

(2) In the absence of congressional recognition of aboriginal Native title to particular land in Alaska, the Natives have no ownership interest in the land. They have a right of occupation and use which the United States will protect against intrusion by third parties, but the right of occupation may be terminated by the United States at any time without compensation. This is the same rule of law that has been applied consistently with respect to aboriginal Indian titles in the other States.

(3) When Congress recognizes an aboriginal title, the Natives acquire a compensable ownership interest in the land that is protected by the due-process clause of the Constitution.

(4) The extent to which aboriginal titles in Alaska should be recognized or extinguished is exclusively a policy matter for congressional determination. Congress may convert the aboriginal titles into full ownership, or it may extinguish the title completely, or it may recognize the title to a limited extent.

In the other States, Congress followed the practice of confirming some aboriginal Indian titles and of extinguishing others by treaty or agreement. Then by the Indian Claims Commission Act Congress authorized any Indian tribe to sue the United States for the value of any aboriginal Indian title that was taken before August 13, 1946, without fair compensation. In Alaska, however, Congress has reserved for future legislation the recognition of, or compensation for the taking of, Native titles. The enactment of this bill would be such legislation.

The bill authorizes the Secretary of the Interior to grant to the various groups of Alaska Natives title to the village sites they occupy, and additional lands within the environs of those sites that will contribute significantly to the livelihood of the Natives, but no group may receive more than 50,000 acres. In addition, Natives may be given 25-year exclusive or nonexclusive hunting, fishing, and trapping permits on any Federal lands, subject to State game and fish laws.

Title to the lands granted to a group of Natives may be held in trust for 25 years either by the Secretary, by a trustee selected by the Native group, with the approval of the Secretary, or by the State of Alaska or other trustee selected by the Secretary.

The trustee may manage, subdivide, and dispose of the lands. In the disposal of lands, the right of first refusal must be given to the occupant. Title to a tract that is conveyed to a Native will be held in trust, not subject to taxation, in accordance with the laws that presently apply to Native townsites.

At the end of 25 years, the trust must be liquidated in accordance with the terms of the trust instrument.

A commission is to be appointed by the Secretary to assist the Secretary in carrying out his functions. Both the State and the Natives will be represented. The commission will be responsible for identifying the Native groups, preparing membership rolls, preparing voting rolls, and performing any other functions assigned.

Pending completion of the foregoing procedure, the Secretary may withdraw lands that are subject to grant to the Natives. The lands so withdrawn will not be subject to State selection. The lands not withdrawn will be subject to State selection regardless of Native use and occupancy claims. This procedure should substantially speed up the State selection process.

In recognition of the fact that the Natives claim use and occupancy of areas that are much larger than the areas that may be granted to them, the bill permits the State to initiate an action in the Court of Claims on behalf of all Natives, as a single group, to recover from the United States the value of the additional lands to which the Natives have a valid use and occupancy claim. The value of the lands will be determined as of March 30, 1867, which is the date Alaska was acquired by the United States. Such acquisition would be regarded as an extinguishment of all aboriginal titles. The Tlingit and Haida Indians who have already recovered a judgment against the United States based on use and occupancy will not be allowed to participate in this litigation, and Natives who have claims pending before the Indian Claims Commission will be required to elect between proceeding with their separate claims or dismissing them and joining in the State prosecuted action.

The bill authorizes the appropriation of not to exceed \$12 million to pay the costs involved in making the land conveyances to the Native groups. We are not able to estimate the amount of any judgment that may be recovered in the Court of Claims.

The enactment of legislation to settle the Alaska Native land claims is long overdue, and we urge prompt consideration of the enclosed bill.