

116TH CONGRESS
2^D SESSION

S. _____

To provide for the recognition of certain Alaska Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for the recognition of certain Alaska Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, 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 “Unrecognized South-
5 east Alaska Native Communities Recognition and Com-
6 pensation Act”.

7 **SEC. 2. FINDINGS; PURPOSE.**

8 (a) FINDINGS.—Congress finds that—

1 (1) in 1971, Congress enacted the Alaska Na-
2 tive Claims Settlement Act (43 U.S.C. 1601 et seq.)
3 (referred to in this subsection as the “Act”) to rec-
4 ognize and settle the aboriginal claims of Alaska Na-
5 tives to the land Alaska Natives had used for tradi-
6 tional purposes;

7 (2) the Act awarded approximately
8 \$1,000,000,000 and 44,000,000 acres of land to
9 Alaska Natives and provided for the establishment
10 of Native Corporations to receive and manage the
11 funds and land;

12 (3) pursuant to the Act, Alaska Natives have
13 been enrolled in 1 of 13 Regional Corporations;

14 (4) most Alaska Natives reside in communities
15 that are eligible under the Act to form a Village Cor-
16 poration or Urban Corporation within the geo-
17 graphical area of a Regional Corporation;

18 (5) Village Corporations and Urban Corpora-
19 tions established under the Act received cash and
20 surface rights to the settlement land described in
21 paragraph (2) and the corresponding Regional Cor-
22 poration received cash and land that includes the
23 subsurface rights to the land of the Village Corpora-
24 tion or Urban Corporation;

1 (6) the southeastern Alaska communities of
2 Haines, Ketchikan, Petersburg, Tenakee, and
3 Wrangell are not listed under the Act as commu-
4 nities eligible to form Village Corporations or Urban
5 Corporations, even though the population of those
6 communities comprises greater than 20 percent of
7 the shareholders of the Regional Corporation for
8 Southeast Alaska and displays historic, cultural, and
9 traditional qualities of Alaska Natives;

10 (7) the communities described in paragraph (6)
11 have sought full eligibility for land and benefits
12 under the Act for more than 4 decades;

13 (8) in 1993, Congress directed the Secretary of
14 the Interior to prepare a report examining the rea-
15 sons why the communities described in paragraph
16 (6) had been denied eligibility to form Village Cor-
17 porations or Urban Corporations and receive land
18 and benefits pursuant to the Act;

19 (9) the report described in paragraph (8), pub-
20 lished in February 1994, indicates that—

21 (A) the communities described in para-
22 graph (6) do not differ significantly from the
23 Alaska communities that were permitted to
24 form Village Corporations or Urban Corpora-
25 tions under the Act;

1 (B) the communities described in para-
2 graph (6) are similar to other communities that
3 are eligible to form Village Corporations or
4 Urban Corporations under the Act and receive
5 land and benefits under the Act—

6 (i) in historical number and percent-
7 age of Alaska Native population; and

8 (ii) with respect to the historic use
9 and occupation of land;

10 (C) each community described in para-
11 graph (6) was involved in advocating the settle-
12 ment of the aboriginal claims of the community;
13 and

14 (D) some of the communities described in
15 paragraph (6) appeared on early versions of
16 lists of Native Villages prepared before the date
17 of enactment of the Act, but were not included
18 as Native Villages under the Act;

19 (10) the omissions described in paragraph (9)
20 are not clearly explained in any provision of the Act
21 or the legislative history of the Act; and

22 (11) on the basis of the findings described in
23 paragraphs (1) through (10), Alaska Natives who
24 were enrolled in the communities described in para-
25 graph (6) and the heirs of those Alaska Natives have

1 been inadvertently and wrongly denied the cultural
2 and economic benefits of enrollment in Village Cor-
3 porations or Urban Corporations established pursu-
4 ant to the Act.

5 (b) PURPOSE.—The purpose of this Act is to redress
6 the omission of the communities described in subsection
7 (a)(6) from eligibility by authorizing the Alaska Natives
8 enrolled in the communities—

9 (1) to form Urban Corporations for the commu-
10 nities of Haines, Ketchikan, Petersburg, Tenakee,
11 and Wrangell under the Alaska Native Claims Set-
12 tlement Act (43 U.S.C. 1601 et seq.); and

13 (2) to receive certain settlement land pursuant
14 to that Act.

15 **SEC. 3. ESTABLISHMENT OF ADDITIONAL NATIVE COR-**
16 **PORATIONS.**

17 Section 16 of the Alaska Native Claims Settlement
18 Act (43 U.S.C. 1615) is amended by adding at the end
19 the following:

20 “(e) NATIVE VILLAGES OF HAINES, KETCHIKAN, PE-
21 TERSBURG, TENAKEE, AND WRANGELL, ALASKA.—

22 “(1) IN GENERAL.—The Native residents of
23 each of the Native Villages of Haines, Ketchikan,
24 Petersburg, Tenakee, and Wrangell, Alaska, may or-
25 ganize as Urban Corporations.

1 “(2) EFFECT ON ENTITLEMENT TO LAND.—
2 Nothing in this subsection affects any entitlement to
3 land of any Native Corporation established before
4 the date of enactment of this subsection pursuant to
5 this Act or any other provision of law.”.

6 **SEC. 4. SHAREHOLDER ELIGIBILITY.**

7 Section 8 of the Alaska Native Claims Settlement Act
8 (43 U.S.C. 1607) is amended by adding at the end the
9 following:

10 “(d) NATIVE VILLAGES OF HAINES, KETCHIKAN,
11 PETERSBURG, TENAKEE, AND WRANGELL.—

12 “(1) IN GENERAL.—The Secretary shall enroll
13 to each of the Urban Corporations for Haines,
14 Ketchikan, Petersburg, Tenakee, or Wrangell those
15 individual Natives who enrolled under this Act to the
16 Native Villages of Haines, Ketchikan, Petersburg,
17 Tenakee, or Wrangell, respectively.

18 “(2) NUMBER OF SHARES.—Each Native who
19 is enrolled to an Urban Corporation for Haines,
20 Ketchikan, Petersburg, Tenakee, or Wrangell pursu-
21 ant to paragraph (1) and who was enrolled as a
22 shareholder of the Regional Corporation for South-
23 east Alaska on or before March 30, 1973, shall re-
24 ceive 100 shares of Settlement Common Stock in the
25 respective Urban Corporation.

1 “(3) THIRTEENTH REGIONAL CORPORATION.—

2 In the case”;

3 (B) in the second sentence, by striking

4 “Not less” and inserting the following:

5 “(2) MINIMUM ALLOCATION.—Not less”;

6 (C) by striking “(j) During” and inserting

7 the following:

8 “(j) DISTRIBUTION OF CORPORATE FUNDS AND

9 OTHER NET INCOME.—

10 “(1) IN GENERAL.—During”; and

11 (D) by adding at the end the following:

12 “(4) NATIVE VILLAGES OF HAINES, KETCH-

13 IKAN, PETERSBURG, TENAKEE, AND WRANGELL.—

14 Native members of the Native Villages of Haines,

15 Ketchikan, Petersburg, Tenakee, and Wrangell who

16 become shareholders in an Urban Corporation for

17 such a Native Village shall continue to be eligible to

18 receive distributions under this subsection as at-

19 large shareholders of the Regional Corporation for

20 Southeast Alaska.”; and

21 (2) by adding at the end the following:

22 “(s) EFFECT OF AMENDATORY ACT.—The Unrecog-

23 nized Southeast Alaska Native Communities Recognition

24 and Compensation Act and the amendments made by that

25 Act shall not affect—

1 “(1) the ratio for determination of revenue dis-
2 tribution among Native Corporations under this sec-
3 tion; or

4 “(2) the settlement agreement among Regional
5 Corporations or Village Corporations or other provi-
6 sions of subsection (i) or (j).”.

7 **SEC. 6. COMPENSATION.**

8 The Alaska Native Claims Settlement Act (43 U.S.C.
9 1601 et seq.) is amended by adding at the end the fol-
10 lowing:

11 **“SEC. 43. URBAN CORPORATIONS FOR HAINES, KETCHIKAN,**
12 **PETERSBURG, TENAKEE, AND WRANGELL.**

13 “(a) DEFINITION OF URBAN CORPORATION.—In this
14 section, the term ‘Urban Corporation’ means each of the
15 Urban Corporations for Haines, Ketchikan, Petersburg,
16 Tenakee, and Wrangell.

17 “(b) CONVEYANCES OF LAND.—

18 “(1) IN GENERAL.—Subject to valid existing
19 rights and paragraphs (3), (4), (5), and (6)(A), not
20 later than **【_____】** days after the applicable date of
21 incorporation under section 16(e)(1) of an Urban
22 Corporation, the Secretary shall convey—

23 “(A) to the Urban Corporation for Haines,
24 the surface estate in **【_____】** parcels of Federal
25 land comprising approximately 23,040 acres, as

1 generally depicted on the map entitled ‘Haines
2 Selections’, numbered [__], and dated
3 [_____] , 2020;

4 “(B) to the Urban Corporation for Ketch-
5 ikan, the surface estate in [_____] parcels of
6 Federal land comprising approximately 23,040
7 acres, as generally depicted on the map entitled
8 ‘Ketchikan Selections’, numbered [__], and
9 dated [_____] , 2020;

10 “(C) to the Urban Corporation for Peters-
11 burg, the surface estate in [_____] parcels of
12 Federal land comprising approximately 23,040
13 acres, as generally depicted on the map entitled
14 ‘Petersburg Selections’, numbered [__], and
15 dated [_____] , 2020;

16 “(D) to the Urban Corporation for
17 Tenakee, the surface estate in [_____] parcels
18 of Federal land comprising approximately
19 23,040 acres, as generally depicted on the map
20 entitled ‘Tenakee Selections’, numbered [__],
21 and dated [_____] , 2020; and

22 “(E) to the Urban Corporation for
23 Wrangell, the surface estate in [_____] parcels
24 of Federal land comprising approximately
25 23,040 acres, as generally depicted on the map

1 entitled 'Wrangell Selections', numbered [___],
2 and dated [_____], 2020.

3 “(2) WITHDRAWAL.—

4 “(A) IN GENERAL.—Subject to valid exist-
5 ing rights, the Federal land described in para-
6 graph (1) is withdrawn from all forms of—

7 “(i) entry, appropriation, or disposal
8 under the public land laws;

9 “(ii) location, entry, and patent under
10 the mining laws;

11 “(iii) disposition under all laws per-
12 taining to mineral and geothermal leasing
13 or mineral materials; and

14 “(iv) selection under Public Law 85-
15 508 (commonly known as the 'Alaska
16 Statehood Act') (48 U.S.C. note prec. 21).

17 “(B) TERMINATION.—The withdrawal
18 under subparagraph (A) shall remain in effect
19 until the date on which the Federal land is con-
20 veyed under paragraph (1).

21 “(3) TREATMENT OF LAND CONVEYED.—Ex-
22 cept as otherwise provided in this section, any land
23 conveyed to an Urban Corporation under paragraph
24 (1) shall be—

1 “(A) considered to be land conveyed by the
2 Secretary under section 16; and

3 “(B) subject to all laws (including regula-
4 tions) applicable to entitlements under section
5 16, including section 907(d) of the Alaska Na-
6 tional Interest Lands Conservation Act (43
7 U.S.C. 1636(d)).

8 “(4) PUBLIC EASEMENTS.—

9 “(A) IN GENERAL.—The conveyance and
10 patents for the land under paragraph (1) shall
11 be subject to the reservation of public ease-
12 ments under section 17(b).

13 “(B) TERMINATION.—No public easement
14 reserved on land conveyed under paragraph (1)
15 shall be terminated without publication of no-
16 tice of the proposed termination in the Federal
17 Register.

18 “(C) RESERVATION OF EASEMENTS.—In
19 the conveyance and patents for the land under
20 paragraph (1), the Secretary shall reserve the
21 right of the Secretary to amend the conveyance
22 and patents to include reservations of public
23 easements under section 17(b) until the comple-
24 tion of the easement reservation process.

25 “(5) HUNTING, FISHING, AND RECREATION.—

1 “(A) IN GENERAL.—Any land conveyed
2 under paragraph (1) shall remain open and
3 available to subsistence uses, noncommercial
4 recreational hunting and fishing, and other non-
5 commercial recreational uses by the public
6 under applicable law—

7 “(i) without liability on the part of the
8 Urban Corporation, except for willful acts
9 of the Urban Corporation, to any user as
10 a result of the use; and

11 “(ii) subject to—

12 “(I) any reasonable restrictions
13 that may be imposed by the Urban
14 Corporation on the public use—

15 “(aa) to ensure public safe-
16 ty;

17 “(bb) to minimize conflicts
18 between recreational and com-
19 mercial uses;

20 “(cc) to protect cultural re-
21 sources;

22 “(dd) to conduct scientific
23 research; or

24 “(ee) to provide environ-
25 mental protection; and

1 “(II) the condition that the
2 Urban Corporation post on any appli-
3 cable property, in accordance with
4 State law, notices of the restrictions
5 on use.

6 “(B) EFFECT.—Access provided to any in-
7 dividual or entity under subparagraph (A) shall
8 not—

9 “(i) create an interest in any third
10 party in the land conveyed under para-
11 graph (1); or

12 “(ii) provide standing to any third
13 party in any review of, or challenge to, any
14 determination by the Urban Corporation
15 with respect to the management or devel-
16 opment of the land conveyed under para-
17 graph (1), except as against the Urban
18 Corporation for the management of public
19 access under subparagraph (A).

20 “(6) MISCELLANEOUS.—

21 “(A) SPECIAL USE AUTHORIZATIONS.—

22 “(i) IN GENERAL.—On the conveyance
23 of land to an Urban Corporation under
24 paragraph (1)—

15

1 “(I) any guiding or outfitting
2 special use authorization issued by the
3 Forest Service for the use of the con-
4 veyed land shall terminate; and

5 “(II) as a condition of the con-
6 veyance and consistent with section
7 14(g), the Urban Corporation shall
8 issue the holder of the special use au-
9 thorization terminated under sub-
10 clause (I) an authorization to continue
11 the authorized use, subject to the
12 terms and conditions that were in the
13 special use authorization issued by the
14 Forest Service, for—

15 “(aa) the remainder of the
16 term of the authorization; and

17 “(bb) 1 additional consecu-
18 tive 10-year renewal period.

19 “(ii) NOTICE OF COMMERCIAL ACTIVI-
20 TIES.—The Urban Corporation, and any
21 holder of a guiding or outfitting authoriza-
22 tion under this subparagraph, shall have a
23 mutual obligation, subject to the guiding
24 or outfitting authorization, to inform the
25 other party of any commercial activities

1 prior to engaging in the activities on the
2 land conveyed to the Urban Corporation
3 under paragraph (1).

4 “(iii) NEGOTIATION OF NEW
5 TERMS.—Nothing in this paragraph pre-
6 cludes the Urban Corporation and the
7 holder of a guiding or outfitting authoriza-
8 tion from negotiating a new mutually
9 agreeable guiding or outfitting authoriza-
10 tion.

11 “(iv) LIABILITY.—Neither the Urban
12 Corporation nor the United States shall
13 bear any liability, except for willful acts of
14 the Urban Corporation or the United
15 States, regarding the use and occupancy of
16 any land conveyed to the Urban Corpora-
17 tion under paragraph (1), as provided in
18 any outfitting or guiding authorization
19 under this paragraph.

20 “(B) ROADS AND FACILITIES.—Not later
21 than 1 year after the date of the conveyance of
22 land to an Urban Corporation under paragraph
23 (1), the Secretary of Agriculture shall negotiate
24 in good faith with the Urban Corporation to de-
25 velop a binding agreement for—

1 “(i) the use of National Forest Sys-
2 tem roads and related transportation facili-
3 ties by the Urban Corporation; and

4 “(ii) the use of the roads and related
5 transportation facilities of the Urban Cor-
6 poration by the Forest Service.

7 “(C) EFFECT ON OTHER LAWS.—

8 “(i) IN GENERAL.—Nothing in this
9 section delays the duty of the Secretary to
10 convey land to—

11 “(I) the State under Public Law
12 85–508 (commonly known as the
13 ‘Alaska Statehood Act’) (48 U.S.C.
14 note prec. 21); or

15 “(II) a Native Corporation
16 under—

17 “(aa) this Act; or

18 “(bb) the Alaska Land
19 Transfer Acceleration Act (43
20 U.S.C. 1611 note; Public Law
21 108–452).

22 “(ii) CONVEYANCES.—The Secretary
23 shall promptly proceed with the conveyance
24 of all land necessary to fulfill the final en-

1 titlement of all Native Corporations in ac-
2 cordance with—

3 “(I) this Act; and

4 “(II) the Alaska Land Transfer
5 Acceleration Act (43 U.S.C. 1611
6 note; Public Law 108–452).

7 “(iii) FISH AND WILDLIFE.—Nothing
8 in this section enlarges or diminishes the
9 responsibility and authority of the State
10 with respect to the management of fish
11 and wildlife on public land in the State.

12 “(D) MAPS.—

13 “(i) AVAILABILITY.—Each map re-
14 ferred to in paragraph (1) shall be avail-
15 able in the appropriate offices of the Sec-
16 retary and the Secretary of Agriculture.

17 “(ii) CORRECTIONS.—The Secretary
18 or the Secretary of Agriculture may make
19 any necessary correction to a clerical or ty-
20 pographical error in a map referred to in
21 paragraph (1).

22 “(c) CONVEYANCE OF ROADS, TRAILS, LOG TRANS-
23 FER FACILITIES, LEASES, AND APPURTENANCES.—The
24 Secretary, without consideration or compensation, shall
25 convey to each Urban Corporation, by quitclaim deed or

1 patent, all right, title, and interest of the United States
2 in all roads, trails, log transfer facilities, leases, and ap-
3 purtenances on or related to the land conveyed to the
4 Urban Corporation under subsection (b)(1).

5 “(d) SETTLEMENT TRUST.—

6 “(1) IN GENERAL.—Each Urban Corporation
7 may establish a settlement trust in accordance with
8 section 39 for the purposes of promoting the health,
9 education, and welfare of the trust beneficiaries, and
10 preserving the Native heritage and culture, of the
11 community of Haines, Ketchikan, Petersburg,
12 Tenakee, or Wrangell, as applicable.

13 “(2) PROCEEDS AND INCOME.—The proceeds
14 and income from the principal of a trust established
15 under paragraph (1) shall—

16 “(A) first be applied to the support of
17 those enrollees, and the descendants of the en-
18 rollees, who are elders or minor children; and

19 “(B) thereafter to the support of all other
20 enrollees.

21 “(e) PLANNING GRANTS.—

22 “(1) IN GENERAL.—The Secretary shall make a
23 grant to each Urban Corporation, to be used by the
24 Urban Corporation only for planning, development,

1 and other purposes for which Native Corporations
2 are organized under this Act.

3 “(2) AMOUNT OF GRANT.—Each grant under
4 paragraph (1) shall be in the amount of \$2,500,000.

5 “(3) AUTHORIZATION OF APPROPRIATIONS.—
6 There are authorized to be appropriated to the Sec-
7 retary such sums as are necessary to carry out this
8 subsection.”.