

LAND EXCHANGE ALASKA NATIVE VILLAGE
CORPORATION AND INTERIOR DEPARTMENT

NOVEMBER 4, 2003.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany S. 924]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 924) to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, 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 purpose of S. 924, is to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

S. 924 directs the Secretary of the Interior to complete a land exchange with Newtok Native Corporation, a Village Corporation organized pursuant to the Alaska Native Claims Settlement Act of 1971 (ANCSA).

Newtok is located on the Yukon-Kuskokwim Delta of western Alaska. The people of this region are Yupik Eskimo and have lived along the Bering Sea coast for 2,000 years. The current village has been occupied since 1949 after the villagers moved from another site that flooded. There are approximately 300 residents of Newtok. The village is unincorporated and has no taxing authority. Most villagers pursue a subsistence lifestyle, and fifty percent of them live below the poverty level. Most are shareholders of the Newtok Native Corporation.

Lands selected by Newtok under ANCSA were chosen to provide good hunting areas for the villagers. These lands enclose or abut the core township where Newtok is located. The Yukon Delta National Wildlife Refuge surrounds the village.

S. 924 is necessary because the Ninglick River is eroding the bank near the village, severely threatening the airport, homes, and other buildings. Each year since the early 1950s, the shifting course of the river has moved closer to the village. The erosion has been particularly rapid in the last decade. To save the village and its way of life, a new location for Newtok must be provided soon. S. 924 directs a land exchange so that Newtok can exchange its current site for a newly identified site. Under the exchange, the Secretary of Interior is required to accept the 12,101 acres of Newtok lands defined in the bill in exchange for 10,941 acres of "Identified Lands" conveyed to the Newtok Native Corporation. The lands accepted and conveyed, as well as additional terms and conditions, are specified in the bill.

COMMITTEE ACTION

S. 924 was introduced on April 11, 2003, by Senator Lisa Murkowski (R-AK). The bill was passed with an amendment by the Senate by unanimous consent on July 17, 2003. In the House of Representatives, the bill was referred to the Committee on Resources. On October 29, 2003, the Full Resources Committee met to consider the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

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 Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

2. 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 tax expenditures. According to the Congressional Budget Office, enactment of this bill could affect offsetting receipts, but "any such effects would be negligible."

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. 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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 31, 2003.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 924, an act to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis and Megan Carroll.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

S. 924—An act to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes

CBO estimates that enacting S. 924 would not significantly affect the federal budget. The act could affect direct spending, but we estimate that any such effects would be negligible. S. 924 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

S. 924 would direct the Secretary of the Interior to convey the surface and subsurface estate to 10,943 acres of federal lands in Alaska to the Newtok Native Corporation. In exchange, the corporation would convey the surface estate to 12,101 acres of lands and relinquish its claim to 4,956 acres of other lands that it has selected under the Alaska Native Claims Settlement Act. Under S. 924, the Calista Regional Corporation, another Alaska Native corporation, could select additional subsurface rights to certain lands if the proposed land exchange affects that corporation's existing entitlement to certain subsurface rights.

Based on information provided by the U.S. Fish and Wildlife Service, CBO estimates that completing the proposed exchange would increase the agency's costs by less than \$500,000, assuming appropriation of the necessary amounts. Conveying lands and interest to the tribal corporations could result in forgone offsetting receipts (a credit against direct spending) if, under current law, those lands and interests would generate income from programs to develop natural resources. According to the agency, however, the lands and interests that would be conveyed under the act currently

generate no significant receipts and are not expected to do so over the next 10 years. Hence, we estimate that any forgone offsetting receipts under S. 924 would be negligible.

On June 27, 2003, CBO transmitted a cost estimate for S. 924 as ordered by the Senate Committee on Energy and Natural Resources on June 25, 2003. The two versions of the legislation are identical, as are the CBO costs estimates.

The CBO staff contracts for this estimate are Deborah Reis and Megan Carroll. This estimate was approved by Peter Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW

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

