

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

(25 CFR Part 43h)

ENROLLMENT OF ALASKA NATIVES

Application, preparation and approval of roll

Notice is hereby given that it is proposed to revise Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in Section 25 of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, Public Law 92-203.

The purpose of this revision is to provide regulations to govern preparation of a roll of Alaska Natives.

Since this revision will affect the rights of Alaska Natives to participate in the Alaska Native Claims Settlement and imposes a deadline for applying for enrollment, public comment and expression are deemed advisable. Accordingly, all persons who desire to submit comments, views, or arguments in connection with the proposed revision shall file the same with the Commissioner of Indian Affairs, Bureau of Indian Affairs, Washington, D.C. 20242, not later than 30 days after publication of this notice in the Federal Register.

Subchapter F of Chapter I, Title 25 of the Code of Federal Regulations, is revised to include Part 43h which shall read as follows:

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

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Authority: The provisions of this Part 43h issued under 5 U.S.C. Sec. 301; R.S. Sec. 463 and 465, 25 U.S.C. Sec. 2 and 9; and Sec. 25, 85 Stat. 688, 715.

Sec. 43h.1 Definitions.

(1) "Act" means the Alaska Native Claims Settlement Act of December 19, 1971, 85 Stat. 688, Public Law 92-203.

(b) "Secretary" means the Secretary of the Interior or his authorized representative.

(c) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(d) "Area Director" means the Area Director, Bureau of Indian Affairs, Juneau, Alaska,

or his authorized representative.

(e) "Coordinator" means the head of the Enrollment Coordinating Office, Pouch 7-1971, Anchorage, Alaska 99501, having the responsibility for coordinating all activities regarding preparation of the roll.

(f) "Roll" means the roll of Alaska Natives prepared pursuant to the Act.

(g) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians whose Alaska Native ancestry predates the Treaty of March 30, 1867, and who are not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group.

(h) "Village" means any tribe, band, clan, group, village, community or association in Alaska listed in sections 11 and 16 of the Act, or which meets the requirements of the Act, and which the Secretary determines was, on the 1970 census enumeration date (April 1, 1970), composed of twenty-five or more Natives.

(i) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than twenty-five Natives, who comprise a majority of the residents of the locality.

(j) "Region" means the geographic area covered by the operation of one of the twelve existing Native associations recognized in Section 7(a) of the Act, or its successor regional corporation, and may include the thirteenth region of established as provided by Section 7(c) of the Act.

(k) "Permanent residence" shall mean the place of domicile on April 1, 1970, which is the location of the permanent place of abode intended by the applicant to be his actual home.

(l) "Regional Solicitor" means the officer in charge of the Anchorage Region of the Office of the Solicitor, Department of the Interior.

(m) "Sponsor" means a parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Area Director or other person who files an application for enrollment on behalf of another person. It does not include

an enumerator.

Sec. 43h.2 Purpose.

The regulations in this part are to govern exclusively the preparation of a roll of Alaska Natives pursuant to Section 5 of the Act. The provisions of Parts 2 and 42 of Title 25 of the Code of Federal Regulations shall not be applicable to enrollment procedures and appeals provided for in this Part 43h.

Sec. 43h.3 Requirements for enrollment.

The roll shall consist of the names of all persons who meet the definition of Native and who were born on or before and were living on December 18, 1971.

Sec. 43h.4 Enrollment in Regions.

(a) Residents of Alaska. A Native residing in Alaska at the time of filing his application for enrollment shall be enrolled in the region in which he was a permanent resident on April 1, 1970.

(b) Non-residents of Alaska. A Native who at the time of filing his application for enrollment is not a permanent resident of one of the regions in Alaska shall be enrolled according to the following order of priority:

(1) in the thirteenth region, if it is formed and he so elects, or

(2) in the region where he resided on April 1, 1970, if he had resided there without substantial interruption for two or more years, or

(3) in the region where he previously resided for an aggregate of ten years or more, or

(4) in the region where he was born, or

(5) in the region from which an ancestor came. A Native may be enrolled in a different region when necessary to avoid enrolling members of the same family in different regions or otherwise avoid hardship.

(c) Eligible children born on or after April 2, 1970, and on or before December 18, 1971, shall be enrolled in the region in which one of their parents is enrolled.

Sec. 43h.5 Enrollment in a thirteenth region.

A Native eligible for enrollment who is eighteen years of age or older and is not a permanent resident of one of the twelve regions may, on the date he files an application for enrollment, elect to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, if such region is established pursuant to subsection 7(c) of the Act. If such region is not established, he shall be enrolled as provided in subsection 4(b) of

these regulations. His election shall apply to all dependent members of his household who are less than eighteen years of age, but shall not affect the enrollment of anyone else.

Sec. 43h.6 Applications for enrollment.

(a) All applications for enrollment shall be in writing on forms provided by the Bureau of Indian Affairs and shall be signed by or for the head of each household; spouse, and/or the dependent members of his household under eighteen years of age. A separate application shall be completed and signed by or for other members of a household eighteen years of age or older.

(b) The application shall contain, among other information, the applicant's social security number, name, address, sex, date and place of birth, residence as of April 1, 1970, the village from which his ancestors came, and for a non-resident of Alaska, his election regarding establishment and enrollment in a thirteenth region. Social security numbers and cards will be issued to those persons who do not have them.

(c) Completed applications must be filed with the Coordinating Office (Kaloa Building, 16th and C Streets), Pouch 7-1971, Anchorage, Alaska 99501, not later than March 30, 1973. For purposes of these regulations, "filed" means received by the Coordinating Office.

(d) Residents of Alaska. Enumerators shall be sent to the principal villages to assist in the completion and filing of applications and centers will be established in urban areas to furnish assistance in the completion and filing of applications. Persons who are missed by the enumerators may apply to the Coordinating Office by mail or in person.

(e) Non-residents of Alaska. Natives not residing in Alaska shall be furnished application forms, together with instructions for completing the forms, upon request made to the Commissioner, the Area Director, or the Coordinator.

Sec. 43h.7 Determination of eligibility.

Determinations of eligibility shall be made by the Coordinator. Each applicant shall be notified in writing of the decision. If such determination is favorable, the name of the applicant shall be placed on the roll. If the decision is adverse, the applicant or sponsor shall be notified by certified mail, return receipt requested, of the decision together with the reasons for rejection and of his right of appeal.

Sec. 43h.8 Appeals.

Appeals from rejected applications must be in writing and filed with the Coordinating Office not later than 45 days after the date of receipt of the rejection notice. Prior to submission of the appeal of the Regional Solicitor, the Coordinator may reconsider the prior determination and may enroll the applicant. If the Coordinator does not enroll the applicant, he shall forward the appeal, application, and all pertinent information to the Regional Solicitor. Determinations on appeals shall be made by the Regional Solicitor on behalf of the Secretary and shall be final. The applicant shall be notified in writing of such decision.

Sec. 43h.9 Preparation, certification and approval of the roll.

The Coordinating Office shall prepare a roll listing enrollees by village or appropriate region. The roll shall contain for each person, his Social Security number, name, last known address, sex, date of birth, degree of Native blood, residence as of April 1, 1970, and the village and/or region in which he is enrolled. Upon completion the Coordinator shall affix to the roll a certificate indicating that to the best of his knowledge and belief the roll contains only the names of persons who were determined to meet the requirements for enrollment as Alaska Natives. The roll shall be submitted to the Secretary for approval.

Sec. 43h.10 Establishment of a thirteenth region.

If a majority of all eligible Natives eighteen years of age or older who are not permanent residents of Alaska elect, pursuant to subsection 5(c) of the Act, to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, a region for the benefit of the Natives who elected to be enrolled therein shall be established and they may establish a regional corporation pursuant to the Act.

Sec. 43h.11 Non-Tsimshian Metlakatla Community members.

Applications from non Tsimshian Native Alaska members of the Metlakatla Indian Community will be conditionally accepted subject to a determination of their eligibility for inclusion on the Alaska Native roll.

Sec. 43h.12 Special instructions.

To facilitate the work of the Area Director, the Commissioner may issue special instructions not inconsistent with these regulations.