

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 785

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Ms. MURKOWSKI

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alaska Native Vietnam
5 Era Veterans Land Allotment Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to provide an opportunity
8 for certain Alaska Native Vietnam era veterans to select
9 and receive an allotment of Federal land in the State of
10 Alaska.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) AVAILABLE FEDERAL LAND.—

4 (A) IN GENERAL.—The term “available
5 Federal land” means Federal land in the State
6 that—

7 (i) is vacant, unappropriated, and un-
8 reserved;

9 (ii) has been selected by, but not yet
10 conveyed to—

11 (I) the State, if the State agrees
12 to voluntarily relinquish the selection
13 of the Federal land for selection by an
14 eligible individual; or

15 (II) a Regional Corporation or a
16 Village Corporation, if the Regional
17 Corporation or Village Corporation
18 agrees to voluntarily relinquish the se-
19 lection of the Federal land for selec-
20 tion by an eligible individual; or

21 (iii) is identified as available for selec-
22 tion under section 4(d)(1).

23 (B) EXCLUSIONS.—The term “available
24 Federal land” does not include any Federal
25 land in the State that is—

1 (i)(I) a right-of-way of the
2 TransAlaska Pipeline; or

3 (II) an inner or outer corridor of such
4 a right-of-way;

5 (ii) withdrawn or acquired for pur-
6 poses of the Armed Forces;

7 (iii) under review for a pending right-
8 of-way for a natural gas corridor;

9 (iv) within the Arctic National Wild-
10 life Refuge;

11 (v) within a unit of the National For-
12 est System; or

13 (vi) within a unit of the National
14 Park System, a National Preserve, or a
15 National Monument.

16 (2) ELIGIBLE INDIVIDUAL.—The term “eligible
17 individual” means an individual who, as determined
18 by the Secretary in accordance with section 4(a)—

19 (A) is—

20 (i) a Native veteran who served dur-
21 ing the period between August 5, 1964,
22 and December 31, 1971; or

23 (ii) a personal representative, acting
24 for the benefit of the heirs, of the estate of
25 a deceased Native veteran who served dur-

1 ing the period between August 5, 1964,
2 and December 31, 1971; and

3 (B) has received fewer than 157.5 acres
4 pursuant to—

5 (i) the Act of May 17, 1906 (34 Stat.
6 197, chapter 2469) (as in effect on Decem-
7 ber 17, 1971); and

8 (ii) section 41 of the Alaska Native
9 Claims Settlement Act (43 U.S.C. 1629g).

10 (3) NATIVE; REGIONAL CORPORATION; VILLAGE
11 CORPORATION.—The terms “Native”, “Regional
12 Corporation”, and “Village Corporation” have the
13 meanings given those terms in section 3 of the Alas-
14 ka Native Claims Settlement Act (43 U.S.C. 1602).

15 (4) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 (5) STATE.—The term “State” means the State
18 of Alaska.

19 (6) VETERAN.—The term “veteran” has the
20 meaning given the term in section 101 of title 38,
21 United States Code.

22 **SEC. 4. ALLOTMENTS FOR CERTAIN NATIVE VETERANS.**

23 (a) INFORMATION TO DETERMINE ELIGIBILITY.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this Act, the Sec-

1 retary of Defense, in coordination with the Secretary
2 of Veterans Affairs, shall provide to the Secretary a
3 list of all members of the Armed Forces who served
4 during the period between August 5, 1964, and De-
5 cember 31, 1971.

6 (2) USE.—The Secretary shall use the informa-
7 tion provided under paragraph (1) to determine
8 whether an individual meets the military service re-
9 quirements under section 3(2)(A).

10 (3) OUTREACH AND ASSISTANCE.—The Sec-
11 retary, in coordination with the Secretary of Vet-
12 erans Affairs, shall conduct outreach, and provide
13 assistance in applying for allotments, to eligible indi-
14 viduals.

15 (b) SELECTION BY ELIGIBLE INDIVIDUALS.—

16 (1) IN GENERAL.—An eligible individual—

17 (A) subject to paragraphs (2) and (3), may
18 select not more than 2 parcels of available Fed-
19 eral land totaling not more than 160 acres; and

20 (B) on making a selection pursuant to sub-
21 paragraph (A), shall submit to the Secretary an
22 allotment selection application for the applicable
23 parcels of available Federal land.

1 (2) MINIMUM ACREAGE.—A parcel of available
2 Federal land selected pursuant to paragraph (1)(A)
3 shall be not less than 2.5 acres.

4 (3) TREATMENT OF CERTAIN ACRES.—The fol-
5 lowing acres held by an eligible individual shall be
6 counted toward the 160-acre limitation under para-
7 graph (1)(A):

8 (A) Any acres received pursuant to the Act
9 of May 17, 1906 (34 Stat. 197, chapter 2469)
10 (as in effect on December 17, 1971).

11 (B) Any acres received pursuant to section
12 41 of the Alaska Native Claims Settlement Act
13 (43 U.S.C. 1629g).

14 (c) CONFLICTING SELECTIONS.—If 2 or more eligible
15 individuals submit to the Secretary an allotment selection
16 application under subsection (b)(1)(B) for the same parcel
17 of available Federal land, the Secretary shall—

18 (1) give preference to the selection application
19 received on the earliest date; and

20 (2) provide to each eligible individual the selec-
21 tion application of whom is rejected under para-
22 graph (1) an opportunity to select a substitute par-
23 cel of available Federal land.

24 (d) IDENTIFICATION OF AVAILABLE FEDERAL LAND
25 FOR ALLOTMENT SELECTION.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, subject to para-
3 graphs (2) and (3), the Secretary, in consultation
4 with the State, Regional Corporations, and Village
5 Corporations, shall identify not more than 500,000
6 acres of Federal land as available Federal land for
7 allotment selection to meet the purpose of this Act.

8 (2) LIMITATION ON WILDLIFE REFUGE ACRE-
9 AGE.—

10 (A) YUKON DELTA NATIONAL WILDLIFE
11 REFUGE ACREAGE.—Of the available Federal
12 land identified under paragraph (1), not more
13 than 42,000 acres shall be located in the Yukon
14 Delta National Wildlife Refuge.

15 (B) TOGIK NATIONAL WILDLIFE REFUGE
16 ACREAGE.—Of the available Federal land iden-
17 tified under paragraph (1), not more than
18 10,000 acres shall be located in the Togiak Na-
19 tional Wildlife Refuge.

20 (3) CERTIFICATION; SURVEY.—The Secretary
21 shall—

22 (A) certify that the available Federal land
23 identified under paragraph (1) is free of known
24 contamination; and

1 (B) survey the available Federal land
2 under paragraph (1) into aliquot parts and lots,
3 segregating all navigable and meanderable
4 waters and land not available for allotment se-
5 lection.

6 (4) MAPS.—As soon as practicable after the
7 date on which available Federal land is identified
8 under paragraph (1), the Secretary shall submit to
9 Congress, and publish in the Federal Register, 1 or
10 more maps depicting the identified available Federal
11 land.

12 (e) CONVEYANCES.—Any available Federal land con-
13 veyed to an eligible individual under this section shall be
14 subject to—

15 (1) valid existing rights;

16 (2) the reservation of minerals to the United
17 States; and

18 (3) if the available Federal land conveyed is
19 within the boundaries of a unit of the National Wild-
20 life Refuge System, the laws (including regulations)
21 applicable to the use and development of the unit of
22 the National Wildlife Refuge System.

23 (f) INTENT OF CONGRESS.—It is the intent of Con-
24 gress that not later than 2 years after the date on which
25 an eligible individual submits an allotment selection appli-

1 cation under subsection (b)(1)(B) that meets the require-
2 ments of this Act, as determined by the Secretary, the
3 Secretary shall issue to the eligible individual a certificate
4 of allotment with respect to the available Federal land cov-
5 ered by the allotment selection application, subject to the
6 requirements of subsection (e).