

114TH CONGRESS
1ST SESSION

S. 1955

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

AUGUST 5, 2015

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 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. 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—

1 (1) by striking “(a) No Native” and inserting
 2 the following:

3 “(a) REVOCATION.—

4 “(1) IN GENERAL.—No Native”;

5 (2) in the second sentence, by striking “Fur-
 6 ther, the” and inserting the following:

7 “(2) REPEAL.—The”;

8 (3) in the third sentence, by striking “Notwith-
 9 standing the foregoing provisions of this section,
 10 any” and inserting the following:

11 “(3) APPLICATIONS FOR ALLOTMENT.—

12 “(A) IN GENERAL.—Notwithstanding
 13 paragraphs (1) and (2), any”; and

14 (4) in paragraph (3) (as designated by para-
 15 graph (3)), by adding at the end the following:

16 “(B) CERTAIN APPLICATIONS AP-
 17 PROVED.—Any allotment application pending
 18 before the Department of the Interior on De-
 19 cember 18, 1971, that was closed by the De-
 20 partment pursuant to the civil action styled
 21 ‘Shields v. United States’ (698 F.2d 987 (9th
 22 Cir. 1983), cert. denied (104 S. Ct. 73 (1983)))
 23 shall be reopened and considered to be approved
 24 pursuant to this paragraph.”.

1 **SEC. 3. OPEN SEASON FOR CERTAIN ALASKA NATIVE VET-**
 2 **ERANS FOR ALLOTMENTS.**

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

5 (1) in subsection (a)—

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

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

11 “(1) ALLOTMENTS.—

12 “(A) ELIGIBLE RECIPIENTS.—Any person
 13 described in paragraph (1) or (2) of subsection
 14 (b) shall be eligible to receive an allotment
 15 under the Act of May 17, 1906 (34 Stat. 197,
 16 chapter 2469) (as in effect before December 18,
 17 1971), of not more than 2 parcels of Federal
 18 land, the total area of which shall not exceed
 19 160 acres.

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

26 “(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—

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

3 “(ii) an inner or outer corridor of
4 such 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
9 described in paragraph (1) or (2) of subsection (b)
10 who qualifies for an allotment under this section on
11 land described in paragraph (2)(C) may select an al-
12 ternative 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 se-
18 lection, 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 insert-
10 ing the following:

11 “(2) DECEASED INDIVIDUALS.—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 individual may apply for,
15 and receive, an allotment under this section, on be-
16 half of the estate of the individual.”; and

17 (C) in paragraph (3), by inserting before
18 the period at the end the following: “, other
19 than an heir who applies for, and receives, an
20 allotment on behalf of the estate of a deceased
21 individual under paragraph (2)”;

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

24 (4) by inserting after subsection (c) the fol-
25 lowing:

1 “(d) APPROVAL OF ALLOTMENTS.—

2 “(1) IN GENERAL.—Subject to any valid right
3 in existence on the date of enactment of the Alaska
4 Native Veterans Land Allotment Equity Act, and ex-
5 cept as provided in paragraph (3), not later than
6 December 31, 2020, the Secretary shall—

7 “(A) approve any application for an allot-
8 ment filed in accordance with subsection (a);
9 and

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

13 “(2) NOTIFICATION.—Not later than December
14 31, 2017, on receipt of an application for an allot-
15 ment under this section, the Secretary shall provide
16 to any person or entity that has an interest in land
17 described in subsection (a)(2) that is potentially ad-
18 verse to the interest of the applicant a notice of the
19 right of the person or entity, by not later than 90
20 days after the date of receipt of the notice—

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

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

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

8 “(e) RESELECTION.—A person that selected an allot-
 9 ment under this section may withdraw that selection and
 10 reselect land in accordance with this section after the date
 11 of enactment of the Alaska Native Veterans Land Allot-
 12 ment Equity Act, if the land originally selected—

13 “(1) was selected before the date of enactment
 14 of the Alaska Native Veterans Land Allotment Eq-
 15 uity Act; and

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

18 **SEC. 4. REGULATIONS.**

19 Not later than 1 year after the date of enactment
 20 of this Act, the Secretary of the Interior shall promulgate
 21 final regulations to carry out the amendments made by
 22 this Act.

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