

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 ikan, 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,
- 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
- 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
- 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.—
- 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
- 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
- is enrolled to an Urban Corporation for Haines,
- 18 Ketchikan, Petersburg, Tenakee, or Wrangell pursu-
- ant to paragraph (1) and who was enrolled as a
- 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

1	23,040 acres, as generally depicted on the
2	maps entitled 'Haines Selections', num-
3	bered 1 and 2, and dated November 18,
4	2021;
5	"(ii) to the Urban Corporation for
6	Ketchikan, the surface estate in 8 parcels
7	of Federal land comprising approximately
8	23,040 acres, as generally depicted on the
9	maps entitled 'Ketchikan Selections', num-
10	bered 1 through 4, and dated November
11	18, 2021;
12	"(iii) to the Urban Corporation for
13	Petersburg, the surface estate in 12 par-
14	cels of Federal land comprising approxi-
15	mately 23,040 acres, as generally depicted
16	on the maps entitled 'Petersburg Selec-
17	tions', numbered 1 through 3, and dated
18	November 18, 2021;
19	"(iv) to the Urban Corporation for
20	Tenakee, the surface estate in 14 parcels
21	of Federal land comprising approximately
22	23,040 acres, as generally depicted on the
23	maps entitled 'Tenakee Selections', num-
24	bered 1 through 3, and dated November
25	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

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)(A).

"(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)(A), as provided in any outfitting or guiding authorization under this paragraph.

"(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-

1	veyed to the Urban Corporation under
2	paragraph (1)(A) and ending on the effec-
3	tive date of a binding agreement entered
4	into under clause (i), the Urban Corpora-
5	tion shall provide and allow administrative
6	access to roads and related transportation
7	facilities on the land under substantially
8	similar terms as are provided by the For-
9	est Service as of the date of enactment of
10	this section.
11	"(C) EFFECT ON OTHER LAWS.—
12	"(i) In General.—Nothing in this
13	section delays the duty of the Secretary to
14	convey land to—
15	"(I) the State under Public Law
16	85–508 (commonly known as the
17	'Alaska Statehood Act') (48 U.S.C.
8	note prec. 21); or
.9	"(II) a Native Corporation
20	under—
21	"(aa) this Act; or
22	"(bb) the Alaska Land
23	Transfer Acceleration Act (43
24	U.S.C. 1611 note; Public Law
25	108–452).

1 "(ii) Statehood entitlement.	
2 "(I) IN GENERAL.—Statehoo	od se-
3 lections under Public Law 85	-508
4 (commonly known as the 'A	laska
5 Statehood Act') (48 U.S.C. note	prec.
6 21) are not displaced by the parc	els of
7 land described in clauses (i) the	ough
8 (v) of paragraph (1)(A).	
9 "(II) BOUNDARY ADA	JUST-
MENTS.—In the event of a disput	e be-
tween an area selected as a State	ehood
selection and a parcel of land ref	erred
to in subclause (I), the Secretary	shall
work with the Urban Corporation	n and
the State in good faith to adjus	t the
6 boundary of the parcel to exclude	any
area selected as a Statehood selec	ction.
8 "(iii) Conveyances.—The Secr	etary
9 shall promptly proceed with the convey	zance
of all land necessary to fulfill the fina	ıl en-
titlement of all Native Corporations is	n ac-
cordance with—	
"(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	"(e) 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.".





