

114TH CONGRESS  
1ST SESSION

# S. 872

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 26, 2015

Ms. MURKOWSKI (for herself and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## 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.

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 AND 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           to recognize and settle the aboriginal claims of Alas-  
4           ka Natives to the land Alaska Natives had used for  
5           traditional purposes;

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

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

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

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

23          (6) the southeastern Alaska communities of  
24          Haines, Ketchikan, Petersburg, Tenakee, and  
25          Wrangell are not listed under that Act as commu-

1 nities eligible to form Village or Urban Corporations,  
2 even though the population of those villages com-  
3 prises greater than 20 percent of the shareholders of  
4 the Regional Corporation for Southeast Alaska and  
5 display historic, cultural, and traditional qualities of  
6 Alaska Natives;

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

10 (8) in 1993, Congress directed the Secretary of  
11 the Interior to prepare a report examining the rea-  
12 sons why the communities listed in paragraph (6)  
13 had been denied eligibility to form Village or Urban  
14 Corporations and receive land and benefits pursuant  
15 to that Act;

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

18 (A) the communities listed in paragraph  
19 (6) do not differ significantly from the South-  
20 east Alaska communities that were permitted to  
21 form Village or Urban Corporations under that  
22 Act;

23 (B) the communities are similar to other  
24 communities that are eligible to form Village or

1           Urban Corporations under that Act and receive  
2           land and benefits under that Act—

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

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

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

10           (D) some of the communities appeared on  
11           early versions of lists of Native Villages pre-  
12           pared before the date of the enactment of that  
13           Act, but were not included as Native Villages  
14           under that Act;

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

18           (11) on the basis of the findings described in  
19           paragraphs (1) through (10), Alaska Natives who  
20           were enrolled in the 5 unlisted communities and the  
21           heirs of the Alaska Natives have been inadvertently  
22           and wrongly denied the cultural and financial bene-  
23           fits of enrollment in Village or Urban Corporations  
24           established pursuant to that Act.

1 (b) PURPOSE.—The purpose of this Act is to redress  
 2 the omission of the communities described in subsection  
 3 (a)(6) from eligibility by authorizing the Native people en-  
 4 rolled in the communities—

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

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

11 **SEC. 3. ESTABLISHMENT OF ADDITIONAL NATIVE COR-**  
 12 **PORATIONS.**

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

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

18 “(1) IN GENERAL.—The Native residents of  
 19 each of the Native Villages of Haines, Ketchikan,  
 20 Petersburg, Tenakee, and Wrangell, Alaska, may or-  
 21 ganize as Urban Corporations.

22 “(2) EFFECT ON ENTITLEMENT TO LAND.—  
 23 Nothing in this subsection affects any entitlement to  
 24 land of any Native Corporation established before

1 the date of enactment of this subsection pursuant to  
2 this Act or any other provision of law.”.

3 **SEC. 4. SHAREHOLDER ELIGIBILITY.**

4 Section 8 of the Alaska Native Claims Settlement Act  
5 (43 U.S.C. 1607) is amended by adding at the end the  
6 following:

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

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

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

23 “(3) NATIVES RECEIVING SHARES THROUGH IN-  
24 HERITANCE.—If a Native received shares of stock in  
25 the Regional Corporation for Southeast Alaska

1 through inheritance from a decedent Native who  
 2 originally enrolled to the Native Village of Haines,  
 3 Ketchikan, Petersburg, Tenakee, or Wrangell and  
 4 the decedent Native was not a shareholder in a Vil-  
 5 lage or Urban Corporation, the Native shall receive  
 6 the identical number of shares of Settlement Com-  
 7 mon Stock in the Urban Corporation for Haines,  
 8 Ketchikan, Petersburg, Tenakee, or Wrangell as the  
 9 number of shares inherited by that Native from the  
 10 decedent Native who would have been eligible to be  
 11 enrolled to the respective Urban Corporation.

12 “(4) EFFECT ON ENTITLEMENT TO LAND.—  
 13 Nothing in this subsection affects entitlement to  
 14 land of any Regional Corporation pursuant to sec-  
 15 tion 12(b) or 14(h)(8).”.

16 **SEC. 5. DISTRIBUTION RIGHTS.**

17 Section 7 of the Alaska Native Claims Settlement Act  
 18 (43 U.S.C. 1606) is amended—

19 (1) in subsection (j)—

20 (A) by striking “(j) During” and inserting  
 21 the following:

22 “(j) DISTRIBUTION OF CORPORATE FUNDS AND  
 23 OTHER NET INCOME.—

24 “(1) IN GENERAL.—During”;

1 (B) by striking “Not less” and inserting  
2 the following:

3 “(2) MINIMUM ALLOCATION.—Not less”;

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

6 “(3) THIRTEENTH REGIONAL CORPORATION.—  
7 In the case”; and

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

9 “(4) NATIVE VILLAGES OF HAINES, KETCH-  
10 IKAN, PETERSBURG, TENAKEE, AND WRANGELL.—  
11 Native members of the Native Villages of Haines,  
12 Ketchikan, Petersburg, Tenakee, and Wrangell who  
13 become shareholders in an Urban Corporation for  
14 such a Native Village shall continue to be eligible to  
15 receive distributions under this subsection as at-  
16 large shareholders of the Regional Corporation for  
17 Southeast Alaska.”; and

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

19 “(s) EFFECT OF AMENDATORY ACT.—The Unrecog-  
20 nized Southeast Alaska Native Communities Recognition  
21 and Compensation Act and the amendments made by that  
22 Act shall not affect—

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



1           “(2) the settlement agreement among Regional  
2           Corporation or Village Corporations or other provi-  
3           sions of subsection (i) or (j).”.

4 **SEC. 6. COMPENSATION.**

5           The Alaska Native Claims Settlement Act (43 U.S.C.  
6 1601 et seq.) is amended by adding at the end the fol-  
7 lowing:

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

10           “(a) OFFER OF COMPENSATION.—

11                       “(1) IN GENERAL.—On incorporation of the  
12           Urban Corporations for Haines, Ketchikan, Peters-  
13           burg, Tenakee, and Wrangell, the Secretary, in con-  
14           sultation and coordination with the Secretary of  
15           Commerce, and in consultation with representatives  
16           of each such Urban Corporation and the Regional  
17           Corporation for Southeast Alaska, shall offer as  
18           compensation, pursuant to this Act, 1 township of  
19           land (23,040 acres) to each of the Urban Corpora-  
20           tions for Haines, Ketchikan, Petersburg, Tenakee,  
21           and Wrangell, in accordance with this subsection.

22                       “(2) LOCAL AREAS OF HISTORICAL, CULTURAL,  
23           TRADITIONAL, AND ECONOMIC IMPORTANCE.—

24                       “(A) IN GENERAL.—The Secretary shall  
25           offer as compensation under this subsection

1 local areas of historical, cultural, traditional,  
2 and economic importance to Alaska Natives  
3 from the Villages of Haines, Ketchikan, Peters-  
4 burg, Tenakee, or Wrangell.

5 “(B) SELECTION OF LAND.—In selecting  
6 the land to be withdrawn and conveyed pursu-  
7 ant to this section, the Secretary—

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

10 “(ii) may include subsistence and cul-  
11 tural sites, aquaculture sites, hydroelectric  
12 sites, tideland, surplus Federal property  
13 and eco-tourism sites.

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

18 “(D) VALID EXISTING RIGHTS.—The land  
19 selected pursuant to this section shall be subject  
20 to all valid existing rights and all other provi-  
21 sions of section 14(g), including any lease, con-  
22 tract, permit, right-of-way, or easement (includ-  
23 ing a lease issued under section 6(g) of the Act  
24 of July 7, 1958 (commonly known as the ‘Alas-

1 ka Statehood Act') (48 U.S.C. note prec. 21;  
2 Public Law 85-508)).

3 “(b) ACCEPTANCE OR REJECTION OF OFFER.—

4 “(1) IN GENERAL.—Not later than 1 year after  
5 the date of the offer of compensation from the Sec-  
6 retary under subsection (a), the each of the Urban  
7 Corporations for Haines, Ketchikan, Petersburg,  
8 Tenakee, and Wrangell shall accept or reject the  
9 offer.

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

17 “(3) REJECTION OF OFFER.—If the offer is re-  
18 jected—

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

23 “(B) the Urban Corporation shall have an  
24 additional 180 days within which to accept or  
25 reject the revised offer.

1           “(c) WITHDRAWAL AND CONVEYANCE OF LAND AND  
2 TITLE.—Not later than 180 days after receipt of a cor-  
3 porate resolution of an Urban Corporation approving an  
4 offer of the Secretary under subsection (b)(1), the Sec-  
5 retary shall (as appropriate)—

6                   “(1) withdraw the land;

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

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

12           “(d) CONVEYANCE OF ROADS, TRAILS, LOG TRANS-  
13 FER FACILITIES, LEASES, AND APPURTENANCES.—The  
14 Secretary shall, without consideration of compensation,  
15 convey to the Urban Corporations of Haines, Ketchikan,  
16 Petersburg, Tenakee, and Wrangell, by quitclaim deed or  
17 patent, all right, title, and interest of the United States  
18 in all roads, trails, log transfer facilities, leases, and ap-  
19 purtenances on or related to the land conveyed to the Cor-  
20 porations pursuant to subsection (c).

21           “(e) SETTLEMENT TRUST.—

22                   “(1) IN GENERAL.—The Urban Corporations of  
23 Haines, Ketchikan, Petersburg, Tenakee, and  
24 Wrangell may establish a settlement trust in accord-  
25 ance with section 39 for the purposes of promoting

1 the health, education, and welfare of the trust bene-  
2 ficiaries, and preserving the Native heritage and cul-  
3 ture, of the communities of Haines, Ketchikan, Pe-  
4 tersburg, Tenakee, and Wrangell, respectively.

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

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

11 “(B) then to the support of all other en-  
12 rollees.”.

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