

SECTION-BY-SECTION ANALYSIS:

The federal law creating the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, which was passed by the U.S. Congress and signed by President Bush on August 18, 1990, is contained in Section 12 of PL 101-379: "The Indian Law Enforcement Reform Act." Its six subsections (a through f) are as follows:

12(a) FINDINGS & PURPOSES

This subsection explains Congress's motives and assumptions in adopting the law. It acknowledges a growing social and economic crisis among Alaska Natives and recognizes that such conditions exist despite past public policy attempts to protect Native interests. It notes that Native organizations and the State of Alaska have been sufficiently concerned about the present historical situation to request a thorough review of federal and state policies and programs.

The purposes for which Congress is creating the Joint Commission are, first, to conduct a comprehensive review of federal and state policies and programs affecting Natives and, second, to identify and recommend specific actions to be taken by the United States and the State of Alaska to achieve such those public policy goals as the protection of traditional cultures and subsistence economies and the encouragement of economic self-sufficiency and self-determination.

12(b) ESTABLISHMENT OF THE COMMISSION & ITS PROCEDURES

(1) This paragraph formally creates in law the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, hereafter referred to as "the Commission."

(2)(A) This subparagraph describes the Commission's membership, consisting of 14 voting members and 10 ex officio members. Seven of the 14 voting commissioners are to be appointed by the President, of whom at least three must be Alaska Natives and no more than two may be federal officials. The other seven of the 14 voting commissioners are to be appointed by the Governor. (Although the Act does not impose the same limitations and requirements on the Governor's appointments as it does on the President's, Governor Cowper informed the U.S. Senate Select Committee on Indian Affairs during its August 3, 1989 hearing that he will voluntarily bind himself to the same rules, naming at least three Alaska Natives and no more than two state officials among his seven appointments.)

Ten ex officio seats for the following public officials or their designated representatives are included as non-voting members of the Commission:

- *Alaska State Senate President (currently Tim Kelly);*
- *Alaska State House Speaker (currently Sam Cotten);*
- *Chairman, U.S. Senate Select Committee on Indian Affairs (currently Daniel Inouye);*
- *Ranking Minority Member of same (currently John McCain);*
- *Chairman, U.S. Senate Select Committee on Energy & Natural Resources (currently J. Bennett Johnston);*
- *Ranking Minority Member of same (currently James McClure);*
- *Chairman, U.S. House Committee on Interior & Insular Affairs (currently Morris Udall);*
- *Ranking Minority Member of same (currently Don Young); and*
- *each member of the Alaska Congressional Delegation (currently Ted Stevens, Frank Murkowski, & Don Young).*

(2)(B) TO (2)(H) These subparagraphs lay out basic rules of Commission procedure, specifying that its first meeting shall occur within 30 days of appointment of all commissioners, that each of the 14 voting commissioners has one vote equal to that of the others, that the ten ex officio members do not vote, that any vacancy will be filled in the same way the original appointment was made, that the President and the Governor shall consider recommendations from Native organizations on all appointments, that the President will designate one of his seven voting commissioners as federal cochairperson and the Governor will designate one of his seven voting commissioners as state cochairperson, that a quorum for Commission meetings will be a simple majority (eight) of the 14 voting members, and that the Commission may set up its own further rules of procedure.

ANALYSIS: Sectional analysis continued

(3)(A) TO (C) These subparagraphs set compensation for the services of any of the 14 voting commissioners who are not employed by the United States government or the State of Alaska. (Any federal or state employee appointed to the Commission will be required to serve without compensation beyond his or her regular salary.) In addition, per diem reimbursement will be made for commissioners' travel expenses, governed by federal regulations.

(3) This subparagraph requires that the State of Alaska and the United States government conclude an agreement on sharing Commission expenses prior to participation in and voting on any Commission business by the seven commissioners appointed by the Governor. If such an agreement cannot be reached, the seven voting commissioners appointed by the President will proceed with the work of the Commission, with a quorum being four. This indicates Congress's intention that the state and federal governments be truly co-equal partners in supporting the Commission, as well as in its composition.

(5) This subparagraph (unnumbered in the printed text) requires that the principal office of the Commission be in Alaska.

12(c) DUTIES OF THE COMMISSION

It will:

(1) conduct a comprehensive analysis of the social and economic status of Alaska Natives and the effectiveness of federal and state policies and programs addressed to them;

(2) conduct public hearings;

(3) recommend specific policy actions to Congress and the state to help better the lives of Alaska Natives;

(4) respect the cultural differences among Alaska Native groups;

(5) submit a written report and recommendations to the President, the Congress, the Governor and the State Legislature by the deadline of eighteen months after its first meeting; and

(6) make the report available to the public and to Alaska Native villages and organizations.

12(d) POWERS OF THE COMMISSION

(1)(A) Cochairpersons may employ, compensate and terminate staff members and consultants, within limits on maximum pay rates.

(1)(B) Those voting members who are not federal officials are exempt from federal conflict-of-interest laws.

(2)(A) Authorized Commission functions include: holding public hearings, taking testimony, printing and binding of publications, contracting, expenditure of funds, administration of oaths to witnesses and other appropriate actions.

(2)(B) The Commission may establish task forces composed of non-Commission members (not compensated for work but reimbursed for travel expenses), each of which must be chaired by a voting member of the Commission, to conduct specific pieces of the Commission's inquiry. Staff support to the task forces will be provided by the Commission.

(3) In addition to expenditure of state and federal appropriations, the Commission may accept gifts of property, services or funds from sources other than the federal and state governments and to expend same on proper Commission activities.

(4) The Commission is exempt from the Federal Advisory Committee Act.

(5)(A) Federal government agencies and officials are authorized and directed to cooperate with the Commission and provide any information requested by either cochairperson, as permitted by law.

(5)(B) Federal agencies are also authorized to make available facilities and services to the Commission's operation, upon request of both cochairpersons.

(5)(C) The Commission has the same uses of the U.S. mails as other federal departments.

12(e) TERMINATION OF THE COMMISSION

The Commission will cease to exist six months after submission of its report (i.e., 24 months from the date of its first meeting). Its records and documents go to the National Archives on that date.

12(f) AUTHORIZATION OF APPROPRIATIONS

The Act authorizes Congress to appropriate a total of \$700,000 during the two-year life of the Commission and provides financial arrangements for start-up costs.

PL 101-379, Section 12: Text of the Act

Sec. 12.(a)(1) The Congress has conducted a preliminary review of the social and economic circumstances of Alaska Natives and of governmental policies and programs affecting Alaska Natives and finds that—

(A) in this period of rapid cultural change, there is, among Alaska Natives, a growing social and economic crisis characterized by, among other things, alcohol abuse and violence, grave health problems, low levels of educational achievement, joblessness, a lack of employment opportunities, and a growing dependency upon transfer payments;

(B) these conditions exist even though public policies and programs adopted in recent decades have been intended to assist Alaska Natives in protecting their traditional cultures and subsistence economies and in encouraging economic self-sufficiency and individual, group, village, and regional self-determination; and

(C) Alaska Natives and the State of Alaska have expressed a need for a review of public policies and programs and a desire to make such policies and programs more effective in accomplishing their intentions.

(2) The Congress hereby declares that it is timely and essential to conduct, in cooperation with the State of Alaska and with the participation of Alaska Natives, a comprehensive review of Federal and State policies and programs affecting Alaska Natives in order to identify specific actions that may be taken by the United States and the State of Alaska to help assure that public policy goals are more fully realized among Alaska Natives.

(b)(1) There is hereby established a Commission to be known as the "Joint Federal-State Commission on Policies and Programs Affecting Alaska natives" (hereafter referred to in this section as the "Commission").

(2)(A) The Commission shall consist of the following members:

(i) seven individuals appointed by the President, at least three of whom shall be Alaska Natives and not more than two of whom may be officers or employees of the Federal Government;

(ii) seven individuals appointed by the Governor of the State of Alaska;

(iii) the president of the senate of the State of Alaska or a designated representative of such president;

(iv) the speaker of the house of representatives of the State of Alaska or a designated representative of such speaker;

(v) the chairman of the Select Committee on Indian Affairs of the Senate or a designated representative of such chairman;

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