

107TH CONGRESS
2^D SESSION

S. 2553

To amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2002

Mr. MURKOWSKI (for himself 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 equitable treatment of Alaska Native Vietnam Veterans, and for other purposes.

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. ALASKA NATIVE VETERANS.**

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

6 (1) Paragraphs (1) and (2) of subsection (a)
7 are amended to read as follows:

8 “(1) The period for filing allotments under this
9 Act shall end on July 31, 2003. A person described

1 in paragraph (1) or (2) of subsection (b) shall be eli-
2 gible for an allotment of not more than two parcels
3 of Federal land totaling 160 acres or less.

4 “(2) Allotments may be selected from—

5 “(A) vacant lands that are owned by the
6 United States; or

7 “(B) lands that have been selected or con-
8 veyed to the State of Alaska or a Native Cor-
9 poration if such entity voluntarily relinquishes
10 or conveys to the United States the land for the
11 allotment.”.

12 (2) Subsection (a)(3) is repealed.

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

16 (4) Subsection (b)(1)(B) is amended to read as
17 follows:

18 “(B) is a veteran who served during the
19 period between August 5, 1964, and May 7,
20 1975, including such dates.”.

21 (5) Subsection (b)(2) is amended to read as fol-
22 lows:

23 “(2) If an individual who would otherwise have
24 been eligible for an allotment dies before applying
25 for the allotment, an heir on behalf of the estate of

1 the deceased veteran may apply for and receive the
2 allotment.”.

3 (6) In subsection (b)(3), insert before the pe-
4 riod the following: “, except for an heir who applies
5 and receives an allotment on behalf of the estate of
6 a deceased veteran pursuant to paragraph (2)”.

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

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12 repealed in accordance with section 552(a)(1)(E) of the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

14 (8) A new subsection is added to read as fol-
15 lows:

16 “(f) APPROVAL OF ALLOTMENTS.—(1) Subject to
17 valid existing rights, and except as otherwise provided in
18 this subsection, not later than January 31, 2005, the Sec-
19 retary shall approve an application for allotments filed in
20 accordance with subsection (a) and issue a certificate of
21 allotment which shall be subject to the same terms, condi-
22 tions, restrictions, and protections provided for such allot-
23 ments.

24 “(2) Upon receipt of an allotment application, but in
25 any event not later than October 31, 2003, the Secretary

1 shall notify any person or entity having an interest in land
 2 potentially adverse to the applicant of their right to ini-
 3 tiate a private contest or file a protest under existing Fed-
 4 eral regulations.

5 “(3) Not later than January 31, 2005, the Secretary
 6 shall—

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

9 “(B) if a contest or protest is timely filed, stay
 10 the issuance of the certificate of allotment until the
 11 contest or protest has been decided.”.

12 **SEC. 2 CODIFICATION.**

13 Unless otherwise provided in an agreement to which
 14 the tribe or tribal organization is a party (including a
 15 Tribal-State compact), section 2(2) of the Act of July 5,
 16 1935 (49 Stat. 450, chapter 372) shall not apply to the
 17 Indian tribe or tribal organization when the Indian tribe
 18 or tribal organization is carrying out a health care pro-
 19 gram pursuant to a self-determination contract, compact,
 20 annual funding agreement, grant, or cooperative agree-
 21 ment under the Indian Self Determination Act.

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