

HJR

51



# 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

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State Capitol

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## **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 for use of 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.

# SENATE COMMITTEE REPORT

DATE: 3/3/98

FURTHER:

DATE TURNED IN TO OFFICE: 3/31/98

Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 51 (MLV)

Relating to support for H.R. 2924, which allows certain Alaska Native Vietnam era veterans and the Elim Native Corporation to select land under the Alaska Native Claims Settlement Act.

and recommends:

- be replaced with S CS HJR 51 (RES)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING TO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John Ingum</i>	✓	<i>[Handwritten initials]</i>			
<i>Loren D. Hulen</i>	✓				
<i>Lylee Green</i>	✓				
<i>Bob Thayer</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>Rick Halford</i>	✓				

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
House (MLV)	2/4	X	

APPLIC TO CS

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No: 1

B Version: CSHJR 51 (MLV)

(H) Publish Date: 2/25/98

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
Title: A Resolution Supporting H.R. 2924

Dept. Affected: None  
BRU: \_\_\_\_\_  
Component: \_\_\_\_\_

Sponsor: Rep. Masek, Foster, Ivan  
Requester: House Special Cmte on Military & Veterans' Affairs

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						
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CHANGE IN REVENUES ( )						
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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: Office of Rep. Beverly Masek  
Division: Donah M. [unclear]  
Approved by: Beverly Masek  
Agency: \_\_\_\_\_

Phone: 465-2679  
Date: Feb 4, 1998  
Date: Feb 4, 1998

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 Elin Native Corporation.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1997

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

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## 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 Elin 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  $4\frac{1}{2}$  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  $20\frac{1}{2}$  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  $27\frac{1}{2}$  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 Elm 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 Elm 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 Elm 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)."

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 introduced 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/cac/f  
Enclosures

countless black public officials. In 1990, Dozier was one of the founders of Muigwilhania, 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

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 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,

November 7, 1997

## CONGRESSIONAL RECORD — Extensions of Remarks

E2221

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 Elm 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. 396d, 44 Stat. 1347). The 1927 act is applicable to Alaska (70 ID 166 (1953)). 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 Elm 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 Elm 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 Elm 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 21, 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 B and Appendix C, Part IV, (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 be added 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."

### ELM 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 Elm Native Corporation. These lands were excluded in 1929 by Executive Order from the original Elm reserve. Elm 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, Elm received patent to 297,982 acres on September 11, 1979—the lands that were included in the Elm reserve on the date of entitlement under the ANCSA. Elm did not appeal the decision to convey and accepted the patent.

We suggest that proposed amendment be authority for conveyance of additional acreage to some existing entitlement. Moreover, the proposed amendment presents a problem in that about 11,110 acres of the described lands proposed for conveyance to Elm have been validly selected by the Native Village of Koyuk. This would leave only 38,560 acres for Elm 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 11,110 acres, and a proviso that the conveyance is in full satisfaction of Elm's entitlement under Section 12(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

# 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

Congressman Don Young

Page Two

February 24, 1998

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.

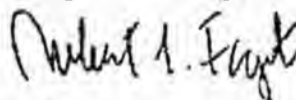
Page 2, (c) We do not believe the Department of the Interior would be able to complete land conveyances pursuant to this legislation within one year. It takes time to work out conveyances and BLM would need additional staff and funds to carry out this special program, especially if they need to work 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

**BRISTOL BAY NATIVE ASSOCIATION**

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

FEB 25 1998

February 19, 1998

Post-it® Fax Note 7671		Date 2-24	# of pages 51
To HNLV	From Rly LHO		
Co. Dept Backup for	Co.		
Phone # TC 80272	Phone #		
Fax # 465-4822	Fax #		

- Chal Councils
- Arvid by BUNA
- Jemagik
- Bigak Bay
- Bigak Lagoot
- Ingrak Lake
- Laka Point
- Dillingham
- gagak
- Isuk
- Ivot
- Ivigt
- Uman
- vanot Bay
- Ung Salmon
- Sokhanok
- Gingatek
- g-ehek
- Umanokot
- Ukotek
- New Soyabak
- Neatien
- Nondition
- Podro Bay
- Pennyok
- Pico Pom
- Port Heiden
- Portage Creek
- South Nakotek
- Togak
- Tone Hill
- Ugashka

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.

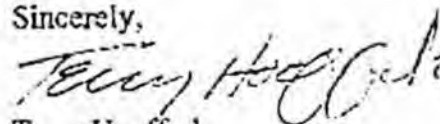
The Veterans who were discharged before December 18, 1971 were trying return to a normal life. How do you return to a normal life after fighting for your own life? Was there any counseling for the Post Traumatic Stress Syndrome our Veterans suffered from? These Veterans also need the same opportunity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

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.

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§ 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.

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§ 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, the patent shall issue to the said minor

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43 USCS § 278

PUBLIC LANDS

HOME

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.)

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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.

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§ 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,

**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."