

H.R. CONF. REP. 92-746, H.R. Conf. Rep. No. 746, 92ST Cong., 1ST Sess. 1971, 1971 U.S.C.C.A.N. 2247, 1971 WL 11413 (Leg.Hist.)

***2247 P.L. 92-203, ALASKA NATIVE CLAIMS SETTLEMENT ACT**

House Report (Interior and Insular Affairs Committee) No. 92-523,

Sept. 28, 1971 (To accompany H.R. 10367)

Senate Report (Interior and Insular Affairs Committee) No. 92-405,

Oct. 21, 1971 (To accompany H.R. 10367)

House Conference Report No. 92-746,

Dec. 13, 1971 (To accompany H.R. 10367)

Senate Conference Report No. 92-581,

Dec. 14, 1971 (To accompany H.R. 10367)

Cong. Record Vol. 117 (1971)

DATES OF CONSIDERATION AND PASSAGE

House October 20, December 14, 1971

Senate November 1, December 14, 1971

The House bill was passed in lieu of the Senate bill. The House Report and the House Conference Report are set out.

(CONSULT NOTE FOLLOWING TEXT FOR INFORMATION ABOUT OMITTED MATERIAL. EACH COMMITTEE REPORT IS A SEPARATE DOCUMENT ON WESTLAW.)

HOUSE CONFERENCE REPORT NO. 92-746

Dec. 13, 1971

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the Bill (H.R. 10367) 'to provide for the settlement of certain land claims of Alaska Natives, and for other purposes,' submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

I. GENERAL

A. INTRODUCTION

The language agreed upon by the managers is the result of long and careful consideration of the House passed bill and the Senate's amendment in the nature of a substitute to the House passed bill. The House bill and the Senate

1. In sections 7 and 8 of the conference report authorizing the creation of Regional and Village Corporations, the conference committee has adopted a policy of self-determination on the part of the Alaska Native People. The conference committee anticipates that there will be responsible action by the board members and officers of the corporations and that there will not be any abuses of the intent of this Act. The conference committee does not contemplate that the Regional and Village Corporations will allow unreasonable staff, officer, board member, consultant, attorney, or other salaries, expenses and fees. The conference committee also contemplates that the Regional and Village Corporations will not expend funds for purposes other than those reasonably necessary in the course of ordinary business operations.

2. The Senate amendment to the House bill provided for the protection of the Native peoples's interest in and use of subsistence resources on the public lands. The conference committee, after careful consideration, believes that all Native interests in subsistence resource lands can and will be protected by the Secretary through the exercise of his existing withdrawal authority. The Secretary could, for example, withdraw appropriate lands and classify them in a manner which would protect Native subsistence needs and requirements by closing appropriate lands to entry by non-residents when the subsistence resources of these lands are in short supply or otherwise threatened. The Conference Committee expects both the Secretary and the State to take any action necessary to protect the subsistence needs of the Natives.

3. Villages located on the Pribilof Islands present a special problem because the fur seals which frequent the islands are the subject of an International Treaty. It is the conference committee's recommendation that the Secretary, after consultation with the Secretary of Commerce, the State and the Planning Commission, reserve the appropriate rights and interests in land to insure the fulfillment of the United States obligations under the Treaty.

*2251 4. Under the provisions of subsection 12(c)(3) ' . . . the Regional Corporation may select only even numbered townships in even numbered ranges and only odd numbered townships in odd numbered ranges.' This language is meant to insure 'checkerboard' selections by the Regional Corporations. The State of Alaska would then be permitted to concurrently select lands in the alternate townships not subject to selection by the Regional Corporations.

The effect of this provision of the bill is to limit the selections of the Regional Corporation to townships 2, 4, 6, 8, 10, et cetera, North or South of a principal or special base line, in ranges 2, 4, 6, 8, 10, et cetera, East or West of a principal or special meridian. With respect to odd numbered ranges, East or West of a principal or special meridian, i.e., Range 1 West, Range 1 East, Range 3 West, Range 3 East, et cetera, the Regional Corporation could select from townships 1, 3, 5, 7, 9, et cetera, North or South of a principal or special base line. The numbering system of the townships and ranges is the system used by the United States Land Survey System.

It is recognized that if a principal or special meridian or base line should intersect an area withdrawn for selection, a slightly modified selection pattern might result; however, those cases seemed so limited as to not do substantial violence to the intended 'checkerboard' selection system contemplated.

5. Section 20 provides for the compensation of attorneys and consultants for services and expenses in the representation of Natives, Native Villages, or Native Associations in claims pending before any state or Federal court or the Indian Claims Commission which are dismissed pursuant to this Act, or in the preparation of this Act and previously proposed legislation to settle the Alaska Native claims based upon aboriginal title, use, or occupancy. The Chief Commissioner of the Court of Claims must determine the amount of the claims, within the limit of funds authorized. It is intended that payment for such services shall only be compensated from the funds provided therefor by this section, and penalties are provided in the event other reimbursement is paid.

Under the provisions of subsection 20(g), the Chief Commissioner is also authorized to allow and certify for payment such amounts as he determines are reasonable, but not more than \$600,000 in the aggregate, for actual costs