H. R. 2386

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

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2015

Mr. Young of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—
(1) in 1971, Congress enacted the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to recognize and settle the aboriginal claims of Alaska Natives to the land Alaska Natives had used for traditional purposes;

(2) that 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 that Act, Alaska Natives have been enrolled in 1 of 13 Regional Corporations;

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

(5) Village or Urban Corporations established under that 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 or Urban Corporation;

(6) the southeastern Alaska communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell are not listed under that Act as commu-
unities eligible to form Village or Urban Corporations, even though the population of those villages comprises greater than 20 percent of the shareholders of the Regional Corporation for Southeast Alaska and display historic, cultural, and traditional qualities of Alaska Natives;

(7) the communities described in paragraph (6) have sought full eligibility for land and benefits under that Act for more than 3 decades;

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

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

(A) the communities listed in paragraph (6) do not differ significantly from the Southeast Alaska communities that were permitted to form Village or Urban Corporations under that Act;

(B) the communities are similar to other communities that are eligible to form Village or
Urban Corporations under that Act and receive land and benefits under that Act—

(i) in actual number and percentage of Native Alaskan population; and

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

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

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

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

(11) on the basis of the findings described in paragraphs (1) through (10), Alaska Natives who were enrolled in the 5 unlisted communities and the heirs of the Alaska Natives have been inadvertently and wrongly denied the cultural and financial benefits of enrollment in Village or Urban Corporations established pursuant to that 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 Native people 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 pursu-
ant to paragraph (1) and who was enrolled as a
shareholder of the Regional Corporation for South-
east Alaska on or before March 30, 1973, shall re-
ceive 100 shares of Settlement Common Stock in the
respective Urban Corporation.

“(3) NATIVES RECEIVING SHARES THROUGH IN-
HERITANCE.—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 Vil-
lage or Urban Corporation, the Native shall receive
the identical number of shares of Settlement Com-
mon 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 sec-
tion 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) by striking “(j) During” and inserting

the following:

“(j) Distribution of Corporate Funds and
Other Net Income.—

“(1) In General.—During”;
(B) by striking “Not less” and inserting the following:

“(2) MINIMUM ALLOCATION.—Not less”;

(C) by striking “In the case” and inserting the following:

“(3) THIRTEENTH REGIONAL CORPORATION.—In the case”; 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 distribution among Native Corporations under this section; or
“(2) the settlement agreement among Regional Corporation or Village Corporations or other provisions 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 following:

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

“(a) Offer of Compensation.—

“(1) In general.—On incorporation of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, the Secretary, in consultation and coordination with the Secretary of Commerce, and in consultation with representatives of each such Urban Corporation and the Regional Corporation for Southeast Alaska, shall offer as compensation, pursuant to this Act, 1 township of land (23,040 acres) to each of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, in accordance with this subsection.

“(2) Local Areas of Historical, Cultural, Traditional, and Economic Importance.—

“(A) In general.—The Secretary shall offer as compensation under this subsection
local areas of historical, cultural, traditional, and economic importance to Alaska Natives from the Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell.

“(B) SELECTION OF LAND.—In selecting the land to be withdrawn and conveyed pursuant to this section, the Secretary—

“(i) shall give preference to land with commercial purposes; and

“(ii) may include subsistence and cultural sites, aquaculture sites, hydroelectric sites, tideland, surplus Federal property and eco-tourism sites.

“(C) CONTIGUOUS, COMPACT SITES.—The land selected pursuant to this section shall be contiguous and reasonably compact tracts if practicable.

“(D) VALID EXISTING RIGHTS.—The land selected pursuant to this section shall be subject to all valid existing rights and all other provisions of section 14(g), including any lease, contract, permit, right-of-way, or easement (including a lease issued under section 6(g) of the Act of July 7, 1958 (commonly known as the ‘Alas-
“(b) Acceptance or Rejection of Offer.—

“(1) In general.—Not later than 1 year after
the date of the offer of compensation from the Sec-
retary under subsection (a), each of the Urban Cor-
porations for Haines, Ketchikan, Petersburg,
Tenakee, and Wrangell shall accept or reject the
offer.

“(2) Resolution.—To accept or reject the
offer, each such Urban Corporation shall provide to
the Secretary a properly executed and certified cor-
porate resolution that states that the offer proposed
by the Secretary was voted on, and either approved
or rejected, by a majority of the shareholders of the
Urban Corporation.

“(3) Rejection of Offer.—If the offer is re-
jected—

“(A) the Secretary, in consultation with
representatives of the Urban Corporation that
rejected the offer and the Regional Corporation
for Southeast Alaska, shall revise the offer; and

“(B) the Urban Corporation shall have an
additional 180 days within which to accept or
reject the revised offer.
“(c) Withdrawal and Conveyance of Land and Title.—Not later than 180 days after receipt of a corporate resolution of an Urban Corporation approving an offer of the Secretary under subsection (b)(1), the Secretary shall (as appropriate)—

“(1) withdraw the land;

“(2) convey to the Urban Corporation title to the surface estate of the land; and

“(3) convey to the Regional Corporation for Southeast Alaska title the subsurface estate for the land.

“(d) Conveyance of Roads, Trails, Log Transfer Facilities, Leases, and Appurtenances.—The Secretary shall, without consideration of compensation, convey to the Urban Corporations of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, by quitclaim deed or patent, all right, title, and interest of the United States in all roads, trails, log transfer facilities, leases, and appurtenances on or related to the land conveyed to the Corporations pursuant to subsection (c).

“(e) Settlement Trust.—

“(1) In general.—The Urban Corporations of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell 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 communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, respectively.

“(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 enrollees, who are elders or minor children; and

“(B) then to the support of all other enrollees.”.