

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.

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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

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## 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

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

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

11 “(C) FILING DEADLINE.—An allotment  
 12 shall be filed for an eligible recipient not later  
 13 than 3 years after the date on which the Sec-  
 14 retary promulgates regulations pursuant to sec-  
 15 tion 3 of the Alaska Native Veterans Land Al-  
 16 lotment Equity Act.

17 “(2) LAND AVAILABLE FOR ALLOTMENTS.—

18 “(A) IN GENERAL.—Subject to subpara-  
 19 graph (C), an allotment under this section shall  
 20 be selected from land that is—

21 “(i)(I) vacant; and

22 “(II) owned by the United States;

23 “(ii) selected by, or conveyed to, the  
 24 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

1           “(B) a person who, prior to the date on  
2           which the Secretary promulgates regulations  
3           pursuant to section 3 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  
14                 in existence on the date of enactment of the Alaska  
15                 Native Veterans Land Allotment Equity Act, and ex-  
16                 cept as provided in paragraph (3), not later than 5  
17                 years after the date of the enactment of the Alaska  
18                 Native Veterans Land Allotment Equity Act, the  
19                 Secretary shall—

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

23                         “(B) issue a certificate of allotment under  
24                         such terms, conditions, and restrictions as the  
25                         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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