13 actment of this section.

14 “(3) Any land conveyed to Alexander Creek pursuant
15 to subsection (e) shall be deemed to be a conveyance pur-
16 suant to this Act.

17 “(i) TREATMENT OF AMOUNTS FROM ACCOUNT.—
18 The Secretary of the Treasury and the heads of agencies
19 shall administer sales pursuant to this section in the same
20 manner as is provided for any other Native village author-
21 ized by law as of the date of the enactment of this section
22 (including the use of similar accounts for bidding on and
23 purchasing property sold for public sale).

24 “(j) LIMITATION ON AGENTS' AND ATTORNEYS'
25 FEES.—No more than 2.5 percent of payments received

1 by or on behalf of Alexander Creek under this section may
2 be paid to or received by any agent or attorney for services
3 rendered in connection with obtaining such payment, any
4 contract to the contrary notwithstanding. Any person who
5 violates this subsection shall be guilty of a misdemeanor
6 and shall be subject to a fine in the amount provided in
7 title 18, United States Code.”.

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