

2469, 34 Stat. 197, which was classified to sections 270-1 to 270-3 of this title prior to its repeal by Pub. L. 92-203, § 18(a), Dec. 18, 1971, 85 Stat. 710.

The Alaska Statehood Act, referred to in subsec. (a)(3)(B), is Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2004—Subsec. (b)(1)(A). Pub. L. 108-452, § 306(1), inserted before semicolon at end “(except that the term ‘nonmineral’, as used in that Act, shall for the purpose of this subsection be defined as provided in section 1634(a)(3) of this title, except that such definition shall not apply to land within a conservation system unit)”.

Subsec. (b)(2). Pub. L. 108-452, § 306(2), designated existing provisions as subpar. (A), redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (A), inserted “or based on other evidence acceptable to the Secretary” after “Department of Veterans Affairs” in cl. (ii), and added subpar. (B).

2000—Subsec. (a)(3)(I)(4). Pub. L. 106-559, § 301(1), substituted “or” for “and Reindeer”.

Subsec. (a)(4)(B). Pub. L. 106-559, § 301(2), substituted “; or” for “; and” at end.

Subsec. (b)(1)(B)(i). Pub. L. 106-559, § 301(3), substituted “December 31” for “June 2”.

Subsec. (b)(2). Pub. L. 106-559, § 301(4), inserted introductory provisions and struck out former introductory provisions which read as follows: “The personal representative of the estate of a decedent who was eligible under subsection (b)(1) of this section may, for the benefit of the heirs, select an allotment if, during the period specified in subsection (b)(1)(B) of this section, the decedent—”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 1629g-1. Alaska Native Vietnam era veterans land allotment

(a) Definitions

In this section:

(1) Available Federal land

(A) In general

The term “available Federal land” means Federal land in the State that—

(i) is vacant, unappropriated, and unreserved and is identified as available for selection under subsection (b)(5); or

(ii) has been selected by, but not yet conveyed to—

(I) the State, if the State agrees to voluntarily relinquish the selection of the Federal land for selection by an eligible individual; or

(II) a Regional Corporation or a Village Corporation, if the Regional Corporation or Village Corporation agrees to voluntarily relinquish the selection of the Federal land for selection by an eligible individual.

(B) Exclusions

The term “available Federal land” does not include any Federal land in the State that is—

(i)(I) a right-of-way of the TransAlaska Pipeline; or

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

(ii) withdrawn or acquired for purposes of the Armed Forces;

(iii) under review for a pending right-of-way for a natural gas corridor;

(iv) within the Arctic National Wildlife Refuge;

(v) within a unit of the National Forest System;

(vi) designated as wilderness by Congress;

(vii) within a unit of the National Park System, a National Preserve, or a National Monument;

(viii) within a component of the National Trails System;

(ix) within a component of the National Wild and Scenic Rivers System; or

(x) within the National Petroleum Reserve-Alaska.

(2) Eligible individual

The term “eligible individual” means an individual who, as determined by the Secretary in accordance with subsection (c)(1), is—

(A) a Native veteran—

(i) who served in the Armed Forces during the period between August 5, 1964, and December 31, 1971; and

(ii) has not received an allotment made pursuant to—

(I) the Act of May 17, 1906 (34 Stat. 197, chapter 2469) (as in effect on December 17, 1971);

(II) section 1613(h)(5) of this title; or

(III) section 1629g of this title; or

(B) is¹ the personal representative of the estate of a deceased eligible individual described in subparagraph (A), who has been duly appointed in the appropriate Alaska State court or a registrar has qualified, acting for the benefit of the heirs of the estate of a deceased eligible individual described in subparagraph (A).

(3) Native; Regional Corporation; Village Corporation

The terms “Native”, “Regional Corporation”, and “Village Corporation” have the meanings given those terms in section 1602 of this title.

(4) State

The term “State” means the State of Alaska.

(5) Veteran

The term “veteran” has the meaning given the term in section 101 of title 38.

(b) Allotments for eligible individuals

(1) Information to determine eligibility

(A) In general

Not later than 180 days after March 12, 2019, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall provide to the Secretary a list of all members of the Armed Forces who served

¹ So in original. The word “is” probably should not appear.

during the period between August 5, 1964, and December 31, 1971.

(B) Use

The Secretary shall use the information provided under subparagraph (A) to determine whether an individual meets the military service requirements under subsection (a)(2)(A)(i).

(C) Outreach and assistance

The Secretary, in coordination with the Secretary of Veterans Affairs, shall conduct outreach, and provide assistance in applying for allotments, to eligible individuals.

(2) Regulations

Not later than 18 months after March 12, 2019, the Secretary shall promulgate regulations to carry out this subsection.

(3) Selection by eligible individuals

(A) In general

An eligible individual—

(i) may select 1 parcel of not less than 2.5 acres and not more than 160 acres of available Federal land; and

(ii) on making a selection pursuant to clause (i), shall submit to the Secretary an allotment selection application for the applicable parcel of available Federal land.

(B) Selection period

An eligible individual may apply for an allotment during the 5-year period beginning on the effective date of the final regulations issued under paragraph (2).

(4) Conflicting selections

If 2 or more eligible individuals submit to the Secretary an allotment selection application under paragraph (3)(A)(ii) for the same parcel of available Federal land, the Secretary shall—

(A) give preference to the selection application received on the earliest date; and

(B) provide to each eligible individual the selection application of whom is rejected under subparagraph (A) an opportunity to select a substitute parcel of available Federal land.

(5) Identification of available Federal land administered by the Bureau of Land Management

(A) In general

Not later than 1 year after March 12, 2019, the Secretary, in consultation with the State, Regional Corporations, and Village Corporations, shall identify Federal land administered by the Bureau of Land Management as available Federal land for allotment selection in the State by eligible individuals.

(B) Certification; survey

The Secretary shall—

(i) certify that the available Federal land identified under subparagraph (A) is free of known contamination; and

(ii) survey the available Federal land identified under subparagraph (A) into aliquot parts and lots, segregating all navigable and meanderable waters and land not available for allotment selection.

(C) Maps

As soon as practicable after the date on which available Federal land is identified under subparagraph (A), the Secretary shall submit to Congress, and publish in the Federal Register, 1 or more maps depicting the identified available Federal land.

(D) Conveyances

Any available Federal land conveyed to an eligible individual under this paragraph shall be subject to—

(i) valid existing rights; and

(ii) the reservation of minerals to the United States.

(E) Intent of Congress

It is the intent of Congress that not later than 1 year after the date on which an eligible individual submits an allotment selection application for available Federal land that meets the requirements of this section, as determined by the Secretary, the Secretary shall issue to the eligible individual a certificate of allotment with respect to the available Federal land covered by the allotment selection application, subject to the requirements of subparagraph (D).

(c) Identification of available Federal land in units of the National Wildlife Refuge System

(1) Report

Not later than 1 year after March 12, 2019, the Secretary shall—

(A) conduct a study to determine whether any additional Federal lands within units of the National Wildlife Refuge System in the State should be made available for allotment selection; and

(B) report the findings and conclusions of the study to Congress.

(2) Content of the report

The Secretary shall include in the report required under paragraph (1)—

(A) the Secretary's determination whether Federal lands within units of the National Wildlife Refuge System in the State should be made available for allotment selection by eligible individuals; and

(B) identification of the specific areas (including maps) within units of the National Wildlife Refuge System in the State that the Secretary determines should be made available, consistent with the mission of the National Wildlife Refuge System and the specific purposes for which the unit was established, and this subsection.

(3) Factors to be considered

In determining whether Federal lands within units of the National Wildlife Refuge System in the State should be made available under paragraph (1)(A), the Secretary shall take into account—

(A) the proximity of the Federal land made available for allotment selection under subsection (b)(5) to eligible individuals;

(B) the proximity of the units of the National Wildlife Refuge System in the State to eligible individuals; and

(C) the amount of additional Federal land within units of the National Wildlife Refuge

System in the State that the Secretary estimates would be necessary to make allotments available for selection by eligible individuals.

(4) Identifying Federal land in units of the National Wildlife Refuge System

In identifying whether Federal lands within units of the National Wildlife Refuge System in the State should be made available for allotment under paragraph (2)(B), the Secretary shall not identify any Federal land in a unit of the National Wildlife Refuge System—

(A) the conveyance of which, independently or as part of a group of allotments—

(i) could significantly interfere with biological, physical, cultural, scenic, recreational, natural quiet, or subsistence values of the unit of the National Wildlife Refuge System;

(ii) could obstruct access by the public or the Fish and Wildlife Service to the resource values of the unit;

(iii) could trigger development or future uses in an area that would adversely affect resource values of the surrounding National Wildlife Refuge System land;

(iv) could open an area of a unit to new access and uses that adversely affect resource values of the unit; or

(v) could interfere with the management plan of the unit;

(B) that is located within 300 feet from the shore of a navigable water body;

(C) that is not consistent with the purposes for which the unit of the National Wildlife Refuge System was established;

(D) that is designated as wilderness by Congress; or

(E) that is within the Arctic National Wildlife Refuge.

(d) Limitation

No Federal land may be identified for selection or made available for allotment within a unit of the National Wildlife Refuge System unless it has been authorized by an Act of Congress subsequent to March 12, 2019. Further, any proposed conveyance of land within a unit of the National Wildlife Refuge System must have been identified by the Secretary in accordance with subsection (c)(4) in the report to Congress required by subsection (c) and include patent provisions that the land remains subject to the laws and regulations governing the use and development of the Refuge.

(Pub. L. 116-9, title I, §1119, Mar. 12, 2019, 133 Stat. 630.)

Editorial Notes

REFERENCES IN TEXT

Act of May 17, 1906, as in effect on December 17, 1971, referred to in subsec. (a)(2)(A)(ii)(I), means act May 17, 1906, ch. 2469, 34 Stat. 197, which was classified to sections 270-1 to 270-3 of this title prior to its repeal by Pub. L. 92-203, §18(a), Dec. 18, 1971, 85 Stat. 710.

CODIFICATION

Section was enacted as part of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, and not as part of the Alaska Native Claims Settlement Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

“Secretary” means the Secretary of the Interior, see section 2 of Pub. L. 116-9, set out as a note under section 1 of Title 16, Conservation.

§ 1629h. Kake Tribal Corporation land transfer

(a) In general

If—

(1) the State of Alaska relinquishes its selection rights under the Alaska Statehood Act (Public Law 85-508) to lands described in subsection (c)(2) of this section; and

(2) Kake Tribal Corporation and Sealaska Corporation convey all right, title, and interest to lands described in subsection (c)(1) to the City of Kake, Alaska,

then the Secretary of Agriculture (hereinafter referred to as “Secretary”) shall, not later than 180 days thereafter, convey to Kake Tribal Corporation title to the surface estate in the land identified in subsection (c)(2) of this section, and convey to Sealaska Corporation title to the subsurface estate in such land.

(b) Effect on selection totals

(1) Of the lands to which the State of Alaska relinquishes selection rights and which are conveyed to the City of Kake pursuant to subsection (a), 694.5 acres shall be charged against lands to be selected by the State of Alaska under section 6(a) of the Alaska Statehood Act and 694.5 acres against lands to be selected by the State of Alaska under section 6(b) of the Alaska Statehood Act.

(2) The land conveyed to Kake Tribal Corporation and to Sealaska Corporation under this section is, for all purposes, considered to be land conveyed under this chapter. However, the conveyance of such land to Kake Tribal Corporation shall not count against or otherwise affect the Corporation’s remaining entitlement under section 1615(b) of this title.

(c) Lands subject to exchange

(1) The lands to be transferred to the City of Kake under subsection (a) are the surface and subsurface estate to approximately 1,430 acres of land owned by Kake Tribal Corporation and Sealaska Corporation, and depicted as “KTC Land to City of Kake” on the map entitled “Kake Land Exchange-2000”, dated May 2000.

(2) The lands subject to relinquishment by the State of Alaska and to conveyance to Kake Tribal Corporation and Sealaska Corporation under subsection (a) are the surface and subsurface estate to approximately 1,389 acres of Federal lands depicted as “Jenny Creek-Land Selected by the State of Alaska to KTC” on the map entitled “Kake Land Exchange-2000”, dated May 2000.

(3) In addition to the transfers authorized under subsection (a), the Secretary may acquire from Sealaska Corporation the subsurface estate to approximately 1,127 acres of land depicted as “KTC Land-Conservation Easement to SEAL Trust” on the map entitled “Kake Land Exchange-2000”, dated May 2000, through a land exchange for the subsurface estate to approximately 1,168 acres of Federal land in southeast