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

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2015

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

NOVEMBER 22, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 15, 2015]
A BILL

To amend the Alaska Native Claims Settlement Act to provide for equitable allotment of land to Alaska Native veterans.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Alaska Native Veterans
Land Allotment Equity Act”.

SEC. 2. CLARIFICATION REGARDING OCCUPANCY OF NA-
TIVE ALLOTMENTS IN NATIONAL FORESTS.

Section 18(a) of the Alaska Native Claims Settlement
Act (43 U.S.C. 1617(a)) is amended—

(1) by striking “(a) No Native” and inserting
the following:
“(a) Revocation.—
“(1) In general.—No Native”;
(2) in the second sentence, by striking “Further,
the” and inserting the following:
“(2) Repeal.—The”;
(3) in the third sentence, by striking “Notwith-
standing the foregoing provisions of this section, any”
and inserting the following:
“(3) Applications for Allotment.—
“(A) In general.—Notwithstanding para-
graphs (1) and (2), any”; and
(4) in paragraph (3) (as designated by para-
graph (3)), by adding at the end the following:
“(B) CERTAIN APPLICATIONS APPROVED.—

Any allotment application pending before the Department of the Interior on December 18, 1971, that was closed by the Department pursuant to the civil action styled ‘Shields v. United States’ (698 F.2d 987 (9th Cir. 1983), cert. denied (104 S. Ct. 73 (1983))) shall be reopened and considered to be approved pursuant to this paragraph.”.

SEC. 3. OPEN SEASON FOR CERTAIN ALASKA NATIVE VETERANS FOR ALLOTMENTS.

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

(1) in subsection (a)—

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

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

“(1) ALLOTMENTS.—

“(A) ELIGIBLE RECIPIENTS.—Any person described in paragraph (1) or (2) of subsection (b) shall be eligible to receive an allotment under the Act of May 17, 1906 (34 Stat. 197, chapter 2469) (as in effect before December 18, 1971), of
not more than 2 parcels of Federal land, the
total area of which shall not exceed 160 acres.
Any person described in paragraph (1) and (2)
of subsection (b) who, prior to the date on which
the Secretary promulgates regulations pursuant
to section 4 of the Alaska Native Veterans Land
Allotment Equity Act, received an allotment that
has a total area of less than 160 acres shall be
eligible to receive an allotment under the Act of
May 17, 1906 (34 Stat. 197, chapter 2469) (as
in effect before December 18, 1971), of not more
than 1 parcel of Federal land, the total area of
which shall not exceed the difference in acres be-
 tween 160 acres and the total area of the allot-
ment that the person previously received under
the Act.

“(B) FILING DEADLINE.—An allotment
shall be filed for an eligible recipient not later
than 3 years after the date on which the Sec-
retary promulgates regulations pursuant to sec-
tion 4 of the Alaska Native Veterans Land Allot-
ment 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 relinquishes or conveys to the United States the land for the allotment; or

“(iii) selected by, or conveyed to, a Native Corporation, if the Native Corporation voluntarily relinquishes or conveys to the United States the land for the allotment.

“(B) RELINQUISHMENT BY NATIVE CORPORATION.—If a Native Corporation relinquishes land under subparagraph (A)(iii), the Native Corporation may select appropriate Federal land, as determined by the Secretary, the area of which is equal to the area of the land relinquished by the Native Corporation, to replace the relinquished land.

“(C) EXCLUSIONS.—An allotment under this section shall not be selected from land that is located within—
“(i) a right-of-way of the TransAlaska Pipeline;

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

“(iii) a unit of the National Park System, a National Preserve, or a National Monument.

“(3) ALTERNATIVE ALLOTMENTS.—A person described in paragraph (1) or (2) of subsection (b) who qualifies for an allotment under this section on land described in paragraph (2)(C) may select an alternative allotment from land that is—

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

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

“(II) not selected, or relinquished after selection, under section 11(a)(3);

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

“(iii) vacant, unappropriated, and unreserved; and

“(C) not a unit of the National Park System, a National Preserve, or a National Monument.”; and
(C) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

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

(B) by striking paragraph (2) and inserting the following:

“(2) Deceased persons.—If an individual who would otherwise have been eligible for an allotment under this section dies before applying for an allotment, an heir of the person may apply for, and receive, an allotment under this section, on behalf of the estate of the person.”; and

(C) by striking paragraph (3) and inserting the following:

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

“(A) an heir who applies for, and receives, an allotment on behalf of the estate of a deceased person under paragraph (2); and
“(B) a person who, prior to the date on which the Secretary promulgates regulations pursuant to section 4 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 December 31, 2020, 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.

“(2) NOTIFICATION.—Not later than December 31, 2017, on receipt of an application for an allot-
ment under this section, the Secretary shall provide
to any person or entity that has an interest in land
described in subsection (a)(2) that is potentially ad-
verse to the interest of the applicant a notice of the
right of the person or entity, by not later than 90
days after the date of receipt of the notice—

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

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

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

“(e) RESELECTION.—A person that selected an allot-
ment under this section may withdraw that selection and
reselect land in accordance with this section after the date
of enactment of the Alaska Native Veterans Land Allotment
Equity Act, if the land originally selected—
“(1) was selected before the date of enactment of the Alaska Native Veterans Land Allotment Equity Act; and

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

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

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

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

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

SEC. 4. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall promulgate, after consultation with Alaska Native organizations, final regulations to carry out the amendments made by this Act. During the consultation process, the Secretary shall, in coordination with Alaska Native organizations and to the greatest extent possible, identify persons who are eligible to receive an allotment under section 3 of this Act. Upon promulgation of the final regulations, the Secretary shall contact each of these persons directly to provide an explanation
of the process by which the person may apply for an allotment under section 3 of this Act.
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H. R. 2387

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