

(k) “Fund” means the Alaska Native Fund in the Treasury of the United States established by section 1605 of this title;

(l) “Planning Commission” means the Joint Federal-State Land Use Planning Commission established by section 1616 of this title;

(m) “Native Corporation” means any Regional Corporation, any Village Corporation, any Urban Corporation, and any Group Corporation;

(n) “Group Corporation” means an Alaska Native Group Corporation organized under the laws of the State of Alaska as a business for profit or nonprofit corporation to hold, invest, manage and/or distribute lands, property, funds, and other rights and assets for and on behalf of members of a Native group in accordance with the terms of this chapter;

(o) “Urban Corporation” means an Alaska Native Urban Corporation organized under the laws of the State of Alaska as a business for profit or nonprofit corporation to hold, invest, manage and/or distribute lands, property, funds, and other rights and assets for and on behalf of members of an urban community of Natives in accordance with the terms of this chapter;

(p) “Settlement Common Stock” means stock of a Native Corporation issued pursuant to section 1606(g)(1) of this title that carries with it the rights and restrictions listed in section 1606(h)(1) of this title;

(q) “Replacement Common Stock” means stock of a Native Corporation issued in exchange for Settlement Common Stock pursuant to section 1606(h)(3) of this title;

(r) “Descendant of a Native” means—

(1) a lineal descendant of a Native or of an individual who would have been a Native if such individual were alive on December 18, 1971, or

(2) an adoptee of a Native or of a descendant of a Native, whose adoption—

(A) occurred prior to his or her majority, and

(B) is recognized at law or in equity;

(s) “Alienability restrictions” means the restrictions imposed on Settlement Common Stock by section 1606(h)(1)(B) of this title;

(t) “Settlement Trust” means a trust—

(1) established and registered by a Native Corporation under the laws of the State of Alaska pursuant to a resolution of its shareholders, and

(2) operated for the benefit of shareholders, Natives, and descendants of Natives, in accordance with section 1629e of this title and the laws of the State of Alaska.

(Pub. L. 92-203, § 3, Dec. 18, 1971, 85 Stat. 689; Pub. L. 96-487, title XIV, § 1401(d), Dec. 2, 1980, 94 Stat. 2492; Pub. L. 100-241, § 3, Feb. 3, 1988, 101 Stat. 1789; Pub. L. 106-194, § 3, May 2, 2000, 114 Stat. 243.)

#### REFERENCES IN TEXT

Section 6(g) of the Alaska Statehood Act, as amended, referred to in subsec. (e), is section 6(g) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

#### AMENDMENTS

2000—Subsec. (t)(2). Pub. L. 106-194 substituted “benefit of shareholders, Natives, and descendants of Na-

tives,” for “sole benefit of the holders of the corporation’s Settlement Common Stock”.

1988—Subsec. (h). Pub. L. 100-241, § 3(1), inserted “group,” after “individual.”

Subsec. (k). Pub. L. 100-241, § 3(2), struck out “and” at end.

Subsec. (l). Pub. L. 100-241, § 3(3), substituted semicolon for period.

Subsec. (m). Pub. L. 100-241, § 3(4), substituted “Group Corporation;” for “Native Group.”

Subsecs. (n) to (t). Pub. L. 100-241, § 3(5), added subsecs. (n) to (t).

1980—Subsec. (m). Pub. L. 96-487 added subsec. (m).

#### DEFINITIONS

Pub. L. 108-452, § 2, Dec. 10, 2004, 118 Stat. 3576, provided that: “In this Act [see Short Title of 2004 Amendment note set out under section 1601 of this title]:

“(1) NATIVE ALLOTMENT.—The term ‘Native allotment’ means an allotment claimed under the Act of May 17, 1906 (34 Stat. 197, chapter 2469) [former 43 U.S.C. 270-1 to 270-3].

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(3) STATE.—The term ‘State’ means the State of Alaska.”

### § 1603. Declaration of settlement

#### (a) Aboriginal title extinguishment through prior land and water area conveyances

All prior conveyances of public land and water areas in Alaska, or any interest therein, pursuant to Federal law, and all tentative approvals pursuant to section 6(g) of the Alaska Statehood Act, shall be regarded as an extinguishment of the aboriginal title thereto, if any.

#### (b) Aboriginal title and claim extinguishment where based on use and occupancy; submerged lands underneath inland and offshore water areas and hunting or fishing rights included

All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy, including submerged land underneath all water areas, both inland and offshore, and including any aboriginal hunting or fishing rights that may exist, are hereby extinguished.

#### (c) Aboriginal claim extinguishment where based on right, title, use, or occupancy of land or water areas; domestic statute or treaty relating to use and occupancy; or foreign laws; pending claims

All claims against the United States, the State, and all other persons that are based on claims of aboriginal right, title, use, or occupancy of land or water areas in Alaska, or that are based on any statute or treaty of the United States relating to Native use and occupancy, or that are based on the laws of any other nation, including any such claims that are pending before any Federal or state court or the Indian Claims Commission, are hereby extinguished.

(Pub. L. 92-203, § 4, Dec. 18, 1971, 85 Stat. 689.)

#### REFERENCES IN TEXT

Section 6(g) of the Alaska Statehood Act, referred to in subsec. (a), is section 6(g) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, which is set out as a note preceding section 21 of Title 48, Territories and Insular Possessions.

## § 1604. Enrollment

### (a) Eligible Natives; finality of decision

The Secretary shall prepare within two years from December 18, 1971, a roll of all Natives who were born on or before, and who are living on, December 18, 1971. Any decision of the Secretary regarding eligibility for enrollment shall be final.

### (b) Residence; order of priority in enrollment of Natives not permanent residents; regional family or hardship enrollment

The roll prepared by the Secretary shall show for each Native, among other things, the region and the village or other place in which he resided on the date of the 1970 census enumeration, and he shall be enrolled according to such residence. Except as provided in subsection (c), a Native eligible for enrollment who is not, when the roll is prepared, a permanent resident of one of the twelve regions established pursuant to section 1606(a) of this title shall be enrolled by the Secretary in one of the twelve regions, giving priority in the following order to—

- (1) the region where the Native resided on the 1970 census date if he had resided there without substantial interruption for two or more years;
- (2) the region where the Native previously resided for an aggregate of ten years or more;
- (3) the region where the Native was born; and
- (4) the region from which an ancestor of the Native came:<sup>1</sup>

The Secretary may enroll a Native in a different region when necessary to avoid enrolling members of the same family in different regions or otherwise avoid hardship.

### (c) Election of enrollment in thirteenth region, if established, of Native nonresidents; dependent household members as bound

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 section 1606(c) of this title. If such region is not established, he shall be enrolled as provided in subsection (b). 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.

(Pub. L. 92-203, § 5, Dec. 18, 1971, 85 Stat. 690.)

#### LATE ENROLLMENT OF OTHERWISE QUALIFIED NATIVES

Pub. L. 94-204, § 1, Jan. 2, 1976, 89 Stat. 1145, provided: "That (a) the Secretary of the Interior (hereinafter in this Act [enacting sections 1625 to 1627 of this title, amending sections 1615, 1616, 1620, and 1621 of this title, and enacting provisions set out as notes under sections 1604, 1605, 1611, 1613, 1618, and 1625 of this title] referred to as the 'Secretary') is directed to review those applications submitted within one year from the date of enactment of this Act [Jan. 2, 1976] by applicants who failed to meet the March 30, 1973, deadline for enrollment established by the Secretary pursuant to the

Alaska Native Claims Settlement Act (hereinafter in this Act referred to as the 'Settlement Act') [this chapter], and to enroll those Natives under the provisions of that Act who would have been qualified if the March 30, 1973, deadline had been met: *Provided*, That Natives enrolled under this Act shall be issued stock under the Settlement Act together with a pro rata share of all future distributions under the Settlement Act which shall commence beginning with the next regularly scheduled distribution after the enactment of this Act: *Provided further*, That land entitlement of any Native village, Native group, Village Corporation, or Regional Corporation, all as defined in such Act, shall not be affected by any enrollment pursuant to this Act, and that no tribe, band, clan, group, village, community, or association not otherwise eligible for land or other benefits as a 'Native village', as defined in such Act, shall become eligible for land or other benefits as a Native village because of any enrollment pursuant to this Act: *Provided further*, That no tribe, band, clan, village, community, or village association not otherwise eligible for land or other benefits as a 'Native group', as defined in such Act, shall become eligible for land or other benefits as a Native group because of any enrollment pursuant to this Act: *And provided further*, That any 'Native group', as defined in such Act, shall not lose its status as a Native group because of any enrollment pursuant to this Act.

"(b) The Secretary is authorized to poll individual Natives properly enrolled to Native villages or Native groups which are not recognized as Village Corporations under section 11 of the Settlement Act [section 1610 of this title] and which are included within the boundaries of former reserves the Village Corporation or Corporations of which elected to acquire title to the surface and subsurface estate of said reserves pursuant to subsection 19(b) of the Settlement Act [section 1618(b) of this title]. The Secretary may allow these individuals the option to enroll to a Village Corporation which elected the surface and subsurface title under section 19(b) or remain enrolled to the Regional Corporation in which the village or group is located on an at-large basis: *Provided*, That nothing in this subsection shall affect existing entitlement to land of any Regional Corporation pursuant to section 12(b) or 14(h)(8) of the Settlement Act [section 1611(b) or 1613(h)(8) of this title].

"(c) In those instances where, on the roll prepared under section 5 of the Settlement Act [this section], there were enrolled as residents of a place on April 1, 1970, a sufficient number of Natives required for a Native village or Native group, as the case may be, and it is subsequently and finally determined that such place is not eligible for land benefits under the Act on grounds which include a lack of sufficient number of residents, the Secretary shall; in accordance with the criteria for residence applied in the final determination of eligibility, redetermine the place of residence on April 1, 1970, of each Native enrolled to such place, and the place of residence as so redetermined shall be such Native's place of residence on April 1, 1970, for all purposes under the Settlement Act: *Provided*, That each Native whose place of residence on April 1, 1970, is changed by reason of this subsection shall be issued stock in the Native corporation or corporations in which such redetermination entitles him to membership and all stock issued to such Native by any Native Corporation in which he is no longer eligible for membership shall be deemed canceled: *Provided further*, That no redistribution of funds made by any Native Corporation on the basis of prior places of residence shall be affected: *Provided further*, That land entitlements of any Native village, Native group, Village Corporation, Regional Corporation, or corporations organized by Natives residing in Sitka, Kenai, Juneau, or Kodiak, all as defined in said Act, shall not be affected by any determination of residence made pursuant to this subsection, and no tribe, band, clan, group, village community, or association not otherwise eligible for land or other benefits as a 'Native group' as defined in said

<sup>1</sup> So in original. The colon probably should be a period.