

109TH CONGRESS
1ST SESSION

S. 1306

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 SENATE OF THE UNITED STATES

JUNE 23, 2005

Ms. MURKOWSKI 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 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 the following:

1 (1) In 1971, Congress enacted the Alaska Na-
2 tive Claims Settlement Act (43 U.S.C. 1601 et seq.)
3 (referred to in this section as the “Act”) to recog-
4 nize and settle the aboriginal claims of Alaska Na-
5 tives to the lands Alaska Natives had used for tradi-
6 tional purposes.

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

12 (3) Pursuant to the Act, Alaska Natives have
13 been enrolled in one of 13 Regional Corporations.

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

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

24 (6) The southeastern Alaska communities of
25 Haines, Ketchikan, Petersburg, Tenakee, and

1 Wrangell are not listed under the Act as commu-
2 nities eligible to form Village or Urban Corporations,
3 even though the population of such villages com-
4 prises greater than 20 percent of the shareholders of
5 the Regional Corporation for Southeast Alaska and
6 display historic, cultural, and traditional qualities of
7 Alaska Natives.

8 (7) The communities described in paragraph
9 (6) have sought full eligibility for lands and benefits
10 under the Act for more than three decades.

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

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

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

24 (B) such communities are similar to other
25 communities that are eligible to form Village or

1 Urban Corporations under the Act and receive
2 lands and benefits under the 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 the
13 Act, but were not included as Native Villages in
14 the Act.

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

18 (11) On the basis of the findings described in
19 paragraphs (1) through (10), Alaska Natives who
20 were enrolled in the five unlisted communities and
21 their heirs have been inadvertently and wrongly de-
22 nied the cultural and financial benefits of enrollment
23 in Village or Urban Corporations established pursu-
24 ant to the 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 Act; and

8 (2) to receive certain settlement lands and other
 9 compensation pursuant to the Act.

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

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

15 “(e)(1) The Native residents of each of the Native
 16 Villages of Haines, Ketchikan, Petersburg, Tenakee, and
 17 Wrangell, Alaska, may organize as Urban Corporations.

18 “(2) Nothing in this subsection shall affect any enti-
 19 tlement to land of any Native Corporation previously es-
 20 tablished pursuant to this Act or any other provision of
 21 law.”.

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

23 Section 8 of the Alaska Native Claims Settlement Act
 24 (43 U.S.C. 1607) is amended by adding at the end thereof
 25 the following new subsection:

1 “(d)(1) The Secretary of the Interior shall enroll to
2 each of the Urban Corporations for Haines, Ketchikan,
3 Petersburg, Tenakee, or Wrangell those individual Natives
4 who enrolled under this Act to the Native Villages of
5 Haines, Ketchikan, Petersburg, Tenakee, or Wrangell, re-
6 spectively.

7 “(2) Those Natives who are enrolled to an Urban
8 Corporation for Haines, Ketchikan, Petersburg, Tenakee,
9 or Wrangell pursuant to paragraph (1) and who were en-
10 rolled as shareholders of the Regional Corporation for
11 Southeast Alaska on or before March 30, 1973, shall re-
12 ceive 100 shares of Settlement Common Stock in such
13 Urban Corporation.

14 “(3) A Native who has received shares of stock in
15 the Regional Corporation for Southeast Alaska through
16 inheritance from a decedent Native who originally enrolled
17 to the Native Villages of Haines, Ketchikan, Petersburg,
18 Tenakee, or Wrangell, which decedent Native was not a
19 shareholder in a Village or Urban Corporation, shall re-
20 ceive the identical number of shares of Settlement Com-
21 mon Stock in the Urban Corporation for Haines, Ketch-
22 ikan, Petersburg, Tenakee, or Wrangell as the number of
23 shares inherited by that Native from the decedent Native
24 who would have been eligible to be enrolled to such Urban
25 Corporation.

1 “(4) Nothing in this subsection shall affect entitle-
2 ment to land of any Regional Corporation pursuant to sec-
3 tion 12(b) or section 14(h)(8).”.

4 **SEC. 5. DISTRIBUTION RIGHTS.**

5 Section 7 of the Alaska Native Claims Settlement Act
6 (43 U.S.C. 1606) is amended—

7 (1) in subsection (j), by adding at the end
8 thereof the following new sentence: “Native members
9 of the Native Villages of Haines, Ketchikan, Peters-
10 burg, Tenakee, and Wrangell who become share-
11 holders in an Urban Corporation for such a commu-
12 nity shall continue to be eligible to receive distribu-
13 tions under this subsection as at-large shareholders
14 of the Regional Corporation for Southeast Alaska.”;
15 and

16 (2) by adding at the end thereof the following
17 new subsection:

18 “(s) No provision of or amendment made by the Un-
19 recognized Southeast Alaska Native Communities Rec-
20 ognition and Compensation Act shall affect the ratio for
21 determination of revenue distribution among Native Cor-
22 porations under this section and the ‘1982 Section 7(i)
23 Settlement Agreement’ among the Regional Corporations
24 or among Village Corporations under subsection (j).”.

1 **SEC. 6. COMPENSATION.**

2 The Alaska Native Claims Settlement Act (43 U.S.C.
3 1601 et seq.) is amended by adding at the end thereof
4 the following new section:

5 “URBAN CORPORATIONS FOR HAINES, KETCHIKAN,
6 PETERSBURG, TENAKEE, AND WRANGELL

7 “SEC. 43. (a) Upon incorporation of the Urban Cor-
8 porations for Haines, Ketchikan, Petersburg, Tenakee,
9 and Wrangell, the Secretary, in consultation and coordina-
10 tion with the Secretary of Commerce, and in consultation
11 with representatives of each such Urban Corporation and
12 the Regional Corporation for Southeast Alaska, shall offer
13 as compensation, pursuant to this Act, one township of
14 land (23,040 acres) to each of the Urban Corporations
15 for Haines, Ketchikan, Petersburg, Tenakee, and
16 Wrangell, and other appropriate compensation, including
17 the following:

18 “(1) Local areas of historical, cultural, tradi-
19 tional, and economic importance to Alaska Natives
20 from the Villages of Haines, Ketchikan, Petersburg,
21 Tenakee, or Wrangell. In selecting the lands to be
22 withdrawn and conveyed pursuant to this section,
23 the Secretary shall give preference to lands with
24 commercial purposes and may include subsistence
25 and cultural sites, aquaculture sites, hydroelectric
26 sites, tidelands, surplus Federal property and eco-

1 tourism sites. The lands selected pursuant to this
2 section shall be contiguous and reasonably compact
3 tracts wherever possible. The lands selected pursu-
4 ant to this section shall be subject to all valid exist-
5 ing rights and all other provisions of section 14(g),
6 including any lease, contract, permit, right-of-way,
7 or easement (including a lease issued under section
8 6(g) of the Alaska Statehood Act).

9 “(2) \$650,000 for capital expenses associated
10 with corporate organization and development, includ-
11 ing—

12 “(A) the identification of forest and land
13 parcels for selection and withdrawal;

14 “(B) making conveyance requests, receiv-
15 ing title, preparing resource inventories, land
16 and resource use, and development planning;

17 “(C) land and property valuations;

18 “(D) corporation incorporation and start-
19 up;

20 “(E) advising and enrolling shareholders;

21 “(F) issuing stock; and

22 “(G) seed capital for resource development.

23 “(3) Such additional forms of compensation as
24 the Secretary deems appropriate, including grants
25 and loan guarantees to be used for planning, devel-

1 opment and other purposes for which Native Cor-
2 porations are organized under the Act, and any ad-
3 ditional financial compensation, which shall be allo-
4 cated among the five Urban Corporations on a pro
5 rata basis based on the number of shareholders in
6 each Urban Corporation.

7 “(b) The Urban Corporations for Haines, Ketchikan,
8 Petersburg, Tenakee, and Wrangell, shall have one year
9 from the date of the offer of compensation from the Sec-
10 retary to each such Urban Corporation provided for in this
11 section within which to accept or reject the offer. In order
12 to accept or reject the offer, each such Urban Corporation
13 shall provide to the Secretary a properly executed and cer-
14 tified corporate resolution that states that the offer pro-
15 posed by the Secretary was voted on, and either approved
16 or rejected, by a majority of the shareholders of the Urban
17 Corporation. In the event that the offer is rejected, the
18 Secretary, in consultation with representatives of the
19 Urban Corporation that rejected the offer and the Re-
20 gional Corporation for Southeast Alaska, shall revise the
21 offer and the Urban Corporation shall have an additional
22 six months within which to accept or reject the revised
23 offer.

24 “(c) Not later than 180 days after receipt of a cor-
25 porate resolution approving an offer of the Secretary as

1 required in subsection (b), the Secretary shall withdraw
2 the lands and convey to the Urban Corporation title to
3 the surface estate of the lands and convey to the Regional
4 Corporation for Southeast Alaska title to the subsurface
5 estate as appropriate for such lands.

6 “(d) The Secretary shall, without consideration of
7 compensation, convey to the Urban Corporations of
8 Haines, Ketchikan, Petersburg, Tenakee, and Wrangell,
9 by quitclaim deed or patent, all right, title, and interest
10 of the United States in all roads, trails, log transfer facili-
11 ties, leases, and appurtenances on or related to the land
12 conveyed to the corporations pursuant to subsection (c).

13 “(e)(1) The Urban Corporations of Haines, Ketch-
14 ikan, Petersburg, Tenakee, and Wrangell may establish a
15 settlement trust in accordance with the provisions of sec-
16 tion 39 for the purposes of promoting the health, edu-
17 cation, and welfare of the trust beneficiaries and pre-
18 serving the Native heritage and culture of the communities
19 of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell,
20 respectively.

21 “(2) The proceeds and income from the principal of
22 a trust established under paragraph (1) shall first be ap-
23 plied to the support of those enrollees and their descend-
24 ants who are elders or minor children and then to the sup-
25 port of all other enrollees.”.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated such sums as
3 shall be necessary to carry out this Act and the amend-
4 ments made by this Act.

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