

## 43 U.S. Code § 1629g. Open season for certain Alaska Native veterans for allotments

U.S. Code    Notes

### **(a) IN GENERAL**

**(1)** During the eighteen month period following promulgation of implementing rules pursuant to subsection (e), a [person](#) described in subsection (b) shall be eligible for an allotment of not more than two parcels of federal [\[1\]](#) land totaling 160 acres or less under the Act of May 17, 1906 (chapter 2469; [34 Stat. 197](#)), as such Act was in effect before December 18, 1971.

**(2)** Allotments may be selected only from lands that were vacant, unappropriated, and unreserved on the date when the [person](#) eligible for the allotment first used and occupied those lands.

**(3)** The [Secretary](#) may not convey allotments containing any of the following—

**(A)** lands upon which a [native](#) or non-[native](#) campsite is located, except for a campsite used primarily by the [person](#) selecting the allotment;

**(B)** lands selected by, but not conveyed to, the [State](#) of Alaska pursuant to the [Alaska Statehood Act](#) or any other provision of law;

**(C)** lands selected by, but not conveyed to, a Village or [Regional Corporation](#);

**(D)** lands designated as wilderness by statute;

**(E)** acquired lands;

**(F)** lands containing a building, permanent structure, or other development owned or controlled by the United [States](#), another unit of government, or a [person](#) other than the [person](#) selecting the allotment;

**(G)** lands withdrawn or reserved for national defense purposes other than National Petroleum Reserve-Alaska;

**(H)** National Forest Lands; and

**(I)** lands selected or claimed, but not conveyed, under a public land law, including but not limited to the following:

**(1)** Lands within a recorded mining claim.

**(2)**Home sites.

**(3)**Trade and Manufacturing sites.

**(4)**Reindeer sites or headquarters sites.

**(5)**Cemetery sites.

**(4)**A [person](#) who qualifies for an allotment on lands prohibited from conveyance by a provision of subsection (a)(3) may select an alternative allotment from the following lands located within the geographic boundaries of the same [Regional Corporation](#) as the excluded allotment—

**(A)**lands withdrawn pursuant to [section 1610\(a\)\(1\) of this title](#) which were not selected, or were relinquished after selection;

**(B)**lands contiguous to the outer boundary of lands withdrawn pursuant to [section 1610\(a\)\(1\)\(C\) of this title](#), except lands excluded from selection by a provision of subsection (a)(3) and lands within a National Park; or

**(C)**vacant, unappropriated and unreserved lands.

**(5)**After consultation with a [person](#) entitled to an allotment within a Conservation System Unit, the [Secretary](#) may convey alternative lands of equal acreage, including lands within a Conservation System Unit, to that [person](#) if the [Secretary](#) determines that the allotment would be incompatible with a purpose for which the Conservation System Unit was established.

**(6)**All conveyances under this section shall—

**(A)**be subject to valid existing rights, including any right of the United [States](#) to income derived, directly or indirectly, from a lease, license, permit, right-of-way or easement; and

**(B)**reserve to the United [States](#) deposits of oil, gas and coal, together with the right to explore, mine, and remove these minerals, on lands which the [Secretary](#) determines to be prospectively valuable for development.

## **(b) ELIGIBLE PERSON**

**(1)**A [person](#) is eligible to select an allotment under this section if that [person](#)—

**(A)**would have been eligible for an allotment under the Act of May 17, 1906 (chapter 2469; [34 Stat. 197](#)), as that Act was in effect before December 18, 1971 (except that the term “nonmineral”, as used in that Act, shall for the purpose of this subsection be defined as provided in [section 1634\(a\)\(3\) of this title](#), except that such definition shall not apply to land within a conservation system unit); and

**(B)** is a [veteran](#) who served during the period between January 1, 1969 and December 31, 1971 and—

**(i)** served at least 6 months between January 1, 1969 and December 31, 1971; or

**(ii)** enlisted or was drafted into military service after June 2, 1971 but before December 3, 1971.

**(2)**

**(A)** The personal representative or special administrator, appointed in an Alaska [State](#) court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) may, for the benefit of the heirs, select an allotment if the decedent was a [veteran](#) who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—

**(i)** was killed in action;

**(ii)** was wounded in action and subsequently died as a direct consequence of that wound, as determined by the Department of Veterans Affairs or based on other evidence acceptable to the [Secretary](#); or

**(iii)** died while a prisoner of war.

**(B)**

**(i)** If the [Secretary](#) requests that the [Secretary](#) of Veterans Affairs make a determination whether a [veteran](#) died as a direct consequence of a wound received in action, the [Secretary](#) of Veterans Affairs shall, within 60 days of receipt of the request—

**(I)** provide a determination to the [Secretary](#) if the records of the Department of Veterans Affairs contain sufficient information to support such a determination; or

**(II)** notify the [Secretary](#) that the records of the Department of Veterans Affairs do not contain sufficient information to support a determination and that further investigation will be necessary.

**(ii)** Not later than 1 year after notification to the [Secretary](#) that further investigation is necessary, the Department of Veterans Affairs shall complete the investigation and provide a determination to the [Secretary](#).

**(3)** No [person](#) who received an allotment or has a pending allotment under the Act of May 17, 1906 may receive an allotment under this section.

### **(c) STUDY AND REPORT**

**(1)** The [Secretary](#) of the Interior shall conduct a study to identify and assess the circumstances of [veterans](#) of the [Vietnam era](#) who—

**(A)** served during a period other than that specified in subsection (b) (1)(B);

**(B)** were eligible for an allotment under the Act of May 17, 1906; and

**(C)** did not apply for an allotment under that Act.

**(2)** The [Secretary](#) shall, within one year of October 21, 1998, issue a written report on the study, including findings and recommendations, to the Committee on Appropriations and the Committee on Energy and Natural Resources in the Senate and the Committee on Appropriations and the Committee on Resources in the House of Representatives.

### **(d) DEFINITIONS**

For the purposes of this section, the terms "[veteran](#)" and "[Vietnam era](#)" have the meanings given those terms by paragraphs (2) and (29), respectively, of [section 101 of title 38](#).

### **(e) REGULATIONS**

No later than 18 months after October 21, 1998, the [Secretary](#) of the Interior shall promulgate, after consultation with Alaska [Natives](#) groups, rules to carry out this section.

([Pub. L. 92-203, § 41](#), as added [Pub. L. 105-276, title IV, § 432](#), Oct. 21, 1998, [112 Stat. 2516](#); amended [Pub. L. 106-559, title III, § 301](#), Dec. 21, 2000, [114 Stat. 2782](#); [Pub. L. 108-452, title III, § 306](#), Dec. 10, 2004, [118 Stat. 3590](#).)