

114TH CONGRESS
2D SESSION

H. R. 5909

To ensure equitable treatment of Shee Atiká, Incorporated, under the Alaska Native Claims Settlement Act by facilitating the transfer of land on Admiralty Island, Alaska, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To ensure equitable treatment of Shee Atiká, Incorporated, under the Alaska Native Claims Settlement Act by facilitating the transfer of land on Admiralty Island, 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 “Shee Atiká Land Enti-
5 tlement Act” or the “SALE Act”.

6 **SEC. 2. SHEE ATIKÁ, INCORPORATED.**

7 (a) DEFINITIONS.—In this section:

1 (1) ACCOUNT.—The term “Account” means the
2 Shee Atiká Account established under subsection
3 (d).

4 (2) AGENCY.—The term “agency” means—

5 (A) any department, agency, or other in-
6 strumentality of the Federal Government; and

7 (B) any Government corporation (as de-
8 fined in section 9101 of title 31, United States
9 Code).

10 (3) AGREEMENT.—The term “Agreement”
11 means the agreement between Shee Atiká and the
12 United States (including any amendment or supple-
13 ment to the agreement) under which the United
14 States has an option to reacquire the Cube Cove
15 Land.

16 (4) CUBE COVE LAND.—The term “Cube Cove
17 Land” means the approximately 23,000 acres of
18 surface estate land at Cube Cove, Admiralty Island,
19 Alaska, as described in Appendix A to the Agree-
20 ment.

21 (5) PROPERTY.—The term “property” has the
22 meaning given the term in section 12(b)(7)(vii) of
23 the Act of January 2, 1976 (43 U.S.C. 1611 note;
24 Public Law 94–204).

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (7) SEGMENT.—The term “segment” means
4 any 1 of the 13 tracts of surface estate land identi-
5 fied in Appendix C to the Agreement.

6 (8) SHEE ATIKÁ.—The term “Shee Atiká”
7 means Shee Atiká, Incorporated.

8 (b) AUTHORIZATION.—

9 (1) IN GENERAL.—All consideration, whether in
10 cash or in kind, received by Shee Atiká under the
11 Agreement shall be treated for purposes of all Fed-
12 eral laws as if the consideration was, within the
13 meaning of section 21(c) of the Alaska Native
14 Claims Settlement Act (43 U.S.C. 1620(c)), the re-
15 ceipt of land or any interest in land pursuant to the
16 Alaska Native Claims Settlement Act (43 U.S.C.
17 1601 et seq.) or cash in order to equalize the values
18 of properties exchanged pursuant to section 22(f) of
19 the Alaska Native Claims Settlement Act (43 U.S.C.
20 1621(f)).

21 (2) EFFECT.—Nothing in the Agreement or
22 this section imposes any duty on Shee Atiká not ex-
23 pressly set forth in the Agreement. In the event such
24 Agreement is terminated prior to a complete acquisi-
25 tion by the United States of all of Shee Atiká’s Cube

1 Cove Lands and interests in such lands, neither such
2 Agreement nor this section shall—

3 (A) constitute a cloud of title, lien, or en-
4 cumbrance of any sort on Shee Atiká's remain-
5 ing Cube Cove Lands or interests therein; or

6 (B) limit in any manner the use of any
7 portion of Shee Atiká's remaining Cube Cove
8 Lands or interests therein.

9 (3) INDIAN LEGISLATION.—This section is a
10 further implementation of the Alaska Native Claims
11 Settlement Act and is Indian legislation enacted by
12 Congress pursuant to plenary authority under the
13 Constitution of the United States to regulate Indian
14 Affairs.

15 (c) OPTION TO RECEIVE CREDITS.—

16 (1) IN GENERAL.—

17 (A) CREDITS.—On election by Shee Atiká
18 made in writing not later than the day before
19 the date on which a closing of any segment of
20 the Cube Cove Land is scheduled to occur, the
21 Secretary, in accordance with subsection (d),
22 may pay all or part of the amounts due to Shee
23 Atiká under the Agreement on the closing date
24 in the form of credits that may be used by Shee
25 Atiká to purchase property sold at public sale.

1 (B) CASH.—Amounts otherwise due to
2 Shee Atiká for which Shee Atiká has not made
3 the election described in subparagraph (A) shall
4 be paid to Shee Atiká in cash.

5 (2) REQUIREMENT.—The Secretary shall make
6 a payment in the form described in paragraph (1)
7 without regard to whether Shee Atiká has made any
8 other election under paragraph (1).

9 (3) CLOSING DATE.—Closing of any segment
10 for which Shee Atiká has made an election under
11 paragraph (1) shall occur not later than 30 days
12 after the date on which the Secretary notifies Shee
13 Atiká that the applicable credit is ready to be depos-
14 ited into the Account.

15 (d) ESTABLISHMENT OF ACCOUNT.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law, not later than 90 days after Shee
18 Atiká first makes an election under subsection
19 (c)(1), the Secretary of the Treasury, in consultation
20 with the Secretary, shall establish an account in the
21 Treasury to be known as the “Shee Atiká Account”.

22 (2) CREDITS INTO ACCOUNT.—The Secretary of
23 the Treasury, in consultation with the Secretary,
24 shall—

1 (A) deposit into the Account amounts
2 equal to any credit received under subsection
3 (c); and

4 (B) establish procedures under which Shee
5 Atiká may—

6 (i) receive deposits into the Account;

7 (ii) make deposits from the Account
8 into escrow when an escrow is required for
9 the sale of any property;

10 (iii) reinstate to the Account any un-
11 used escrow deposits under clause (ii) if
12 the applicable sale is not completed; and

13 (iv) notwithstanding any other provi-
14 sion of law and on written notice to the
15 Secretary of the Treasury and the Sec-
16 retary, assign, without restriction, any or
17 all of the amounts in the Account.

18 (3) AVAILABILITY OF AMOUNTS.—The balance
19 of the Account shall—

20 (A) be immediately available to Shee Atiká
21 for use in accordance with paragraph (4); and

22 (B) remain available until expended.

23 (4) USE OF FUNDS.—

24 (A) IN GENERAL.—Shee Atiká may use
25 amounts in the Account to bid for, and pur-

1 chase, any property at any public sale by an
2 agency.

3 (B) REQUIREMENT.—In conducting a
4 transaction under subparagraph (A), an agency
5 shall accept any amount tendered from the Ac-
6 count in the same manner as if the amount
7 were tendered in cash.

8 (5) EFFECT.—Notwithstanding any other provi-
9 sion of law, any property purchased under para-
10 graph (4) shall be considered to be a conveyance
11 made under the Alaska Native Claims Settlement
12 Act (43 U.S.C. 1601 et seq.) on the date of enact-
13 ment of that Act.

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