

NATIVE DEVELOPMENT CORPORATION . . .

disputes between Native villages under section 11(c), and disputes relating to land patents arising under section 12(b) (2), and the certification of eligibility for patents under section 12(c); and

(9) the approval of land transactions under section 13. The Commission shall have the power to issue rules and regulations in furtherance of its duties and responsibilities under this Act.

ENROLLMENT

SEC. 7. (a) (1) In order to facilitate the selection and management of lands, the use of funds and the organization of corporations in furtherance of this Act, the Secretary shall prepare within six months after the effective date of this Act, pursuant to such rules and regulations as he may prescribe, a temporary census roll of all Natives living on December 31, 1969. Such roll shall show with respect to each Native his name, date and place of birth, date and place of parents' birth, degree of Native blood and the village, if any, listed in section 10(c) of this Act of which he is a member. The decision of the Secretary regarding eligibility of any person for inclusion on the temporary census roll shall be final: *Provided*, That any person listed on an existing membership roll of any Native village shall be presumed to be eligible for enrollment.

(2) Any person listed on the temporary census roll who is nineteen years of age or over at the time of voting shall be entitled to vote in the election of directors of the Corporation, as provided in section 8, in the elections of the Corporation, as provided in section 8, in the elections with respect to regional corporations, as provided in section 9, and in the election for the land selection committee of the village, if any, of which he is a member, as provided in section 11. The population of each Native village listed in section 10(c) of this Act, as shown on the temporary census roll, shall be the basis for determining the number of acres of land to which such village and each regional corporation is entitled pursuant to section 11 of this Act. Except as provided in this subsection, however, the temporary census roll shall not be used as a basis for determining the right of any individual, village or corporation to receive funds and property or otherwise to share in the benefits accorded the Natives of Alaska under this Act.

(b) (1) The Commission shall prepare, in accordance with such rules and regulations as it may prescribe: (A) a membership roll of all Natives living on December 31 of the year in which this Act becomes law, within five years after the effective date of this Act; and (B) a roster of Native villages, which shall be in addition to those Native villages specified in section 10(c), eligible for benefits hereunder, within three years after the effective date of this Act. Before any such roll or roster is finally approved by the Commission, it shall be published in the Federal Register and in such other manner as the Commission shall find practicable and effective (including posting in each Native village listed in section 10(c)), and any applicant denied enrollment or omitted from the roster also shall be notified concurrently in writing of the Commission's action and of his right to protest such action.

(2) Within three months after notice of the Commission's action, any person or village denied enrollment or omitted from the roster, as the case may be, shall have the right to protest such denial or omission to the

Commission, and within three months after publication in the Federal Register, the Secretary or any Native village listed in section 10(c) shall have the right to protest to the Commission the inclusion of any individual on the membership roll or any village on the roster of Native villages. Any Native village shall have the right to protest a designation of membership therein by a Native on behalf of himself or his children below the age of nineteen under subsection (d) hereof, within three months after publication of the membership roll in the Federal Register. Such protests shall be the subject of a hearing by the Commission and judicial review as provided in section 6 of this Act. The membership roll and village roster prepared by the Commission, as modified after such hearings and judicial review, shall be final and shall be promulgated by publication in the Federal Register.

(c) The Commission shall establish procedures for maintaining a membership roll containing the names of Natives, as defined in section 3(d) hereof, born during the twenty-year period after December 31 of the year in which this Act becomes law. The Commission shall publish lists of such names from time to time in accordance with subsection (b) (1) hereof, and the denial or allowance of enrollment shall be subject to protest in accordance with subsection (b) (2) hereof. A person listed on the afterborn membership roll pursuant to this paragraph shall be entitled to the benefits conferred upon the Natives of Alaska under this Act as of the date of his or her birth: *Provided*, That Natives born after December 31 of the year in which this Act becomes law shall not be entitled to membership in the Corporation.

(d) Each Native shall have the right to designate the Native village in which he and his children under the age of nineteen years are to be listed as members and, in the absence of a protest by the named village pursuant to subsection (b) (2) hereof, such designation shall be final. In the event a Native village does protest a designation of membership, the Commission shall determine the village or villages of which the Native and his children under the age of nineteen are members, and the burden of proof of membership shall be upon the individual. In making its determination, the Commission shall give priority to villages in the following order: (1) to the village where the Native resides on December 31, 1969, if such residence has continued without substantial interruption for a period of more than two years; (2) to the village where the Native previously resided for a period or periods which aggregate ten years or more; (3) to the village where the Native was born; (4) to the village where either parent of such Native was born; (5) to the village where the Native resides on December 31, 1969; and (6) to a village from which an ancestor of the Native came: *Provided*, That the Commission, upon the request of any Native, shall have discretion to deviate from the foregoing priorities and declare such person and/or his child under the age of nineteen to be a member of a Native village from which he otherwise would be excluded in order to avoid hardship (such as the division of a family) or any other unreasonable classification.

(e) Any person who gives false information to qualify himself or any other person for inclusion on the temporary census roll or upon a Native membership roll, willfully and with knowledge that

such information is false, shall be guilty of perjury and, upon conviction, shall be fined not more than \$1,000 or imprisoned not more than a year, or both.

ALASKA NATIVE DEVELOPMENT CORPORATION

SEC. 8. (a) (1) There is hereby created the Alaska Native Development Corporation as a nonprofit membership corporation, which shall have the powers hereinafter granted. The Corporation shall not be an agency or establishment of the United States Government.

(2) The Commission established pursuant to section 6 of this Act shall appoint five incorporators, one of whom shall be the Chairman of the Commission, who shall prepare the original articles of incorporation for the Corporation in a form consistent with the provisions of this section, and who shall serve as the initial board of directors until the Native members of the board are elected. The incorporators shall file the articles of incorporation, as approved by the Commission, with the Secretary within six months after the effective date of this Act, and the Corporation shall be deemed to be formally organized as of the date of such filing. The incorporators also shall transmit a copy of the articles of incorporation to the Commissioner of Commerce of the State.

(b) (1) The management of the Corporation shall be vested in a board of directors, which, with the exception of the initial board, shall consist of twelve members of the Corporation elected by the entire voting membership. Members of the board so elected shall serve for terms of four years or until their successors have been elected and qualified: *Provided*, That among the directors first elected, three shall serve for terms of one year, three shall serve for terms of two years, three shall serve for terms of three years, and three shall serve for terms of four years: *And provided further*, That the directors who serve the short terms shall be determined by a drawing of lots conducted by the initial board. Any director elected to fill a vacancy shall serve only for the period of the unexpired term of the director whom he succeeds. Elections for membership on the board of directors shall be conducted in accordance with procedures (giving due regard, among other matters, to regional and ethnic representation) set forth in the articles of incorporation or bylaws of the Corporation: *Provided*, That the first election shall be held not less than six months nor more than nine months after the effective date of this Act.

(2) The board of directors shall elect a chairman annually from among its own membership. The board also may appoint a member of the Corporation to fill a vacancy within its membership, but such appointed director shall serve only until the next regular election of directors.

(3) Notwithstanding any other provision of this Act or the articles of incorporation to the contrary, the initial board of directors of the Corporation shall exercise only the following corporate powers: (A) completion of the organization of the Corporation and qualifying it to do business, including, but not limited to, the adoption of a corporate seal, the opening of bank accounts, the establishment of a place of business and the rental or acquisition of all necessary offices, furnishings, equipment and supplies related thereto, subject to the condition that no lease shall be for a period in excess of one year; (B)



CHIEF ISAAC—Chief Andrew Isaac of Tanacross, despite selection by the state of much of the Tanacross claim, continues to fight for his land. Recently, on the CBS Show 60 Minutes, Chief Isaac explained how his people use and value their land and how the state ignores their protests.

approval of amendments to the articles of incorporation; (C) the appointment of officers of the Corporation, the hiring of other employees and the employment of consultants, accountants and other professional or financial advisers, subject to the condition that no contract of employment shall be for a period in excess of one year; (D) the receipt, investment and distribution of moneys from the Fund in accordance with subsections (e) and (f) hereof; (E) the expenditure of corporate funds to pay for or carry out the activities authorized under this paragraph; and (F) the conduct of the first election for membership on the board of directors.

(c) The Corporation shall have a president, and such other officers as may be named and appointed by the board, at rates of compensation fixed by the board and serving at the pleasure of the board. The president and other officers of the Corporation may, but need not, be members of the board. No officer of the Corporation shall receive any salary from any source other than the Corporation during the period of his employment by the Corporation: *Provided*, That an officer of the Corporation who is also a member or employee of the Commission shall be paid only by the Commission. The president shall be responsible for conducting the business and affairs of the Corporation in a manner consistent with the provisions of this Act, the articles of incorporation, and the policies of the board of directors, and shall appoint such other employees as the board deems appropriate.

(d) (1) Until publication of the membership roll in accordance with subsection 7(b) (1) of this Act, the members of the Corporation shall consist of all Natives shown on the temporary census roll prepared pursuant to section 7(a). After publication of the membership roll in accordance with subsection 7(b) (1) and before such roll becomes final in accordance with subsection 7(b) (2), the members of the Corporation shall consist of all Natives shown on the temporary census roll, and any other Native whose name is listed on the membership roll except an individual whose inclusion thereon is the subject of a pending protest. After promulgation of the final membership roll in accordance with subsection 7(b) (2), the members of the Corporation shall consist of all Natives listed upon such roll, as amended to reflect the death of any individuals so

listed, and such other persons as the articles of incorporation may authorize.

(2) The right to vote for directors and on such other matters as properly may be placed before the membership for decision shall be limited to members of the Corporation nineteen years of age or over at the time of voting, and only members eligible to vote shall be counted in determining a quorum.

(e) As soon as the Corporation is formally organized in accordance with subsection (a) hereof, the Secretary of the Treasury shall pay to the Corporation all moneys deposited in the Fund established under section 5 of this Act up to the date of such formal organization, together with accrued interest. Thereafter, on January 1, April 1, July 1 and October 1 of each calendar year, the Secretary of the Treasury shall pay to the Corporation all additional moneys deposited in the Fund up to the date of payment, together with accrued interest. The Secretary of the Treasury also shall furnish to the Corporation each month a statement showing the amount and source of moneys on deposit in the Fund.

(f) (1) Except as otherwise provided in this subsection, the Corporation shall distribute 95 per centum of all moneys paid to it out of the Fund promptly after the receipt thereof to the regional corporations established pursuant to section 9 of this Act. The amount of money distributed to each regional corporation shall be apportioned in direct relation to the Native population of the region, as shown on the final membership roll promulgated in accordance with subsection 7(b) (2). Moneys received from the Fund which the Corporation must distribute to regional corporations in accordance with this subsection shall not constitute income to the Corporation for any purpose.

(2) Until the membership roll becomes final in accordance with subsection 7(b) (2) of this Act, the Corporation shall distribute only eighty percent of all moneys paid to it out of the Fund to the regional corporations established pursuant to section 9. The amount of money distributed to each regional corporation shall be apportioned in direct relation to the Native population of the region, before publication of the membership roll in accordance with subsection 7(b) (1) as shown on the temporary census roll prepared in accordance with section 7(a), and after publication of the membership roll in accordance with subsection 7(b) (1) as shown thereon, and appropriate adjustments shall be made in actual distributions to reflect any prior advances, and the relative rights of the regional corporations, under this paragraph: *Provided*, That all distributions made pursuant to this paragraph shall be deemed advances of moneys to which the regional corporations will become entitled upon promulgation of the final membership roll in accordance with section 7(b) and shall not constitute a determination of their relative rights to receive funds or property under this Act. The remaining fifteen per cent of the moneys paid to the Corporation out of the Fund, which are withheld by its pursuant to this paragraph, shall be invested by the Corporation for the benefit of the regional corporations as their interests therein ultimately are determined.

(3) After promulgation of the

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