

117TH CONGRESS
1ST SESSION

S. 3269

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

NOVEMBER 19, 2021

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

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”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to redress the omission
3 of the southeastern Alaska communities of Haines, Ketch-
4 ican, Petersburg, Tenakee, and Wrangell from eligibility
5 under the Alaska Native Claims Settlement Act (43
6 U.S.C. 1601 et seq.) by authorizing the Alaska Natives
7 enrolled in the communities—

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

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

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

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

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

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

25 “(2) EFFECT ON ENTITLEMENT TO LAND.—
26 Nothing in this subsection affects any entitlement to

1 land of any Native Corporation established before
 2 the date of enactment of this subsection pursuant to
 3 this Act or any other provision of law.”.

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

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

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

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

16 “(2) NUMBER OF SHARES.—Each Native who
 17 is enrolled to an Urban Corporation for Haines,
 18 Ketchikan, Petersburg, Tenakee, or Wrangell pursu-
 19 ant to paragraph (1) and who was enrolled as a
 20 shareholder of the Regional Corporation for South-
 21 east Alaska shall receive 100 shares of Settlement
 22 Common Stock in the 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 Corporation or Urban Corporation, the Native
 6 shall receive the identical number of shares of Settle-
 7 ment Common Stock in the Urban Corporation for
 8 Haines, Ketchikan, Petersburg, Tenakee, or
 9 Wrangell as the number of shares inherited by that
 10 Native from the decedent Native who would have
 11 been eligible to be enrolled to the respective Urban
 12 Corporation.

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

17 **SEC. 5. DISTRIBUTION RIGHTS.**

18 Section 7 of the Alaska Native Claims Settlement Act
 19 (43 U.S.C. 1606) is amended—

20 (1) in subsection (j)—

21 (A) in the third sentence, by striking “In
 22 the case” and inserting the following:

23 “(3) THIRTEENTH REGIONAL CORPORATION.—
 24 In the case”;

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

3 “(2) MINIMUM ALLOCATION.—Not less”;

4 (C) by striking “(j) During” and inserting
 5 the following:

6 “(j) DISTRIBUTION OF CORPORATE FUNDS AND
 7 OTHER NET INCOME.—

8 “(1) IN GENERAL.—During”; and

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

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

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

20 “(s) EFFECT OF AMENDATORY ACT.—The Unrecog-
 21 nized Southeast Alaska Native Communities Recognition
 22 and Compensation Act and the amendments made by that
 23 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) AUTHORIZATION.—

19 “(A) CONVEYANCES TO URBAN CORPORA-
 20 TIONS.—Subject to valid existing rights and
 21 paragraphs (3), (4), (5), and (6), the Secretary
 22 shall convey—

23 “(i) to the Urban Corporation for
 24 Haines, the surface estate in 12 parcels of
 25 Federal land comprising approximately

23,040 acres, as generally depicted on the maps entitled ‘Haines Selections’, numbered 1 and 2, and dated November 18, 2021;

“(ii) to the Urban Corporation for Ketchikan, the surface estate in 8 parcels of Federal land comprising approximately 23,040 acres, as generally depicted on the maps entitled ‘Ketchikan Selections’, numbered 1 through 4, and dated November 18, 2021;

“(iii) to the Urban Corporation for Petersburg, the surface estate in 12 parcels of Federal land comprising approximately 23,040 acres, as generally depicted on the maps entitled ‘Petersburg Selections’, numbered 1 through 3, and dated November 18, 2021;

“(iv) to the Urban Corporation for Tenakee, the surface estate in 14 parcels of Federal land comprising approximately 23,040 acres, as generally depicted on the maps entitled ‘Tenakee Selections’, numbered 1 through 3, and dated November 18, 2021; and

1 “(v) to the Urban Corporation for
 2 Wrangell, the surface estate in 13 parcels
 3 of Federal land comprising approximately
 4 23,040 acres, as generally depicted on the
 5 maps entitled ‘Wrangell Selections’, num-
 6 bered 1 through 5, and dated November
 7 18, 2021.

8 “(B) CONVEYANCES TO REGIONAL COR-
 9 PORATION FOR SOUTHEAST ALASKA.—Subject
 10 to valid existing rights, on the applicable date
 11 on which the surface estate in land is conveyed
 12 to an Urban Corporation under subparagraph
 13 (A), the Secretary shall convey to the Regional
 14 Corporation for Southeast Alaska the sub-
 15 surface estate for that land.

16 “(C) CONGRESSIONAL INTENT.—It is the
 17 intent of Congress that the Secretary convey
 18 the surface estates described in subparagraph
 19 (A) not later than the date that is 2 years after
 20 the applicable date of incorporation under sec-
 21 tion 16(e)(1) of an Urban Corporation.

22 “(2) WITHDRAWAL.—

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

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

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

5 “(iii) disposition under all laws per-
6 taining to mineral and geothermal leasing
7 or mineral materials; and

8 “(iv) selection under Public Law 85–
9 508 (commonly known as the ‘Alaska
10 Statehood Act’) (48 U.S.C. note prec. 21).

11 “(B) TERMINATION.—The withdrawal
12 under subparagraph (A) shall remain in effect
13 until the date on which the Federal land is con-
14 veyed under paragraph (1).

15 “(3) TREATMENT OF LAND CONVEYED.—Ex-
16 cept as otherwise provided in this section, any land
17 conveyed to an Urban Corporation under paragraph
18 (1)(A) shall be—

19 “(A) considered to be land conveyed by the
20 Secretary under section 14(h)(3); and

21 “(B) subject to all laws (including regula-
22 tions) applicable to entitlements under section
23 14(h)(3), including section 907(d) of the Alaska
24 National Interest Lands Conservation Act (43
25 U.S.C. 1636(d)).

1 “(4) PUBLIC EASEMENTS.—

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

6 “(B) TERMINATION.—No public easement
7 reserved on land conveyed under paragraph
8 (1)(A) shall be terminated by the Secretary
9 without publication of notice of the proposed
10 termination in the Federal Register.

11 “(C) RESERVATION OF EASEMENTS.—In
12 the conveyance and patents for the land under
13 paragraph (1)(A), the Secretary shall reserve
14 the right of the Secretary to amend the convey-
15 ance and patents to include reservations of pub-
16 lic easements under section 17(b) until the com-
17 pletion of the easement reservation process.

18 “(D) STATE OF ALASKA EASEMENTS.—
19 Nothing in this Act modifies, changes, or termi-
20 nates the rights-of-way granted to the State
21 under—

22 “(i) section 4407 of the SAFETEA-
23 LU (Public Law 109–59; 119 Stat. 1777);
24 or

1 “(ii) the 2006 memorandum of under-
 2 standing between the State and the Forest
 3 Service to implement that section.

4 “(5) HUNTING, FISHING, RECREATION, AND AC-
 5 CESS.—

6 “(A) IN GENERAL.—Any land conveyed
 7 under paragraph (1)(A), including access to the
 8 land through roadways, trails, and forest roads,
 9 shall remain open and available to subsistence
 10 uses, noncommercial recreational hunting and
 11 fishing, and other noncommercial recreational
 12 uses by the public under applicable law—

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

17 “(ii) subject to—

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

21 “(aa) to ensure public safe-
 22 ty;

23 “(bb) to minimize conflicts
 24 between recreational and com-
 25 mercial uses;

1 “(cc) to protect cultural re-
2 sources;

3 “(dd) to conduct scientific
4 research; or

5 “(ee) to provide environ-
6 mental protection; and

7 “(II) the condition that the
8 Urban Corporation post on any appli-
9 cable property, in accordance with
10 State law, notices of the restrictions
11 on use.

12 “(B) EFFECT.—Access provided to any in-
13 dividual or entity under subparagraph (A) shall
14 not—

15 “(i) create an interest in any third
16 party in the land conveyed under para-
17 graph (1)(A); or

18 “(ii) provide standing to any third
19 party in any review of, or challenge to, any
20 determination by the Urban Corporation
21 with respect to the management or devel-
22 opment of the land conveyed under para-
23 graph (1)(A), except as against the Urban
24 Corporation for the management of public
25 access under subparagraph (A).

1 “(6) MISCELLANEOUS.—

2 “(A) SPECIAL USE AUTHORIZATIONS.—

3 “(i) IN GENERAL.—On the conveyance
4 of land to an Urban Corporation under
5 paragraph (1)(A)—

6 “(I) any guiding or outfitting
7 special use authorization issued by the
8 Forest Service for the use of the con-
9 veyed land shall terminate; and

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

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

22 “(bb) 1 additional consecu-
23 tive 10-year renewal period.

24 “(ii) NOTICE OF COMMERCIAL ACTIVI-
25 TIES.—The Urban Corporation, and any

1 holder of a guiding or outfitting authoriza-
2 tion under this subparagraph, shall have a
3 mutual obligation, subject to the guiding
4 or outfitting authorization, to inform the
5 other party of any commercial activities
6 prior to engaging in the activities on the
7 land conveyed to the Urban Corporation
8 under paragraph (1)(A).

9 “(iii) NEGOTIATION OF NEW
10 TERMS.—Nothing in this paragraph pre-
11 cludes the Urban Corporation and the
12 holder of a guiding or outfitting authoriza-
13 tion from negotiating a new mutually
14 agreeable guiding or outfitting authoriza-
15 tion.

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

25 “(B) ROADS AND FACILITIES.—

1 “(i) IN GENERAL.—The Secretary of
2 Agriculture shall negotiate in good faith
3 with the Urban Corporation to develop a
4 binding agreement for—

5 “(I) the use of National Forest
6 System roads and related transpor-
7 tation facilities by the Urban Corpora-
8 tion; and

9 “(II) the use of the roads and re-
10 lated transportation facilities of the
11 Urban Corporation by the Forest
12 Service and designees of the Forest
13 Service.

14 “(ii) TERMS AND CONDITIONS.—The
15 binding agreement under clause (i)—

16 “(I) shall provide that the State
17 (including entities and designees of
18 the State) shall be authorized to use
19 the roads and related transportation
20 facilities of the Urban Corporation on
21 substantially similar terms as are pro-
22 vided by the Urban Corporation to the
23 Forest Service;

24 “(II) shall include restrictions on,
25 and fees for, the use of the National

1 Forest System roads and related
2 transportation facilities in existence as
3 of the date of enactment of this sec-
4 tion, as necessary, that are reasonable
5 and comparable to the restrictions
6 and fees imposed by the Forest Serv-
7 ice for the use of the roads and re-
8 lated transportation facilities; and

9 “(III) shall not restrict or limit
10 any access to the roads and related
11 transportation facilities of the Urban
12 Corporation or the Forest Service that
13 may be otherwise provided by valid ex-
14 isting rights and agreements in exist-
15 ence as of the date of enactment of
16 this section.

17 “(iii) INTENT OF CONGRESS.—It is
18 the intent of Congress that the agreement
19 under clause (i) shall be entered into as
20 soon as practicable after the date of enact-
21 ment of this section and in any case by not
22 later than 1 year after the date of incorpo-
23 ration of the Urban Corporation.

24 “(iv) CONTINUED ACCESS.—Begin-
25 ning on the date on which the land is con-

veyed to the Urban Corporation under paragraph (1)(A) and ending on the effective date of a binding agreement entered into under clause (i), the Urban Corporation shall provide and allow administrative access to roads and related transportation facilities on the land under substantially similar terms as are provided by the Forest Service as of the date of enactment of this section.

“(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).

1 “(ii) STATEHOOD ENTITLEMENT.—

2 “(I) IN GENERAL.—Statehood se-
 3 lections under Public Law 85–508
 4 (commonly known as the ‘Alaska
 5 Statehood Act’) (48 U.S.C. note prec.
 6 21) are not displaced by the parcels of
 7 land described in clauses (i) through
 8 (v) of paragraph (1)(A).

9 “(II) BOUNDARY ADJUST-
 10 MENTS.—In the event of a dispute be-
 11 tween an area selected as a Statehood
 12 selection and a parcel of land referred
 13 to in subclause (I), the Secretary shall
 14 work with the Urban Corporation and
 15 the State in good faith to adjust the
 16 boundary of the parcel to exclude any
 17 area selected as a Statehood selection.

18 “(iii) CONVEYANCES.—The Secretary
 19 shall promptly proceed with the conveyance
 20 of all land necessary to fulfill the final en-
 21 titlement of all Native Corporations in ac-
 22 cordance with—

23 “(I) this Act; and

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

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

9 “(D) MAPS.—

10 “(i) AVAILABILITY.—Each map re-
11 ferred to in paragraph (1)(A) shall be
12 available in the appropriate offices of the
13 Secretary and the Secretary of Agriculture.

14 “(ii) CORRECTIONS.—The Secretary,
15 in consultation with the Secretary of Agri-
16 culture, may make any necessary correc-
17 tion to a clerical or typographical error in
18 a map referred to in paragraph (1)(A).

19 “(c) CONVEYANCE OF ROADS, TRAILS, LOG TRANS-
20 FER FACILITIES, LEASES, AND APPURTENANCES.—

21 “(1) IN GENERAL.—The Secretary, without
22 consideration or compensation, shall convey to each
23 Urban Corporation, by quitclaim deed or patent, all
24 right, title, and interest of the United States in all
25 roads, trails, log transfer facilities, leases, and ap-

1 purtenances on or related to the land conveyed to
2 the Urban Corporation under subsection (b)(1)(A).

3 “(2) CONDITIONS.—The conveyance under
4 paragraph (1) shall be subject to—

5 “(A) section 14(g); and

6 “(B) all valid existing rights, including any
7 reciprocal rights-of-way, easements, or agree-
8 ments for the use of the roads, trails, log trans-
9 fer facilities, leases, and appurtenances con-
10 veyed under paragraph (1).

11 “(3) CONTINUATION OF AGREEMENTS.—

12 “(A) IN GENERAL.—On or before the date
13 on which land is conveyed to an Urban Cor-
14 poration under subsection (b)(1)(A), the Sec-
15 retary shall provide to the Urban Corporation
16 notice of all reciprocal rights-of-way, easements,
17 and agreements for use of the roads, trails, log
18 transfer facilities, leases, and appurtenances on
19 or related to the land in existence as of the date
20 of enactment of this section.

21 “(B) REQUIREMENT.—In accordance with
22 section 14(g), any right-of-way, easement, or
23 agreement described in subparagraph (A) shall
24 continue unless the right-of-way, easement, or
25 agreement—

1 “(i) expires under its own terms; or

2 “(ii) is mutually renegotiated.

3 “(d) SETTLEMENT TRUST.—

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

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

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

17 “(B) thereafter to the support of all other
18 enrollees.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to the Secretary
21 \$12,500,000, to be used by the Secretary to provide 5
22 grants in the amount of \$2,500,000 each, to be used only
23 for activities that support the implementation of this sec-
24 tion, including planning and development.”.

○