

SCOMM

105:6

## FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. HJR 51

Revision Date: \_\_\_\_\_

Title: A Resolution Supporting H.R. 2924

Sponsor: Rep. Masek, Foster, Ivan

Requester: House Special Cmte on Military & Veterans' Affairs

Dept. Affected None

BRU \_\_\_\_\_

Component \_\_\_\_\_

Component Serial No. \_\_\_\_\_

## Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 99      | FY 00      | FY 01      | FY 02      | FY 03      | FY 04      |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

## CAPITAL EXPENDITURES

## CHANGE IN REVENUES ( )

## FUND SOURCE

(Thousands of Dollars)

|                                  |            |            |            |            |            |            |
|----------------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts            |            |            |            |            |            |            |
| 1003 GF Match                    |            |            |            |            |            |            |
| 1004 GF                          |            |            |            |            |            |            |
| 1005 GF/Program Receipts         |            |            |            |            |            |            |
| 1037 GF/Mental Health            |            |            |            |            |            |            |
| 1091 Designated Program Receipts |            |            |            |            |            |            |
| <b>TOTAL</b>                     | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY97) cost: \_\_\_\_\_

## POSITIONS

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

## ANALYSIS:

(Attach a separate page if necessary)

Prepared by

Division

Approved by

Agency

Office of Rep. Beverly Masek

Donna M. Masek

Beverly Masek

Phone 907-2629

Date Feb 4, 1998

Date Feb 4, 1998



# Alaska State Legislature

**Representative Beverly Masek**

Chair, Military & Veterans Affairs

Vice Chair, Transportation

Vice Chair, Resources

Legislative Council

**During Interim:**

600 East Railroad Avenue  
Wasilla, AK 99654  
907-376-2679  
907-376-6180 (fax)

**During Session:**

State Capitol  
Juneau, AK 99801-1182  
907-465-2679  
907-465-4822 (fax)  
1-800-505-2678

## **SPONSOR STATEMENT - HOUSE JOINT RESOLUTION NO. 51**

### **Supporting Selection of Native Allotments under the Native Allotment Act**

House Joint Resolution No. 51 supports the efforts of Alaska Congressman Don Young and his bill H.R. 2924. H.R. 2924 will allow certain Alaska Native Veterans to apply for their allotments under the Native Allotment Act. These Native Veterans missed their opportunity to apply within the specified time period, because they were either serving in war zones, or did not receive their applications from the Bureau of Indian Affairs. This has resulted in inequitable treatment for these veterans. H.R. 2924 will remedy this inequity and allow these veterans to apply for their Native allotments.

HJR No. 51 also supports allowing the restoration of 50,000 acres to the Elim Native Corporation. After 1927, President Hoover revoked approximately 50,000 acres from the Norton Bay Reservation to prevent homesteading by ex-servicemen of World War I. President Hoover's Executive Order violated 43 U.S.C. 150, 41 Stat. 34, which stated that only Congress could withdraw public lands for use as an Indian Reservation. H.R. 2924 seeks to remedy this situation by restoring 50,000 acres to the Elim entitlement.

Between 800 and 2000 Alaska Native Veterans will be affected by H.R. 2924, should it become law.



# Alaska State Legislature

**Representative Beverly Masek**

Chair, Military & Veterans Affairs

Vice Chair, Transportation

Vice Chair, Resources

Legislative Council

During Interim:

600 East Railroad Avenue  
Wasilla, AK 99654  
907-376-2679  
907-376-6180 (fax)

During Session:

State Capitol  
Juneau, AK 99801-1182  
907-465-2679  
907-465-4822 (fax)  
1-800-505-2678

## **SPONSOR STATEMENT - HOUSE JOINT RESOLUTION NO. 51** **Supporting Selection of Native Allotments under the Native Allotment Act**

House Joint Resolution No. 51 supports the efforts of Alaska Congressman Don Young and his bill H.R. 2924. H.R. 2924 will allow certain Alaska Native Veterans to apply for their allotments under the Native Allotment Act. These Native Veterans missed their opportunity to apply within the specified time period, because they were either serving in combat zones, or did not receive their applications from the Bureau of Indian Affairs. This has resulted in inequitable treatment for these veterans. H.R. 2924 will remedy this inequity and allow these veterans to apply for their Native allotments.

Between 800 and 2000 Alaska Native Veterans will be affected by H.R. 2924, should it become law.

# Sitnasuak Native Corporation

---

Post Office Box 905 • Nome, Alaska 99762  
(907) 443-2632 • Fax: (907) 443-3063

February 24, 1998

Congressman Don Young  
U.S. Resource Committee  
2111 Rayburn HOB  
Washington, D.C. 20515

Honorable Don Young,

RE: H.R. 2924

Sitnasuak Native Corporation is the ANCSA village corporation in Nome, Alaska. We have almost 2,500 shareholders. There are only 80 native allotments within our withdrawal area. We've watched the development of your legislation which provides an avenue for veterans to apply for native allotments. We support the concept. We have some comments, as follows:

Page 2, Section 42. (a). (1) It should be written that the eligible veterans should be able to apply for **four 40 acre parcels or the equivalent** of not more than 160 acres. If legislation goes through as written the Department of Interior may say the applicant is eligible for an allotment of not more than 160 acres, and not allow the veteran to apply for **separate** parcels, it would be contrary to the purpose of this legislation.

Page 2 (a) (2) This section should be expanded to include all lands in Alaska, which would allow selection of any land including federal, State of Alaska or ANCSA lands. A clause should be written to allow the ANCSA corporations to have the right to approve or deny the relinquishment of ANCSA corporation land whether it be the surface or sub-surface estate. The ANCSA corporations should also have the right to re-select other land within our original ANCSA withdrawal areas. BLM has a process to allow relinquishment with ANCSA corporation, we have agreed with BLM and approved relinquishment to meet needs of native allotments. This would require the federal and state government to come to agreement on relinquishment too. Recently the State of Alaska relinquished land to BLM which BLM will now convey to Bering Straits Native Corporation. This would truly require the State of Alaska to acknowledge the Alaska Natives service to the nation. If all federal lands are open, what about the Department of Agriculture, Forest Service lands?

Page 2 (a) (3) Regarding the Department of Interior rule making process, the Alaska Native community needs input in the

rule making to guarantee that the rules meet the intent of legislation.

Page 2, (b) (2) We agree that heirs of the deceased individuals should have the right to apply.

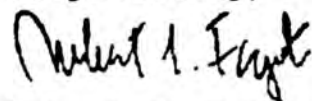
Page 2, (c) We do not believe the Department of the Interior would be able to complete land conveyances pursuant to this legislation within one year. It takes time to work out conveyances and BLM would need additional staff and funds to carry out this special program, especially if they need to work with other land managing organizations. A five year period is probably more realistic. Congress in 1992 passed legislation to amend ANCSA which allowed 18 native allotments east of Nome at Fort Davis. It took until 1997 for conveyance of the land to the people.

We are glad to see the Vietnam era defined by your legislation, as August 5, 1964 to May 7, 1975. The Department of the Interior, Bureau of Indian Affairs broke out the time period of 1970 through 1971 and identified only seven veterans enrolled to Sitnasuak who served during these two year. With the era defined as 1964 - 1975 BIA identified 68 veterans enrolled to Sitnasuak. Kawerak surveyed the people in this region in the mid 1990's. The survey listed twenty-four veterans who specifically identified land in the Sitnasuak area as their native allotment selection.

We wrote to all the other regional non-profit corporations asking if they had lists of veterans who may have identified lands in the Nome area. The majority of the regions just listed names and the time of service, not taking down information on where the veteran would select land, therefore we believe there is probably a large number of people who would select land within our withdrawal area. There are 76 one mile sections which we applied for which could be available for re-selection. **This is why we support the idea that the selection be open to all land.**

Thank you for your work on this very important legislation.

Respectfully,



Robert L. Fagerstrom  
President

ia/IA/RLF

DEC 29 1997

**U.S. House of Representatives**  
**Committee on Resources**  
**Washington, DC 20515**

December 17, 1997

Representative Beverly Masek  
Alaska State Legislature  
600 E. Railroad Ave.  
Wasilla, Alaska 99654

  
Dear Representative Masek:

Thank you for contacting me on behalf of several Alaskans who inquired into the prospects of enacting H.R. 2924, a bill to amend the Alaska Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era and by the Elim Native Corporation. I appreciate hearing from you.

H.R. 2924 was introduced on November 7, 1997, and referred to the Committee on Resources; the full committee will retain jurisdiction over this legislation. A copy of the legislation and my remarks on its introduction are enclosed for your review.

Although a hearing schedule is not definitively set, this legislation likely will need hearings that could be spread over an approximately one and one-half year period of time because the issue concerned involves a lengthy process. The main reasons for this are the importance of the issue involved and the large number of people affected by it. There are about 800 to 2000 Alaska Native Veterans who are affected by this bill, and Congress must decide where the lands for them will come from. Even after hearings are completed, moving the bill in committee and passing it through Congress could take perhaps several years depending on several factors such as the Administration's position. I believe it can pass, however, it is not unusual for bills of this nature to undergo time-consuming consideration.

Again, thank you for contacting me. Please do not hesitate to contact me if there is any further information you need.

Sincerely,



DON YOUNG  
Chairman

DY/ca/cf  
Enclosures

105TH CONGRESS  
1ST SESSION

# H. R. 2924

To amend the Alaskan Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era and by the Elim Native Corporation.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1997

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

---

## A BILL

To amend the Alaskan Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era and by the Elim Native Corporation.

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. VIETNAM VETERANS ALLOTMENT.**

4 The Alaskan Native Claims Settlement Act (43  
5 U.S.C. 1600, et seq.) is amended by adding at the end  
6 the following:

1       "OPEN SEASON FOR CERTAIN NATIVE ALASKAN  
2                               VETERANS FOR ALLOTMENTS

3       "SEC. 41. (a) IN GENERAL.—(1) During the one-  
4 year period beginning on the date of enactment of this  
5 section, an individual described in subsection (b) is eligible  
6 for an allotment of not more than 160 acres of land under  
7 the Act of May 17, 1906 (chapter 2469; 34 Stat. 197),  
8 as such Act was in effect before December 18, 1971.

9       "(2) Allotments selected under this section shall not  
10 be from existing native or non-native campsites.

11       "(3) The Secretary shall prescribe such rules as may  
12 be necessary to carry out this section.

13       "(b) ELIGIBLE INDIVIDUALS.—(1) An individual is  
14 eligible under subsection (a) if the individual would have  
15 been eligible under the Act of May 17, 1906 (chapter  
16 2469; 34 Stat. 197), as such Act was in effect before De-  
17 cember 18, 1971, and the individual is a veteran of the  
18 Vietnam era.

19       "(2) For purposes of this section, in the case of an  
20 individual described in paragraph (1) who is deceased, the  
21 heirs of the individual shall be treated as the individual  
22 described in paragraph (1).

23       "(c) CONVEYANCE DEADLINE.—The Secretary of the  
24 Interior shall complete land conveyances pursuant to this

1 section not later than one year after the end of the period  
2 referred to in subsection (a).

3 “(d) DEFINITIONS.—For the purposes of this section,  
4 the terms ‘veteran’ and ‘Vietnam era’ have the meaning  
5 given such terms by paragraphs (2) and (29), respectively,  
6 of section 101 of title 38, United States Code.”.

7 **SEC. 2. ELIM NATIVE CORPORATION LAND RESTORATION.**

8 The Alaskan Native Claims Settlement Act (43  
9 U.S.C. 1600, et seq.), as amended by section 1 of this  
10 Act, is further amended by adding at the end the follow-  
11 ing:

12 “ELIM NATIVE CORPORATION LAND RESTORATION

13 “SEC. 42. (a) WITHDRAWAL AND AVAILABILITY FOR  
14 SELECTION.—The lands described in subsection (b) are  
15 withdrawn from disposition under the public land laws,  
16 entry or appropriation under the mining laws of the Unit-  
17 ed States, and the operation of the mineral leasing laws  
18 of the United States, subject to valid existing rights, for  
19 a period of one year from the date of enactment of this  
20 section, for selection by the Elim Native Corporation  
21 under this section.

22 “(b) LANDS DESCRIBED.—The lands described in  
23 this section are within the boundary of the parcel of land  
24 in the vicinity of Elim, Alaska, at approximately latitude  
25 64 50 N. longitude 162 00 W, more particularly described  
26 as follows:

1           “Beginning at the point of intersection of line  
2       3-4, U.S. Survey No. 2548 with the protracted West  
3       Boundary of T8S, R18W KRM, Alaska;

4           “Thence North, along the west boundary of the  
5       aforementioned township, approximately 4½ miles  
6       to the protracted position for the corner of sections  
7       1, 6, 7, and 12;

8           “Thence Northeasterly, parallel with line 4-3 of  
9       U.S. Survey No. 2548, approximately 20½ miles, to  
10      a point;

11          “Thence East approximately 6 miles to corner  
12      No. 3 U.S. Survey No. 2548;

13          “Thence Southwesterly along lines 3-4, U.S.  
14      Survey 2548 approximately 27½ miles to the point  
15      of beginning.

16      “(c) AUTHORIZATION TO SELECT LANDS; RESERVA-  
17      TION OF EASEMENT.—The Elim Native Corporation is  
18      authorized to select 50,000 acres of lands within the  
19      boundary of the lands described in subsection (b) to sat-  
20      isfy its land entitlements under section 19(b). The Sec-  
21      retary is authorized to receive, adjudicate, and convey the  
22      lands to the Elim Native Corporation subject to—

23          “(1) valid existing rights; and

24          “(2) an easement reserved to the United States  
25      for the benefit of the public. An easement in the

1 lands shall be reserved to the Iditarod National His-  
2 toric Trail.

3 “(d) WITHDRAWAL AND SELECTION OF ADDITIONAL  
4 LANDS.—The Secretary is authorized to withdraw, and  
5 Elim Native Corporation is authorized to select, not later  
6 than 18 months after the date of the enactment of this  
7 section additional lands adjacent to the lands withdrawn  
8 by subsection (a) to fulfill Elim Native Corporation’s land  
9 entitlements equal to the total acreage of the Norton Bay  
10 Reservation as withdrawn by Executive Order No. 2508,  
11 dated January 3, 1917.

12 “(e) FINALITY OF SELECTIONS.—Selection by the  
13 Elm Native Corporation of lands under subsection (c) or  
14 (d) shall constitute full satisfaction of any claim or entitle-  
15 ment of the Elim Native Corporation—

16 “(1) with respect to subsection (c), to its land  
17 entitlements under section 19(b), and

18 “(2) with respect to subsection (d), to the extin-  
19 guishment of the Norton Bay Reservation (as with-  
20 drawn by Executive Order No. 2508, dated January  
21 3, 1917).”.

○



# Alaska State Legislature

**Representative Beverly Masek**

Chair, Military & Veterans Affairs

Vice Chair, Transportation

Vice Chair, Resources

Legislative Council

During Interim:

600 East Railroad Avenue

Wasilla, AK 99654

907-376-2679

907-376-6180 (fax)

During Session:

State Capitol

Juneau, AK 99801-1182

907-465-2679

907-465-4822 (fax)

1-800-505-2678

## NEWS RELEASE

**April 20, 1998**

### **House Joint Resolution 51 Approved by the Legislature**

In response to action by Alaska Congressman Don Young, the Alaska State Legislature has passed House Joint Resolution 51.

Sponsored by Representative Beverly Masek (R-Willow), House Joint Resolution 51 supports H.R. 2924, a bill which corrects mistakes made during the application period of the Native Allotment Act.

During the Vietnam War, Alaska Native Veterans serving in Vietnam were not afforded the opportunity to apply for their allotments, because they were either serving in combat zones or were overlooked by the Bureau of Indian Affairs. H.R. 2924 will allow these forgotten veterans to apply for their allotments under the Native Allotment Act. HJR 51 expresses the Alaska State Legislature's support for Congressman Young's efforts to remedy this inequity.

"It's only right and appropriate that we should go back and make an accommodation for those who were overlooked because they were serving their country," stated Representative Masek.

While it may take a couple of years to pass this bill, Representative Masek believes, "It's important for all of us to support righting a wrong and I'm honored to be able to help Congressman Young in his efforts."

For more information contact: Don Stolworthy at (907)465-2679 or fax (907)465-4822.



# Alaska State Legislature

**Representative Beverly Masek**

Chair, Military & Veterans Affairs

Vice Chair, Transportation

Vice Chair, Resources

Legislative Council

During Interim:

600 East Railroad Avenue  
Wasilla, AK 99654  
907-376-2679  
907-376-6180 (fax)

During Session:

State Capitol  
Juneau, AK 99801-1182  
907-465-2679  
907-465-4822 (fax)  
1-800-505-2678

## HOUSE SPECIAL COMMITTEE ON MILITARY & VETERANS' AFFAIRS

To: Senator <sup>Tim</sup> Kelly, Chair  
Senate Rules Committee  
Fr: Representative <sup>Beverly</sup> Masek, Chair  
Re: Request for Hearing on HJR 51  
Dt: March 30, 1998

Please consider this my formal request for a hearing on House Joint Resolution 51. My hope is that HJR 51 could be heard no later than April 8, 1998.

HJR 51 is a resolution supporting Congressman Don Young's HR 2924, which will amend the Alaska Native Claims Settlement Act to allow Native Alaska veterans from the Vietnam era to make their land selections. Between 800 and 2000 Native veterans missed their chance to apply for their land selections under the Native Allotment Act, because they were either serving in combat zones or were overlooked by the BIA. HR 2924 also restores 50,000 acres to Elim Native Corporation, which were improperly removed by presidential executive order.

HJR 51 passed out of the House Special Committee for Military & Veterans' Affairs with unanimous consent on February 24, 1998. It passed the House of Representatives unanimously (35 yeas / 0 nays) on March 2, 1998. The Senate Resources Committee amended HJR 51 on March 30, 1998 and passed it out with individual recommendations. The Senate Resources Committee Substitute emphasizes support for the Native Alaska veterans' land selections, but makes HJR 51 silent on the issue of the Elim Native Corporation's land selections.

Should you have any questions, contact Don Stolworthy in my office at extension 2811.



# Alaska State Legislature

**Representative Beverly Masek**

Chair, Military & Veterans Affairs

Vice Chair, Transportation

Vice Chair, Resources

Legislative Council

During Interim:

600 East Railroad Avenue  
Wasilla, AK 99654  
907-376-2679  
907-376-6180 (fax)

During Session:

State Capitol  
Juneau, AK 99801-1182  
907-465-2679  
907-465-4822 (fax)  
1-800-505-2678

## HOUSE SPECIAL COMMITTEE FOR MILITARY & VETERANS' AFFAIRS

To: Senator ~~Rick Halford~~, Chair  
Senate Resources Committee  
Fr: Representative ~~Masek~~, Chair  
Re: Request for Hearing on HJR 51  
Dt: March 3, 1998

Please consider this my formal request for hearing on House Joint Resolution as soon as possible. My hope is that HJR 51 could be heard as soon as possible, but no later than the week of March 23 - 27, 1998.

HJR 51 is a resolution supporting Congressman Don Young's HR 2924, which will amend the Alaska Native Claims Settlement Act to allow Native Alaska veterans from the Vietnam era to make their land selections. Between 800 and 2000 Native veterans missed their chance to apply for their land selections under the Native Allotment Act because they were either serving in combat zones or were overlooked by the BIA. HR 2924 also restores 50,000 acres to Elim Native Corporation, which were improperly removed by presidential executive order.

HJR 51 passed out of the House Special Committee for Military & Veterans' Affairs with unanimous consent on February 24, 1998. It passed the House of Representatives unanimously (35 yeas / 0 nays) on March 2, 1998.

Should you have any questions, contact Don Stolworthy in my office at extension 2811.

**THANK YOU MADAM SPEAKER**

**During the Vietnam Era, between 800 and 2,000 Alaska Native Veterans serving in our armed forces missed out on their opportunity to make their land selections under the Native Allotment Act.**

**These veterans were either fighting in combat zones or were simply overlooked by the BIA.**

**HJR 51 calls on the Alaska State Legislature to support Congressman Don Young's efforts to correct this situation by amending the Alaska Native Claims Settlement Act.**

**Congressman Young's amendment would allow these overlooked veterans to make their land selections**

**ON MARCH 2, 1998, THIS BODY PASSED HJR 51 BY A VOTE OF 35 YEAS AND ZERO NAYS.**

**THE SENATE RESOURCES COMMITTEE MADE A MINOR AMENDMENT TO THE RESOLUTION WHICH...**

**EMPHASIZES THIS LEGISLATURE'S SUPPORT FOR OPENING ANCSA TO LAND SELECTIONS BY ALASKA NATIVE VETERANS AND ....**

**~~MAINTAINS A NEUTRAL POSITION REGARDING THE PROPOSED LAND SELECTIONS BY THE ELIMNATIVE CORPORATION~~**

**ON APRIL 17, THE OTHER BODY PASSED THIS RESOLUTION BY A UNANIMOUS VOTE.**

**ONCE AGAIN I CALL ON THIS BODY TO DEMONSTRATE ITS SUPPORT FOR OUR ALASKA NATIVE VETERANS BY VOTING FOR SENATE COMMITTEE SUBSTITUTE HJR 51.**

**During the Vietnam Era, between 800 and 2,000 Alaska Native Veterans serving in our armed forces missed out on their opportunity to make their land selections under the Native Allotment Act.**

**These veterans were either fighting in combat zones or were simply overlooked by the BIA.**

**HJR 51 calls on the Alaska State Legislature to support Congressman Don Young's efforts to correct this situation by amending the Alaska Native Claims Settlement Act.**

**Congressman Young's amendment would allow these overlooked veterans to make their land selections.**

**HJR 51 also calls on the Alaska State Legislature to support Congressman Young's efforts to restore 50,000 acres of land to the Elim Native Corporation.**

**This land was improperly withdrawn from the Norton Bay Reservation in 1927 by Presidential Executive Order.**

**HJR 51 will send a clear message to the United States Congress that this Legislature supports our delegation's efforts on this issue.**

**Thank you.**

# 20<sup>th</sup> Alaska State Legislature

First Session, 1997



Elim Native Corp

907-890-3737

Robert Keith, President

Res. granted 1917 - \$350,000 Reindeer Reserve.  
← 1929 C.O. Removed 50,000 for W.I. Homestead Act.

Like Venetie went w/ 1965 Reserve Boundaries  
Surface + Subsurface 297,000 acres.

~~50,000 acres of land were in 1968~~  
50,000 would come out of Blm lands →

Not selecting east of Clm - go north onto Blm.  
State + Bering Straits Reg. Corp

\$27,000 eligible for.

(Booker 21 ET)

Compliments of:

**PRINTING TRADE COMPANY**

10002 Crazy Horse Drive, Juneau, AK 99801 Phone: (907) 789-7636 Fax: (907) 789-9472

*Celebrating our 10<sup>th</sup> year of Quality Printing Services*

29,000 acres will extinguish ~~all~~  
any other claims.

Fee Simple / patents -

are subject to valid + existing rights.

FROM: P. J. B. S. L. C. R. T. T.

Robert Keith  
 Elim Native Corporation  
 H.R. 2924, Alaska Native Claims Settlement Act Amendments  
 Testimony  
 U.S. House of Representatives, Committee on Resources  
 2/25/98

*Mr Chairman*

*I am here to speak in support of HR 2924*

Good afternoon my Name is Robert Keith, I am currently the President of Elim Native Corporation. I and our Vice President Joe Murray Jr. have been sent to represent Elim Native Corporation, we strongly support HR2924. Our Shareholders since 1986 strongly support the return of land unjustly taken from Elim in 1929.

The Norton Bay Reserve was created in 1917. It is located about 110 miles southeast of Nome, Alaska. The Reserve is about 40 miles by 10 miles, and originally included about 350,000 acres. It is currently populated by about 295 Alaska Natives, 5 or 6 non Natives and 7 teachers who live in the village of Elim.

The Reserve was administered by the U.S. Department of Education until 1931, when the responsibility was transferred to the BIA. When the Alaska Native Claims Settlement Act (ANCSA) was passed in 1971, the Reserve was revoked and administrative control passed to the U.S. Bureau of Land Management, subject to the right of the Elim Corporation to acquire the land under ANCSA.

By Executive Order 2508, January 3, 1917, President Woodrow Wilson set aside the Norton Bay Reserve "for the use of the United States Bureau of Education and of the natives of indigenous Alaskan race", including adjacent islands within three miles of the coast.

In 1919 Congress forbade Executive withdrawal of public lands for use as Indian reservations except by Act of Congress. In 1927 Congress forbade any changes in the boundaries of Executive Order reservations for the use of Indians except by Act of Congress.

In 1929 President Herbert Hoover by Executive Order 5207, October 12, 1929, purported to partially revoke the 1917 Executive

Order Reservation, containing about 50,000 acres. The Executive Order also purported to open up said revoked portion to homestead entry by World War I veterans for a limited time, and thereafter the revoked portion would be opened to the public under the public land laws.

Returning Elim Land through HR2924 along with the Vietnam Veterans allotment provision would be a honorable way to do business, this bill address two different injustices, World War I veterans homestead <sup>along with EP 2A07</sup> act created an injustice for Elim and Vietnam Veterans unable to receive Native Allotments because of their absence while serving their country.

There is an interesting story behind how this 50,000 acres was withdrawn from our reserve. According to our Elders a miner was exploring for gold on one of the many creeks in the area of the 50,000 acres in question. The miner left the area after finding some gold in the one of the many creeks, he then went back to Washington DC and lobbied to have the 50,000 acres removed from the Elim reserve. He was successful through the World War I Veterans Homestead Act. He returned to the 50,000 acre area to stake his homestead claim on the creek where he had previously found the gold. He was unable to locate the creek and was later found dead of apparent starvation. We have not been able to determine if any kind of notification was given to Elim peoples of this land withdrawal back then.

In 1967 Ernest Nylin was asked to testify by David Saccheus, President of the Elim IRA Council, this hearing (held in 1968) was being held by Senator Gruening on Land Claims in Anchorage. Ernest's recollection of his testimony is that he had requested for the entire 350,000 acres (as per Executive Order 2508) to be given to Elim. Enclosed is a signed statement by Ernest Nylin (see attachment 1 ). Ernest is currently the Elim IRA Council Tribal Coordinator (a Kawerak Inc. employee). He has been active since the early 1950's as a Community leader in various capacities. Ernest Nylin's coming forward just last week, has not given us time

FROM : Panasonic PFF

to research his claim for verification and added documentation.

Last year Elim Native Corporation's vice president Joe Murray Jr. testified before congress on this Land issue just as I am today. As part of his testimony he stated that we had Koyuk's support, we have had Koyuk's support since April 20, 1994. Koyuk would object if we were to get land close to their village (east of our border) , so in order to get their support we have since April 11, 1994 chosen to get land north of our border as authorized by our shareholders at a special meeting. I have heard that Department of Interior was stating that Koyuk objects to Elim Native Corporation getting land back. Your Bill HR 2924 Congressman Young well if passed give Elim Native Corporation 50,000 acres back on our Northern border subject to valid existing rights, fully accommodating Koyuk's concerns . Enclosed as attachment 2 are two letters of support and a map.

I have been told to expect some disapproval to HR2924 and this disapproval would come from the more fervent environmental groups. Our Tribal Government, Village Corporation and City Municipality are extremely mindful of economic development because of a 50 to 80 % unemployment rate in our village and food prices are 300% higher than Anchorage and Seattle. This accentuates our long ongoing and continued dependence on our natural resources for Subsistence, this makes us careful not to adversely impact our environment. Elim Native Corporation (with Kawerak Inc. technical assistance) has developed a comprehensive Land Use Policy, and a Forest Stewardship Plan (with extensive technical assistance from Soil Conservation Service and US Forest Service). A Forest Stewardship Plan is a balance between conservation and development.

However tempted I am of desiring to contend with the Department of Interior and the President's Office for their objecting and veto threats in relation to Elim Native Corporation Land issue over these many years - I have always tried to develop relationships. The President and the Department of Interior have sought to justly

FROM : Panasonic PPF

work with Native Americans, their actions in relation to Elim have not been just in our eyes. You Congressman Young have tirelessly sought a just resolution over a long number of years on behalf of Elim and on behalf of Elim I would like to thank you again for introducing legislation addressing Elim Native Corporation's Land return. I am hopeful that patient determination will triumph. Thank you for this opportunity to testify.

FROM : Panasonic PPF

DT: 02/28/98

TO: Anchorage Daily News Editor

FR: Robert A. Keith  
 PO Box 39044  
 Elim, Alaska 99739  
 Phone # 907-890-2269

RE: Letter to the Editor

*I do not  
 know if this  
 Letter to the  
 editor was  
 published*

Dear Sirs

I am writing in response to your article "Top Officials oppose Young's land - Transfer bill" that appeared in the Saturday issue. I just returned to Alaska from testifying at Congressman Young's House Resources committee in Washington DC when I read the above mentioned article. I was testifying as Elim Native Corporation's President and as such have a much different perception of that Congressional Hearing. I do not recall seeing any top level officials, at least not at the DC level, what constitutes a top level official? I did not see any Presidential Secretaries, Assistant Secretaries or any Solicitors. I did see a few mid level agency bureaucrats testify.

A closely knit concert of testimony by a environmental group and various Dept. of Interior and Dept. of Agriculture agencies opposing Congressman's Young's latest Alaska Native Claims Settlement Act (ANCSA) amendments. Only on the proposed Vietnam Veterans Allotment not amendment did the Federal employees give some room for negotiation provided that their numerous concerns are addressed. If these amendments were to pass would these new ANCSA lands fall under the purview of the State of Alaska as with other ANCSA lands? If that is true these agencies who so strenuously opposed Young's ANCSA amendments have a clear cut motive, holding on to the current size of their environmental empire.

We in Elim are very mindful of our environment i.e. the health and/or the lack thereof - to balance that out, high unemployment in our village makes us mindful of economic development. Wise stewardship demands balance and careful planning.

There are some mistakes in your news report. Elim Native Corporation will be the recipient of up to 50,000 acres not the "Native Village of Elim" (a federally recognized Tribe) if justice prevails. There was no "promise" there was a reservation created in 1917 containing 350,000 acres. Since 1927 only an act of Congress can reduce a reservation, in 1929 President Herbert Hoover removed 50,000 acres from our reservation through the World War I veterans homestead act. No one has applied for land under the WWI veterans homestead act in that 50,000 acre tract.

Returning Elim Land along with the Vietnam Veterans allotment provision would be a honorable way to do business, this bill addresses two different injustices, World War I veterans homestead act created an injustice for Elim and Vietnam Veterans unable to

FROM : Panasonic PPF

receive Native Allotments because of their absence while serving their country. To see both pass would be poetic justice. Those Native Vietnam veterans who served and those who died serving our country should receive what others received, their absence while serving should not preclude their eligibility. Congressman Young is seeking simple justice through the amendments he has introduced.

Proposed Amendment to HJR 51

By Representative Beverly Masek, Chair

House Special Committee for Military & Veterans' Affairs Committee

Insert the word "era" on line 2 of the title so that it reads, "Vietnam era veterans" and insert the word "era" on line 7, so that it reads, "Vietnam era veterans."

This amendment will ensure that House Joint Resolution reflects more accurately the language contained in H.R. 2924.

**Proposed Amendment to HJR 51**

**By Representative Beverly Masek, Chair  
House Special Committee for Military & Veterans' Affairs Committee**

**Insert the word "era" on line 2 of the title so that it reads, "Vietnam era veterans" and insert the word "era" on line 7, so that it reads, "Vietnam era veterans."**

**This amendment will ensure that House Joint Resolution reflects more accurately the language contained in H.R. 2924.**

Page 1, lines 9 – 10

Amend this paragraph to read, "**WHEREAS** allowing these land selection issues to be addressed under the Alaska Native Claims Settlement Act would serve the best interests of the state and the people of Alaska;"

Page 1, lines 11 – 13

Delete entire phrase and replace it with:

**BE IT RESOLVED** that the Alaska State Legislature supports the provisions of H.R. 2924, which will amend the Alaska Native Claims Settlement Act to allow Alaska Native Veterans, who served during the Vietnam era, to select their Native Land Allotments under the Native Land Allotment Act.

Add another Resolve to read:

**BE IT FURTHER RESOLVED** that the Alaska State Legislature supports Congressman Young's efforts to address the issues of land selections by the Elim Native Corporation to the extent that any land selections do not adversely impact current State or private holdings.

Whereas H.R. 2924 will allow ANV to make selections  
then I will make the NAA  
Be it so

dismissed  
the 9/2/85

## **HJR 51 – COMMENTS**

**Good Afternoon.**

**For the Record, my name is Donald Stolworthy. I work as legislative aide to Representative Beverly Masek.**

**During the Vietnam Era, between 800 and 2,000 Alaska Natives serving in the armed forces missed their opportunity to apply for their Native Land Allotments under the Alaska Native Claims Settlement Act. These veterans were either serving in combat zones, or were overlooked by the Bureau of Indian Affairs.**

**Alaska Congressman Don Young has introduced H.R. 2924 into the United States Congress in an attempt to remedy this inequity. H.R. 2924 would amend ANSCA to allow these overlooked veterans an opportunity to apply for their Native Land Allotments.**

**H.R. 2924 would also restore 50,000 acres to the Elim Native Corporation's land entitlement, which was improperly removed by President Hoover through a presidential executive order. These 50,000 acres would have been available for selection by World War I veterans wishing to homestead.**

**HJR 51 calls on the Alaska State Legislature to support Congressman Young's efforts to right these wrongs.**

**It has a zero fiscal note.**

What would they've rec'd under 19(b) - land + money?

◀ Thursday.

1 Map? don't have one ☐

2 Why asking for 50,000 now, when agreed to 297,000 w/ AHCSA?

3. What would have Elmer received under section 19(b) - land + money?

#2 B/c 50,000 should have been included →  
feel it was overlooked by Village.  
rec'd \$100,000 grant to start Nature Gap.

#3 14(c) would've rec'd  $\frac{1}{3}$  of land - 100,000 acres -  
don't know how much money.  
also would have had 7(c) distribution.

#4 would use extra acres for mineral mining →  
hot springs, beauty.  
build a sub-regional High School at hot springs.

Indiana at an anniversary celebration, which will be entitled "Tribute to a Statesman." The event will be held on Thursday evening, November 20, 1997, at the Genesis Convention Center in Gary, IN. Dozier's family and friends, as well as many prominent community leaders, will attend this special event.

A native of Gary, IN, Dozier Allen began his political career in 1967, with his election to the post of Gary City councilman-at-large. With this election, he earned recognition for being the first Gary-born African-American to serve as councilman-at-large, and during his 5 years in this position, Dozier faithfully served several council committees, including Ordinance, Building and Grounds, Public Welfare, Police and Fire, and Housing and Urban Planning. Through his active participation in these committees, Dozier was instrumental in passing many important city ordinances and resolutions. Some such initiatives resulted in securing more money from the State of Indiana for education in Gary, securing Federal assistance for drug rehabilitation initiatives, and the annexation of Calumet Township to Gary.

While still a councilman-at-large, Dozier won the 1971 election for Calumet Township Trustee. Since then, he has been elected to seven consecutive 4-year terms, during which he has hired and managed over 500 employees, and effectively administered over \$300 million to assist more than 1.4 million impoverished families. During Dozier's 25-year stewardship, the Township Trustee's office has had an impeccable record. As township trustee, Dozier has also devoted much of his time to serving on several prestigious councils and committees, including: the Indiana Township Association's Metro Committee; the Governor's Indiana Metropolitan Poor Relief Council; the Lake County Welfare Board; the Lake County Mental Health Board; and the Indiana Township Trustee Association, of which he is still a member. During his distinguished political career, Dozier has earned the distinction of being elected to a major executive public office longer than any African-American citizen in the history of Indiana.

Dozier expressed his devotion to public service long before his election to office, however. He first served his country in combat during the Korean war. For his outstanding service in the National Guard, Dozier received a Bronze Star, a United Nations Service Medal, a National Defense Service Medal, a Good Conduct Medal, and an honorable discharge. Upon returning from the war in 1954, Dozier immediately became involved in the Gary young adult branch of the NAACP, and he actively participated in the elections of countless black public officials. In 1960, Dozier was one of the founders of Mulgwithania, the first local African-American organization to have an independent impact on electing black public officials. Since that time, he has probably supported more campaigns for Gary citizens to become elected officials than any other person.

Dozier's humanitarian efforts have also positively impacted the community he serves. Over the years, Dozier has served as a board member or officer in countless organizations, always making a serious effort to contribute in a productive manner. In 1972, as a charter board member of the National Association for Sickle Cell Disease, Dozier successfully raised over \$18,000 locally. Sensitive and compassionate in the face of human suffering, health

and human service initiatives have always been a priority for Dozier. Other successful fundraising efforts in which Dozier participated, including raising over \$12,000 for the National Civil Rights Hall of Fame in 1982-83, and over \$10,000 for the Poor People Hunger Revival in 1985, which replenished exhausted township funds. In recognition of his outstanding community service efforts, Dozier has received many awards, including: the Serenity House Appreciation Award; the Martin Luther King Jr. Drum Major Award; the Indiana Township Trustees' Association's Distinguished Service Award; the Indiana Department of Mental Health Outstanding Service Award; the American Red Cross Outstanding Service Award; the John F. Kennedy Leadership Award; and the NAACP Humanitarian Award.

Mr. Speaker, I ask you and other distinguished colleagues to join me in commending Dozier T. Allen on his years of outstanding service to the communities of northwest Indiana. The hard work and leadership he has displayed, while positively impacting the lives of many, is truly admirable.

#### NOTING THE SUCCESS OF NASA'S SEMAA PROJECT

#### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. STOKES. Mr. Speaker, as we approach the 21st century, we are hearing reports that America's students are continuing to perform poorly in math and science. These skills will be critical in the highly technical society to which we are moving. I want to bring to the attention of my colleagues an exciting program that addresses this challenge. The program is enjoying great success in my home district, the 11th Congressional District of Ohio.

In 1993, the National Aeronautics and Space Administration [NASA] Lewis Research Center in Cleveland, OH, joined with Cuyahoga Community College in launching the Science, Engineering, Mathematics and Aerospace Academy [SEMAA]. The program was created to increase the number of under-represented and under-served students interested in science, mathematics, engineering, and technology careers. At the same time, SEMAA focuses on increasing the success rate of these students through innovative activities and programs.

I have had the opportunity of witnessing firsthand the success of this unique initiative. Students are placed in settings where they are allowed to imagine themselves on the surface of Mars, or flying across country in the mobile aeronautics laboratory. The students are not only developing strong math, science, and other technical skills, but they are also developing good leadership and communication skills.

For these reasons, the SEMAA program is being hailed as a great success. When it was first introduced, program heads set as a goal serving 1,000 students each program year. I am pleased to report that in its 4th program year, SEMAA served 1,939 students, nearly double the original goal.

Mr. Speaker, I am grateful that NASA Administrator Dan Goldin supports the SEMAA initiative. In my congressional district, a team

of three individuals play critical roles in guaranteeing the program's success. I want to recognize these individuals, each of whom has a strong background in education. The individuals are: Dr. R. Lynn Bondurant, Jr.; Mr. John Hairston; and Dr. Jerry Sue Thornton.

Dr. Bondurant is the education programs officer in the external programs division at NASA Lewis Research Center. In this position, he is responsible for creating and implementing new educational programs, including SEMAA. He also recently completed a mobile aeronautics education laboratory. Prior to his employment at NASA Lewis, Lynn was a junior high school principal and curriculum coordinator. I should also note that Dr. Bondurant was the first education officer at the National Air and Space Museum. He is the recipient of numerous awards including NASA's Exceptional Service and Leadership Medals; and the Challenger Seven Award from the Challenger Center.

Mr. Speaker, Mr. John Hairston serves as director of external programs at NASA Lewis Research Center. His responsibilities include the development and implementation of outreach, educational and informational programs that contribute to scientific literacy and highlight Lewis Research Center's expertise in research and technology. Prior to joining NASA, John spent 27 years with the Cleveland city schools where he now serves as a board member. He, too, has received NASA's Outstanding Leadership and Exceptional Achievement Medals. John is also a member of the Ohio Aerospace Council.

Dr. Jerry Sue Thornton is president of Cuyahoga Community College in Cleveland, OH. Under her leadership, the college serves 60,000 students annually through more than 70 degree programs. She has been instrumental in spearheading the implementation of unique programs to meet the needs of Cleveland students, including the SEMAA project and other technology initiatives. In addition to leading Cuyahoga Community College, Dr. Thornton is a board member of the Greater Cleveland Growth Association, Applied Industrial Technologies, and the Cleveland Foundation, just to name a few. She has also written for several publications, including books, book chapters and professional articles.

Mr. Speaker, I salute Dr. Bondurant, Mr. John Hairston, and Dr. Jerry Sue Thornton for their efforts in ensuring the success of the SEMAA program. On behalf of the students and parents within the 11th Congressional District, I applaud their commitment to educational excellence. In my opinion, the SEMAA project should be duplicated in congressional districts across the United States. It is my hope that this will be one of our goals for the future.

#### HONORING THE SERVICE OF ALASKA VIETNAM ERA NATIVE VETERANS

#### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce legislation on behalf of numerous Alaska Native veterans who answered the call of their country to serve, fight,

and preserve the rights of all citizens of the United States during the Vietnam war. Many of these same Alaska Native veterans continue to serve their country by becoming involved in their communities, and in local and State government. Others continue to serve their country by their enlistment in the Alaska National Guard, a reserve component of the Army.

Alaska Natives, who were in service to their country during the Vietnam war, missed their opportunity to apply for a Native allotment under the Native Allotment Act. Many were in war zones and others had not received their application from the Bureau of Indian Affairs [BIA]. It is my firm belief that our Alaska Native Vietnam veterans merit the same rights as other Alaska Natives under this act. It is morally wrong of our country, of which our Alaska Native veterans are first class citizens, to deny them the basic right afforded to other Alaska Native citizens under this act. This legislation will correct this inequity and give them the opportunity to apply for their allotment under the Native Allotment Act.

I think it is appropriate that I offer this legislation prior to our national observance of Veterans Day, November 11, 1997. My legislation respectfully requests of this administration not to tarnish the service of our Alaska Vietnam era Native veterans and to grant them the same rights to apply for their Native allotment.

Another provision in this bill would restore land to the Elim Native Corp. By Executive Order 2508, January 3, 1917, President Woodrow Wilson set aside the Norton Bay Reservation "for use of the United States Bureau of Education and the natives of indigenous Alaskan race", including adjacent islands within 3 miles of the coast. This area contained 350,000 acres.

In 1919, Congress mandated that the withdrawal of public lands for use as Indian reservations could only be made by an act of Congress (43 U.S.C. 150, 41 Stat. 34). Congress in 1927 declared that no changes could be made in the boundaries of Executive Order reservations for the use of Indians except by an act of Congress (25 U.S.C. 398d, 44 Stat. 1347). The 1927 act is applicable to Alaska (70 I.D. 166 (1963)). After the 1927 act, President Herbert Hoover issued Executive Order 5207 which revoked approximately 50,000 acres of land from the Norton Bay Reservation for use of homesteading by ex-servicemen of World War I. No ex-servicemen applied for any land within the old Norton Bay Reservation.

When I brought this issue before the 102d Congress, the Secretary of Interior agreed that Elim was entitled to the 50,000 acres. See April 21, 1992, letter from deputy Assistant Secretary for Land and Minerals Management to Chairman MILLER. The administration is ignoring the fact that only Congress can revoke reservation lands. Therefore, it is my lawful belief that Elim Native Corp. is entitled to the 50,000 acres and that the administration should disregard Executive Order 5207 issued by President Hoover and restore the 50,000-acre Elim entitlement.

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, DC, April 21, 1992.

Hon. George Miller,  
Chairman, Committee on Interior and Insular  
Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for the Department of the Interior's (the Department's) views on eight proposed amendments to H.R. 3157, the "Alaska Land Status Technical Corrections Act of 1991," a bill which would amend the Alaska Native Claims Settlement Act (ANCSA).

On February 24, 1991, the Department submitted written testimony on H.R. 3157, as introduced. The issues raised in our testimony still are of concern to the Department. This letter sets forth only the Department's concerns with the eight proposed amendments. The proposed amendments will be discussed in the same order and have been given the same headings as those submitted with your letter requesting our views.

#### RATIFICATION OF LAND TRANSFERS TO CASWELL AND MONTANA CREEK

This proposed amendment involves the Cook Inlet Region, Inc. (CIRI) and the Caswell and Montana Creek Native Groups, all of whom entered into a settlement agreement in 1982. Pursuant to the settlement, CIRI conveyed approximately 11,000 acres to each group with the understanding that the conveyances satisfied their entitlements under section 12(b) of ANCSA. The Department was not a party to the settlement agreement. The purpose of the proposed amendment is to ratify the transfers and satisfy the Department's ANCSA land transfer obligations to the two groups and CIRI.

The conveyances to Caswell and Montana Creek were made by CIRI from lands received from the State of Alaska under Paragraph II and Appendix C, Part 1.A. (Kashwitna Pool) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area (ratified by Section 12(b) of the Act of January 2, 1976, 43 U.S.C. 1611 n.).

Conveyances from Appendix C are debited from CIRI's entitlement under Section 12(c)

of the ANCSA. The Terms and Conditions provided for methods of satisfying entitlements that are somewhat different from the normal procedures, i.e., ordinarily, the United States conveys land directly to groups but, by virtue of special legislation affecting CIRI, land is conveyed to the regional corporation and it then reconveys to village corporations and groups. In order to avoid a double charge for the Caswell/Montana Creek group entitlements, we recommend the following language by adding at the end of the proposed amendment: "The ratification of the conveyances made by CIRI in this section shall not be a basis for or generate a claim by CIRI, or either of the groups named herein, for additional conveyances of land or money or any other thing of value against either the State of Alaska or the United States."

#### ELIM NATIVE CORPORATION LAND CONVEYANCE

Under this proposed amendment, 50,000 acres of land would be withdrawn, subject to valid existing rights, for selection by the Elim Native Corporation. These lands were excluded in 1929 by Executive Order from the original Elim reserve. Elim was one of five native corporations that elected to take lands set aside in reserve for the benefit of Natives instead of participating in the ANCSA land selection process. Pursuant to its election, Elim received patent to 297,982 acres on September 14, 1979—the lands that were included in the Elim reserve on the date of entitlement under the ANCSA. Elim did not appeal the decision to convey and accepted the patent.

We suggest that proposed amendment tie authority for conveyance of additional acreage to some existing entitlement. Moreover, the proposed amendment presents a problem in that about 11,440 acres of the described lands proposed for conveyance to Elim have been validly selected by the Native village of Koyuk. This would leave only 38,560 acres for Elim instead of the 50,000 they desire. If the proposed amendment is included in H.R. 3157, it should include clear Congressional intent and guidance as to which entity will receive the 11,440 acres, and a proviso that the conveyance is in full satisfaction of Elim's entitlement under Section 19(b) of the ANCSA.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD ROLDAN,  
Deputy Assistant Secretary,  
Land and Minerals Management.

# BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 310  
DILLINGHAM, ALASKA 99576  
PHONE (907) 842-5257

RECEIVED  
FEB 24 1998

February 19, 1998

|                   |            |         |      |            |    |
|-------------------|------------|---------|------|------------|----|
| Post-it* Fax Note | 7571       | Date    | 2-24 | # of pages | 51 |
| To                | HMLV       | From    | Reg  | L10        |    |
| Co./Dept.         | Backup for | Co.     |      |            |    |
| Phone #           | TC 80272   | Phone # |      |            |    |
| Fax #             | 465-4822   | Fax #   |      |            |    |

tribal Councils  
served by BUNA:

Jelagank

higank Bay

higank Lagoon

higank Lake

Lerts Point

Dillingham

gigik

Ikuk

Ikuk

gigik

Lisram

vanof Bay

Gig Salmon

Gokhanok

Goligasek

Javelock

Woonotok

Yakok

New So-yahok

Newkazen

Nondalton

Podro Bay

Perryville

Pilot Point

Port Heiden

Portage Creek

South Naknek

Togral

Tona Hills

Ugashik

The Honorable Donald E. Young  
Chairman, U.S. House Resources Committee  
House of Representatives  
2111 Rayburn House Office Bldg.  
Washington, D.C. 20515-0201

The Honorable Frank Murkowski  
Chairman, U.S. Senate Energy and Natural Resources Committee  
United States Senate  
706 Hart Building  
Washington, D.C. 20510-0202

The Honorable Ted Stevens  
Chairman, U.S. Senate Appropriations Committee  
United States Senate  
522 Hart Building  
Washington, D.C. 20510-0201

Re: H.R. 2924 To amend the Alaska Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam Era and by the Elim Native Corporation.

Dear Sir:

Speaking for our Vietnam Veterans, the Bristol Bay Native Association strongly supports H.R. 2924, the Bill that will allow Alaska Vietnam Era Veterans the opportunity to file for a Native Allotment.

The Alaska Native Allotment Act of 1906 gave the Alaska Natives, the right to select up to 160 acres of land, as their Native Allotment. The Bureau of Indian Affairs, Rural Cap and other organizations assisted a large number of Alaska Natives throughout Alaska, to file for a Native Allotment just prior to December 18, 1971. That was when the Allotment Act was repealed.

Still, many Alaska Natives did not know about their opportunity to file for a Native Allotment, until it was too late. This was the case for Veterans serving their country in Vietnam. They were focused on daily activities far different then those in America. Unsung heroes, who paid the ultimate price for their country should have the same opportunity if not more, to file for a Native Allotment.

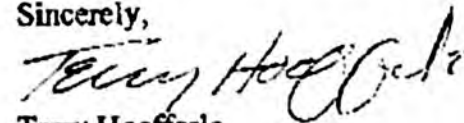
The Veterans who were discharged before December 18, 1971 were trying return to a normal life. How do you return to a normal life after fighting for your own life? Was there any counseling for the Post Traumatic Stress Syndrome our Veterans suffered from? These Veterans also need the same opportunity to file for a Native Allotment.

Precedents are found in the publication of Title 43 USCS, (United States Code Service) sections 278 and 279. I have enclosed a copy of both sections for your convenience. As stated in Title 43 USCS section 279, "Any person who has served in the military or naval forces of the United States for a period of at least ninety days at any time on or after September 16, 1940, and prior to the termination of the Korean conflict as determined by Presidential proclamation or concurrent resolution of the Congress, and is honorably discharged from the military or naval forces and who makes homestead entry subsequent to such discharge shall have the period of such service, not exceeding two years, construed to be equivalent to residence and cultivation upon the land for the same length of time." We are requesting similar language be implemented for our Veterans.

Also, the one year period for accepting Native allotment applications as described in Section 41. (a) of H.R. 2924 is not enough time. Therefore, due to logistical constraints, we are respectfully requesting that you extend this time from 12 months to 24 months.

Again, the Bristol Bay Native Association strongly supports H.R. 2924, the Bill that will allow Alaska Vietnam Era Veterans, the opportunity to apply for a Native allotment. This is a good Bill. Thank you for this opportunity to comment.

Sincerely,



Terry Hoeffler  
Chief Executive Officer  
Bristol Bay Native Association

th/pcjr

cc: Reading file  
Bristol Bay Area Veterans  
Bristol Bay Village Corporations

## HOMESTEADS

43 USCS § 279



or (2) if such person is regularly discharged and subsequently is furnished hospitalization or is awarded compensation by the Government on account of such wounds or disability. When the homestead entry is made by a husband or wife whose spouse is entitled to any service credit under this section, such credit shall, with the consent of the spouse entitled thereto, be available to the husband or wife making the entry, in addition to any service credit to which he or she individually may be entitled under this section. No patent shall issue to any such person who has not resided upon his homestead and otherwise complied with the provisions of the homestead laws for a period of at least one year: Provided, That such compliance shall include bona fide cultivation of at least one-eighth of the area entered under the homestead laws: Provided further, That no person who has served in the military or naval forces of the United States for a period of at least ninety days at any time on or after September 16, 1940, and prior to the termination of the Korean conflict as determined by Presidential proclamation or concurrent resolution of the Congress, and is honorably discharged shall be disqualified from making homestead entry or from any other benefits of this Act [43 USCS §§ 279-284] merely by reason of not having reached the age of twenty-one years.

(Sept. 27, 1944, ch 421, § 1, 58 Stat. 747; June 25, 1946, ch 474, 60 Stat. 308; May 31, 1947, ch 88, § 1, 61 Stat. 123; June 18, 1954, ch 306, § 1(a), (b), 68 Stat. 253.)

## HISTORY; ANCILLARY LAWS AND DIRECTIVES

### Amendments:

1946, Act June 25, 1946, added the proviso which eliminated any age qualifications.

1947, Act May 31, 1947, substituted new section for one which read: "Any person who has served or may serve in the military or naval forces of the United States for a period of at least ninety days during World War II, and is honorably discharged, and who makes homestead entry subsequent to such discharge, shall have the period of his military or naval service, not exceeding two years, construed to be equivalent to residence and cultivation upon the land for the same length of time. Credit shall be allowed for two years' military or naval service (1) if such person is discharged on account of wounds received or disability incurred in the line of duty, or (2) if such person is regularly discharged and subsequently is furnished hospitalization or is awarded compensation by the Government on account of such wounds or disability. No patent shall issue to any such person who has not resided upon his homestead and otherwise complied with the provisions of the homestead laws for a period of at least one year. Provided, That no person who has served or may serve in the military or naval forces of the United States for a period of at least ninety days during World War II and is honorably discharged shall be disqualified from making homestead entry or from any other benefits of this Act merely by reason of not having reached the age of twenty-one years."

## LANDS

## HOMESTEADS

## 43 USCS § 278

in Act Oct. 21, 1976, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on Oct. 21, 1976.

August  
| Land  
undred  
, or in  
terior,  
equent  
ommis-  
i to be  
where  
l, such  
e same  
se; and  
y such  
of the

## § 277. Entry by agent

*[Caution: for partial repeal, see Other provisions note]*

Every soldier, sailor, marine, officer, or other person coming within the provisions of section twenty-three hundred and four [43 USCS § 271], may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

(R. S. § 2309.)

## HISTORY; ANCILLARY LAWS AND DIRECTIVES

## Explanatory notes:

R. S. § 2309 was derived from Act June 8, 1872, ch 338, § 5, 17 Stat. 334.

## Other provisions:

**Partial repeal.** Act Oct. 21, 1976, P. L. 94-579, Title VII, § 702, 90 Stat. 2787, provided that this section is repealed effective on and after the date of approval of this Act (approved Oct. 21, 1976), except the effective date shall be on and after the tenth anniversary of the date of approval of this Act insofar as this section applies to public lands in Alaska.

**Savings provisions.** Act Oct. 21, 1976, P. L. 94-579, Title VII, § 701(a), 90 Stat. 2786, located at 43 USCS § 1701 note, provided that nothing in Act Oct. 21, 1976, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on Oct. 21, 1976.

in  
nd  
is-  
he  
6,

as  
or  
d.

re-  
or.  
g-  
4,

90  
er  
he  
of  
in

a),  
og



## § 278. Right of widow of veteran to make entry; rights of children on her death

*[Caution: for partial repeal, see Other provisions note]*

In the case of the death of any person who would be entitled to a homestead under the provisions of sections 271 and 272 of this title [43 USCS §§ 271, 272], his widow, if unmarried and otherwise qualified, may make entry of public lands under the provisions of the homestead laws of the United States and shall be entitled to all the benefits enumerated in said sections subject to the provisions and requirements as to settlement, residence, and improvement therein contained: Provided, That in the event of the death of such homestead entrywoman prior to perfection of title, leaving only a minor child or children, patent shall issue to the said minor

## 43 USCS § 278

## PUBLIC LANDS

## HOMES

child or children upon proof of death, and of the minority of the child or children, without further showing or compliance with law.

(R. S. § 2307; Feb. 25, 1919, ch 37, 40 Stat. 1161; Sept. 21, 1922, ch 357, 42 Stat. 990.)

### HISTORY; ANCILLARY LAWS AND DIRECTIVES

#### Explanatory notes:

R. S. § 2307 was derived from Act June 8, 1872, ch 338, § 3, 17 Stat. 333.

This section is stated in the language of the codifiers of the United States Code.

R. S. § 2307, related to the entry entitlement of widows and minor children of soldiers entitled to entry under R. S. § 2304, 43 USCS § 271. Act Aug. 25, 1919, ch 37, 40 Stat. 1161, extended the provisions of R. S. § 2304 to soldiers in the Mexican border operations and World War I. Act Sept. 21, 1922, ch 357, 42 Stat. 990, made this section applicable to the widows and minors of soldiers entitled to entry under 43 USCS § 272.

#### Other provisions:

**Partial repeal.** Act Oct. 21, 1976, P. L. 94-579, Title VII, § 702, 90 Stat. 2787, provided that this section is repealed effective on and after the date of approval of this Act (approved Oct. 21, 1976), except the effective date shall be on and after the tenth anniversary of the date of approval of this Act insofar as this section applies to public lands in Alaska.

**Savings provisions.** Act Oct. 21, 1976, P. L. 94-579, Title VII, § 701(a), 90 Stat. 2786, located at 43 USCS § 1701 note, provided that nothing in Act Oct. 21, 1976, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on Oct. 21, 1976.

## \* § 279. Preference right of entry of World War II or Korean conflict veterans

[Caution: for partial repeal, see Other provisions note]

Any person who has served in the military or naval forces of the United States for a period of at least ninety days at any time on or after September 16, 1940, and prior to the termination of the Korean conflict as determined by Presidential proclamation or concurrent resolution of the Congress, and is honorably discharged from the military or naval forces and who makes homestead entry subsequent to such discharge shall have the period of such service, not exceeding two years, construed to be equivalent to residence and cultivation upon the land for the same length of time. Credit shall be allowed for two years' service to any person who has served in the military or naval forces of the United States during the above period (1) if such person is discharged on account of wounds received or disability incurred during the above period in the line of duty,

or (2) if  
hospital  
of such  
husband  
section,  
be avail  
service c  
section.  
his hom  
stead lav  
ance sha  
entered  
has serv  
of at lea  
prior to  
tial proc  
ably disc  
any othe  
not havir  
(Sept. 27  
308; May  
(b), 68 St

Ame  
1946  
quali  
1947  
"An;  
force  
Worl  
entry  
milit.  
equiv  
length  
servi  
or di  
regul  
awar  
or di  
reside  
of the  
no pe  
of the  
War  
home  
reason