

# STATE OF ALASKA THE LEGISLATURE

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Resolve No.  
37



Urging the United States Congress to pass legislation amending the Alaska Native Vietnam Veterans Allotment Act to allow deserving veterans to obtain allotments of vacant land within the State of Alaska; and to reopen and legislatively approve allotments in the Tongass National Forest.

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## BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

**WHEREAS**, since 1906, Alaska Natives have had the right to obtain allotments of land under the Alaska Native Allotment Act that was repealed in 1971 by the Alaska Native Claims Settlement Act, but with a saving clause for pending applications; and

**WHEREAS**, before the 1971 repeal of the Alaska Native Allotment Act, few allotment applications had been filed or approved because most rural Alaska Natives did not learn of the opportunity for an allotment until 1970 when the federal government initiated an effort to inform and assist potential allotment applicants; and

**WHEREAS** many Alaska Native Vietnam era veterans did not have the opportunity to apply for allotments before the Alaska Native Allotment Act was repealed because they were serving in the military before, during, and after the period when the government

informed Alaska Natives about the opportunity for allotments; and

**WHEREAS** the United States Congress enacted 43 U.S.C. 1629g, commonly referred to as the Alaska Native Vietnam Veterans Allotment Act, in 1998 to allow certain veterans a chance to apply for allotments, but the numerous restrictions in this Act, restrictions that were not in the Alaska Native Allotment Act, have unfairly disqualified the majority of the applications filed and discouraged many from applying; and

**WHEREAS** amendments to the Alaska Native Vietnam Veterans Allotment Act that provide a fair opportunity for Alaska Native Vietnam veterans to obtain allotments were previously introduced in the United States Congress to remove many of the obstacles preventing Alaska Native Vietnam veterans from obtaining an allotment; and

**WHEREAS** basic justice will also be served by the Congress's enacting legislation that will allow approximately 300 allotment cases closed under the federal court decision in *Shields v. United States*, 698 F.2d 987 (9 Cir., 1983), to be reopened and approved; and

**WHEREAS**, given that land in Southeast Alaska was withdrawn for the Tongass National Forest by 1909 and that allotment applications are required to "use" land claimed for an allotment before that land was withdrawn has resulted in an unfair distribution of allotments statewide, with few in Southeast Alaska; and

**WHEREAS** the federal court, in *Shields v. United States*, decided that the "use" requirement meant the applicant's personal use of the land before it was withdrawn, not use by the applicant's ancestors; and

**WHEREAS** the Congress did not define the word "use" in the Alaska Native Allotment Act but could do so now by legislation that defines "use" to include ancestral use, which would be applicable to those allotments in Southeast Alaska closed under the decision in *Shields v. United States*;

**BE IT RESOLVED** by the Alaska State Legislature that the United States Congress is urged to pass legislation that amends the Alaska Native Vietnam Veterans Allotment Act to allow a fair opportunity for Alaska Native Vietnam veterans to obtain allotments; and be it

**FURTHER RESOLVED** that the United States Congress is urged to enact legislation that would reopen and legislatively approve allotments in the Tongass National Forest that were closed under the decision in *Shields v. United States*.

**COPIES** of this resolution shall be sent to the Honorable Pete Domenici, Chair of the

U.S. Senate Committee on Energy and Natural Resources; the Honorable Richard Pombo, Chair of the U.S. House Committee on Resources; and the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.