

117TH CONGRESS
2D SESSION

S. 5077

To amend the Alaska Native Claims Settlement Act to provide that Alexander Creek, Incorporated, is recognized as a Village Corporation under that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2022

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 to provide that Alexander Creek, Incorporated, is recognized as a Village Corporation under that 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. ALEXANDER CREEK RECOGNITION.**

4 The Alaska Native Claims Settlement Act (43 U.S.C.
5 1601 et seq.) is amended by adding at the end the fol-
6 lowing:

7 **“SEC. 43. ALEXANDER CREEK RECOGNITION.**

8 **“(a) DEFINITIONS.—In this section:**

1 “(1) ALEXANDER CREEK, INCORPORATED.—
 2 The term ‘Alexander Creek, Incorporated’ means
 3 Alexander Creek, Incorporated, the entity organized
 4 and recognized—

5 “(A) on the day before the date of enact-
 6 ment of this section, as a Group Corporation;
 7 and

8 “(B) effective beginning on the date of en-
 9 actment of this section, as a Village Corpora-
 10 tion.

11 “(2) ALEXANDER CREEK VILLAGE.—The term
 12 ‘Alexander Creek village’ means the community—

13 “(A) located in T. 15 N., R. 7 W., Seward
 14 Meridian, in the State; and

15 “(B) recognized as a Native village under
 16 subsection (b)(2).

17 “(3) REGION.—The term ‘Region’ means Cook
 18 Inlet Region, Incorporated, the appropriate Regional
 19 Corporation for Alexander Creek, Incorporated,
 20 under section 14(h).

21 “(b) RECOGNITION OF ALEXANDER CREEK.—Not-
 22 withstanding section 1432(d) of the Alaska National In-
 23 terest Lands Conservation Act (Public Law 96–487; 94
 24 Stat. 2543) and the deadline described in section 11(b)(3),
 25 subject to the requirements of this section—

1 “(1) Alexander Creek, Incorporated, is recog-
2 nized as a Village Corporation pursuant to this Act;
3 and

4 “(2) Alexander Creek village shall be recognized
5 as a Native village, notwithstanding any other provi-
6 sion of this Act.

7 “(c) ORGANIZATION OF ALEXANDER CREEK, INCOR-
8 PORATED.—As soon as practicable after the date of enact-
9 ment of this section, Alexander Creek, Incorporated, shall
10 submit to the Secretary—

11 “(1) any amendments to the State corporate
12 charter of Alexander Creek, Incorporated, necessary
13 to convert Alexander Creek, Incorporated, from a
14 Group Corporation to a Village Corporation; and

15 “(2) if necessary, any amendments to the State
16 corporate charter or governing business documents
17 of Alexander Creek, Incorporated, that fulfill the
18 terms of the agreement described in subsection (d).

19 “(d) AGREEMENT.—

20 “(1) NEGOTIATIONS.—Not later than 30 days
21 after the date of enactment of this section, the Sec-
22 retary shall offer to enter into negotiations with
23 Alexander Creek, Incorporated, for the purposes of
24 fairly and equitably settling—

1 “(A) the aboriginal land claims of Alex-
2 ander Creek, Incorporated; and

3 “(B) any other claims of Alexander Creek,
4 Incorporated, against the United States.

5 “(2) CONDITION.—As a condition of recognition
6 as a Village Corporation under this Act, Alexander
7 Creek, Incorporated, shall enter into an agreement
8 with the Secretary to achieve the purposes described
9 in paragraph (1) by not later than 13 months after
10 the date of enactment of this section.

11 “(3) PARITY.—To the maximum extent prac-
12 ticable, the agreement under this subsection shall
13 achieve parity, with respect to approximate value,
14 with similar agreements of other Village Corpora-
15 tions.

16 “(4) TREATMENT FOR FEDERAL PROPERTY
17 PURPOSES.—

18 “(A) COORDINATION WITH GSA.—The Sec-
19 retary shall coordinate with the Administrator
20 of General Services with respect to any surplus
21 property to be transferred to Alexander Creek,
22 Incorporated, pursuant to the agreement under
23 this subsection.

24 “(B) STATUS AS A STATE AND STATE
25 AGENCY.—Notwithstanding paragraphs (2) and

1 (3) of section 549(a) of title 40, United States
 2 Code, Alexander Creek, Incorporated, shall be
 3 considered to be a ‘State’ and a ‘State agency’
 4 under that section for purposes of the agree-
 5 ment under this subsection.

6 “(C) SURPLUS PROPERTY.—Notwith-
 7 standing any other provision of law, Alexander
 8 Creek, Incorporated, shall be eligible to receive
 9 real property declared to be surplus under sec-
 10 tion 1303 of title 40, United States Code, for
 11 purposes of the agreement under this sub-
 12 section.

13 “(e) SHAREHOLDER PARTICIPATION.—

14 “(1) IN GENERAL.—Alexander Creek, Incor-
 15 porated, shall notify each member of Alexander
 16 Creek village that—

17 “(A) effective beginning on the date of en-
 18 actment of this section, the members shall cease
 19 to receive benefits from the Region as at-large
 20 shareholders pursuant to section 7(m); and

21 “(B) all future resource payments from the
 22 Region shall be retained by Alexander Creek,
 23 Incorporated, pursuant to section 7(j).

24 “(2) LIABILITY.—The Region shall not be liable
 25 under any State, Federal, or local law, or under

1 State or Federal common law, for damages arising
 2 out of or relating to the cessation of payments to
 3 members of Alexander Creek village under para-
 4 graph (1)(A).

5 “(f) CONSTRUCTION RELATING TO LAND ENTITLE-
 6 MENTS.—

7 “(1) IN GENERAL.—Except as provided in this
 8 section with respect to Alexander Creek, Incor-
 9 porated, nothing in this section modifies or amends
 10 any land conveyance entitlements or conveyance
 11 agreement between—

12 “(A) the Region and Village Corporations
 13 other than Alexander Creek, Incorporated;

14 “(B) the Region and the Federal Govern-
 15 ment; and

16 “(C) any party described in subparagraph
 17 (A) or (B) and the State.

18 “(2) CURRENT ALEXANDER CREEK, INCOR-
 19 PORATED, LAND.—Nothing in this section reduces
 20 the land entitlement of Alexander Creek, Incor-
 21 porated, as a Group Corporation before the date of
 22 enactment of this section, including any land se-
 23 lected by and conveyed to Alexander Creek, Incor-
 24 porated, before that date of enactment.”.

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