

Testimony of
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House Natural Resources Committee
Subcommittee on Indian and Insular Affairs

H.R. 6489, the “Alaska Native Village Municipal Lands Restoration Act of 2023

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Chair Representative Harriet Hageman, Ranking Representative Teresa Leger Fernández, Ranking Member Lee, and members of the House Natural Resources Subcommittee on Indian and Insular Affairs, thank you for the opportunity to provide written testimony for the hearing record in support of H.R. 6489, the “Alaska Native Village Municipal Lands Restoration Act of 2023.”

My name is Benjamin Mallott, and I am honored to serve as the President-Elect of the Alaska Federation of Natives (AFN). AFN was formed to achieve a fair and just settlement of Alaska Native aboriginal land claims. Today, AFN is the oldest and largest statewide Native membership organization in Alaska. Our membership includes 177 Alaska Native tribes, 154 for-profit village Native corporations, 9 for-profit regional Native corporations established pursuant to the Alaska Native Claims Settlement Act (ANCSA), and 9 regional nonprofit tribal consortia that contract and compact to administer federal programs under the Indian Self-Determination and Education Assistance Act. The mission of AFN is to advance and enhance the political voice of Alaska Natives on issues of mutual concern.

Today, I want to submit written testimony supporting H.R. 6489, the “Alaska Native Village Municipal Lands Restoration Act of 2023.” Resolutions passed by AFN that support H.R. 6489 are attached to this testimony.

For background, ANCSA was signed into law on December 18, 1971. Alaska Natives were compensated with fee simple title to 44 million acres of land and \$962.5 million. ANCSA created 13 regional for-profit corporations and more than 200 village corporations. Alaska Native Corporations received land and monetary entitlements. In addition, Congress charged ANC with providing for their people’s economic, social, and cultural well-being in perpetuity.

ANCSA was a complicated act and laid out multiple types of land conveyances. Most of our communities at the time were in unincorporated portions of the state. Section 14(c) of ANCSA was included if a community wanted to establish a municipality. Section 14(c)(3) required every Alaska Native Village Corporation to turn a portion of their lands over to the State of Alaska to be held in trust for a possible future municipal government. These lands conveyed to the State include “the surface estate of the improved land on which the Native village is located and as

much additional land as is necessary for community expansion, and appropriate rights-of-way for public use, and other foreseeable community needs,” with the amount of lands to be transferred to “be no less than 1,280 acres unless the Village Corporation and the Municipal Corporation or the State in trust can agree in writing on an amount which is less than 1,280 acres.” Less than half of our village corporations came to an agreement with the State on lands to be turned over to the trust, and in only a few instances has a municipality been established.

For nearly 50 years, the State Municipal Land Trust (MLT) has managed 14(c)(3) lands in Alaska, an underfunded and overtasked office. Despite decades of administration, only eight ANCSA villages have formed new municipalities, the last one established in 1995. It is evident that, for many remote Native Villages in Alaska, forming a municipality is not foreseeable.

Currently, 83 communities across Alaska have their lands tied up under the MLT program, which is approximately 11,550 acres. The land transferred under 14(c)(3) requires an overly burdensome and almost impossible process to transfer lands into private hands or back to the Alaska Native Village Corporation. Some village corporations defied the law and never transferred land into the MLT. Other than the original initiative by the BLM, there was no enforcement mechanism at the state level to require participation. However, for these village corporations that chose not to participate, the title remains on their lands, and they are subject to ANCSA 14(c)(3). Any land use authorized by the Village Corporation requires the State’s written disclaimer of interest and has resulted in the current law having a broader negative impact beyond the 83 communities currently tied up with lands held in the MLT.

The State’s view of its trust responsibilities is that conveyance in fee simple is not possible under current law. Because the MLT is a trust, it has a legal and fiduciary obligation to manage the lands in the best interests of the municipality or, in the absence of one, the future municipality. The MLT takes this trust responsibility seriously, and this obligation severely limits the available uses of what are often the most important parcels of land in these remote rural villages, many of which desperately need facilities and economic development. Many MLT communities have indicated a strong interest in having the lands they transferred to the State returned to expand economic development in their communities.

H.R. 6489, the “Alaska Native Village Municipal Lands Restoration Act of 2023,” sunsets the Alaska Native Claims Settlement Act (ANCSA) 14(c)(3) provision. AFN supports H.R. 6489 because removing the 14(c)(3) provision will empower Alaska Native corporations and communities to make informed decisions about best utilizing their lands and resources, leading to greater economic prosperity and self-sufficiency.

Essential components of this legislation are removing the 14(c)(3) provision and restoring lands conveyed to the MLT to the appropriate Alaska Native Village Corporation. These two components are significant because, according to the State of Alaska, of the original 101 villages covered by the MLT program, eight villages have been incorporated into a municipality. For the many communities where a municipality has not been formed, and the village corporation conveyed all or partially required land to the MLT, the property conveyed to the MLT will revert

to the village corporation under H.R. 6489. Additionally, the sunset of the 14(c)(3) provision eliminates the need for future conveyances, thereby reducing the barriers for Alaska Native communities to decide what they want to do with their lands without having to go through a bureaucratic hurdle.

H.R. 6489 is the right step forward for continued support for the economic empowerment and self-sufficiency of Alaska Native communities. It is important to note that ANCSA came into existence during the era of Indian self-determination. ANCSA reflects this policy approach by providing Alaska Native people the resources necessary for economic, cultural, and political self-determination. As such, I urge full consideration of H.R. 6489 before Congress and its passage into law. Over 50-year-old legislative loose ends need to be addressed to fulfill the promise of self-determination embodied in the 1971 ANCSA settlement.

Thank you for your consideration.

Quyana, Gunalchéesh, Haw'aa, Baasee, Taikuu, Thank you.