

115TH CONGRESS
1ST SESSION

S. 1491

To amend the Alaska Native Claims Settlement Act with respect to the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, Alaska, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2017

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 amend the Alaska Native Claims Settlement Act with respect to the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, Alaska, 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 “ANCSA Unrecognized
5 Community Landless Natives Authorization Act of 2017”.

1 **SEC. 2. UNRECOGNIZED SOUTHEAST ALASKA NATIVE COM-**
 2 **MUNITIES RECOGNITION AND COMPENSA-**
 3 **TION.**

4 (a) PURPOSE.—The purpose of this section is to re-
 5 dress the omission of the southeastern Alaska commu-
 6 nities of Haines, Ketchikan, Petersburg, Tenakee, and
 7 Wrangell from eligibility by authorizing the Native people
 8 enrolled in the communities—

9 (1) to form Urban Corporations for the commu-
 10 nities under the Alaska Native Claims Settlement
 11 Act (43 U.S.C. 1601 et seq.); and

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

14 (b) ESTABLISHMENT OF ADDITIONAL NATIVE COR-
 15 PORATIONS.—Section 16 of the Alaska Native Claims Set-
 16 tlement Act (43 U.S.C. 1615) is amended by adding at
 17 the end the following:

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

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

24 “(2) EFFECT ON ENTITLEMENT TO LAND.—
 25 Nothing in this subsection affects any entitlement to
 26 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 (c) SHAREHOLDER ELIGIBILITY.—Section 8 of the
 4 Alaska Native Claims Settlement Act (43 U.S.C. 1607)
 5 is amended by adding at the end the following:

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

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

14 “(2) NUMBER OF SHARES.—Each Native who
 15 is enrolled to an Urban Corporation for Haines,
 16 Ketchikan, Petersburg, Tenakee, or Wrangell pursu-
 17 ant to paragraph (1) and who was enrolled as a
 18 shareholders of the Regional Corporation for South-
 19 east Alaska on or before March 30, 1973, shall re-
 20 ceive 100 shares of Settlement Common Stock in the
 21 respective Urban Corporation.

22 “(3) NATIVES RECEIVING SHARES THROUGH IN-
 23 HERITANCE.—If a Native received shares of stock in
 24 the Regional Corporation for Southeast Alaska
 25 through inheritance from a decedent Native who

1 originally enrolled to the Native Village of Haines,
 2 Ketchikan, Petersburg, Tenakee, or Wrangell and
 3 the decedent Native was not a shareholder in a Vil-
 4 lage or Urban Corporation, the Native shall receive
 5 the identical number of shares of Settlement Com-
 6 mon Stock in the Urban Corporation for Haines,
 7 Ketchikan, Petersburg, Tenakee, or Wrangell as the
 8 number of shares inherited by that Native from the
 9 decedent Native who would have been eligible to be
 10 enrolled to the respective Urban Corporation.

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

15 (d) DISTRIBUTION RIGHTS.—Section 7 of the Alaska
 16 Native Claims Settlement Act (43 U.S.C. 1606) is amend-
 17 ed—

18 (1) in subsection (j)—

19 (A) by striking “(j) During” and inserting
 20 the following:

21 “(j) DISTRIBUTION OF CORPORATE FUNDS AND
 22 OTHER NET INCOME.—

23 “(1) IN GENERAL.—During”;

24 (B) by striking “Not less” and inserting
 25 the following:

1 “(2) MINIMUM ALLOCATION.—Not less”;

2 (C) by striking “In the case” and inserting
3 the following:

4 “(3) THIRTEENTH REGIONAL CORPORATION.—
5 In the case”; and

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

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

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

17 “(s) EFFECT OF AMENDATORY ACT.—Section 2 of
18 the ANCSA Unrecognized Community Landless Natives
19 Authorization Act of 2017 and the amendments made by
20 that section shall not affect—

21 “(1) the ratio for determination of revenue dis-
22 tribution among Native Corporations under this sec-
23 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 (e) COMPENSATION.—The Alaska Native Claims Set-
 5 tlement Act (43 U.S.C. 1601 et seq.) is amended by add-
 6 ing at the end the following:

7 **“SEC. 43. URBAN CORPORATIONS FOR HAINES, KETCHIKAN,**
 8 **PETERSBURG, TENAKEE, AND WRANGELL.**

9 “(a) OFFER OF COMPENSATION.—

10 “(1) IN GENERAL.—On incorporation of the
 11 Urban Corporations for Haines, Ketchikan, Peters-
 12 burg, Tenakee, and Wrangell, the Secretary, in con-
 13 sultation and coordination with the Secretary of
 14 Commerce, and in consultation with representatives
 15 of each such Urban Corporation and the Regional
 16 Corporation for Southeast Alaska, shall offer as
 17 compensation, pursuant to this Act, 1 township of
 18 land (23,040 acres) to each of the Urban Corpora-
 19 tions for Haines, Ketchikan, Petersburg, Tenakee,
 20 and Wrangell, in accordance with this subsection.

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

23 “(A) IN GENERAL.—The Secretary shall
 24 offer as compensation under this subsection
 25 local areas of historical, cultural, traditional,

and economic importance to Alaska Natives from the Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell.

“(B) SELECTION OF LAND.—In selecting the land to be withdrawn and conveyed pursuant to this section, the Secretary—

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

“(ii) may include subsistence and cultural sites, aquaculture sites, hydroelectric sites, tideland, surplus Federal property, and eco-tourism sites; and

“(iii) shall not include land within a conservation system unit (as defined in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102)).

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

“(D) VALID EXISTING RIGHTS.—The land selected pursuant to this section shall be subject to all valid existing rights and all other provisions of section 14(g), including any lease, con-

tract, permit, right-of-way, or easement (including a lease issued under section 6(g) of the Act of July 7, 1958 (commonly known as the ‘Alaska Statehood Act’) (48 U.S.C. note prec. 21; Public Law 85–508)).

“(b) ACCEPTANCE OR REJECTION OF OFFER.—

“(1) IN GENERAL.—Not later than 1 year after the date of the offer of compensation from the Secretary under subsection (a), each of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell shall accept or reject the offer.

“(2) RESOLUTION.—To accept or reject the offer, each such Urban Corporation shall provide to the Secretary a properly executed and certified corporate resolution that states that the offer proposed by the Secretary was voted on, and either approved or rejected, by a majority of the shareholders of the Urban Corporation.

“(3) REJECTION OF OFFER.—If the offer is rejected—

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

1 “(B) the Urban Corporation shall have an
 2 additional 180 days within which to accept or
 3 reject the revised offer.

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

9 “(1) withdraw the land;

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

12 “(3) convey to the Regional Corporation for
 13 Southeast Alaska title the subsurface estate for the
 14 land.

15 “(d) CONVEYANCE OF ROADS, TRAILS, LOG TRANS-
 16 FER FACILITIES, LEASES, AND APPURTENANCES.—The
 17 Secretary shall, without consideration of compensation,
 18 convey to the Urban Corporations of Haines, Ketchikan,
 19 Petersburg, Tenakee, and Wrangell, by quitclaim deed or
 20 patent, all right, title, and interest of the United States
 21 in all roads, trails, log transfer facilities, leases, and ap-
 22 purtenances on or related to the land conveyed to the Cor-
 23 porations pursuant to subsection (c).

24 “(e) SETTLEMENT TRUST.—

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

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

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

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

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