

108TH CONGRESS  
1ST SESSION

# H. R. 950

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2003

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

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## A BILL

To expand Alaska Native contracting of Federal land management functions and activities and to 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 Act”.

6       **SEC. 2. FINDINGS.**

7       (a) FINDINGS.—Congress finds the following:

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 Refuge System in  
5           many areas of Alaska. The purposes of these con-  
6           servation system units include protection of habitat  
7           for fish and wildlife, conservation of fish and wildlife  
8           populations, continued opportunity for subsistence  
9           uses by local residents, and protection of archeo-  
10          logical sites associated with Alaska Native cultures.

11          (2) Many rural Alaskan communities are in  
12          close proximity to conservation system units and the  
13          purposes of these conservation system units are  
14          uniquely relevant to the culture and ways of Alaska  
15          Natives and other residents of rural Alaska commu-  
16          nities. Congress recognized this close relationship in  
17          sections 1306, 1307, and 1308 of the Alaska Na-  
18          tional Interest Lands Conservation Act, which di-  
19          rected the Secretary of the Interior to establish pro-  
20          grams whereby Alaska Native lands were given pref-  
21          erence for the siting of conservation system unit fa-  
22          cilities, Alaska Native corporations and local resi-  
23          dents were given preference for the provision of vis-  
24          itor services, and local residents were given pref-  
25          erence for employment.

1 (b) PURPOSES.—The purposes of this Act are as fol-  
2 lows:

3 (1) To promote innovative management strate-  
4 gies that are designed to lead to greater efficiency  
5 in conservation system unit management.

6 (2) To expand Alaska Native contracting oppor-  
7 tunities.

8 (3) To increase local native employment in  
9 Alaska.

10 (4) To further the unique purposes of conserva-  
11 tion system units as they relate to subsistence prac-  
12 tices, Alaska Native culture, and the conservation of  
13 fish and wildlife habitat and populations.

14 **SEC. 3. ALASKA FEDERAL LANDS MANAGEMENT DEM-**  
15 **ONSTRATION PROJECT.**

16 (a) IN GENERAL.—The Secretary shall carry out a  
17 program within the Department of the Interior to be  
18 known as the “Alaska Federal Lands Management Dem-  
19 onstration Project” by which 12 Indian tribes or tribal or-  
20 ganizations may contract to perform construction, mainte-  
21 nance, data collection, biological research, and harvest  
22 monitoring on conservation system units in Alaska.

23 (b) PARTICIPATION.—During each of the 2 fiscal  
24 years immediately following the date of the enactment of  
25 this Act, the Secretary shall select, in a manner to achieve

1 geographic representation within Alaska, not less than 6  
2 eligible Indian tribes or tribal organizations per year to  
3 participate in the demonstration project.

4 (c) ELIGIBILITY.—To be eligible to participate in the  
5 demonstration project, an Indian tribe or tribal organiza-  
6 tion, shall—

7 (1) request participation by resolution or other  
8 official action of the governing body of the Indian  
9 tribe or tribal organization;

10 (2) demonstrate financial and management sta-  
11 bility and capability, as evidenced by the Indian  
12 tribe or tribal organization having no unresolved sig-  
13 nificant and material audit exceptions for the pre-  
14 vious 3 fiscal years; and

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

20 (d) PRIORITY.—If the Secretary receives a request to  
21 contract specific conservation system unit programs, serv-  
22 ices, functions, and activities, or portions thereof, from  
23 more than one Indian tribe or tribal organization meeting  
24 the criteria set forth in subsection (c), the Secretary shall  
25 apply the priority selection criteria applied by the Alaska

1 Region of the Bureau of Indian Affairs for contracting  
2 pursuant to the Indian Self-Determination and Education  
3 Assistance Act. If, after applying such criteria, more than  
4 one eligible Indian tribe or tribal organization remains and  
5 such Indian tribes or tribal organizations have overlapping  
6 requests to negotiate and contract for the same programs,  
7 services, functions, and activities, or portions thereof, the  
8 Secretary may require such Indian tribes or tribal organi-  
9 zations to agree regarding which Indian tribe or tribal or-  
10 ganization shall have the ability to contract or to submit  
11 a joint request prior to entering into negotiations.

12 (e) PLANNING PHASE.—Each Indian tribe and tribal  
13 organization selected by the Secretary to participate in the  
14 demonstration project shall complete a planning phase  
15 prior to negotiating and entering into a conservation sys-  
16 tem unit management contract. The planning phase shall  
17 be conducted to the satisfaction of the Secretary, Indian  
18 tribe, or tribal organization, and shall include—

19 (1) legal and budgetary research; and  
20 (2) internal tribal planning and organizational  
21 preparation.

22 (f) CONTRACTS.—

23 (1) IN GENERAL.—Upon request of a partici-  
24 pating Indian tribe or tribal organization that has  
25 completed the planning phase pursuant to subsection

1 (e), the Secretary shall negotiate and enter into a  
2 contract with the Indian tribe or tribal organization  
3 for the Indian tribe or tribal organization to plan,  
4 conduct, and administer programs, services, func-  
5 tions, and activities, or portions thereof, as described  
6 in subsection (a), requested by the Indian tribe or  
7 tribal organization and related to the administration  
8 of a conservation system unit that is substantially  
9 located within the geographic region of the Indian  
10 tribe or tribal organization.

11 (2) TIME LIMITATION FOR NEGOTIATION OF  
12 CONTRACTS.—Not later than 90 days after a partici-  
13 pating Indian tribe or tribal organization has noti-  
14 fied the Secretary that it has completed the planning  
15 phase required by subsection (e), the Secretary shall  
16 initiate and conclude negotiations, unless an alter-  
17 native negotiation and implementation schedule is  
18 otherwise agreed to by the parties. The declination  
19 and appeals provisions of the Indian Self-Determina-  
20 tion and Education Assistance Act, including section  
21 110 of such Act, shall apply to contracts and agree-  
22 ments requested and negotiated under this Act.

23 (g) CONTRACT ADMINISTRATION.—

24 (1) INCLUSION OF CERTAIN TERMS.—At the re-  
25 quest of the contracting Indian tribe or tribal orga-

1 nization, the benefits, privileges, terms, and condi-  
2 tions of agreements entered into pursuant to titles  
3 I and IV of the Indian Self-Determination and Edu-  
4 cation Assistance Act may be included in a contract  
5 entered into under this Act. If any provisions of the  
6 Indian Self-Determination and Education Assistance  
7 Act are incorporated, they shall have the same force  
8 and effect as if set out in full in this Act and shall  
9 apply notwithstanding any other provision of law.  
10 The parties may include such other terms and condi-  
11 tions as are mutually agreed to and not otherwise  
12 contrary to law.

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

17 (3) TRANSFER OF EMPLOYEES.—Any career  
18 Federal employee employed at the time of the trans-  
19 fer of an operation or program to an Indian tribe or  
20 tribal organization shall not be separated from Fed-  
21 eral service by reason of such transfer. Intergovern-  
22 mental personnel actions may be used to transfer su-  
23 pervision of such employees to the contracting In-  
24 dian tribe or tribal organization. Such transferred  
25 employees shall be given priority placement for any

1       available position within their respective agency, not-  
2       withstanding any priority reemployment lists, direc-  
3       tives, rules, regulations, or other orders from the  
4       Department of the Interior, the Office of Manage-  
5       ment and Budget, or other Federal agencies.

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

15      (i) TIMING; CONTRACT AUTHORIZATION PERIOD.—  
16      An Indian tribe or tribal organization selected to partici-  
17      pate in the demonstration project shall complete the plan-  
18      ning phase required by subsection (e) not later than 1 cal-  
19      endar year after the date that it was selected for participa-  
20      tion and may begin implementation of its requested con-  
21      tract no later than the first day of the next fiscal year.  
22      The Indian tribe or tribal organization and the Secretary  
23      may agree to an alternate implementation schedule. Con-  
24      tracts entered into pursuant to this Act are authorized to  
25      remain in effect for 5 consecutive fiscal years, starting



1 from the fiscal year the participating Indian tribe or tribal  
2 organization first entered into its contract under this Act.

3 (j) REPORT.—Not later than 90 days after the close  
4 of each of fiscal years 2004 and 2007, the Secretary shall  
5 present to the Congress detailed reports, including a nar-  
6 rative, findings, and conclusions on the costs and benefits  
7 of this demonstration project. The reports shall identify  
8 remaining institutional and legal barriers to the con-  
9 tracting of conservation system unit management to Alas-  
10 ka Native entities and shall contain recommendations for  
11 improving, continuing, and expanding the demonstration  
12 project. The reports shall be authored jointly with, and  
13 shall include the separate views of, all participating Indian  
14 tribes and tribal organizations.

15 (k) LIMITATIONS.—

16 (1) REVENUE PRODUCING VISITOR SERVICES.—

17 Contracts authorized under this Act shall not in-  
18 clude revenue-producing visitor services, unless an  
19 agreement is reached with the most directly affected  
20 Alaska Native corporations to allow such services to  
21 be included in the contract. Such contracts shall not  
22 otherwise repeal, alter, or otherwise modify section  
23 1307 or 1308 of the Alaska National Interests  
24 Lands Conservation Act.

1           (2) CONTRACTS.—Contracts authorized under  
2       this Act shall not grant or include any authority to  
3       administer or otherwise manage or oversee permits,  
4       licenses, or contracts related to sport hunting and  
5       fishing guiding activities.

6           (3) DENALI NATIONAL PARK.—The Denali Na-  
7       tional Park shall not be subject to any of the provi-  
8       sions of this Act.

9           (4) STATE’S MANAGEMENT AUTHORITY FOR  
10      FISH AND WILDLIFE.—Nothing in this Act is in-  
11      tended to enlarge or diminish the responsibility and  
12      authority of the State of Alaska for management of  
13      fish and wildlife.

14      (l) PLANNING GRANTS.—

15           (1) IN GENERAL.—Subject to the availability of  
16      appropriated funds, upon application the Secretary  
17      shall award a planning grant in the amount of  
18      \$100,000 to any Indian tribe or tribal organization  
19      selected for participation in the demonstration  
20      project to enable it to plan for the contracting of  
21      programs, functions, services, and activities as au-  
22      thorized under this Act and meet the planning phase  
23      requirement of subsection (e). An Indian tribe or  
24      tribal organization may choose to meet the planning  
25      phase requirement without applying for a grant

1 under this subsection. No Indian tribe or tribal or-  
2 ganization may receive more than 1 grant under this  
3 subsection.

4 (2) AUTHORIZATION OF APPROPRIATIONS.—

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

9 **SEC. 4. KOYUKUK AND KANUTI NATIONAL WILDLIFE REF-**  
10 **UGES DEMONSTRATION PROJECT.**

11 (a) IN GENERAL.—The Secretary shall enter into  
12 contracts, compacts, or funding agreements under the In-  
13 dian Self-Determination and Education Assistance Act  
14 (25 U.S.C. 450 et seq.) with the Koyukuk River Basin  
15 Moose Co-Management Team, Inc., upon receipt of au-  
16 thorizing resolutions from its member tribal or village  
17 councils, to establish a demonstration project providing  
18 programs, functions, services, and activities of the  
19 Koyukuk and Kanuti National Wildlife Refuges.

20 (b) ASSIGNMENT OF EMPLOYEES.—To the maximum  
21 extent possible, contracts and compacts under subsection  
22 (a) shall provide that the United States Fish and Wildlife  
23 Service shall assign employees assigned to the Koyukuk  
24 and Kanuti National Wildlife Refuges to the contractor  
25 pursuant to the Intergovernmental Personnel Act (5

1 U.S.C. 3371 et seq.) with all such employees maintained  
2 as Federal employees retaining all benefits and status of  
3 Federal service.

4 **SEC. 5. DEFINITIONS.**

5 For the purposes of this Act:

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

10 (2) INDIAN TRIBE.—The term “Indian tribe”  
11 shall have the meaning given that term in section  
12 4(e) of the Indian Self-Determination and Education  
13 Assistance Act.

14 (3) SECRETARY.—The term “Secretary” means  
15 the Secretary of the Interior.

16 (4) TRIBAL ORGANIZATION.—The term “tribal  
17 organization” shall have the meaning given that  
18 term in section 4(l) of the Indian Self-Determination  
19 and Education Assistance Act.

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