

109TH CONGRESS
1ST SESSION

H. R. 1810

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2005

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

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 administrative and
21 management functions, construction, maintenance, data
22 collection, biological research, and harvest monitoring on
23 conservation system units in Alaska.

24 (b) PARTICIPATION.—During each of the 2 fiscal
25 years immediately following the date of the enactment of

1 this Act, the Secretary shall select, in a manner to achieve
2 geographic representation within Alaska, not less than 6
3 eligible Indian tribes or tribal organizations per year to
4 participate in the demonstration project.

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

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

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

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

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

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

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

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

23 (f) CONTRACTS.—

- 24 (1) IN GENERAL.—Upon request of a partici-
25 pating Indian tribe or tribal organization that has

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

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

24 (g) CONTRACT ADMINISTRATION.—

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

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

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

1 dian tribe or tribal organization. Such transferred
2 employees shall be given priority placement for any
3 available position within their respective agency, not-
4 withstanding any priority reemployment lists, direc-
5 tives, rules, regulations, or other orders from the
6 Department of the Interior, the Office of Manage-
7 ment and Budget, or other Federal agencies.

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

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

1 tracts entered into pursuant to this Act are authorized to
2 remain in effect for 5 consecutive fiscal years, starting
3 from the fiscal year the participating Indian tribe or tribal
4 organization first entered into its contract under this Act.

5 (j) REPORT.—Not later than 90 days after the close
6 of each of fiscal years 2007 and 2010, the Secretary shall
7 present to the Congress detailed reports, including a nar-
8 rative, findings, and conclusions on the costs and benefits
9 of this demonstration project. The reports shall identify
10 remaining institutional and legal barriers to the con-
11 tracting of conservation system unit management to Alas-
12 ka Native entities and shall contain recommendations for
13 improving, continuing, and expanding the demonstration
14 project. The reports shall be authored jointly with, and
15 shall include the separate views of, all participating Indian
16 tribes and tribal organizations.

17 (k) LIMITATIONS.—

18 (1) REVENUE PRODUCING VISITOR SERVICES.—
19 Contracts authorized under this Act shall not in-
20 clude revenue-producing visitor services, unless an
21 agreement is reached with the most directly affected
22 Alaska Native corporations to allow such services to
23 be included in the contract. Such contracts shall not
24 otherwise repeal, alter, or otherwise modify section

1 1307 or 1308 of the Alaska National Interests
2 Lands Conservation Act.

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

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

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

16 (I) PLANNING GRANTS.—

17 (1) IN GENERAL.—Subject to the availability of
18 appropriated funds, upon application the Secretary
19 shall award a planning grant in the amount of
20 \$100,000 to any Indian tribe or tribal organization
21 selected for participation in the demonstration
22 project to enable it to plan for the contracting of
23 programs, functions, services, and activities as au-
24 thorized under this Act and meet the planning phase
25 requirement of subsection (e). An Indian tribe or

1 tribal organization may choose to meet the planning
2 phase requirement without applying for a grant
3 under this subsection. No Indian tribe or tribal or-
4 ganization may receive more than 1 grant under this
5 subsection.

6 (2) AUTHORIZATION OF APPROPRIATIONS.—
7 There is authorized to be appropriated \$600,000 for
8 each of the 2 fiscal years immediately following the
9 date of the enactment of this Act to fund planning
10 grants under this section.

11 **SEC. 4. KOYUKUK AND KANUTI NATIONAL WILDLIFE REF-**
12 **UGES DEMONSTRATION PROJECT.**

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

22 (b) ASSIGNMENT OF EMPLOYEES.—To the maximum
23 extent possible, contracts and compacts under subsection
24 (a) shall provide that the United States Fish and Wildlife
25 Service shall assign employees assigned to the Koyukuk

1 and Kanuti National Wildlife Refuges to the contractor
2 pursuant to the Intergovernmental Personnel Act (5
3 U.S.C. 3371 et seq.) with all such employees maintained
4 as Federal employees retaining all benefits and status of
5 Federal service.

6 **SEC. 5. DEFINITIONS.**

7 For the purposes of this Act:

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

12 (2) INDIAN TRIBE.—The term “Indian tribe”
13 shall have the meaning given that term in section
14 4(e) of the Indian Self-Determination and Education
15 Assistance Act.

16 (3) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

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

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