

110TH CONGRESS  
2D SESSION

# H. R. 5403

To amend the Alaska Native Claims Settlement Act to provide an equitable distribution of land to the 13th Alaska Native Regional Corporation.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2008

Mr. YOUNG of Alaska (for himself and Mr. DICKS) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Alaska Native Claims Settlement Act to provide an equitable distribution of land to the 13th Alaska Native Regional Corporation.

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 “13th Regional Cor-  
5       poration Land Entitlement Act”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—Congress finds that authorizing a  
8       land entitlement for the 13th Regional Corporation would  
9       provide an equitable land entitlement for that Corporation.

1 (b) PURPOSE.—The purpose of this Act is to provide  
2 an equitable distribution of land for the shareholders of  
3 the 13th Regional Corporation.

4 **SEC. 3. LAND ENTITLEMENT.**

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

8 **“SEC. 43. THE 13TH REGIONAL CORPORATION LAND ENTI-**  
9 **TLEMENT.**

10 “(a) ENTITLEMENT.—Not later than 5 years after  
11 the date of the enactment of the 13th Regional Corpora-  
12 tion Land Entitlement Act, the 13th Regional Corporation  
13 may select, subject to subsections (b) and (c), not more  
14 than 1,453,388 acres from public lands which were with-  
15 drawn by the Secretary for selection, or were otherwise  
16 available for selection, but which were not selected by, or  
17 if selected not conveyed to, the State of Alaska, another  
18 Regional Corporation, a Village Corporation, or a Group  
19 Corporation. Any withdrawal eligible for selection under  
20 this subsection which will expire prior to the end of the  
21 five-year selection period for the 13th Regional Corpora-  
22 tion shall be extended to the end of the selection period  
23 provided by this subsection. Prior to making each selec-  
24 tion, the 13th Regional Corporation shall consult with and

1 solicit the comments of the Regional Corporation for the  
2 geographical region within which the selection is located.

3 “(b) APPROVAL.—No selection may be made within  
4 the geographical region of any Regional Corporation under  
5 subsection (a) without the prior written approval of such  
6 Regional Corporation.

7 “(c) CONVEYANCES; LIMITATIONS; RESTRICTIONS.—

8 “(1) CONVEYANCES.—Subject to the limitations  
9 in paragraphs (2) and (3), the Secretary shall con-  
10 vey to the 13th Regional Corporation the surface  
11 and subsurface estate of no more than 1,162,710  
12 acres of the lands selected pursuant to subsection  
13 (a).

14 “(2) LIMITATIONS ON CONVEYANCES.—

15 “(A) PREVIOUSLY SELECTED LANDS.—The  
16 13th Regional Corporation may select any of  
17 the following, but the Secretary shall not convey  
18 the land selected unless the State of Alaska or  
19 any Regional Corporation, Village Corporation,  
20 or Group Corporation which made or has the  
21 right to make a selection has relinquished its  
22 selection or right to make its selection.

23 “(i) Lands validly selected by, but not  
24 yet conveyed to, the State of Alaska pursu-

1 ant to the Alaska Statehood Act or any  
2 other provision of law.

3 “(ii) Lands validly selected by, but  
4 not yet conveyed to, another Regional Cor-  
5 poration, a Village Corporation, or a Group  
6 Corporation.

7 “(B) CONDITIONS.—Any selections made  
8 by the 13th Regional Corporation that are sub-  
9 ject to such valid selections shall be subordinate  
10 to those valid selections. Selections are valid if  
11 they are on file with the United States and  
12 have not been finally adjudicated or all appeal  
13 rights from any final adjudication have not  
14 lapsed or been exhausted, whether or not such  
15 selections are in compliance with all applicable  
16 standards, including without limitation time re-  
17 strictions. Valid selections also include selec-  
18 tions for land in excess of the amount of land  
19 to which the selecting entity may be entitled.

20 “(C) OTHER LIMITATIONS.—The 13th Re-  
21 gional Corporation may not select the following:

22 “(i) Any land without the approval of  
23 any Native individual or Native owned or  
24 public entity that owns a partial interest in  
25 that land.

1           “(ii) Any Land that the State of Alas-  
2           ka, a Regional Corporation, a Village Cor-  
3           poration or a Group Corporation could se-  
4           lect or acquire through the exercise of stat-  
5           utory or contractual rights of selection or  
6           acquisition, whether or not those rights  
7           have been exercised or are subject to dis-  
8           cretionary actions by governmental enti-  
9           ties, without the approval of the State of  
10          Alaska, Regional Corporation, Village Cor-  
11          poration or Group Corporation.

12          “(iii) Any land within any area with-  
13          drawn for selection pursuant to sections 11  
14          or 14 of this Act or otherwise withdrawn  
15          by the Secretary for selection if a Village  
16          Corporation or Regional Corporation has  
17          unexercised selection rights or rights to  
18          conveyance in that area without the ap-  
19          proval of the Village Corporation and Re-  
20          gional Corporation.

21          “(3) RESTRICTIONS.—Selected lands which are  
22          eligible for conveyance to the 13th Regional Cor-  
23          poration shall be conveyed subject to valid existing  
24          rights, in the same manner and subject to the same  
25          reservations and restrictions that are applicable to

1 lands selected by and conveyed to other Regional  
2 Corporations pursuant to this Act. The lands con-  
3 veyed to the 13th Regional Corporation shall remain  
4 available for traditional and customary subsistence  
5 uses unless safety considerations otherwise warrant.  
6 Additionally, until the lands conveyed to the 13th  
7 Regional Corporation are developed, as defined in  
8 section 907(d) of Public Law 96–487 (43 U.S.C.  
9 1636(d)), they shall be managed under policies con-  
10 sistent with the land management policies applicable  
11 to any adjacent Native Corporation owned lands.

12 “(d) RESERVED LANDS.—The 13th Regional Cor-  
13 poration may not select any of the following:

14 “(1) Lands within any conservation system unit  
15 as defined in section 102 of the Alaska National In-  
16 terest Lands Conservation Act (16 U.S.C. 3101 et  
17 seq.).

18 “(2) Acquired lands.

19 “(3) Lands immediately surrounding any build-  
20 ing, permanent structure, or other development  
21 owned or controlled by the United States, another  
22 unit of government, or any person, including Native  
23 owned cabins or campsites on public lands or with-  
24 out the permission of the public land owner.

1           “(4) Lands withdrawn or reserved for national  
2       defense purposes.

3           “(5) Lands within the National Petroleum Re-  
4       serve, Alaska.

5           “(6) Lands within the Tongass and Chugach  
6       National Forests.

7       “(e) RIGHT OF FIRST REFUSAL.—The 13th Regional  
8       Corporation shall not transfer all or any portion of lands  
9       or interests therein that it acquires pursuant to this sec-  
10      tion to a third party without first making a written offer  
11      to sell that same land or interest therein to the Regional  
12      Corporation for the geographical region within which the  
13      land or interest therein is located at the amount (or its  
14      cash equivalent) offered by the third party who desires to  
15      acquire the land or interest therein. The following terms  
16      shall govern such transfers and offers:

17           “(1) The offer shall be made to the Regional  
18      Corporation not less than 30 days before any pro-  
19      posed transfer of such land and shall state the price  
20      and terms of the proposed transfer, and the name  
21      and address of both the offerer and offeree.

22           “(2) Not later than 20 days after the receipt of  
23      the offer, the Regional Corporation may exercise an  
24      option to purchase all, but not less than all, of the

1 land or interest therein that is to be transferred on  
2 the terms in the offer or their cash equivalent.

3 “(3) If the Regional Corporation does not pur-  
4 chase all of the land or interest therein to be trans-  
5 ferred within the required time, then the 13th Re-  
6 gional Corporation may transfer all of the land or  
7 interest therein offered (but not a lesser or greater  
8 amount) to the third party specified in the offer, but  
9 not for a price less or on terms different from those  
10 originally made by the third party. Any land or in-  
11 terest therein not transferred by the 13th Regional  
12 Corporation to the specified third party not later  
13 than 60 days after making the offer to the Regional  
14 Corporation shall again become subject to the re-  
15 strictions of this subsection as though it had never  
16 been offered.

17 “(4) For purposes of this subsection, ‘transfer’  
18 means the sale, transfer, or exchange of land or in-  
19 terests therein in gravel, oil and gas, minerals, water  
20 or timber that have been leased to a third party for  
21 consideration, including a lease or royalty payment  
22 but does not include an exchange for other land or  
23 an interest therein within the state of Alaska pursu-  
24 ant to section 22(f) of this Act or section 1302(h)  
25 of the Alaska National Interest Lands and Con-



1        servation Act, mineral or other leasing on commer-  
2        cially reasonable terms, or the pledge, encumbrance  
3        or grant of a security interest on commercially rea-  
4        sonable terms.”.

5    **SEC. 4. REVENUE SHARING.**

6        Section (1)(A) of Section 7(i) of the Alaska Native  
7        Claims Settlement Act (43 U.S.C. 1606(i)) is amended to  
8        read as follows:

9            (1)(A) Except as provided by subparagraph  
10        (B), 70 percent of all revenues received by each of  
11        the 12 Regional Corporations organized under sub-  
12        section (a) from the timber and subsurface estate  
13        patented to it pursuant to this Act, and 15 percent  
14        of all revenues received by the 13th Regional Cor-  
15        poration organized under subsection (c) from the  
16        timber and subsurface estate patented to it pursuant  
17        to the 13th Regional Corporation Land Entitlement  
18        Act, shall be divided annually by the Regional Cor-  
19        poration among the 12 Regional Corporations orga-  
20        nized pursuant to subsection (a) according to the  
21        number of Natives enrolled in each region pursuant  
22        to section 5 of this Act. An additional, 10 percent  
23        of such revenues received by the 13th Regional Cor-  
24        poration, shall be distributed to the Regional Cor-  
25        poration for the geographical region where the re-

1 sources giving rise to such revenues are located. If  
2 the resources developed are on lands originally with-  
3 drawn for selection by a Village Corporation, then  
4 one-half of the 10 percent paid to the local Regional  
5 Corporation shall be distributed by that corporation  
6 to the Village Corporation. Revenues distributed by  
7 or received from the 13th Regional Corporation are  
8 not subject to the requirements of subsections (j),  
9 (k), (l), (m), and (n) of this section.

10 (B) The Regional Corporations, including the  
11 13th Regional Corporation shall determine the reve-  
12 nues required to be distributed pursuant to this sub-  
13 section in accordance with the section 7(i) Settle-  
14 ment Agreement by and between the 12 Regional  
15 Corporations created pursuant to subsection (a), as  
16 previously or hereafter amended, and shall be bound  
17 by the provisions of that Agreement with respect to  
18 the revenues they distribute. The 13th Regional Cor-  
19 poration shall be bound by any amendment to the  
20 section 7(i) Settlement Agreement unless the amend-  
21 ment is not of general applicability to the other Re-  
22 gional Corporations. Nothing in this section shall be  
23 construed to grant the 13th Regional Corporation  
24 any rights with respect to any revenues distributed  
25 by the 12 Regional Corporations pursuant to section

1       7(i), or to grant the 13th Regional Corporation the  
2       right or power to approve any amendment to the  
3       section 7(i) Settlement Agreement.

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