

116TH CONGRESS  
2D SESSION

# S. 4891

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.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 2020

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

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## 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 ican, 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,  
 10 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  
 13 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  
 22 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.—  
 26 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  
 13 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  
 17 is enrolled to an Urban Corporation for Haines,  
 18 Ketchikan, Petersburg, Tenakee, or Wrangell pursu-  
 19 ant to paragraph (1) and who was enrolled as a  
 20 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

23,040 acres, as generally depicted on the maps entitled ‘Haines Selections’, numbered 1 and 2, and dated November 2020;

“(ii) to the Urban Corporation for Ketchikan, the surface estate in 9 parcels of Federal land comprising approximately 23,040 acres, as generally depicted on the maps entitled ‘Ketchikan Selections’, numbered 1 through 4, and dated November 2020;

“(iii) to the Urban Corporation for Petersburg, the surface estate in 11 parcels of Federal land comprising approximately 23,040 acres, as generally depicted on the maps entitled ‘Petersburg Selections’, numbered 1 through 3, and dated November 2020;

“(iv) to the Urban Corporation for Tenakee, the surface estate in 13 parcels of Federal land comprising approximately 23,040 acres, as generally depicted on the maps entitled ‘Tenakee Selections’, numbered 1 through 3, and dated November 2020; 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 2020.

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 “(5) HUNTING, FISHING, RECREATION, AND AC-  
19 CESS.—

20 “(A) IN GENERAL.—Any land conveyed  
21 under paragraph (1)(A), including access to the  
22 land through roadways, trails, and forest roads,  
23 shall remain open and available to subsistence  
24 uses, noncommercial recreational hunting and

1 fishing, and other noncommercial recreational  
2 uses by the public under applicable law—

3 “(i) without liability on the part of the  
4 Urban Corporation, except for willful acts  
5 of the Urban Corporation, to any user as  
6 a result of the use; and

7 “(ii) subject to—

8 “(I) any reasonable restrictions  
9 that may be imposed by the Urban  
10 Corporation on the public use—

11 “(aa) to ensure public safe-  
12 ty;

13 “(bb) to minimize conflicts  
14 between recreational and com-  
15 mercial uses;

16 “(cc) to protect cultural re-  
17 sources;

18 “(dd) to conduct scientific  
19 research; or

20 “(ee) to provide environ-  
21 mental protection; and

22 “(II) the condition that the  
23 Urban Corporation post on any appli-  
24 cable property, in accordance with

1 State law, notices of the restrictions  
2 on use.

3 “(B) EFFECT.—Access provided to any in-  
4 dividual or entity under subparagraph (A) shall  
5 not—

6 “(i) create an interest in any third  
7 party in the land conveyed under para-  
8 graph (1)(A); or

9 “(ii) provide standing to any third  
10 party in any review of, or challenge to, any  
11 determination by the Urban Corporation  
12 with respect to the management or devel-  
13 opment of the land conveyed under para-  
14 graph (1)(A), except as against the Urban  
15 Corporation for the management of public  
16 access under subparagraph (A).

17 “(6) MISCELLANEOUS.—

18 “(A) SPECIAL USE AUTHORIZATIONS.—

19 “(i) IN GENERAL.—On the conveyance  
20 of land to an Urban Corporation under  
21 paragraph (1)(A)—

22 “(I) any guiding or outfitting  
23 special use authorization issued by the  
24 Forest Service for the use of the con-  
25 veyed land shall terminate; and

1 “(II) as a condition of the con-  
2 veyance and consistent with section  
3 14(g), the Urban Corporation shall  
4 issue the holder of the special use au-  
5 thorization terminated under sub-  
6 clause (I) an authorization to continue  
7 the authorized use, subject to the  
8 terms and conditions that were in the  
9 special use authorization issued by the  
10 Forest Service, for—

11 “(aa) the remainder of the  
12 term of the authorization; and

13 “(bb) 1 additional consecu-  
14 tive 10-year renewal period.

15 “(ii) NOTICE OF COMMERCIAL ACTIVI-  
16 TIES.—The Urban Corporation, and any  
17 holder of a guiding or outfitting authoriza-  
18 tion under this subparagraph, shall have a  
19 mutual obligation, subject to the guiding  
20 or outfitting authorization, to inform the  
21 other party of any commercial activities  
22 prior to engaging in the activities on the  
23 land conveyed to the Urban Corporation  
24 under paragraph (1)(A).

1                   “(iii)   NEGOTIATION   OF   NEW  
2                   TERMS.—Nothing in this paragraph pre-  
3                   cludes the Urban Corporation and the  
4                   holder of a guiding or outfitting authoriza-  
5                   tion from negotiating a new mutually  
6                   agreeable guiding or outfitting authoriza-  
7                   tion.

8                   “(iv) LIABILITY.—Neither the Urban  
9                   Corporation nor the United States shall  
10                  bear any liability, except for willful acts of  
11                  the Urban Corporation or the United  
12                  States, regarding the use and occupancy of  
13                  any land conveyed to the Urban Corpora-  
14                  tion under paragraph (1)(A), as provided  
15                  in any outfitting or guiding authorization  
16                  under this paragraph.

17                 “(B) ROADS AND FACILITIES.—

18                 “(i) IN GENERAL.—The Secretary of  
19                 Agriculture shall negotiate in good faith  
20                 with the Urban Corporation to develop a  
21                 binding agreement for—

22                         “(I) the use of National Forest  
23                         System roads and related transpor-  
24                         tation facilities by the Urban Corpora-  
25                         tion; and

1 “(II) the use of the roads and re-  
2 lated transportation facilities of the  
3 Urban Corporation by the Forest  
4 Service and designees of the Forest  
5 Service.

6 “(ii) TERMS AND CONDITIONS.—The  
7 binding agreement under clause (i)—

8 “(I) shall provide that the State  
9 (including entities and designees of  
10 the State) shall be authorized to use  
11 the roads and related transportation  
12 facilities of the Urban Corporation on  
13 substantially similar terms as are pro-  
14 vided by the Urban Corporation to the  
15 Forest Service;

16 “(II) shall include restrictions on,  
17 and fees for, the use of the National  
18 Forest System roads and related  
19 transportation facilities in existence as  
20 of the date of enactment of this sec-  
21 tion, as necessary, that are reasonable  
22 and comparable to the restrictions  
23 and fees imposed by the Forest Serv-  
24 ice for the use of the roads and re-  
25 lated transportation facilities; and

1                   “(III) shall not restrict or limit  
2                   any access to the roads and related  
3                   transportation facilities of the Urban  
4                   Corporation or the Forest Service that  
5                   may be otherwise provided by valid ex-  
6                   isting rights and agreements in exist-  
7                   ence as of the date of enactment of  
8                   this section.

9                   “(iii) INTENT OF CONGRESS.—It is  
10                  the intent of Congress that the agreement  
11                  under clause (i) shall be entered into as  
12                  soon as practicable after the date of enact-  
13                  ment of this section and in any case by not  
14                  later than 1 year after the date of incorpo-  
15                  ration of the Urban Corporation.

16                  “(iv) CONTINUED ACCESS.—Begin-  
17                  ning on the date on which the land is con-  
18                  veyed to the Urban Corporation under  
19                  paragraph (1)(A) and ending on the effec-  
20                  tive date of a binding agreement entered  
21                  into under clause (i), the Urban Corpora-  
22                  tion shall provide and allow administrative  
23                  access to roads and related transportation  
24                  facilities on the land under substantially  
25                  similar terms as are provided by the For-

est Service as of the date of enactment of  
this section.

“(C) EFFECT ON OTHER LAWS.—

“(i) IN GENERAL.—Nothing in this  
section delays the duty of the Secretary to  
convey land to—

“(I) the State under Public Law  
85–508 (commonly known as the  
‘Alaska Statehood Act’) (48 U.S.C.  
note prec. 21); or

“(II) a Native Corporation  
under—

“(aa) this Act; or

“(bb) the Alaska Land  
Transfer Acceleration Act (43  
U.S.C. 1611 note; Public Law  
108–452).

“(ii) STATEHOOD ENTITLEMENT.—

“(I) IN GENERAL.—Statehood se-  
lections under Public Law 85–508  
(commonly known as the ‘Alaska  
Statehood Act’) (48 U.S.C. note prec.  
21) are not displaced by the parcels of  
land described in clauses (i) through  
(v) of paragraph (1)(A).

1                   “(II)     BOUNDARY     ADJUST-  
2                   MENTS.—In the event of a dispute be-  
3                   tween an area selected as a Statehood  
4                   selection and a parcel of land referred  
5                   to in subclause (I), the Secretary shall  
6                   work with the Urban Corporation and  
7                   the State in good faith to adjust the  
8                   boundary of the parcel to exclude any  
9                   area selected as a Statehood selection.

10                  “(iii) CONVEYANCES.—The Secretary  
11                  shall promptly proceed with the conveyance  
12                  of all land necessary to fulfill the final en-  
13                  titlement of all Native Corporations in ac-  
14                  cordance with—

15                         “(I) this Act; and

16                         “(II) the Alaska Land Transfer  
17                         Acceleration Act (43 U.S.C. 1611  
18                         note; Public Law 108–452).

19                         “(iv) FISH AND WILDLIFE.—Nothing  
20                         in this section enlarges or diminishes the  
21                         responsibility and authority of the State  
22                         with respect to the management of fish  
23                         and wildlife on public land in the State.

24                         “(D) MAPS.—

1                   “(i) AVAILABILITY.—Each map re-  
 2                   ferred to in paragraph (1)(A) shall be  
 3                   available in the appropriate offices of the  
 4                   Secretary and the Secretary of Agriculture.

5                   “(ii) CORRECTIONS.—The Secretary,  
 6                   in consultation with the Secretary of Agri-  
 7                   culture, may make any necessary correc-  
 8                   tion to a clerical or typographical error in  
 9                   a map referred to in paragraph (1)(A).

10           “(c) CONVEYANCE OF ROADS, TRAILS, LOG TRANS-  
 11   FER FACILITIES, LEASES, AND APPURTENANCES.—

12                   “(1) IN GENERAL.—The Secretary, without  
 13                   consideration or compensation, shall convey to each  
 14                   Urban Corporation, by quitclaim deed or patent, all  
 15                   right, title, and interest of the United States in all  
 16                   roads, trails, log transfer facilities, leases, and ap-  
 17                   purtenances on or related to the land conveyed to  
 18                   the Urban Corporation under subsection (b)(1)(A).

19                   “(2) CONDITIONS.—The conveyance under  
 20                   paragraph (1) shall be subject to—

21                           “(A) section 14(g); and

22                           “(B) all valid existing rights, including any  
 23                   reciprocal rights-of-way, easements, or agree-  
 24                   ments for the use of the roads, trails, log trans-

1           fer facilities, leases, and appurtenances con-  
 2           veyed under paragraph (1).

3           “(3) CONTINUATION OF AGREEMENTS.—

4                   “(A) IN GENERAL.—On or before the date  
 5           on which land is conveyed to an Urban Cor-  
 6           poration under subsection (b)(1)(A), the Sec-  
 7           retary shall provide to the Urban Corporation  
 8           notice of all reciprocal rights-of-way, easements,  
 9           and agreements for use of the roads, trails, log  
 10          transfer facilities, leases, and appurtenances on  
 11          or related to the land in existence as of the date  
 12          of enactment of this section.

13                   “(B) REQUIREMENT.—In accordance with  
 14          section 14(g), any right-of-way, easement, or  
 15          agreement described in subparagraph (A) shall  
 16          continue unless the right-of-way, easement, or  
 17          agreement—

18                           “(i) expires under its own terms; or

19                           “(ii) is mutually renegotiated.

20          “(d) SETTLEMENT TRUST.—

21                   “(1) IN GENERAL.—Each Urban Corporation  
 22          may establish a settlement trust in accordance with  
 23          section 39 for the purposes of promoting the health,  
 24          education, and welfare of the trust beneficiaries, and  
 25          preserving the Native heritage and culture, of the

1 community of Haines, Ketchikan, Petersburg,  
2 Tenakee, or Wrangell, as applicable.

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

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

9 “(B) thereafter to the support of all other  
10 enrollees.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
12 is authorized to be appropriated to the Secretary  
13 \$12,500,000, to be used by the Secretary to provide 5  
14 grants in the amount of \$2,500,000 each, to be used only  
15 for activities that support the implementation of this sec-  
16 tion, including planning and development.”.

○