

117TH CONGRESS
2D SESSION

S. RES. 482

Recognizing the 50th anniversary of the Alaska Native Claims Settlement Act and the lasting impact of that Act on the State of Alaska and Alaska Native people.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2021

Mr. SULLIVAN (for himself and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Indian Affairs

JANUARY 20, 2022

Committee discharged; considered and agreed to

RESOLUTION

Recognizing the 50th anniversary of the Alaska Native Claims Settlement Act and the lasting impact of that Act on the State of Alaska and Alaska Native people.

Whereas the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (referred to in this preamble as “ANCSA”) was signed into law on December 18, 1971, to settle long-standing issues of Alaska Native aboriginal land claims in the State of Alaska (referred to in this preamble as the “State”);

Whereas the 1970s welcomed a new era of Federal Indian policy, one of economic and self-determination, with the passage of ANCSA;

Whereas title to 44,000,000 acres of land and \$962,500,000 were transferred to Alaska Native people as a result of the land claims settlement under ANCSA, including—

- (1) title to property in the clearly defined traditional homelands of Alaska Native people; and
- (2) money to help compensate for the land Alaska Native people would not receive;

Whereas the purpose of the land claims settlement under ANCSA was to ensure the social and economic well-being of Alaska Native people without creating a lengthy wardship under the Federal Government;

Whereas ANCSA mandated—

- (1) the creation of—
 - (A) 12 land-owning and for-profit Regional Corporations covering all of the State; and
 - (B) 1 non-land-owning Regional Corporation for non-residents of the State; and
- (2) the incorporation of over 200 Village Corporations and Urban Corporations within each region of the State, either as for-profit or nonprofit corporations, with the land, assets, and businesses of those corporations to be owned by Native shareholders;

Whereas ANCSA redefined Alaska Native land ownership by conveying Native-owned fee simple title to the newly created Native Corporations and, through those Corporations, to Alaska Native shareholders of each Corporation, rather than using the land ownership model used in the 48 contiguous States of designating reservations held in trust by the Federal Government;

Whereas, recognizing the uneven distribution of natural resources in the State among the 12 regions in the State, subsections (i) and (j) of section 7 of ANCSA (43 U.S.C.

1606) include provisions that reflect the Alaska Native values of sharing and cooperation;

Whereas, under section 7 of ANCSA (43 U.S.C. 1606)—

(1) 70 percent of the annual revenues of each land-owning Regional Corporation derived from the land of that Regional Corporation are required under subsection (i) of that section to be shared with all other Regional Corporations; and

(2) Regional Corporations are then required, under subsection (j) of that section, to share 50 percent of the revenues described in paragraph (1) with—

(A) the Village Corporations and Urban Corporations that are located in the same region as the applicable Regional Corporation; and

(B) the at-large shareholders of the applicable Regional Corporation;

Whereas each Regional Corporation, at times, has received more shared revenue under section 7(i) of ANCSA (43 U.S.C. 1606(i)) than internally produced revenue, demonstrating the importance of incorporating the Alaska Native values of sharing and cooperation into ANCSA;

Whereas, under ANCSA during the 50-year period preceding the date of adoption of this resolution, Alaska Native people have managed their land successfully, fostering sustainable businesses and creating employment opportunities for all Alaskans, Native and non-Native, and people across the United States and around the world;

Whereas ANCSA has benefitted all Alaskans—

(1) through diversifying the economy of the State;
and

(2) by bringing revenue and expertise back to the State through Native Corporation business ventures in the national and international realms;

Whereas ANCSA has been amended by almost every Congress since the enactment of that Act in 1971, with some of the most significant and lasting amendments being enacted in the Alaska Native Claims Settlement Act Amendments of 1987 (Public Law 100–241; 101 Stat. 1788) (commonly known as the “1991 amendments”) (referred to in this preamble as the “1991 amendments”);

Whereas among the provisions in the 1991 amendments was an extension of the prohibition on the sale of Native Corporation stock in perpetuity unless a majority of all shareholders of the applicable Native Corporation voted to remove that restriction, which—

(1) enabled shares to be held mostly by the Alaska Native people; and

(2) allowed Alaska Native people to pass that stock from 1 generation to the next and, as a result, increase the number of Alaska Native shareholders in a Native Corporation;

Whereas another provision in the 1991 amendments allowed shareholders of each Native Corporation to vote to include descendants of original shareholders born after the date of enactment of ANCSA to become shareholders regardless of date of birth;

Whereas the pioneering work of Alaska Native leaders of the mid-20th century created a lasting legacy of professional, personal, and historic economic success;

Whereas Alaska Native people have prospered from their own initiative and innovative approaches to fostering economic development through self-determination;

Whereas Alaska Native resiliency, leadership, and relentless work ethic have developed and supported some of the previously most underserved regions in the United States into some of the most thriving, improving life expectancy and health conditions in those very regions;

Whereas subsequent to ANCSA ushering in the era of self-determination in Federal Indian policy, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) (referred to in this preamble as the “ISDEAA”) was enacted in 1975;

Whereas the ISDEAA defined Native Corporations as Indian Tribes for the purposes of that Act;

Whereas, because of the ISDEAA, federally recognized Alaska Native Tribes and Native Corporations have worked together to serve as providers for health, housing, and other Tribal services;

Whereas, beyond monetary benefits to shareholders, Native Corporations, through the structure and mandates of ANCSA, provide countless additional benefits, including—

- (1) scholarships;
- (2) burial and funeral assistance;
- (3) internships;
- (4) language revitalization programs;
- (5) careers; and
- (6) culture camps;

Whereas education has, and continues to be, a key focus for Regional Corporations, which is evidenced by the fact that all 12 land-owning Regional Corporations have—

(1) education foundations to help support shareholders and descendants who want to advance their educational endeavors; and

(2) as of the date of adoption of this resolution, awarded more than 54,000 individual scholarships;

Whereas Alaska Native people hold numerous positions of leadership in the State and beyond, inspiring younger generations of Alaskans;

Whereas further improvements to ANCSA must continue in order to fulfill all of the promises of ANCSA and all of the promises made by the Federal Government to Alaska Native people;

Whereas the dedication and enthusiasm of the next generations of Alaska Native leaders honors the previous generations of Alaska Native leaders who worked diligently to achieve the most significant Native land settlement in the history of the United States;

Whereas, with the adoption of Senate Resolution 351, 112th Congress, agreed to December 17, 2011, the Senate recognized the importance of ANCSA; and

Whereas the people of the United States have reason to honor the tremendous educational, social, political, economic, and cultural achievements of Alaska Native people over the past 50 years: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) recognizes December 18, 2021, as the 50th

3 anniversary of the passage of the Alaska Native

1 Claims Settlement Act (43 U.S.C. 1601 et seq.) (re-
2 ferred to in this resolution as “ANCSA”);

3 (2) commemorates the extensive achievements
4 made by Alaska Native people through the imple-
5 mentation of ANCSA, while simultaneously main-
6 taining their culture, traditions, and ways of life,
7 during the 50-year period preceding the date of
8 adoption of this resolution; and

9 (3) celebrates the successes of Alaska Native
10 people during that 50-year period, with optimism for
11 the next 50 years and beyond.

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