

111TH CONGRESS
1ST SESSION

S. 784

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

APRIL 2, 2009

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 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 and other
 10 compensation pursuant 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, and other appropriate compensation
22 in accordance with this subsection.

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

1 “(A) IN GENERAL.—The Secretary shall
2 offer as compensation under this subsection
3 local areas of historical, cultural, traditional,
4 and economic importance to Alaska Natives
5 from the Villages of Haines, Ketchikan, Peters-
6 burg, Tenakee, or Wrangell.

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8 the land to be withdrawn and conveyed pursu-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

10 “(i) shall give preference to land with
11 commercial purposes; and

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

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

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

1 of July 7, 1958 (commonly known as the ‘Alas-
 2 ka Statehood Act’) (48 U.S.C. note prec. 21;
 3 Public Law 85–508)).

4 “(3) CAPITAL EXPENSES.—The Secretary shall
 5 offer as compensation under this subsection
 6 \$650,000 for capital expenses associated with cor-
 7 porate organization and development, including ex-
 8 penses for—

9 “(A) the identification of forest and land
 10 parcels for selection and withdrawal;

11 “(B) making conveyance requests, receiv-
 12 ing title, preparing resource inventories, land
 13 and resource use, and development planning;

14 “(C) land and property valuations;

15 “(D) corporation incorporation and start-
 16 up;

17 “(E) advising and enrolling shareholders;

18 “(F) issuing stock; and

19 “(G) seed capital for resource development.

20 “(4) ADDITIONAL COMPENSATION.—

21 “(A) IN GENERAL.—The Secretary shall
 22 offer as compensation under this subsection
 23 such additional forms of compensation as the
 24 Secretary considers appropriate, including
 25 grants and loan guarantees to be used for plan-

1 ning, development and other purposes for which
 2 Native Corporations are organized under this
 3 Act and any additional financial compensation.

4 “(B) ALLOCATION.—Any additional com-
 5 pensation offered under this paragraph shall be
 6 allocated among the 5 Urban Corporations on a
 7 pro rata basis based on the number of share-
 8 holders in each Urban Corporation.

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

10 “(1) IN GENERAL.—Not later than 1 year after
 11 the date of the offer of compensation from the Sec-
 12 retary under subsection (a), the each of the Urban
 13 Corporations for Haines, Ketchikan, Petersburg,
 14 Tenakee, and Wrangell shall accept or reject the
 15 offer.

16 “(2) RESOLUTION.—To accept or reject the
 17 offer, each such Urban Corporation shall provide to
 18 the Secretary a properly executed and certified cor-
 19 porate resolution that states that the offer proposed
 20 by the Secretary was voted on, and either approved
 21 or rejected, by a majority of the shareholders of the
 22 Urban Corporation.

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

1 “(A) the Secretary, in consultation with
 2 representatives of the Urban Corporation that
 3 rejected the offer and the Regional Corporation
 4 for Southeast Alaska, shall revise the offer; and

5 “(B) the Urban Corporation shall have an
 6 additional 180 days within which to accept or
 7 reject the revised offer.

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

13 “(1) withdraw the land;

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

16 “(3) convey to the Regional Corporation for
 17 Southeast Alaska title the subsurface estate for the
 18 land.

19 “(d) CONVEYANCE OF ROADS, TRAILS, LOG TRANS-
 20 FER FACILITIES, LEASES, AND APPURTENANCES.—The
 21 Secretary shall, without consideration of compensation,
 22 convey to the Urban Corporations of Haines, Ketchikan,
 23 Petersburg, Tenakee, and Wrangell, by quitclaim deed or
 24 patent, all right, title, and interest of the United States
 25 in all roads, trails, log transfer facilities, leases, and ap-

1 purtenances on or related to the land conveyed to the Cor-
 2 porations pursuant to subsection (c).

3 “(e) SETTLEMENT TRUST.—

4 “(1) IN GENERAL.—The Urban Corporations of
 5 Haines, Ketchikan, Petersburg, Tenakee, and
 6 Wrangell may establish a settlement trust in accord-
 7 ance with section 39 for the purposes of promoting
 8 the health, education, and welfare of the trust bene-
 9 ficiaries, and preserving the Native heritage and cul-
 10 ture, of the communities of Haines, Ketchikan, Pe-
 11 tersburg, Tenakee, and Wrangell, respectively.

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

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

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

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums
 22 as are necessary to carry out this Act and the amendments
 23 made by this Act.

