

Union Calendar No. 653

114TH CONGRESS
2^D SESSION

H. R. 2387

[Report No. 114–832]

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.

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 Veterans*
 5 *Land Allotment Equity Act”.*

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

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

10 *(1) by striking “(a) No Native” and inserting*
 11 *the following:*

12 “(a) *REVOCATION.*—

13 “(1) *IN GENERAL.*—*No Native*”;

14 “(2) in the second sentence, by striking “*Further,*
 15 *the*” and inserting the following:

16 “(2) *REPEAL.*—*The*”;

17 “(3) in the third sentence, by striking “*Notwith-*
 18 *standing the foregoing provisions of this section, any*”
 19 *and inserting the following:*

20 “(3) *APPLICATIONS FOR ALLOTMENT.*—

21 “(A) *IN GENERAL.*—*Notwithstanding para-*
 22 *graphs (1) and (2), any*”; and

23 “(4) in paragraph (3) (as designated by para-

24 *graph (3)), by adding at the end the following:*

1 “(B) *CERTAIN APPLICATIONS APPROVED.*—
2 *Any allotment application pending before the*
3 *Department of the Interior on December 18,*
4 *1971, that was closed by the Department pursu-*
5 *ant to the civil action styled ‘Shields v. United*
6 *States’ (698 F.2d 987 (9th Cir. 1983), cert. de-*
7 *nied (104 S. Ct. 73 (1983))) shall be reopened*
8 *and considered to be approved pursuant to this*
9 *paragraph.”.*

10 **SEC. 3. OPEN SEASON FOR CERTAIN ALASKA NATIVE VET-**
11 **ERANS FOR ALLOTMENTS.**

12 *Section 41 of the Alaska Native Claims Settlement Act*
13 *(43 U.S.C. 1629g) is amended—*

14 *(1) in subsection (a)—*

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

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

20 *“(1) ALLOTMENTS.—*

21 *“(A) ELIGIBLE RECIPIENTS.—Any person*
22 *described in paragraph (1) or (2) of subsection*
23 *(b) shall be eligible to receive an allotment under*
24 *the Act of May 17, 1906 (34 Stat. 197, chapter*
25 *2469) (as in effect before December 18, 1971), of*

1 *not more than 2 parcels of Federal land, the*
2 *total area of which shall not exceed 160 acres.*
3 *Any person described in paragraph (1) and (2)*
4 *of subsection (b) who, prior to the date on which*
5 *the Secretary promulgates regulations pursuant*
6 *to section 4 of the Alaska Native Veterans Land*
7 *Allotment Equity Act, received an allotment that*
8 *has a total area of less than 160 acres shall be*
9 *eligible to receive an allotment under the Act of*
10 *May 17, 1906 (34 Stat. 197, chapter 2469) (as*
11 *in effect before December 18, 1971), of not more*
12 *than 1 parcel of Federal land, the total area of*
13 *which shall not exceed the difference in acres be-*
14 *tween 160 acres and the total area of the allot-*
15 *ment that the person previously received under*
16 *the Act.*

17 “(B) *FILING DEADLINE.*—*An allotment*
18 *shall be filed for an eligible recipient not later*
19 *than 3 years after the date on which the Sec-*
20 *retary promulgates regulations pursuant to sec-*
21 *tion 4 of the Alaska Native Veterans Land Allot-*
22 *ment Equity Act.*

23 “(2) *LAND AVAILABLE FOR ALLOTMENTS.*—

1 “(A) *IN GENERAL.*—Subject to subpara-
 2 graph (C), an allotment under this section shall
 3 be selected from land that is—

4 “(i)(I) *vacant; and*

5 “(II) *owned by the United States;*

6 “(ii) *selected by, or conveyed to, the*
 7 *State of Alaska, if the State voluntarily re-*
 8 *linquishes or conveys to the United States*
 9 *the land for the allotment; or*

10 “(iii) *selected by, or conveyed to, a Na-*
 11 *tive Corporation, if the Native Corporation*
 12 *voluntarily relinquishes or conveys to the*
 13 *United States the land for the allotment.*

14 “(B) *RELINQUISHMENT BY NATIVE COR-*
 15 *PORATION.*—If a Native Corporation relinquishes
 16 land under subparagraph (A)(iii), the Native
 17 Corporation may select appropriate Federal
 18 land, as determined by the Secretary, the area of
 19 which is equal to the area of the land relin-
 20 quished by the Native Corporation, to replace the
 21 relinquished land.

22 “(C) *EXCLUSIONS.*—An allotment under
 23 this section shall not be selected from land that
 24 is located within—

1 “(i) a right-of-way of the TransAlaska
2 Pipeline;

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

5 “(iii) a unit of the National Park Sys-
6 tem, a National Preserve, or a National
7 Monument.

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

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

15 “(B)(i)(I) withdrawn under section
16 11(a)(1)(C); and

17 “(II) not selected, or relinquished after selec-
18 tion, under section 11(a)(3);

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

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

23 “(C) not a unit of the National Park Sys-
24 tem, a National Preserve, or a National Monu-
25 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 period
7 beginning on August 5, 1964, and ending on May 7,
8 1975.”;

9 (B) by striking paragraph (2) and inserting
10 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 inserting
18 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 this
22 section, other than—

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

1 “(B) a person who, prior to the date on
 2 which the Secretary promulgates regulations
 3 pursuant to section 4 of the Alaska Native Vet-
 4 erans Land Allotment Equity Act, received an
 5 allotment under the Act of May 17, 1906 (34
 6 Stat. 197, chapter 2469), that has a total area
 7 of less than 160 acres.”;

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

10 (4) by inserting after subsection (c) the fol-
 11 lowing:

12 “(d) *APPROVAL OF ALLOTMENTS.*—

13 “(1) *IN GENERAL.*—Subject to any valid right in
 14 existence on the date of enactment of the Alaska Na-
 15 tive Veterans Land Allotment Equity Act, and except
 16 as provided in paragraph (3), not later than Decem-
 17 ber 31, 2020, the Secretary shall—

18 “(A) approve any application for an allot-
 19 ment filed in accordance with subsection (a);
 20 and

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

24 “(2) *NOTIFICATION.*—Not later than December
 25 31, 2017, on receipt of an application for an allot-

1 *ment under this section, the Secretary shall provide*
2 *to any person or entity that has an interest in land*
3 *described in subsection (a)(2) that is potentially ad-*
4 *verse to the interest of the applicant a notice of the*
5 *right of the person or entity, by not later than 90*
6 *days after the date of receipt of the notice—*

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

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

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

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

1 “(1) was selected before the date of enactment of
2 the Alaska Native Veterans Land Allotment Equity
3 Act; and

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

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

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

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

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

15 **SEC. 4. REGULATIONS.**

16 Not later than 1 year after the date of enactment of
17 this Act, the Secretary of the Interior shall promulgate,
18 after consultation with Alaska Native organizations, final
19 regulations to carry out the amendments made by this Act.
20 During the consultation process, the Secretary shall, in co-
21 ordination with Alaska Native organizations and to the
22 greatest extent possible, identify persons who are eligible to
23 receive an allotment under section 3 of this Act. Upon pro-
24 mulgation of the final regulations, the Secretary shall con-
25 tact each of these persons directly to provide an explanation

- 1 *of the process by which the person may apply for an allot-*
- 2 *ment under section 3 of this Act.*

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