

111TH CONGRESS
1ST SESSION

H. R. 3229

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

JULY 15, 2009

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural 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 **“SEC. 43. ALEXANDER CREEK VILLAGE RECOGNITION.**

8 “(a) RECOGNITION OF THE VILLAGE OF ALEXANDER
9 CREEK.—Subject to the limitations of this section and
10 notwithstanding section 1432(d) of the Alaska National

1 Interest Lands Conservation Act (Public Law 96–487) to
2 the contrary, Alexander Creek, located within Township
3 15N, Range 7W, Seward Meridian, Alaska, is and shall
4 be recognized as an eligible Native village under section
5 11(b)(3) of this Act.

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

8 “(1) The term ‘agency’ includes—

9 “(A) any instrumentality of the United
10 States;

11 “(B) any element of an agency; and

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

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

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

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

1 “(5) The term ‘Region’ means Cook Inlet Re-
2 gion Incorporated, an Alaska Native Regional Cor-
3 poration, which is the appropriate Regional Corpora-
4 tion for Alexander Creek under section 1613(h) of
5 this Act.

6 “(6) The term ‘CIRI Property Account’ means
7 the account in the Treasury established by the Sec-
8 retary of the Treasury pursuant to section 12(b) of
9 Public Law 94–204 (43 U.S.C. 1611 note), referred
10 to in that section as the ‘Cook Inlet Region, Incor-
11 porated property account’.

12 “(c) ESTABLISHMENT.—(1) The Secretary of the
13 Treasury, in consultation with the Secretary of the Inte-
14 rior, shall establish an account in the Treasury to be
15 known as the ‘Alexander Creek account’ which shall be
16 funded in the full amount provided for by this section
17 within 24 months of the date of enactment of this section

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

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

22 “(B) remain available until expended.

23 “(3)(A) Alexander Creek may use funds in the Alex-
24 ander Creek account to bid as any other bidder for prop-
25 erty in Alaska at any public sale by an agency and may

1 purchase such property in accordance with applicable laws
2 and regulations of the agency offering the property for
3 sale.

4 “(B) In conducting a transaction described in sub-
5 paragraph (A), an agency shall accept, in the same man-
6 ner as cash, any amount tendered from the Alexander
7 Creek account. The Secretary of the Treasury shall adjust
8 the balance of the Alexander Creek account to reflect the
9 transaction.

10 “(C) The Secretary of the Treasury, in consultation
11 with the Secretary of the Interior, shall establish proce-
12 dures for the following transactions related to the Alex-
13 ander Creek account:

14 “(i) Receipt of deposits.

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

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

20 “(d) AMOUNT.—(1) The initial balance of the Alex-
21 ander Creek account shall be the fair market value as de-
22 termined by the appraisal conducted under subsection (g)
23 of the surface estate of the approximately 61,440 acres
24 of deficiency selections previously made by Alexander
25 Creek, which comprise the following parcels of land:

- 1 “T. 2 T., R. 19 W., secs. 3 and 4.
- 2 “T. 2 T., R. 19 W., sec. 10.
- 3 “T. 2 T., R. 19 W., secs. 14 and 15.
- 4 “T. 3 T., R. 19 W., sec. 30.
- 5 “T. 2 T., R. 20 W., secs. 20 through 23.
- 6 “T. 3 T., R. 20 W., sec. 10.
- 7 “T. 3 T., R. 20 W., sec. 14.
- 8 “T. 3 T., R. 20 W., secs. 24 and 25.
- 9 “T. 1 T., R. 26 W., sec. 31.
- 10 “T. 2 T., R. 27 W., secs. 3 and 4.
- 11 “T. 2 T., R. 29 W., secs. 3 through 5.
- 12 “T. 2 S., R. 19 W., sec. 18.
- 13 “T. 2 S., R. 20 W., secs. 12 and 13.
- 14 “T. 2 S., R. 20 W., sec. 24.
- 15 “T. 2 S., R. 20 W., secs. 26 and 27.
- 16 “T. 2 S., R. 20 W., secs. 33 and 34.
- 17 “T. 3 S., R. 23 W., sec. 25.
- 18 “T. 6 S., R. 24 W., secs. 1 and 2.
- 19 “T. 6 S., R. 24 W., sec. 11.
- 20 “T. 6 S., R. 24 W., secs. 18 through 20.
- 21 “T. 9 S., R. 27 W., secs. 6 and 7.
- 22 “T. 7 S., R. 28 W., sec. 2.
- 23 “T. 7 S., R. 28 W., sec. 21.
- 24 “T. 7 S., R. 28 W., secs. 28 and 29.
- 25 “T. 7 S., R. 28 W., secs. 31 through 33.

- 1 “T. 8 S., R. 28 W., secs. 5 through 7.
- 2 “T. 9 S., R. 28 W., sec. 1.
- 3 “T. 9 S., R. 28 W., sec. 12.
- 4 “T. 7 S., R. 29 W., sec. 12.
- 5 “T. 8 S., R. 29 W., sec. 1.
- 6 “T. 8 S., R. 29 W., secs. 3 and 4.
- 7 “T. 8 S., R. 29 W., secs. 8 through 20.
- 8 “T. 2 N., R. 20 W., sec. 13.
- 9 “T. 1 N., R. 27 W., sec. 8.
- 10 “T. 1 N., R. 27 W., sec. 16.
- 11 “T. 1 N., R. 27 W., secs. 20 through 23.
- 12 “T. 1 N., R. 27 W., sec. 25.
- 13 “T. 1 N., R. 27 W., sec. 36.
- 14 “T. 1 N., R. 28 W., secs. 1 and 2.
- 15 “T. 1 N., R. 28 W., secs. 8 through 11.
- 16 “T. 1 N., R. 28 W., secs. 16 through 18.
- 17 “T. 3 S., R. 23 W., sec. 8.
- 18 “T. 3 S., R. 23 W., sec. 26.
- 19 “T. 3 S., R. 23 W., sec. 33.
- 20 “T. 6 S., R. 24 W., secs. 27 and 28.
- 21 “T. 7 S., R. 28 W., secs. 4 through 7.
- 22 “T. 7 S., R. 28 W., secs. 10 and 11.
- 23 “T. 7 S., R. 28 W., secs. 14 and 15.
- 24 “T. 7 S., R. 28 W., sec. 22.
- 25 “T. 8 S., R. 29 W., sec. 5.

- 1 “T. 2 N., R. 20 W., sec. 30.
- 2 “T. 3 N., R. 20 W., sec. 2.
- 3 “T. 3 N., R. 20 W., sec. 13.
- 4 “T. 4 N., R. 20 W., sec. 33.
- 5 “T. 2 N., R. 27 W., secs. 10 through 12.
- 6 “T. 11 N., R. 28 W., secs. 16 through 27.
- 7 “T. 2 N., R. 30 W., sec. 12.
- 8 “T. 1 S., R. 20 W., sec. 4.
- 9 “T. 3 S., R. 23 W., sec. 17.
- 10 “T. 3 S., R. 23 W., sec. 28.
- 11 “T. 6 S., R. 24 W., sec. 14.
- 12 “T. 6 S., R. 24 W., sec. 21.
- 13 “T. 6 S., R. 24 W., sec. 26.
- 14 “T. 5 S., R. 26 W., secs. 29 and 30.
- 15 “T. 7 S., R. 28 W., sec. 1.
- 16 “T. 7 S., R. 29 W., sec. 1.
- 17 “T. 7 S., R. 29 W., sec. 11.
- 18 “T. 7 S., R. 29 W., secs. 14 through 16.
- 19 “T. 7 S., R. 29 W., secs. 21 and 22.
- 20 “T. 2 N., R. 19 W., sec. 7.
- 21 “T. 2 N., R. 19 W., sec. 18.

22 “(2) The balance of the CIRI Property Account shall
 23 be increased by an amount equal to the fair market value
 24 of the subsurface estate of the approximately 61,440 acres
 25 of deficiency selections made by Alexander Creek, as de-

1 scribed in paragraph (1): *Provided*, That the value of such
2 subsurface estate shall not be less than 61,440 multiplied
3 by the acre equivalent value of the Region's entitlement
4 lands under paragraph (2) of the second section of
5 12(b)(7)(iv) of the Act of January 2, 1976 (Public Law
6 94–204). The funds added to the CIRC Property Account
7 pursuant to this subsection shall be segregated from all
8 other funds therein by a method to be mutually agreed
9 by CIRC and the Secretary of the Treasury.

10 “(e) LAND EXCHANGE.—The Secretary of the Inte-
11 rior shall enter into negotiations with Alexander Creek,
12 no later than 180 days after the date of the enactment
13 of this Act, to attempt to conclude, under the authority
14 of section 22(f), a land exchange to acquire lands not with-
15 in any conservation system unit from the State of Alaska
16 or the Matanuska-Susitna Borough under the same proce-
17 dures set forth in section 22(f) to enable Alexander Creek
18 to obtain additional public lands within Alexander Creek's
19 original withdrawal area in Alaska, as identified by Alex-
20 ander Creek. The subsurface to lands conveyed to Alex-
21 ander Creek under subsection (d) shall be conveyed, with-
22 out consideration, to the Region and shall be treated for
23 all purposes as subsurface land conveyed to the Region
24 under section 14(f). Any land exchange to be undertaken
25 pursuant to this subsection must be approved by Alex-

1 ander Creek, and must be completed no later than 36
2 months after the date of the enactment of this Act.

3 “(f) ADJUSTMENT IN ACCOUNT.—If a conveyance of
4 surface estate is made to Alexander Creek pursuant to
5 subsection (e), the Alexander Creek account shall be re-
6 duced by the amount of the actual acres conveyed multi-
7 plied by the average value per acre of the surface acres
8 appraised under subsection (g). If a conveyance of sub-
9 surface estate is made to the Region pursuant to sub-
10 section (d), the CIRI Property Account shall be reduced
11 by the amount of the actual acres conveyed multiplied by
12 the average value per acre of the subsurface acres ap-
13 praised under subsection (g).

14 “(g) APPRAISAL.—(1)(A) Subject to subsection
15 (d)(2), the Secretary shall determine the amount to be de-
16 posited into the Alexander Creek and CIRI Property ac-
17 counts by separately appraising, on a reasonable basis,
18 based on all available evidence, the fair market value, as
19 of the date of the enactment of this section, of the surface
20 and subsurface of each section selected as a separate par-
21 cel and considering that ‘public interest’ use may be the
22 highest and best use of such parcels.

23 “(B) Alexander Creek and the Region shall each have
24 the opportunity to present evidence of value to the Sec-
25 retary solely with respect to the respective estates in-

1 volved, comprising surface estate for Alexander Creek and
2 subsurface estate for the Region. The Secretary shall pro-
3 vide Alexander Creek and the Region with a preliminary
4 draft of the appraisal. Alexander Creek and the Region
5 shall have a reasonable and sufficient opportunity to com-
6 ment on the appraisal.

7 “(2) The Secretary shall forward a certified copy of
8 the appraisal of their separate and respective estates each
9 to Alexander Creek, and the Region.

10 “(h) IMPLEMENTATION.—(1) Alexander Creek may
11 assign to any person or corporation without restriction any
12 or all of the Alexander Creek account upon written notifi-
13 cation to the Secretary of the Treasury and the Secretary
14 of the Interior. In the event that such an assignment is
15 made to the Region, on notice from Alexander Creek to
16 the Secretary of the Treasury and the Secretary of the
17 Interior, and subject to the written consent of the Region
18 in its sole and absolute discretion, the amount of such as-
19 signment shall be added to or made a part of the CIRC
20 Property Account, and may be used in the same manner
21 as other funds in that account.

22 “(2) Except for such lands as Alexander Creek has
23 received prior to enactment of this section, and such lands
24 it is entitled to recover as a Group Corporation, upon com-
25 pletion by the Secretary of the Interior of the appraisal

1 process pursuant to subsection (g), and notification to the
2 Secretary from Alexander Creek that Alexander Creek ac-
3 cepts the results of the appraisal process, Alexander Creek
4 shall be deemed to have accepted the terms of this section
5 in lieu of any other land entitlement it could have received
6 as a village pursuant to this Act, including, without limita-
7 tion, any lands it would have received pursuant to section
8 12(b). Such acceptance shall satisfy all claims Alexander
9 Creek had or may have had against the United States on
10 the date of the enactment of this section.

11 “(3) Any land acquired by Alexander Creek with
12 funds from the Alexander Creek account shall be deemed
13 to be a conveyance pursuant to this Act.

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

22 “(j) LIMITATION ON AGENTS’ AND ATTORNEYS’
23 FEES.—No more than 2.5 percent of payments received
24 by or on behalf of Alexander Creek under this section may
25 be paid to or received by any agent or attorney for services

1 rendered in connection with obtaining such payment, any
2 contract to the contrary notwithstanding. Any person who
3 violates this subsection shall be guilty of a misdemeanor
4 and shall be subject to a fine in the amount provided in
5 title 18, United States Code.

6 “(k) SHAREHOLDER PARTICIPATION.—Alexander
7 Creek shall notify each member of the Native village rec-
8 ognized under this section that, upon the effective date
9 of this provision, such members shall cease to receive bene-
10 fits from the Region as at-large shareholders pursuant to
11 section 7(m), and that all future resource payments from
12 the Region shall be made to the Village Corporation pur-
13 suant to section 7(j). The Region shall not be liable under
14 any State, Federal or local law, or under State or Federal
15 common law, for damages arising out of or related to the
16 cessation of payments to such individuals under section
17 7(m) pursuant to this section.

18 “(l) STATUTORY CONSTRUCTION.—Nothing in this
19 section shall be construed to—

20 “(1) limit, alter, violate, breach, or otherwise
21 affect the rights of any party under a contract, set-
22 tlement agreement, or land exchange entered into
23 prior to enactment of this section between Alexander
24 Creek and any party, or one or more parties to any
25 contract, settlement, agreement, or land exchange

1 predicated upon Alexander Creek’s Native village
2 status under this Act; or

3 “(2) diminish, reduce, or modify the acreage
4 entitlement to which Alexander Creek became enti-
5 tled to as a Group Corporation.”.

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