

115TH CONGRESS
1ST SESSION

S. _____

To establish an account for amounts due to Shee Atika Incorporated under the Cube Cove Land Agreement, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. MURKOWSKI (for herself and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish an account for amounts due to Shee Atika Incorporated under the Cube Cove Land Agreement, 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 Shee Atika
5 Land Exchange Settlement Act”.

6 **SEC. 2. SHEE ATIKA INCORPORATED.**

7 (a) DEFINITIONS.—In this section:

1 (1) ACCOUNT.—The term “Account” means the
2 Shee Atika 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 Atika 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 ATIKA.—The term “Shee Atika”
7 means Shee Atika Incorporated.

8 (b) AUTHORIZATION.—

9 (1) IN GENERAL.—All consideration, whether in
10 cash or in kind, received by Shee Atika 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 Atika not ex-
23 pressly set forth in the Agreement.

24 (c) OPTION TO RECEIVE CREDITS.—

25 (1) IN GENERAL.—

1 (A) CREDITS.—On election by Shee Atika
2 made in writing not later than the day before
3 the date on which a closing of any segment of
4 the Cube Cove Land is scheduled to occur, the
5 Secretary, in accordance with subsection (d),
6 may pay all or part of the amounts due to Shee
7 Atika under the Agreement on the closing date
8 in the form of credits that may be used by Shee
9 Atika to purchase property sold at public sale.

10 (B) CASH.—Amounts otherwise due to
11 Shee Atika for which Shee Atika has not made
12 the election described in subparagraph (A) shall
13 be paid to Shee Atika in cash.

14 (2) REQUIREMENT.—The Secretary shall make
15 a payment in the form described in paragraph (1)
16 without regard to whether Shee Atika has made any
17 other election under paragraph (1).

18 (3) CLOSING DATE.—Closing of any segment
19 for which Shee Atika has made an election under
20 paragraph (1) shall occur not later than 30 days
21 after the date on which the Secretary notifies Shee
22 Atika that the applicable credit is ready to be depos-
23 ited into the Account.

24 (d) ESTABLISHMENT OF ACCOUNT.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, not later than 90 days after Shee
3 Atika first makes an election under subsection
4 (c)(1), the Secretary of the Treasury, in consultation
5 with the Secretary, shall establish an account in the
6 Treasury to be known as the “Shee Atika Account”.

7 (2) CREDITS INTO ACCOUNT.—The Secretary of
8 the Treasury, in consultation with the Secretary,
9 shall—

10 (A) deposit into the Account amounts
11 equal to any credit received under subsection
12 (c); and

13 (B) establish procedures under which Shee
14 Atika may—

15 (i) receive deposits into the Account;

16 (ii) make deposits from the Account
17 into escrow when an escrow is required for
18 the sale of any property;

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

22 (iv) notwithstanding any other provi-
23 sion of law and on written notice to the
24 Secretary of the Treasury and the Sec-

1 retary, assign, without restriction, any or
2 all of the amounts in the Account.

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

5 (A) be immediately available to Shee Atika
6 for use in accordance with paragraph (4); and

7 (B) remain available until expended.

8 (4) USE OF FUNDS.—

9 (A) IN GENERAL.—Shee Atika may use
10 amounts in the Account to bid for, and pur-
11 chase, any property at any public sale by an
12 agency.

13 (B) REQUIREMENT.—In conducting a
14 transaction under subparagraph (A), an agency
15 shall accept any amount tendered from the Ac-
16 count in the same manner as if the amount
17 were tendered in cash.

18 (5) EFFECT.—Notwithstanding any other provi-
19 sion of law, any property purchased under para-
20 graph (4) shall be considered to be a conveyance
21 made under the Alaska Native Claims Settlement
22 Act (43 U.S.C. 1601 et seq.) on the date of enact-
23 ment of that Act.