

Calendar No. 468

108TH CONGRESS
2D SESSION**S. 1421****[Report No. 108-251]**

To authorize the subdivision and dedication of restricted land owned by
Alaska Natives.

IN THE SENATE OF THE UNITED STATES

JULY 16, 2003

Ms. MURKOWSKI introduced the following bill; which was read twice and
referred to the Committee on Energy and Natural Resources

MARCH 29, 2004

Reported by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To authorize the subdivision and dedication of restricted
land owned by Alaska Natives.

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 Allot-~~
5 ~~ment Subdivision Act~~”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) Alaska Natives that own land subject to
4 Federal restrictions against alienation and taxation
5 need to be able to subdivide the restricted land for
6 the purposes of—

7 (A) transferring by gift, sale, or devise sep-
8 arate interests in the land; or

9 (B) severing, by mutual consent, tenancies
10 in common;

11 (2) for the benefit of the Alaska Native re-
12 stricted landowners; any persons to which the re-
13 stricted land is transferred, and the public in gen-
14 eral; the Alaska Native restricted landowners should
15 be authorized to dedicate—

16 (A) rights-of-way for public access;

17 (B) easements for utility installation, use,
18 and maintenance; and

19 (C) additional land for other public pur-
20 poses;

21 (3)(A) the lack of an explicit authorization by
22 Congress with respect to the subdivision and dedica-
23 tion of Alaska Native land that is subject to Federal
24 restrictions has called into question whether such
25 subdivision and dedication is legal; and

1 ~~(B)~~ this legal uncertainty has been detrimental
2 to the rights of Alaska Native restricted landowners
3 to use or dispose of the restricted land in the same
4 manner as other landowners are able to use and dis-
5 pose of land;

6 ~~(4)~~ extending to Alaska Native restricted land
7 owners the same authority that other landowners
8 have to subdivide and dedicate land should be ac-
9 complished without depriving the Alaska Native re-
10 stricted landowners of any of the protections associ-
11 ated with restricted land status;

12 ~~(5)~~ confirming the right and authority of Alas-
13 ka Native restricted land owners, subject to the ap-
14 proval of the Secretary of the Interior, to subdivide
15 their land and to dedicate their interests in the re-
16 stricted land, should be accomplished without affect-
17 ing the laws relating to whether tribal governments
18 or the State of Alaska (including political subdivi-
19 sions of the State) have authority to regulate land
20 use;

21 ~~(6)~~ Alaska Native restricted land owners, per-
22 sons to which the restricted land is transferred,
23 State and local platting authorities, and members of
24 the general public have formed expectations in reli-
25 ance on past subdivisions and dedications; and

1 (7) those expectations should be fulfilled by
2 ratifying the validity under Federal law of the sub-
3 divisions and dedications.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **RESTRICTED LAND.**—The term “restricted
7 land” means land in the State that is subject to
8 Federal restrictions against alienation and taxation.

9 (2) **SECRETARY.**—The term “Secretary” means
10 the Secretary of the Interior.

11 (3) **STATE.**—The term “State” means the State
12 of Alaska.

13 **SEC. 4. SUBDIVISION AND DEDICATION OF ALASKA NATIVE**
14 **RESTRICTED LAND.**

15 (a) **IN GENERAL.**—An Alaska Native owner of re-
16 stricted land may, subject to the approval of the Sec-
17 retary—

18 (1) subdivide the restricted land in accordance
19 with the laws of the—

20 (A) State; or

21 (B) applicable local platting authority; and

22 (2) execute a certificate of ownership and dedi-
23 cation with respect to the restricted land subdivided
24 under paragraph (1) with the same effect under

1 State law as if the restricted land subdivided and
2 dedicated were held by unrestricted fee simple title.

3 (b) **RATIFICATION OF PRIOR SUBDIVISIONS AND**
4 **DEDICATIONS.**—Any subdivision or dedication of re-
5 stricted land executed before the date of enactment this
6 Act that has been approved by the Secretary and by the
7 relevant State or local platting authority, as appropriate,
8 shall be considered to be ratified and confirmed by Con-
9 gress as of the date on which the Secretary approved the
10 subdivision or dedication.

11 **SEC. 5. EFFECT.**

12 (a) **IN GENERAL.**—Nothing in this Act validates or
13 invalidates any assertion—

14 (1) that a Federally recognized Alaska Native
15 tribe has or lacks jurisdiction with respect to any
16 land in the State;

17 (2) that Indian country, as defined in section
18 1151 of title 18, United States Code, exists or does
19 not exist in the State; or

20 (3) that, except as provided in section 4, the
21 State or any political subdivision of the State does
22 or does not have the authority to regulate the use
23 of any individually owned restricted land.

24 (b) **EFFECT ON STATUS OF LAND NOT DEDI-**
25 **CATED.**—Except in a case in which a specific interest in

1 restricted land is dedicated under section (4)(a)(2), noth-
 2 ing in this Act terminates, diminishes, or otherwise affects
 3 the continued existence and applicability of Federal re-
 4 strictions against alienation and taxation on restricted
 5 land or interests in restricted land (including restricted
 6 land subdivided under section 4(a)(1)).

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Alaska Native Allotment*
 9 *Subdivision Act”.*

10 **SEC. 2. DEFINITIONS.**

11 *In this Act:*

12 (1) *RESTRICTED LAND.*—*The term “restricted*
 13 *land” means land in the State that is subject to Fed-*
 14 *eral restrictions against alienation and taxation.*

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

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

19 **SEC. 3. SUBDIVISION AND DEDICATION OF ALASKA NATIVE**
 20 **RESTRICTED LAND.**

21 (a) *IN GENERAL.*—*An Alaska Native owner of re-*
 22 *stricted land may, subject to the approval of the Sec-*
 23 *retary—*

24 (1) *subdivide the restricted land in accordance*
 25 *with the laws of the—*

1 (A) State; or

2 (B) applicable local platting authority; and

3 (2) execute a certificate of ownership and dedica-
4 tion with respect to the restricted land subdivided
5 under paragraph (1) with the same effect under State
6 law as if the restricted land subdivided and dedicated
7 were held by unrestricted fee simple title.

8 (b) **RATIFICATION OF PRIOR SUBDIVISIONS AND DEDI-**
9 **CATIONS.**—Any subdivision or dedication of restricted land
10 executed before the date of enactment of this Act that has
11 been approved by the Secretary and by the relevant State
12 or local platting authority, as appropriate, shall be consid-
13 ered to be ratified and confirmed by Congress as of the date
14 on which the Secretary approved the subdivision or dedica-
15 tion.

16 **SEC. 4. EFFECT ON STATUS OF LAND NOT DEDICATED.**

17 Except in a case in which a specific interest in re-
18 stricted land is dedicated under section 3(a)(2), nothing in
19 this Act terminates, diminishes, or otherwise affects the con-
20 tinued existence and applicability of Federal restrictions
21 against alienation and taxation on restricted land or inter-
22 ests in restricted land (including restricted land subdivided
23 under section 3(a)(1)).

Calendar No. 468

108TH CONGRESS
2^D SESSION

S. 1421

[Report No. 108-251]

A BILL

To authorize the subdivision and dedication of
restricted land owned by Alaska Natives.

MARCH 29, 2004

Reported with an amendment