

HJR

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ALASKA STATE HOUSE OF REPRESENTATIVES

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REPRESENTATIVE JOHN COGHILL

HJR 27

"The Alaska Native Vietnam Veterans Allotment Act"

SPONSOR STATEMENT

This Act urges Congress to reopen the legislatively approved allotments in the Tongass National Forest, which were closed under the court case, *Shiel v. United States*.

This Act also urges Congress to amend the Alaska Native Vietnam Veterans Allotment Act to give a fair opportunity to obtain allotments.

My reason for introducing this resolution is twofold.

First, a promise made to Natives from 1906 through 1998 that allotments were going to be offered under certain circumstances has not been fulfilled. The slow, cumbersome, and unwilling behavior of the federal government to perform on legitimate claims filed properly by people who have watched family members die while the government would not act cannot go unchecked.

Secondly, land that should be in private hands has been kept for government purposes only. This is a matter of fairness that has too long been unresolved for the Natives of Alaska. Applications have been lost, denied, sat on for decades, and finally the repealing of the Act in 1971 was swift and confusing because of the last ditch efforts by the federal government to inform people of their opportunity.

The reopening of the Act in 1998 did allow certain Vietnam Veterans to apply for allotments, giving some credibility to the argument that the last year was confusing. However, the restrictions on the reopening were unfair and very difficult for applicants. We simply ask Congress to give a fair opportunity to revisit a reopening only possible through legislation.

(24-LS1543/A)

109TH CONGRESS
1ST SESSION

H. R. 1811

To amend the Alaska Native Claims Settlement Act to provide for equitable allotment of lands to Alaska Native veterans.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2005

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Alaska Native Claims Settlement Act to provide for equitable allotment of lands 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. AMENDMENT TO ALLOW CERTAIN ALASKA NATIVE**
7 **VETERAN LAND ALLOTMENTS.**

8 Section 41 of the Alaska Native Claims Settlement
9 Act (43 U.S.C. 1629g) is amended as follows:

1 (1) Paragraphs (1) and (2) of subsection (a)
2 are amended to read as follows: “(1) The period for
3 filing allotments under this Act shall end 3 years
4 after the Secretary issues final regulations under
5 section 3 of the Alaska Native Veterans Land Allot-
6 ment Equity Act. A person described in paragraph
7 (1) or (2) of subsection (b) shall be eligible for an
8 allotment of not more than two parcels of Federal
9 land totaling 160 acres or less.

10 “(2)(A) Allotments may be selected from the fol-
11 lowing:

12 “(i) Vacant lands that are owned by the United
13 States;

14 “(ii) Lands that have been selected or conveyed
15 to the State of Alaska if the State voluntarily relin-
16 quishes or conveys to the United States the land for
17 the allotment.

18 “(iii) Lands that have been selected or conveyed
19 to a Native Corporation if the Native Corporation
20 voluntarily relinquishes or conveys to the United
21 States the land for the allotment.

22 “(B) A Native Corporation may select an equal
23 amount of acres of appropriate Federal land within the
24 State of Alaska to replace lands voluntarily relinquished

1 or conveyed by that Native Corporation under subpara-
2 graph (A)(iii).

3 “(C) For security reasons, allotments may not be se-
4 lected from—

5 “(i) lands within the right-of-way granted for
6 the TransAlaska Pipeline; or

7 “(ii) the inner or outer corridor of that right-
8 of-way withdrawal.”.

9 (2) Subsection (a)(3) is repealed.

10 (3) In subsection (b)(1), strike “A person” and
11 insert “Except as provided in paragraph (3), a per-
12 son”.

13 (4) Subsection (b)(1)(B) is amended to read as
14 follows:

15 “(B) is a veteran who served during the period
16 between August 5, 1964, and May 7, 1975, includ-
17 ing such dates.”.

18 (5) Subsection (b)(2) is amended to read as fol-
19 lows:

20 “(2) If an individual who would otherwise have been
21 eligible for an allotment dies before applying for the allot-
22 ment, an heir on behalf of the estate of the deceased vet-
23 eran may apply for and receive the allotment.”.

24 (6) In subsection (b)(3), insert before the pe-
25 riod the following: “, except for an heir who applies

1 and receives an allotment on behalf of the estate of
2 a deceased veteran pursuant to paragraph (2)''.

3 (7) Subsection (e) is amended to read as fol-
4 lows:

5 ''(e) REGULATIONS.—All regulations in effect imme-
6 diately before the enactment of subsection (f) that were
7 promulgated under the authority of this section shall be
8 repealed in accordance with section 552(a)(1)(E) of the
9 Administrative Procedure Act (5 U.S.C. 552(a)(1)(E))''.

10 (8) Add at the end the following new sub-
11 sections:

12 ''(f) APPROVAL OF ALLOTMENTS.—(1) Subject to
13 valid existing rights, and except as otherwise provided in
14 this subsection, not later than January 31, 2010, the Sec-
15 retary shall approve an application for allotments filed in
16 accordance with subsection (a) and issue a certificate of
17 allotment which shall be subject to the same terms, condi-
18 tions, restrictions, and protections provided for such allot-
19 ments.

20 ''(2) Upon receipt of an allotment application, but in
21 any event not later than October 31, 2007, the Secretary
22 shall notify any person or entity having an interest in land
23 potentially adverse to the applicant of their right to ini-
24 tiate a private contest or file a protest under existing Fed-
25 eral regulations.

1 “(3) Not later than January 31, 2008, the Secretary
2 shall—

3 “(A) if no contest or protest is timely filed, ap-
4 prove the application pursuant to paragraph (1); or

5 “(B) if a contest or protest is timely filed, stay
6 the issuance of the certificate of allotment until the
7 contest or protest has been decided.

8 “(g) RESELECTION.—A person who made an allot-
9 ment selection under this section before the date of the
10 enactment of Alaska Native Veterans Land Allotment Eq-
11 uity Act may withdraw that selection and reselect lands
12 under this section if the lands originally selected were not
13 conveyed to that person before the date of the enactment
14 of Alaska Native Veterans Land Allotment Equity Act.”.

15 **SEC. 3. REGULATIONS.**

16 Not later than 1 year after the date of the enactment
17 of this Act, the Secretary of the Interior shall issue final
18 regulations to implement the amendments made by this
19 Act.

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109TH CONGRESS
1ST SESSION

S. 2000

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

NOVEMBER 10, 2005

Ms. MURKOWSKI (for herself and Mr. STEVENS) 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 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), of not more than 2 parcels of
13 Federal land, the total area of which shall not
14 exceed 160 acres.

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

21 “(2) LAND AVAILABLE FOR ALLOTMENTS.—

22 “(A) IN GENERAL.—An allotment under
23 this section shall be selected from land that
24 is—

25 “(i)(I) vacant; and

1 “(II) owned by the United States;

2 “(ii) selected by, or conveyed to, the
3 State of Alaska, if the State voluntarily re-
4 linquishes or conveys to the United States
5 the land for the allotment; or

6 “(iii) selected by, or conveyed to, a
7 Native Corporation, if the Native Corpora-
8 tion voluntarily relinquishes or conveys to
9 the United States the land for the allot-
10 ment.

11 “(B) RELINQUISHMENT BY NATIVE COR-
12 PORATION.—If a Native Corporation relin-
13 quishes land under subparagraph (A)(iii), the
14 Native Corporation may select appropriate Fed-
15 eral land, as determined by the Secretary, the
16 area of which is equal to the area of the land
17 relinquished by the Native Corporation, to re-
18 place the relinquished land.

19 “(C) EXCLUSIONS.—An allotment under
20 this section shall not be selected from land that
21 is located within—

22 “(i) a right-of-way of the TransAlaska
23 Pipeline; or

24 “(ii) an inner or outer corridor of
25 such a right-of-way.

1 “(3) ALTERNATIVE ALLOTMENTS.—A person
2 described in paragraph (1) or (2) of subsection (b)
3 who qualifies for an allotment under this section on
4 land described in paragraph (2)(C) may select an al-
5 ternative allotment from land that is—

6 “(A) located within the boundaries land
7 described in paragraph (2)(C); and

8 “(B)(i)(I) withdrawn under section
9 11(a)(1)(C); and

10 “(II) not selected, or relinquished after se-
11 lection, under section 11(a)(3);

12 “(ii) contiguous to an outer boundary of
13 land withdrawn under section 11(a)(1)(C), un-
14 less that land is within a National Park; or

15 “(iii) vacant, unappropriated, and unre-
16 served.”; and

17 (C) by redesignating paragraphs (5) and
18 (6) as paragraphs (4) and (5), respectively;
19 (2) in subsection (b)—

20 (A) in paragraph (1), by striking subpara-
21 graph (B) and inserting the following:

22 “(B) is a veteran who served during the period
23 beginning August 5, 1964, and ending May 7,
24 1975.”;

1 (B) by striking paragraph (2) and insert-
2 ing the following:

3 “(2) DECEASED INDIVIDUALS.—If an individual
4 who would otherwise have been eligible for an allot-
5 ment under this section dies before applying for an
6 allotment, an heir of the individual may apply for,
7 and receive, an allotment under this section, on be-
8 half of the estate of the individual.”;

9 (C) in paragraph (3), by inserting before
10 the period at the end the following: “, other
11 than an heir who applies for, and receives, an
12 allotment on behalf of the estate of a deceased
13 individual under paragraph (2).”;

14 (3) by redesignating subsections (d) and (e) as
15 subsections (f) and (g), respectively; and

16 (4) by adding at the end the following:

17 “(d) APPROVAL OF ALLOTMENTS.—

18 “(1) IN GENERAL.—Subject to any valid right
19 in existence on the date of enactment of the Alaska
20 Native Veterans Land Allotment Equity Act, and ex-
21 cept as provided in paragraph (3), not later than
22 January 31, 2010, the Secretary shall—

23 “(A) approve any application for an allot-
24 ment filed in accordance with subsection (a);
25 and

1 “(B) issue a certificate of allotment under
2 any term, condition, or restriction as the Sec-
3 retary determines to be appropriate.

4 “(2) NOTIFICATION.—Not later than October
5 31, 2007, on receipt of an application for an allot-
6 ment under this section, the Secretary shall provide
7 to any person or entity that has an interest in land
8 described in subsection (a)(2) that is potentially ad-
9 verse to the interest of the applicant notice of the
10 right of the person or entity, not later than 90 days
11 after the date of receipt of the notice—

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

14 “(B) to file a protest against the allotment
15 in accordance with procedures established by
16 the Secretary.

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

24 “(c) RESELECTION.—A person that selected an allot-
25 ment under this section may withdraw that selection and

1 reselect land in accordance with this section after the date
2 of enactment of the Alaska Native Veterans Land Allot-
3 ment Equity Act, if the land originally selected—

4 “(1) was selected before the date of enactment
5 of the Alaska Native Veterans Land Allotment Eq-
6 uity Act; and

7 “(2) as of the date of enactment of this Act,
8 was not conveyed to the person.”.

9 **SEC. 3. REGULATIONS.**

10 Not later than 1 year after the date of enactment
11 of this Act, the Secretary of the Interior shall promulgate
12 final regulations to carry out the amendments made by
13 this Act.

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