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114TH CONGRESS
1ST SESSION

H. R. 2387

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

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2015

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Alaska Native Veterans Land Allotment Equity Act''.

SEC. 2. CLARIFICATION REGARDING OCCUPANCY OF NATIVE ALLOTMENTS IN NATIONAL FORESTS.

Section 18(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1617(a)) is amended—

(1) by striking ''(a) No Native'' and inserting the following:

''(a) REVOCATION.—

''(1) IN GENERAL.—No Native'';

(2) in the second sentence, by striking ''Further, the'' and inserting the following:

''(2) REPEAL.—The'';

(3) in the third sentence, by striking ''Notwithstanding the foregoing provisions of this section, any'' and inserting the following:

''(3) APPLICATIONS FOR ALLOTMENT.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), any''; and

(4) in paragraph (3) (as designated by paragraph (3)), by adding at the end the following:

''(B) CERTAIN APPLICATIONS APPROVED.—Any allotment application pending before the Department of the Interior on December 18, 1971, that was closed by the Department pursuant to the civil action styled 'Shields v. United States' (698 F.2d 987 (9th Cir. 1983), cert. denied (104 S. Ct. 73 (1983))) shall be reopened and considered to be approved pursuant to this paragraph.''.

SEC. 3. OPEN SEASON FOR CERTAIN ALASKA NATIVE VETERANS FOR ALLOTMENTS.

Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''IN GENERAL'' and inserting ''ALASKA NATIVE VETERAN ALLOTMENTS'';

(B) by striking paragraphs (1) through (4) and inserting the following:

''(1) ALLOTMENTS.—

''(A) ELIGIBLE RECIPIENTS.—Any person described in paragraph (1) or (2) of subsection (b) shall be eligible to receive an allotment under the Act of May 17, 1906 (34 Stat. 197, chapter 2469) (as in effect before December 18, 1971), of not more than 2 parcels of Federal land, the total area of which shall not exceed 160 acres.

''(B) FILING DEADLINE.—An allotment shall be filed for an eligible recipient not later than 3 years after the date on which the Secretary promulgates regulations pursuant to section 4 of the Alaska Native Veterans Land Allotment Equity Act.

''(2) LAND AVAILABLE FOR ALLOTMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (C), an allotment under this section shall be selected from land that is—

"(i)(I) vacant; and

"(II) owned by the United States;

"(ii) selected by, or conveyed to, the State of Alaska, if the State voluntarily relinquishes or conveys to the United States the land for the allotment; or

"(iii) selected by, or conveyed to, a Native Corporation, if the Native Corporation voluntarily relinquishes or conveys to the United States the land for the allotment.

"(B) RELINQUISHMENT BY NATIVE CORPORATION.—If a Native Corporation relinquishes land under subparagraph (A)(iii), the Native Corporation may select appropriate Federal land, as determined by the Secretary, the area of which is equal to the area of the land relinquished by the Native Corporation, to replace the relinquished land.

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

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

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

"(iii) a unit of the National Park System, a National Preserve, or a National Monument.

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

"(A) located within the boundaries of land described in paragraph (2)(C);

"(B)(i)(I) withdrawn under section 11(a)(1)(C); and

"(II) not selected, or relinquished after selection, under section 11(a)(3);

"(ii) contiguous to an outer boundary of land withdrawn under section 11(a)(1)(C); or

"(iii) vacant, unappropriated, and unreserved; and

"(C) not a unit of the National Park System, a National Preserve, or a National Monument."; and

(C) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) is a veteran who served during the period beginning on August 5, 1964, and ending on May 7, 1975.'';

(B) by striking paragraph (2) and inserting the following:

''(2) DECEASED INDIVIDUALS.—If an individual who would otherwise have been eligible for an allotment under this section dies before applying for an allotment, an heir of the individual may apply for, and receive, an allotment under this section, on behalf of the estate of the individual.''; and

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

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

(4) by inserting after subsection (c) the following:

"(d) APPROVAL OF ALLOTMENTS.—

"(1) IN GENERAL.—Subject to any valid right in existence on the date of enactment of the Alaska Native Veterans Land Allotment Equity Act, and except as provided in paragraph (3), not later than December 31, 2020, the Secretary shall—

"(A) approve any application for an allotment filed in accordance with subsection (a); and

"(B) issue a certificate of allotment under such terms, conditions, and restrictions as the Secretary determines to be appropriate.

"(2) NOTIFICATION.—Not later than December 31, 2017, on receipt of an application for an allotment under this section, the Secretary shall provide to any person or entity that has an interest in land described in subsection (a)(2) that is potentially adverse to the interest of the applicant a notice of the right of the person or entity, by not later than 90 days after the date of receipt of the notice—

"(A) to initiate a private contest of the allotment; or

"(B) to file a protest against the allotment in accordance with procedures established by the Secretary.

"(3) ACTION BY SECRETARY.—If a private contest or protest relating to an application for an allotment is initiated or filed under paragraph (2), the Secretary shall not issue a certificate for the allotment under paragraph (1)(B) until a final determination has been made with respect to the private contest or protest.

"(e) RESELECTION.—A person that selected an allotment under this section may withdraw that selection and reselect land in accordance with this section after the date of enactment of the Alaska Native Veterans Land Allotment Equity Act, if the land originally selected—

"(1) was selected before the date of enactment of the Alaska Native Veterans Land Allotment Equity Act; and

"(2) as of the date of enactment of that Act, was not conveyed to the person.".

SEC. 4. REGULATIONS.

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

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