

AMENDING THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, REGARDING
HUNA TOTEM CORPORATION PUBLIC INTEREST LAND EXCHANGE, AND
FOR OTHER PURPOSES

OCTOBER 6, 1998.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 3088]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3088) to amend the Alaska Native Claims Settlement Act, regarding Huna Totem Corporation public interest land exchange, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purposes of H.R. 3088 are to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation public interest land exchange, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3088 provides for a land exchange between the Huna Totem Corporation, a Village Corporation in Southeast Alaska that was organized under the Alaska Native Claims Settlement Act (ANCSA), and the United States.

The Huna Totem Corporation of the city of Hoonah in Southeast Alaska was awarded lands pursuant to ANCSA. Some of these lands have significant timber resources, and the Corporation has

been active in the timber industry because logging provides important economic benefits to its Native shareholders.

A significant portion of Huna Totem's property lies on part of the local watershed and within view of the city because ANCSA mandated the Corporation's land selection to be within or adjacent to the core township enclosing the village. However, there is considerable controversy within Hoonah over potentially logging this property because of the proximity of the logging to the city and the watershed. Huna Totem would prefer to acquire land away from the City, and by extension away from the local controversy, through an equal-value land exchange with the United States.

H.R. 3088 resolves the local problem through an equal-value land exchange. Under the bill, the Corporation transfers approximately 2,000 acres of the watershed/view lands to the United States in exchange for lands of an equal value and accessible to Hoonah, selected from areas specified in the bill. The lands conveyed to the U.S. under H.R. 3088 are added to the Tongass National Forest. The bill also contains a provision prohibiting Huna Totem Corporation from exporting unprocessed logs from the new lands it acquires.

COMMITTEE ACTION

H.R. 3088 was introduced on November 13, 1997, by Congressman Don Young (R-AK). The bill was referred to the Committee on Resources. On February 25, 1998, the Committee held a hearing on H.R. 3088, where testimony was received from the Administration, the Huna Totem Corporation, and an environmental organization from southeast Alaska. On September 16, 1998, the Full Resources Committee met to consider H.R. 3088. No amendments were offered and the bill was ordered favorably reported by voice vote to the House of Representatives.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact H.R. 3088.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 3088. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the

Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3088 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill could decrease off-setting receipts of less than \$500,000 a year over the 1999–2003 time period.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3088.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3088 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 18, 1998.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3088, a bill to amend the Alaska Native Claims Settlement Act, regarding Huna Totem Corporation public interest land exchange, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 3088—A bill to amend the Alaska Native Claims Settlement Act, regarding Huna Totem Corporation public interest land exchange, and for other purposes

CBO estimates that enacting this bill would not have a significant impact on the federal budget. Because the bill could affect off-setting receipts (a form of direct spending), pay-as-you-go procedures would apply, but we estimate that any increase in direct spending would total less than \$500,000 per year. H.R. 3088 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no significant costs on the budgets of state, local, or tribal governments.

H.R. 3088 would direct the Secretary of Agriculture to convey the surface estate to certain federal lands in the Tongass National For-

est to the Huna Totem Corporation, and also to convey the subsurface estate to such federal lands to the Sealaska Corporation. The federal land to be conveyed would be selected by the two corporations from federal lands depicted on the map described in the bill dated September 1, 1997. The bill also provides that the Huna Totem Corporation and Sealaska convey to the United States approximately 2,000 acres of surface and subsurface estates.

H.R. 3088 does not specify the federal land to be conveyed to the Huna Totem Corporation, but it does provide that the exchange be on the basis of equal value, unless the Secretary determines it is in the public interest to make the exchange for other than equal value. For the purpose of this estimate, CBO assumes that the lands exchanged under the bill would be of approximately equal value. CBO expects that enacting this bill could decrease offsetting receipts to the federal government. According to the Forest Service, the agency would generally consider the area acquired from the corporation to be unsuitable for future harvesting because it lies within the watershed and viewshed for the city of Hoonah. Some of the federal land that could be conveyed to the corporation under H.R. 3088 currently does not generate federal timber receipts because it has been logged recently; however, a portion of the federal land that could be conveyed is not currently being harvested because it has been set aside as part of a conservation reserve under the Tongass National Forest management plan. According to the Forest Service, if the corporation harvested those areas following exchange, then the agency would be obliged under the forest management plan to reserve another area of federal land within the Tongass National Forest for conservation that would otherwise have been harvested under current law. Therefore, enacting the bill could decrease offsetting receipts to the federal government. We estimate that any increase in direct spending from forgoing timber receipts under H.R. 3088 would total less than \$500,000 a year over the 1999–2003 period.

On October 6, 1997, CBO prepared a cost estimate for S. 1158, the Huna Totem Corporation Land Exchange Act, as ordered reported by the Senate Committee on Energy and Natural Resources on September 24, 1997. The two bills are similar, and the estimated costs are the same.

The CBO staff contact for this estimate is Victoria V. Heid. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 3088 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic):

ALASKA NATIVE CLAIMS SETTLEMENT ACT

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SEC. 41. HUNA TOTEM CORPORATION LAND EXCHANGE.

(a) *EXCHANGE.*—In exchange for lands and interests described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to Huna Totem Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal lands identified by Huna Totem Corporation pursuant to subsection (c).

(b) *LANDS DESCRIBED.*—The surface estate to be conveyed by Huna Totem Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the United States pursuant to this section are to the municipal watershed lands as shown on the map dated September 1, 1997, and labeled “Attachment A”, and are further described as follows:

MUNICIPAL WATERSHED AND GREENBELT BUFFER
C.R.M., T43S, R61E

Portion of section:	Approximate acres:
16	2
21	610
22	227
23	35
26	447
27	400
33	202
34	76
Approximate total	1,999

(c) *IDENTIFICATION OF LANDS.*—

(1) *IN GENERAL.*—Not later than 90 days after the conveyance to the United States pursuant to subsection (a), Huna Totem Corporation may identify lands readily accessible to the village of Hoonah and, where possible, located on the road system to the village of Hoonah, as depicted on the map dated September 1, 1997, and labeled “Attachment B”. Huna Totem Corporation shall submit to the Secretary of Agriculture a written description of such identified lands.

(2) *EQUAL VALUE.*—The value of the lands identified pursuant to paragraph (1) may not exceed the value of the lands described in subsection (b).

(d) *TIMING OF CONVEYANCE.*—Not later than 90 days after the written description of identified lands is submitted to the Secretary pursuant to subsection (c), the Secretary shall convey all right, title, and interest of the United States to such lands to Huna Totem Corporation.

(e) *TIMBER MANUFACTURING; EXPORT RESTRICTION.*—Notwithstanding any other provision of law, timber harvested from lands conveyed to Huna Totem Corporation under this section shall not be available for export as unprocessed logs from Alaska, nor may Huna Totem Corporation sell, trade, exchange, substitute, or otherwise convey such timber to any person for the purpose of exporting that timber from the State of Alaska.

(f) *RELATION TO OTHER REQUIREMENTS.*—The lands conveyed to Huna Totem Corporation and Sealaska Corporation under this section shall be considered, for all purposes, lands conveyed under this Act.

(g) MAPS.—The maps referred to in this section shall be maintained on file in the office of the Chief, United States Forest Service, and in the office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the lands depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.

DISSENTING VIEWS

H.R. 3088 has earned the dubious distinction of generating veto threats from both the Secretary of the Interior and the Secretary of Agriculture.

This is not a land exchange that has been negotiated between two parties and is in the public interest. Instead, the corporation is foisting land upon the Forest Service that the agency has zero interest in acquiring or managing. Moreover, the bill gives the Huna Corporation the authority to select 2,000 acres of old-growth forest from the Tongass National Forest, with the Forest Service having no say in where these lands are selected.

A primary reason that both Departments are opposing this bill and recommending a veto is because it sets an unacceptable precedent by reopening Native entitlements under the 1971 Alaska Native Claims Settlement Act. Over 200 Alaska village corporations received land around their villages in the Settlement Act. It would have been insulting to Alaska natives had Congress concluded that Native-owned corporations were not responsible enough to protect their own communities from undesired activities. Yet H.R. 3088 would have the federal government acquire core village lands, based on the misguided premise that Congress intended every acre conveyed to Native corporations be logged or developed, no matter what the consequences to the village residents.

In this case, the community of Hoonah understandably does not want more logging in their backyard, given that the Huna Corporation has clear-cut most of its 23,000 acre entitlement. But the remedy for this voluntary decision by corporate officials is to seek more national forest land to log. To establish the precedent that any or all of the 200 village corporations can come to Congress to trade village lands out and up for more economically desirable lands would undo the 1971 Settlement Act and have significant consequences for management of federal lands across Alaska.

GEORGE MILLER.

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