

115TH CONGRESS
1ST SESSION

S. 785

To amend the Alaska Native Claims Settlement Act to provide for equitable allotment of land to Alaska Native veterans.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2017

Mr. SULLIVAN (for himself and Ms. MURKOWSKI) 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 for equitable allotment of land to Alaska Native veterans.

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 “Alaska Native Vet-
5 erans Land Allotment Equity Act”.

6 **SEC. 2. OPEN SEASON FOR CERTAIN ALASKA NATIVE VET-**
7 **ERANS FOR ALLOTMENTS.**

8 Section 41 of the Alaska Native Claims Settlement
9 Act (43 U.S.C. 1629g) is amended—

1 (1) in subsection (a)—

2 (A) in the subsection heading, by striking
3 “IN GENERAL” and inserting “ALASKA NATIVE
4 VETERAN ALLOTMENTS”;

5 (B) by striking paragraphs (1) through (4)
6 and inserting the following:

7 “(1) ALLOTMENTS.—

8 “(A) ELIGIBLE RECIPIENTS.—Any person
9 described in paragraph (1) or (2) of subsection
10 (b) shall be eligible to receive an allotment
11 under the Act of May 17, 1906 (34 Stat. 197,
12 chapter 2469) (as in effect before December 18,
13 1971), of not more than 2 parcels of Federal
14 land, the total area of which shall not exceed
15 160 acres. Any person described in paragraphs
16 (1) and (2) of subsection (b) who, prior to the
17 date on which the Secretary promulgates regu-
18 lations pursuant to section 3 of the Alaska Na-
19 tive Veterans Land Allotment Equity Act, re-
20 ceived an allotment that has a total area of less
21 than 160 acres shall be eligible to receive an al-
22 lotment under the Act of May 17, 1906 (34
23 Stat. 197, chapter 2469) (as in effect before
24 December 18, 1971), of not more than 1 parcel
25 of Federal land, the total area of which shall

not exceed the difference in acres between 160 acres and the total area of the allotment that the person previously received under the Act.

“(B) RULE OF CONSTRUCTION.—The civil action styled ‘Shields v. United States’ (698 F.2d 987 (9th Cir. 1983), cert. denied (104 S. Ct. 73 (1983))) shall not be construed to diminish or modify the eligibility of any person described in paragraph (1) or (2) of subsection (b).

“(C) FILING DEADLINE.—An allotment shall be filed for an eligible recipient not later than 3 years after the date on which the Secretary promulgates regulations pursuant to section 3 of the Alaska Native Veterans Land Allotment Equity Act.

“(2) LAND AVAILABLE FOR ALLOTMENTS.—

“(A) IN GENERAL.—Subject to subparagraph (C), an allotment under this section shall be selected from land that is—

“(i)(I) vacant; and

“(II) owned by the United States;

“(ii) selected by, or conveyed to, the State of Alaska, if the State voluntarily re-

1 linquishes or conveys to the United States
2 the land for the allotment; or

3 “(iii) selected by, or conveyed to, a
4 Native Corporation, if the Native Corpora-
5 tion voluntarily relinquishes or conveys to
6 the United States the land for the allot-
7 ment.

8 “(B) RELINQUISHMENT BY NATIVE COR-
9 PORATION.—If a Native Corporation relin-
10 quishes land under subparagraph (A)(iii), the
11 Native Corporation may select appropriate Fed-
12 eral land, as determined by the Secretary, the
13 area of which is equal to the area of the land
14 relinquished by the Native Corporation, to re-
15 place the relinquished land.

16 “(C) EXCLUSIONS.—An allotment under
17 this section shall not be selected from land that
18 is located within—

19 “(i) a right-of-way of the TransAlaska
20 Pipeline;

21 “(ii) an inner or outer corridor of
22 such a right-of-way; or

23 “(iii) a unit of the National Park Sys-
24 tem, a National Preserve, or a National
25 Monument.

1 “(D) RULE OF CONSTRUCTION.—The civil
 2 action styled ‘Shields v. United States’ (698
 3 F.2d 987 (9th Cir. 1983), cert. denied (104 S.
 4 Ct. 73 (1983))) shall not be construed to limit
 5 the land that is eligible for allotment under this
 6 paragraph.

7 “(3) ALTERNATIVE ALLOTMENTS.—A person
 8 described in paragraph (1) or (2) of subsection (b)
 9 who qualifies for an allotment under this section on
 10 land described in paragraph (2)(C) may select an al-
 11 ternative allotment from land that is—

12 “(A) located within the boundaries of land
 13 described in paragraph (2)(C);

14 “(B)(i)(I) withdrawn under section
 15 11(a)(1)(C); and

16 “(II) not selected, or relinquished after se-
 17 lection, under section 11(a)(3);

18 “(ii) contiguous to an outer boundary of
 19 land withdrawn under section 11(a)(1)(C); or

20 “(iii) vacant, unappropriated, and unre-
 21 served; and

22 “(C) not a unit of the National Park Sys-
 23 tem, a National Preserve, or a National Monu-
 24 ment.”; and

1 (C) by redesignating paragraphs (5) and
 2 (6) as paragraphs (4) and (5), respectively;
 3 (2) in subsection (b)—

4 (A) in paragraph (1), by striking subpara-
 5 graph (B) and inserting the following:

6 “(B) is a veteran who served during the
 7 period beginning on August 5, 1964, and end-
 8 ing on May 7, 1975.”;

9 (B) by striking paragraph (2) and insert-
 10 ing the following:

11 “(2) DECEASED PERSONS.—If an individual
 12 who would otherwise have been eligible for an allot-
 13 ment under this section dies before applying for an
 14 allotment, an heir of the person may apply for, and
 15 receive, an allotment under this section, on behalf of
 16 the estate of the person.”; and

17 (C) by striking paragraph (3) and insert-
 18 ing the following:

19 “(3) LIMITATIONS.—No person who received an
 20 allotment or has a pending allotment under the Act
 21 of May 17, 1906, may receive an allotment under
 22 this section, other than—

23 “(A) an heir who applies for, and receives,
 24 an allotment on behalf of the estate of a de-
 25 ceased person under paragraph (2); and

“(B) a person who, prior to the date on which the Secretary promulgates regulations pursuant to section 3 of the Alaska Native Veterans Land Allotment Equity Act, received an allotment under the Act of May 17, 1906 (34 Stat. 197, chapter 2469), that has a total area of less than 160 acres.”;

(3) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

“(d) APPROVAL OF ALLOTMENTS.—

“(1) IN GENERAL.—Subject to any valid right in existence on the date of enactment of the Alaska Native Veterans Land Allotment Equity Act, and except as provided in paragraph (3), not later than 5 years after the date of the enactment of the Alaska Native Veterans Land Allotment Equity Act, the Secretary shall—

“(A) approve any application for an allotment filed in accordance with subsection (a); and

“(B) issue a certificate of allotment under such terms, conditions, and restrictions as the Secretary determines to be appropriate.

1 “(2) NOTIFICATION.—Not later than 2 years
 2 after the date of the enactment of the Alaska Native
 3 Veterans Land Allotment Equity Act, on receipt of
 4 an application for an allotment under this section,
 5 the Secretary shall provide to any person or entity
 6 that has an interest in land described in subsection
 7 (a)(2) that is potentially adverse to the interest of
 8 the applicant a notice of the right of the person or
 9 entity, by not later than 90 days after the date of
 10 receipt of the notice—

11 “(A) to initiate a private contest of the al-
 12 lotment; or

13 “(B) to file a protest against the allotment
 14 in accordance with procedures established by
 15 the Secretary.

16 “(3) ACTION BY SECRETARY.—If a private con-
 17 test or protest relating to an application for an allot-
 18 ment is initiated or filed under paragraph (2), the
 19 Secretary shall not issue a certificate for the allot-
 20 ment under paragraph (1)(B) until a final deter-
 21 mination has been made with respect to the private
 22 contest or protest.

23 “(e) RESELECTION.—A person that selected an allot-
 24 ment under this section may withdraw that selection and
 25 reselect land in accordance with this section after the date

1 of enactment of the Alaska Native Veterans Land Allot-
 2 ment Equity Act, if the land originally selected—

3 “(1) was selected before the date of enactment
 4 of the Alaska Native Veterans Land Allotment Eq-
 5 uity Act; and

6 “(2) as of the date of enactment of that Act,
 7 was not conveyed to the person.”; and

8 (5) by striking subsection (f), as designated by
 9 paragraph (3) and inserting:

10 “(f) DEFINITIONS.—For the purposes of this section:

11 “(1) The term ‘veteran’ means a person who
 12 served in the active military, naval, or air service,
 13 and who was discharged or released therefrom.

14 “(2) The term ‘Vietnam era’ has the meaning
 15 given the term by paragraph (29) of section 101 of
 16 title 38.”.

17 **SEC. 3. REGULATIONS.**

18 Not later than 1 year after the date of enactment
 19 of this Act, the Secretary of the Interior shall promulgate,
 20 after consultation with Alaska Native organizations, final
 21 regulations to carry out the amendments made by section
 22 2. During the consultation process, the Secretary shall,
 23 in coordination with Alaska Native organizations and to
 24 the greatest extent possible, identify persons who are eligi-
 25 ble to receive an allotment under the amendments made

1 by section 2. Upon promulgation of the final regulations,
2 the Secretary shall contact each of these persons directly
3 to provide an explanation of the process by which the per-
4 son may apply for an allotment under the amendments
5 made by section 2.

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