

## PUBLIC LAW 101-379, Section 12: Text of the Act

(vi) the ranking minority member of the Select Committee on Indian Affairs of the Senate or a designated representative of such member,

(vii) the chairman of the Committee on Energy and Natural Resources of the Senate or a designated representative of such member,

(ix) the Chairman of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such chairman,

(x) the ranking minority member of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such member, and

(xi) each Member of Congress who represents the people of the State of Alaska and is not described in any of the preceding paragraphs, or a designated representative of such Member.

(B) The Commission shall hold its first meeting by no later than the date that is thirty days after the date on which all members of the Commission who are to be appointed have been appointed.

(C) Each member of the Commission who is appointed to the Commission under clause (i) or (ii) of subparagraph (A) shall be entitled to one vote which shall be equal to the vote of every other member of the Commission who is appointed to the Commission under clause (i) or (ii) of subparagraph (A). The members of the Commission described in a clause of subparagraph (A) other than clause (i) or (ii) shall be *ex officio*, non-voting members of the Commission.

(D) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(E) In making appointments to the Commission, the President and the Governor of Alaska shall give careful consideration to recommendations received from Alaska Native village, regional, and State organizations.

(F) At the time appointments are made under subparagraph (A), the President shall designate an individual appointed under subparagraph (A)(i) to be cochairman of the Commission and the Governor of the State of Alaska shall designate an individual appointed under subparagraph (A)(ii) to be the other cochairman of the Commission.

(G) Eight voting members of the Commission shall constitute a quorum for the transaction of business.

(H) The Commission may adopt such rules (consistent with the other provisions of this section) as may be necessary to establish its procedures and to govern the manner of its operations, organization (including task forces), and personnel.

(3)(A) Each member of the Commission not otherwise employed by the United States Government or the State of Alaska shall receive compensation at a rate equal to the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties (including service on a task force) authorized by the Commission.

(B) Except as provided in subparagraph (C), a member of the Commission who is otherwise an officer or employee of the United States Government or the State of Alaska shall serve on the Commission without additional compensation.

(C) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(D) Notwithstanding the other provisions of this section, no individual appointed to the Commission by the Governor of the State of Alaska under paragraph (2)(A)(ii) shall participate in the proceedings of the Commission, vote on business of the Commission, or receive any compensation or expense reimbursement under this section until the State of Alaska and the President have concluded an equitable agreement to share the expenses incurred by the Commission. In the event that such an agreement is not reached within a reasonable period of time, the members of the Commission described in any clause of subparagraph (A) of subparagraph (2) other than clause (ii) shall proceed with the work of the Commission without the participation of the individuals appointed under paragraph (2)(A)(ii) and the quorum required for the transaction of the business of the Commission shall be four members of the Commission appointed under paragraph (2)(A)(i).

(5) The principal office of the Commission shall be in the State of Alaska.

(c) The Commission shall—

(1) conduct a comprehensive study of—

(A) the social and economic status of Alaska Natives, and

(B) the effectiveness of those policies and programs of the United States, and the of the State of Alaska, that affect Alaska Natives,

(2) conduct public hearings on the subjects of such study,

(3) recommend specific actions to the Congress and to the State of Alaska that—

(A) help to assure that Alaska Natives have life opportunities comparable to other Americans, while respecting their unique traditions, cultures, and special status as Alaska Natives,

(B) address, among other things, the needs of Alaska Natives for self-determination, economic self-sufficiency, improved levels of educational achievement, improved health status, and reduced incidence of social problems,

(4) in developing those recommendations, respect the important cultural differences which characterize Alaska Native groups,

(5) submit, by no later than the date that is eighteen months after the date of the first meeting of the Commission, a report on the study, together with the recommendations developed under paragraph developed under paragraph (3), to the President, the Congress, the Governor of the State of Alaska, and the legislature of the State of Alaska, and

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

(d)(1)(A) Subject to such rules and regulations as may be adopted by the Commission, the co-chairmen of the Commission shall have the power to—

(i) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter II

*cont. on page 7*



## PL 101-379

*The Indian Law Enforcement Reform Act, was signed into law by President Bush on August 18, 1990. The original language of Senate Bill 1364, which was originally introduced by Sen. Frank Murkowski in July of 1989, was added to House Resolution 498 as Section 12 creating the Joint Federal-State Commission on Policies & Programs Affecting Alaska Natives. Section 12 of PL 101-379 is identical to S.1364. It is this language that we have reproduced & analyzed in this newsletter.*

### Joint Commission - continued

of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director of the Commission and of such other personnel as the cochairmen deem advisable to assist in the performance of the duties of the Commission, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(ii) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of such General Schedule.

(B) Service of an individual as a member of the Commission shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission, or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(2)(A) The Commission is authorized to—

- (i) hold such hearings and sit and act at such times,
- (ii) take such testimony,
- (iii) have such printing and binding done,
- (iv) enter into such contracts and other arrangements,
- (v) make such expenditures, and
- (vi) take such other actions,

as the Commission may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(B) The Commission is authorized to establish task forces which include individuals appointed by the Commission who are not members of the Commission only for the purpose of gathering information on specific subjects identified by the Commission as requiring the knowledge and expertise of such individuals. Any task force established by the Commission shall be chaired by a voting member of the Commission who shall preside at any task force hearing authorized by the Commission. No compensation (other than compensation under subsection (b)(3)(A) to a member of the Commission) may be paid to members of a task force solely for their service on the task force, but the Commission may authorize the reimbursement of members of a task force for travel and per diem in lieu of subsistence expenses during the performance of duties while away from the home, or regular place of business, of the member, in accordance with subchapter I of chapter 57 of title 5, United States Code. The Commission shall not authorize the appointment of personnel to act as staff for the task force, but may permit the use of Commission staff and resources by a task force for the purpose of compiling data and information. Such data and information shall be for the exclusive use of the Commission.

(3) The Commission is authorized to accept gifts of property, services, or funds and to expend funds derived from sources other than the Federal Government, including the State of Alaska, private nonprofit organizations, corporations, or foundations which are determined appropriate and necessary to carry out the provisions of this section.

(4) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this section.

(5)(A) The Commission is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by a cochairman of the Commission.

(B) Upon the request of both cochairmen of the Commission, the head of any Federal department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(C) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) The Commission shall cease to exist on the date that is one hundred eighty days after the date on which the Commission submits the report required under subsection (c)(5). All records, documents, and materials of the Commission shall be transferred to the National Archives and Records Administration on the date on which the Commission ceases to exist.

(f)(1) There are authorized to be appropriated to the Commission \$700,000 to carry out the provisions of this section. Such sum shall remain available, without fiscal year limitation, until expended.

(2) Until funds are appropriated under the authority of paragraph (1), salaries and other expenses incurred by the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the cochairmen of the Commission. The total amount of funds paid from such contingent fund shall be reimbursed to such contingent fund from funds appropriated under the authority of paragraph (1).