

ALASKA NATIVE COMMISSION . . .



AFN CHIEF—Emil Notti has been president of the Alaska Federation of Natives since 1966, when the organization was formed. The leader of Alaskan Native Peoples, he has testified on their behalf before numerous groups, including congressional committees. A principle organizer of AFN and long instrumental in forming the native position, President Notti was awarded a Doctor of Humane Letters Degree by Alaska Methodist University in June of 1969.

United States enforceable by the Corporation.

(d) All moneys paid into the Fund shall bear interest from the date of deposit at the rate of 4 per centum per annum. Until formal organization of the Corporation pursuant to section 8 of this Act, the Secretary may temporarily withdraw moneys from the Fund for investment in short-term obligations of the United States or for deposit with financial institutions in Alaska qualified to receive and hold public funds of the United States: *Provided*, That no such investment or deposit shall be made by the Secretary unless it provides interest at a rate in excess of 4 per centum per annum.

(e) Moneys paid or deposited into the Fund shall be permanently paid or distributed for the benefit of the Natives of Alaska only in accordance with the provisions of this Act, and the Secretary of the Treasury shall make such payments and distributions.

ALASKA NATIVE COMMISSION

SEC. 6. (a) The Alaska Native Commission is hereby established. The Commission shall be in existence for twenty years from the date of its first meeting, and shall be composed of five members to be appointed by the President (with the advice and consent of the Senate). Upon assuming office, each member of the Commission shall become a full-time Federal employee. Not more than three members of the Commission shall be members of the same political party, and at least three members shall be Natives of Alaska. The Federal laws and regulations on conflicts of interest applicable to other Federal employees shall be applicable to the members of the Commission, but this provision shall not be deemed to preclude a Native from serving as a member: *Provided*, That such Native Commissioner shall not participate in any proceeding before the Commission in which is participation would be in conflict with section 208 of title 18, United States Code.

(b) The term of office of members of the Commission shall be five years: *Provided*, That the

members first appointed shall serve staggered terms of one, two, three, four, and five years, respectively: *And provided further*, That any member appointed to fill a vacancy on the Commission occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office, a member of the Commission shall continue to serve until his successor has been appointed and has qualified to take office. The President shall choose a Chairman from the Commission's membership, and the Commission may elect by a majority vote of its membership other officers, such as a Vice Chairman, as it may find necessary to perform its functions. A member of the Commission may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

(c) The Chairman shall receive compensation at a rate equal to that provided for in level V of the Executive Schedule in section 5316 of title 5, United States Code. The other four Commissioners shall receive compensation at a rate equal to that provided for grade GS-18 in section 5332 of title 5, United States Code.

(d) The principal office of the Commission shall be in Alaska. Whenever the Commission deems that the convenience of the public or the parties may be promoted, or delay or expense may be minimized, or at the request of any party, it may hold hearings or conduct other proceedings at any other place that a majority of the Commission shall direct. The Commission shall have an official seal which shall be judicially noticed, and which shall be preserved in the custody of the secretary of the Commission.

(e) The Commission shall, without regard to the civil service laws, appoint and prescribe the duties of a secretary of the Commission and such legal counsel as it deems necessary. Subject to the civil service laws, the Commission shall appoint such other employees as it deems

necessary in exercising its power and duties. The compensation of all employees appointed by the Commission shall be fixed in accordance with chapter 53 of title 5, United States Code.

(f) (1) For the purpose of carrying out its functions under this Act, three members of the Commission shall constitute a quorum and official action may be taken only on the affirmative vote of at least three members, but a special panel composed of one or more members upon order of the Commission may conduct any hearing or other proceeding provided for in this Act and submit the record of such hearing or proceeding to the entire Commission for its action thereon. Such record shall be made available to the parties, and they shall be afforded an opportunity to comment thereon, before any final action of the Commission.

(2) The Commission shall give reasonable notice to the interested parties and an opportunity for them to appear and be heard, and shall afford the parties an opportunity to present evidence before making a final determination upon any protest, claim, or other contested matter.

(3) A party to any proceeding before the Commission may appear on his own behalf or be represented by counsel of his own choice.

(g) The Commission shall have power to establish its own rules of procedure. Each official action of the Commission shall be entered in writing, and its hearings and records thereof shall be open to the public.

(h) (1) Any member of the Commission may sign and issue subpoenas for the attendance and testimony of witnesses and production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Any person who fails to comply with a Commission subpoena shall be subject to punishment in accordance with section 104 of title 43, United States Code. The Commission may order testimony to be taken by deposition in any proceeding before it and in any stage of such proceeding after reasonable notice is first given in writing by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition.

(2) The Commission shall have the power to call upon any of the departments or agencies of the United States for any information it may deem necessary for carrying out its functions under this Act.

(3) In any hearing or other proceeding before the Commission, any letter, paper, document, map, transcript or record in the possession of any officer, department, agency or court of the United States or committee of Congress (or a certified copy thereof) may be used in evidence insofar as relevant and material, and every department or agency of the United States having possession thereof shall give full and free access to such letters, papers, documents, maps, transcripts, and records to any interested Natives, Native villages, or Native corporations, or their representatives.

(i) Each decision made by the Commission shall show the date on which it was made, and shall bear the signatures of the members of the Commission who concur therein and, upon issuance of a decision under this Act, the Commission shall cause a



TLINGIT AND HAIDA LEADER—John Borbridge, Jr., of Juneau, is President of the Tlingit and Haida Central Council. He now resides in Anchorage and maintains the office of that organization there. Borbridge travels often to the Southeastern Alaska towns where most of the Tlingit and Haida population lives. A former high school teacher, Borbridge has made the presidency of the Indian association a full time occupation. A principle organizer of the Alaska Federation of Natives, Borbridge is first vice-president of the statewide native association and represents Alaska natives in the President's absence.

true copy thereof to be sent by certified mail to all parties and their attorneys of record. When appropriate, each decision also shall include the findings of fact upon which the Commission's conclusions are based, and a statement of its reasons for such findings and conclusions. The Commission shall cause each decision to be entered on its official record together with any written opinion prepared by any members in support of, or dissenting from, any decision.

(j) Any decision issued by the Commission under this section, except decisions with respect to distributions by regional corporations pursuant to section 9(f), shall be subject to judicial review by the United States District Court for the District of Alaska upon the filing in such court within sixty days from the date of such decision of a petition by the party aggrieved by the decision praying that the action of the Commission be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to any other party to the proceeding and to the Commission, and thereupon the Commission shall certify and file in such court the record upon which the decision complained of was based. The court shall hear such appeal on the record made before the Commission. The finding of the Commission, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any decision or may remand the proceeding to the Commission for such further action as it directs. The judgment of the court shall be subject to review by the United States Court of Appeals for the Ninth Circuit, and by the Supreme Court of the United States upon certiorari or certification as provided in section 1254, title 28, United States Code.

(k) The duties and responsibilities of the

Commission shall include during the period of its existence—

(1) the issuance of rules and regulations for preparing a final membership roll of Alaskan Natives and a roster of Native villages, which shall be in addition to those Native villages specified in section 10(c), qualified for benefits under this Act;

(2) the determination of eligibility for inclusion on such roll and roster, respectively, and of protests with respect thereto;

(3) the establishment of procedures for maintaining a membership roll for afterborn Native children as provided in section 7(c);

(4) the appointment of the incorporators of the Corporation, and the approval of its articles of incorporation and any amendments thereto before they become effective: *Provided*, That any articles or amendments not disapproved within thirty days after receipt by the Commission shall be deemed to have been approved;

(5) the approval of the articles of incorporation of all regional and village corporations in advance of filing, and of any amendments thereto for a period of ten years after the effective date of this Act: *Provided*, That any articles or amendments not disapproved within thirty days after receipt by the Commission shall be deemed to have been approved;

(6) the review of annual budgets for the Corporation and the regional and village corporations for a period of ten years after the date of organization of each such corporation;

(7) the hearing of, and decision upon, any appeal from a refusal of the Corporation to approve a village plan for the management and expenditure of funds, as provided in section 9(f);

(8) the determination of regional boundaries under section 9(a), the determination of land

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