

SALMON LAKE LAND SELECTION RESOLUTION ACT

APRIL 16, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany S. 292]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (S. 292) to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 292 is to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

BACKGROUND AND NEED FOR LEGISLATION

Under the Alaska Native Claims Settlement Act of 1971 (ANCSA), all aboriginal claims to land and waters in Alaska were extinguished in exchange for the transfer of fee title to 44 million acres of public lands in the state to Alaska Natives, divided among 12 Regional Corporations and more than 200 Village Corporations that the Act authorized them to form. Pursuant to Section 14(h)(8) of ANCSA, Bering Straits Native Corporation (BSNC), organized by Natives in the Nome area, received an entitlement to 145,728 acres

of land. In partial satisfaction of this entitlement, BSNC selected federal lands adjacent to Salmon Lake, a large lake 38 miles north of Nome, Alaska. Some of these selections overlap a selection made by the State pursuant to its own land entitlement under the Alaska Statehood Act of 1958.

To resolve the conflicting land selections, BSNC, the State, and the United States negotiated the “Salmon Lake Area Land Ownership Consolidation Agreement” (Agreement), effective as of July 18, 2007. An Act of Congress is necessary to ratify the Agreement before it takes full effect.

The Agreement provides for certain land conveyances and relinquishments among the parties. BSNC acquires 1,009 acres in the Salmon Lake area, 6,132 acres of land at Windy Cove, and 7,504 acres of land at Imuruk Basin. The State acquires 3,084 acres in the Salmon Lake area, while BSNC relinquishes 3,084 acres of land from its original Salmon Lake selection.

The Agreement does not change the total amount of land to which BSNC and the State are entitled under ANCSA and the Alaska Statehood Act, respectively. Additionally, the Agreement protects public access to popular recreation and subsistence sites, including a campground managed by the Bureau of Land Management.

The Agreement had originally been set to expire on January 1, 2009, but the three parties to it have extended the deadline for Congressional ratification until January 1, 2013.

In the 111th Congress, the House and Senate worked on a prior version of S. 292. In the House, H.R. 2340, sponsored by Congressman Don Young (R-AK), passed on a 410–0 vote, but no further action occurred on this bill in the Senate. The Senate version, S. 522, sponsored by Senator Lisa Murkowski (R-AK), was reported by the Senate Committee on Energy and Natural Resources, but no further action occurred.

The bill is supported by the Administration, the BSNC, and the State of Alaska.

COMMITTEE ACTION

S. 292 was introduced on February 4, 2011, by Senator Lisa Murkowski (R-AK). On October 18, 2011, the bill passed the Senate by unanimous consent. The bill was then referred to the House Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Alaska Native Affairs. On January 25, 2012, the Subcommittee held a hearing on the bill. On February 29, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Indian and Alaska Native Affairs was discharged by unanimous consent. No amendments were offered to the bill and the bill was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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 this bill. However, clause 3(d)(2)(B) 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 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII 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 this bill from the Director of the Congressional Budget Office:

S. 292—Salmon Lake Land Selection Resolution Act

Summary: S. 292 would ratify the Salmon Lake Area Land Ownership Consolidation Agreement that was signed by the federal government, the state of Alaska and the Bering Straits Native Corporation (a native-owned regional corporation established to administer land given to Alaska Natives under the Alaska Native Claims Settlement Act) in 2007. That agreement was to settle a land dispute. Based on information from the Bureau of Land Management (BLM), CBO expects that enacting the legislation would increase offsetting receipts (a credit against direct spending) in 2013; therefore, pay-as-you-go procedures apply. CBO estimates, however, that such effects would be insignificant. The act would not affect revenues.

S. 292 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: Under the act, the federal government would convey about 18,000 acres of land located in western Alaska to the Bering Straits Native Corporation and the state of Alaska to satisfy claims made by those parties under the Alaska Native Claims Settlement Act and the Alaska Statehood Act, respectively. The federal government currently collects about \$1,500 per year from a lease on the affected land. Those amounts are deposited in an escrow account pending ratification of the agreement. Upon enactment of the legislation, BLM would transfer 90 percent of all receipts collected over the life of the lease (about \$20,000 to date) to the state of Alaska and would deposit the remaining 10 percent of those funds in the U.S. Treasury. Thus, CBO estimates that enacting the legislation would increase offsetting receipts to the Treasury (a credit against direct spending) by about \$2,000 in 2013.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. Enacting S. 292 would result in an insignificant reduction in direct spending over the 2012–2022 period.

Intergovernmental and private-sector impact: S. 292 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO cost estimate: On July 26, 2011, CBO transmitted a cost estimate for S. 292, as ordered reported by the Senate Committee on Energy and Natural Resources on July 14, 2011. The two versions of the legislation are similar and the CBO cost estimates are the same. The cost estimate transmitted on July 26, 2011, did not reflect new information about the deposit of funds into an escrow account pending ratification of the agreement. Because those amounts are in an escrow account, CBO now estimates that enacting S. 292 would result in an insignificant reduction in direct spending, rather than an insignificant increase as reported in our cost estimate of July 26, 2011.

Estimate prepared by: Federal costs: Martin von Gnechten; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information from the Bureau of Land Management (BLM), CBO expects that enacting the legislation would increase offsetting receipts (a credit against direct spending) in 2013; therefore, pay-as-you-go procedures apply. CBO estimates, however, that such effects would be insignificant.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates as defined under Public Law 104-4.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.