

lower tier subcontractors exist, the entity shall designate the appropriate contractor or contractors to receive such credit.

(C) Any entity that satisfies subsection (e)(1) or (e)(2) of this section that has been certified under section 637 of title 15 is a Disadvantaged Business Enterprise for the purposes of Public Law 105-178.

**(f) Omitted**

**(g) Civil Rights Act of 1964**

For the purposes of implementation of the Civil Rights Act of 1964 [42 U.S.C. 2000a et seq.], a Native Corporation and corporations, partnerships, joint ventures, trusts, or affiliates in which the Native Corporation owns not less than 25 per centum of the equity shall be within the class of entities excluded from the definition of “employer” by section 701(b)(1) of Public Law 88-352 (78 Stat. 253), as amended [42 U.S.C. 2000e(b)(1)], or successor statutes.

(Pub. L. 92-203, § 29, as added Pub. L. 94-204, § 4, Jan. 2, 1976, 89 Stat. 1147; amended Pub. L. 100-241, § 15, Feb. 3, 1988, 101 Stat. 1812; Pub. L. 102-415, §§ 10, 11, Oct. 14, 1992, 106 Stat. 2115; Pub. L. 105-333, § 5, Oct. 31, 1998, 112 Stat. 3131; Pub. L. 107-117, div. B, § 702, Jan. 10, 2002, 115 Stat. 2312; Pub. L. 107-206, title III, § 3003, Aug. 2, 2002, 116 Stat. 924; Pub. L. 110-234, title IV, § 4002(b)(1)(A), (C), (2)(GG), May 22, 2008, 122 Stat. 1095, 1096, 1098; Pub. L. 110-246, § 4(a), title IV, § 4002(b)(1)(A), (C), (2)(GG), June 18, 2008, 122 Stat. 1664, 1857, 1859.)

REFERENCES IN TEXT

The Food and Nutrition Act of 2008, referred to in subsec. (b), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§ 2011 et seq.) of Title 7, Agriculture. Section 5(a) of the Act is classified to section 2014(a) of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

The Social Security Act, referred to in subsec. (c)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

Section 502 of P.L. 100-656, referred to in subsec. (e)(4)(B), is section 502 of title V of Pub. L. 100-656, Nov. 15, 1988, 102 Stat. 3881, which amended section 644(g) of Title 15, Commerce and Trade.

Public Law 105-178, referred to in subsec. (e)(4)(C), is Pub. L. 105-178, June 9, 1998, 112 Stat. 107, as amended, known as the Transportation Equity Act for the 21st Century. The Disadvantaged Business Enterprise provisions of the Act were contained in section 1101(b), formerly set out as a note under section 101 of Title 23, Highways. For complete classification of this Act to the Code, see Short Title of 1998 Amendment note set out under section 101 of Title 23 and Tables.

The Civil Rights Act of 1964, referred to in subsec. (g), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended, which is classified principally to subchapters II to IX (§ 2000a et seq.) of chapter 21 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Subsec. (f) amended section 1702(3), (4) of Title 30, Mineral Lands and Mining, and provided for effective date of such amendment.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-246, § 4002(b)(1)(C), (2)(GG), which directed substitution of “Food and Nutrition Act of 2008” for “Food Stamp Act”, was executed by making the substitution for “Food Stamp Act of 1964” to reflect the probable intent of Congress.

Pub. L. 110-246, § 4002(b)(1)(A), (2)(GG), substituted “supplemental nutrition assistance program” for “food stamp program”.

Subsec. (c)(1). Pub. L. 110-246, § 4002(b)(1)(A), (2)(GG), which directed substitution of “supplemental nutrition assistance program” for “food stamp program”, was executed by making the substitution for “Food Stamp Program” to reflect the probable intent of Congress.

2002—Subsec. (e)(4). Pub. L. 107-117 added par. (4).

Subsec. (e)(4)(B). Pub. L. 107-206, § 3003(1), substituted “subsections (e)(1) or (e)(2)” for “subsection (e)(2)” and directed the substitution of “small or small disadvantaged business subcontracting goals under section 502 of P.L. 100-656, provided that where lower tier subcontractors exist, the entity shall designate the appropriate contractor or contractors to receive such credit” for “obligations under section 7 of P.L. 87-305”, which was executed by making the substitution for “obligations under section 7 of Public Law 87-305”, to reflect the probable intent of Congress.

Subsec. (e)(4)(C). Pub. L. 107-206, § 3003(2), substituted “subsection (e)(1) or (e)(2)” for “subsection (e)(2)”.

1998—Subsec. (c)(3)(A). Pub. L. 105-333, § 5(1), inserted “and on bonds received from a Native Corporation”.

Subsec. (c)(3)(B). Pub. L. 105-333, § 5(2), inserted before semicolon at end “or bonds issued by a Native Corporation which bonds shall be subject to the protection of section 1606(h) of this title until voluntarily and expressly sold or pledged by the shareholder subsequent to the date of distribution”.

1992—Subsec. (e)(1), (2). Pub. L. 102-415, § 10, inserted “and economically disadvantaged” after “minority”.

Subsec. (g). Pub. L. 102-415, § 11, substituted “of entities excluded from the definition of ‘employer’ by” for “defined in” and “section 701(b)(1)” for “section 701(b)”.

1988—Subsecs. (c) to (g). Pub. L. 100-241 added subsecs. (c) to (g).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by section 4002(b)(1)(A), (C), (2)(GG) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

**§ 1627. Merger of Native corporations**

**(a) Applicability of State law**

Notwithstanding any provision of this chapter, any corporation created pursuant to section 1606(d), 1607(a), 1613(h)(2), or 1613(h)(3) of this title within any of the twelve regions of Alaska, as established by section 1606(a) of this title, may, at any time, merge or consolidate, pursuant to the applicable provisions of the laws of the State of Alaska, with any other of such corporation or corporations created within or for the same region. Any corporations resulting from mergers or consolidations further may merge or consolidate with other such merged or consolidated corporations within the same region or with other of the corporations created in said region pursuant to section 1606(d), 1607(a), 1613(h)(2), or 1613(h)(3) of this title.

**(b) Terms and conditions of merger; rights of dissenting shareholders; rights and liabilities of successor corporation**

Such mergers or consolidations shall be on such terms and conditions as are approved by vote of the shareholders of the corporations participating therein, including, where appropriate, terms providing for the issuance of additional shares of Regional Corporation stock to persons already owning such stock, and may take place pursuant to votes of shareholders held either before or after January 2, 1976: *Provided*, That the rights accorded under Alaska law to dissenting shareholders in a merger or consolidation may not be exercised in any merger or consolidation pursuant to this chapter effected while the Settlement Common Stock of all corporations subject to merger or consolidation remains subject to alienability restrictions.<sup>1</sup> Upon the effectiveness of any such mergers or consolidations the corporations resulting therefrom and the shareholders thereof shall succeed and be entitled to all the rights, privileges, and benefits of this chapter, including but not limited to the receipt of lands and moneys and exemptions from various forms of Federal, State, and local taxation, and shall be subject to all the restrictions and obligations of this chapter as are applicable to the corporations and shareholders which and who participated in said mergers or consolidations or as would have been applicable if the mergers or consolidations and transfers of rights and titles thereto had not taken place: *Provided*, That, where a Village Corporation organized pursuant to section 1618(b) of this title merges or consolidates with the Regional Corporation of the region in which such village is located or with another Village Corporation of that region, no provision of such merger or consolidation shall be construed as increasing or otherwise changing regional enrollments for purposes of distribution of the Alaska Native Fund; land selection eligibility; or revenue sharing pursuant to sections 1605(c), 1606(m), 1611(b), 1613(h)(8), and 1606(i) of this title.

**(c) Alteration or elimination of dividend rights**

Notwithstanding the provisions of section 1606(j) or (m) of this title, in any merger or consolidation in which the class of stockholders of a Regional Corporation who are not residents of any of the villages in the region are entitled under Alaska law to vote as a class, the terms of the merger or consolidation may provide for the alteration or elimination of the right of said class to receive dividends pursuant to said section 1606(j) or (m) of this title. In the event that such dividend right is not expressly altered or eliminated by the terms of the merger or consolidation, such class of stockholders shall continue to receive such dividends pursuant to section 1606(j) or (m) of this title as would have been applicable if the merger or consolidation had not taken place and all Village Corporations within the affected region continued to exist separately.

<sup>1</sup> So in original.

**(d) Approval of merger or consolidation by shareholders**

Notwithstanding any other provision of this section or of any other law, no corporation referred to in this section may merge or consolidate with any other such corporations unless that corporation's shareholders have approved such merger or consolidation.

**(e) Conveyance of right to withhold consent to mineral exploration, development, etc., as part of merger or consolidation**

The plan of merger or consolidation shall provide that the right of any affected Village Corporation pursuant to section 1613(f) of this title to withhold consent to mineral exploration, development, or removal within the boundaries of the Native village shall be conveyed, as part of the merger or consolidation, to a separate entity composed of the Native residents of such Native village.

(Pub. L. 92-203, § 30, as added Pub. L. 94-204, § 6, Jan. 2, 1976, 89 Stat. 1148; amended Pub. L. 100-241, § 12(c), Feb. 3, 1988, 101 Stat. 1810.)

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-241 substituted “while the Settlement Common Stock of all corporations subject to merger or consolidation remains subject to alienability restrictions.” for “prior to December 19, 1991”.

**§ 1628. Assignments by Regional Corporations of rights to receive payments from Fund**

**(a) Recognition by Secretary; scope of recognition**

Notwithstanding the provision of section 3727 of title 31, the Secretary is authorized to recognize validly executed assignments made by Regional Corporations of their rights to receive payments from the Alaska Native Fund. Such assignments shall only be recognized to the extent that the Regional Corporation involved is not required to distribute funds pursuant to subsection (j) or (m) of section 1606 of this title.

**(b) Nonrecognition by Secretary**

The Secretary shall not recognize any assignment under this section which does not provide that the United States reserves the right to assert against the assignee and successors of the assignee, any setoff or counterclaim which the United States has against the assignor Corporation.

**(c) Claims against Secretary by stockholders of Regional or Village Corporation for recognition of assignment**

No stockholder of any Regional or Village Corporation shall have any claim against the Secretary or the United States as the result of any assignment duly recognized by the Secretary pursuant to this section.

(Pub. L. 92-203, § 31, as added Pub. L. 95-178, § 4, Nov. 15, 1977, 91 Stat. 1370.)

CODIFICATION

In subsec. (a), “section 3727 of title 31” substituted for “section 3477 of the Revised Statutes, as amended (31 U.S.C. 203)” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.