116TH CONGRESS  
2D 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  
4  SECTION 1. SHORT TITLE.
5  This Act may be cited as the “Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act”.
6  
7  SEC. 2. FINDINGS; PURPOSE.
8  (a) FINDINGS.—Congress finds that—
(1) in 1971, Congress enacted the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (referred to in this subsection as the "Act") to recognize and settle the aboriginal claims of Alaska Natives to the land Alaska Natives had used for traditional purposes;

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

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

(4) most Alaska Natives reside in communities that are eligible under the Act to form a Village Corporation or Urban Corporation within the geographical area of a Regional Corporation;

(5) Village Corporations and Urban Corporations established under the Act received cash and surface rights to the settlement land described in paragraph (2) and the corresponding Regional Corporation received cash and land that includes the subsurface rights to the land of the Village Corporation or Urban Corporation;
(6) the southeastern Alaska communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell are not listed under the Act as communities eligible to form Village Corporations or Urban Corporations, even though the population of those communities comprises greater than 20 percent of the shareholders of the Regional Corporation for Southeast Alaska and displays historic, cultural, and traditional qualities of Alaska Natives;

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

(8) in 1993, Congress directed the Secretary of the Interior to prepare a report examining the reasons why the communities described in paragraph (6) had been denied eligibility to form Village Corporations or Urban Corporations and receive land and benefits pursuant to the Act;

(9) the report described in paragraph (8), published in February 1994, indicates that—

(A) the communities described in paragraph (6) do not differ significantly from the Alaska communities that were permitted to form Village Corporations or Urban Corporations under the Act;
(B) the communities described in paragraph (6) are similar to other communities that are eligible to form Village Corporations or Urban Corporations under the Act and receive land and benefits under the Act—

(i) in historical number and percentage of Alaska Native population; and

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

(C) each community described in paragraph (6) was involved in advocating the settlement of the aboriginal claims of the community; and

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

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

(11) on the basis of the findings described in paragraphs (1) through (10), Alaska Natives who were enrolled in the communities described in paragraph (6) and the heirs of those Alaska Natives have
been inadvertently and wrongly denied the cultural and economic benefits of enrollment in Village Corporations or Urban Corporations established pursuant to the Act.

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

(1) to form Urban Corporations for the communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

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

SEC. 3. ESTABLISHMENT OF ADDITIONAL NATIVE CORPORATIONS.

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

“(e) NATIVE VILLAGES OF HAINES, KETCHIKAN, PETERSBURG, TENAKEE, AND WRANGELL, ALASKA.—

“(1) IN GENERAL.—The Native residents of each of the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, Alaska, may organize as Urban Corporations.
“(2) EFFECT ON ENTITLEMENT TO LAND.—

Nothing in this subsection affects any entitlement to land of any Native Corporation established before the date of enactment of this subsection pursuant to this Act or any other provision of law.”.

SEC. 4. SHAREHOLDER ELIGIBILITY.

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

“(d) Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell.—

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

“(2) NUMBER OF SHARES.—Each Native who is enrolled to an Urban Corporation for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell pursuant to paragraph (1) and who was enrolled as a shareholder of the Regional Corporation for Southeast Alaska on or before March 30, 1973, shall receive 100 shares of Settlement Common Stock in the respective Urban Corporation.
"(3) Natives receiving shares through inheritance.—If a Native received shares of stock in the Regional Corporation for Southeast Alaska through inheritance from a decedent Native who originally enrolled to the Native Village of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell and the decedent Native was not a shareholder in a Village Corporation or Urban Corporation, the Native shall receive the identical number of shares of Settlement Common Stock in the Urban Corporation for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell as the number of shares inherited by that Native from the decedent Native who would have been eligible to be enrolled to the respective Urban Corporation.

"(4) Effect on entitlement to land.—Nothing in this subsection affects entitlement to land of any Regional Corporation pursuant to section 12(b) or 14(h)(8).”

SEC. 5. DISTRIBUTION RIGHTS.

Section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606) is amended—

(1) in subsection (j)—

(A) in the third sentence, by striking “In the case” and inserting the following:
“(3) Thirteenth Regional Corporation.—

In the case’;

(B) in the second sentence, by striking

“Not less” and inserting the following:

“(2) Minimum Allocation.—Not less”;

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

the following:

“(j) Distribution of Corporate Funds and

Other Net Income.—

“(1) In general.—During”; and

(D) by adding at the end the following:

“(4) Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell.—

Native members of the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell who become shareholders in an Urban Corporation for such a Native Village shall continue to be eligible to receive distributions under this subsection as at-large shareholders of the Regional Corporation for Southeast Alaska.”; and

(2) by adding at the end the following:

“(s) Effect of Amendatory Act.—The Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act and the amendments made by that Act shall not affect——
“(1) the ratio for determination of revenue dis-

dtribution among Native Corporations under this sec-

tion; or

“(2) the settlement agreement among Regional

Corporations or Village Corporations or other provi-
sions of subsection (i) or (j).”.

SEC. 6. COMPENSATION.

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

“SEC. 43. URBAN CORPORATIONS FOR HAINES, KETCHIKAN,

PETERSBURG, TENAKEEP, AND WRANDELL.

“(a) DEFINITION OF URBAN CORPORATION.—In this

section, the term ‘Urban Corporation’ means each of the

Urban Corporations for Haines, Ketchikan, Petersburg,

Tenakee, and Wrangell.

“(b) CONVEYANCES OF LAND.—

“(1) IN GENERAL.—Subject to valid existing

rights and paragraphs (3), (4), (5), and (6)(A), not

later than [_____] days after the applicable date of

incorporation under section 16(e)(1) of an Urban

Corporation, the Secretary shall convey—

“(A) to the Urban Corporation for Haines,

the surface estate in [_____] parcels of Federal

land comprising approximately 23,040 acres, as
generally depicted on the map entitled ‘Haines
Selections’, numbered [___], and dated
[________ __], 2020;

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

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

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

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

“(2) WITHDRAWAL.—

“(A) IN GENERAL.—Subject to valid existing rights, the Federal land described in paragraph (1) is withdrawn from all forms of—

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

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

“(iii) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials; and


“(B) TERMINATION.—The withdrawal under subparagraph (A) shall remain in effect until the date on which the Federal land is conveyed under paragraph (1).

“(3) TREATMENT OF LAND CONVEYED.—Except as otherwise provided in this section, any land conveyed to an Urban Corporation under paragraph (1) shall be—
"(A) considered to be land conveyed by the Secretary under section 16; and

"(B) subject to all laws (including regulations) applicable to entitlements under section 16, including section 907(d) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)).

"(4) PUBLIC EASEMENTS.—

"(A) IN GENERAL.—The conveyance and patents for the land under paragraph (1) shall be subject to the reservation of public easements under section 17(b).

"(B) TERMINATION.—No public easement reserved on land conveyed under paragraph (1) shall be terminated without publication of notice of the proposed termination in the Federal Register.

"(C) RESERVATION OF EASEMENTS.—In the conveyance and patents for the land under paragraph (1), the Secretary shall reserve the right of the Secretary to amend the conveyance and patents to include reservations of public easements under section 17(b) until the completion of the easement reservation process.

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

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

“(ii) subject to—

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

“(aa) to ensure public safety;

“(bb) to minimize conflicts between recreational and commercial uses;

“(cc) to protect cultural resources;

“(dd) to conduct scientific research; or

“(ee) to provide environmental protection; and
“(II) the condition that the Urban Corporation post on any applicable property, in accordance with State law, notices of the restrictions on use.

“(B) EFFECT.—Access provided to any individual or entity under subparagraph (A) shall not—

“(i) create an interest in any third party in the land conveyed under paragraph (1); or

“(ii) provide standing to any third party in any review of, or challenge to, any determination by the Urban Corporation with respect to the management or development of the land conveyed under paragraph (1), except as against the Urban Corporation for the management of public access under subparagraph (A).

“(6) MISCELLANEOUS.—

“(A) SPECIAL USE AUTHORIZATIONS.—

“(i) IN GENERAL.—On the conveyance of land to an Urban Corporation under paragraph (1)—
“(I) any guiding or outfitting special use authorization issued by the Forest Service for the use of the conveyed land shall terminate; and

“(II) as a condition of the conveyance and consistent with section 14(g), the Urban Corporation shall issue the holder of the special use authorization terminated under subclause (I) an authorization to continue the authorized use, subject to the terms and conditions that were in the special use authorization issued by the Forest Service, for—

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

“(bb) 1 additional consecutive 10-year renewal period.

“(ii) NOTICE OF COMMERCIAL ACTIVITIES.—The Urban Corporation, and any holder of a guiding or outfitting authorization under this subparagraph, shall have a mutual obligation, subject to the guiding or outfitting authorization, to inform the other party of any commercial activities
prior to engaging in the activities on the land conveyed to the Urban Corporation under paragraph (1).

"(iii) NEGOTIATION OF NEW TERMS.—Nothing in this paragraph precludes the Urban Corporation and the holder of a guiding or outfitting authorization from negotiating a new mutually agreeable guiding or outfitting authorization.

"(iv) LIABILITY.—Neither the Urban Corporation nor the United States shall bear any liability, except for willful acts of the Urban Corporation or the United States, regarding the use and occupancy of any land conveyed to the Urban Corporation under paragraph (1), as provided in any outfitting or guiding authorization under this paragraph.

"(B) ROADS AND FACILITIES.—Not later than 1 year after the date of the conveyance of land to an Urban Corporation under paragraph (1), the Secretary of Agriculture shall negotiate in good faith with the Urban Corporation to develop a binding agreement for—
“(i) the use of National Forest System roads and related transportation facilities by the Urban Corporation; and

“(ii) the use of the roads and related transportation facilities of the Urban Corporation by the Forest Service.

“(C) Effect on other laws.—

“(i) In general.—Nothing in this section delays the duty of the Secretary to convey land to—

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

“(II) a Native Corporation under—

“(aa) this Act; or

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

“(ii) Conveyances.—The Secretary shall promptly proceed with the conveyance of all land necessary to fulfill the final en-
entitlement of all Native Corporations in accordance with—

“(I) this Act; and

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

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

“(D) MAPS.—

“(i) AVAILABILITY.—Each map referred to in paragraph (1) shall be available in the appropriate offices of the Secretary and the Secretary of Agriculture.

“(ii) CORRECTIONS.—The Secretary or the Secretary of Agriculture may make any necessary correction to a clerical or typographical error in a map referred to in paragraph (1).

“(e) CONVEYANCE OF ROADS, TRAILS, LOG TRANSFER FACILITIES, LEASES, AND APPURTENANCES.—The Secretary, without consideration or compensation, shall convey to each Urban Corporation, by quitclaim deed or
patent, all right, title, and interest of the United States
in all roads, trails, log transfer facilities, leases, and ap-
purtenances on or related to the land conveyed to the
Urban Corporation under subsection (b)(1).

"(d) SETTLEMENT TRUST.—

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

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

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

"(B) thereafter to the support of all other
enrollees.

"(e) PLANNING GRANTS.—

"(1) IN GENERAL.—The Secretary shall make a
grant to each Urban Corporation, to be used by the
Urban Corporation only for planning, development,
and other purposes for which Native Corporations
are organized under this Act.

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

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