

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.

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## 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

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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

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

1 holder of a guiding or outfitting authoriza-  
2 tion under this subparagraph, shall have a  
3 mutual obligation, subject to the guiding  
4 or outfitting authorization, to inform the  
5 other party of any commercial activities  
6 prior to engaging in the activities on the  
7 land conveyed to the Urban Corporation  
8 under paragraph (1)(A).

9 “(iii) NEGOTIATION OF NEW  
10 TERMS.—Nothing in this paragraph pre-  
11 cludes the Urban Corporation and the  
12 holder of a guiding or outfitting authoriza-  
13 tion from negotiating a new mutually  
14 agreeable guiding or outfitting authoriza-  
15 tion.

16 “(iv) LIABILITY.—Neither the Urban  
17 Corporation nor the United States shall  
18 bear any liability, except for willful acts of  
19 the Urban Corporation or the United  
20 States, regarding the use and occupancy of  
21 any land conveyed to the Urban Corpora-  
22 tion under paragraph (1)(A), as provided  
23 in any outfitting or guiding authorization  
24 under this paragraph.

25 “(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.  
18                         note prec. 21); or

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

9 “(II) BOUNDARY ADJUST-  
10 MENTS.—In the event of a dispute be-  
11 tween an area selected as a Statehood  
12 selection and a parcel of land referred  
13 to in subclause (I), the Secretary shall  
14 work with the Urban Corporation and  
15 the State in good faith to adjust the  
16 boundary of the parcel to exclude any  
17 area selected as a Statehood selection.

18 “(iii) CONVEYANCES.—The Secretary  
19 shall promptly proceed with the conveyance  
20 of all land necessary to fulfill the final en-  
21 titlement of all Native Corporations in ac-  
22 cordance with—

23 “(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                   “(c) 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.”.

○