

**HOUSE JOINT RESOLUTION NO. 27**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES COGHILL, Gruenberg, Thomas, Guttenberg

Introduced: 1/18/06

Referred: House Special Committee on Military and Veterans' Affairs, State Affairs

**A RESOLUTION**

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

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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7 land under the Alaska Native Allotment Act that was repealed in 1971 by the Alaska Native  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

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

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14 to apply for allotments before the Alaska Native Allotment Act was repealed because they  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

1 informed Alaska Natives about the opportunity for allotments; and

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

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

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

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

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

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

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

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

31 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President

1 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States  
2 and President of the U.S. Senate; the Honorable Gale Norton, United States Secretary of the  
3 Interior; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the  
4 Honorable Bill Frist, Majority Leader of the U.S. Senate; the Honorable Ted Stevens and the  
5 Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S.  
6 Representative, members of the Alaska delegation in Congress; and all other members of the  
7 109th United States Congress.