

immediate family members who are Natives or descendants of Natives to promote the health, education, or welfare of such shareholders or family members is expressly authorized and confirmed. Eligibility for such benefits need not be based on share ownership in the Native Corporation and such benefits may be provided on a basis other than pro rata based on share ownership.

(Pub. L. 92-203, §7, Dec. 18, 1971, 85 Stat. 691; Pub. L. 96-487, title XIV, §1401(a), (c), Dec. 2, 1980, 94 Stat. 2491, 2492; Pub. L. 100-241, §§4, 5, 12(a), Feb. 3, 1988, 101 Stat. 1790, 1792, 1810; Pub. L. 102-415, §§4, 8, Oct. 14, 1992, 106 Stat. 2113, 2114; Pub. L. 104-10, §1(a), May 18, 1995, 109 Stat. 155; Pub. L. 104-42, title I, §109(a), Nov. 2, 1995, 109 Stat. 357; Pub. L. 105-333, §§8, 12, Oct. 31, 1998, 112 Stat. 3134, 3135; Pub. L. 106-194, §2, May 2, 2000, 114 Stat. 242; Pub. L. 110-453, title II, §206, Dec. 2, 2008, 122 Stat. 5030.)

Editorial Notes

AMENDMENTS

2008—Subsec. (g)(1)(B)(iii). Pub. L. 110-453 added cl. (iii) and struck out former cl. (iii) which read as follows: “The amendment authorized by clause (i) may provide that Settlement Common Stock issued to a Native pursuant to such amendment (or stock issued in exchange for such Settlement Common Stock pursuant to subsection (h)(3) of this section or section 1629c(d) of this title) shall be deemed canceled upon the death of such Native. No compensation for this cancellation shall be paid to the estate of the deceased Native or to any person holding the stock.”

2000—Subsec. (h)(1)(C)(iii). Pub. L. 106-194 inserted before period at end “, notwithstanding an adoption, relinquishment, or termination of parental rights that may have altered or severed the legal relationship between the gift donor and recipient”.

1998—Subsec. (i)(1). Pub. L. 105-333, §8(1), substituted “(A) Except as provided by subparagraph (B), 70 percent” for “Seventy per centum”.

Pub. L. 105-333, §8(2), which directed the addition of subpar. (B) at the end of subsec. (i), was executed by adding subpar. (B) at the end of par. (1) of subsec. (i) to reflect the probable intent of Congress.

Subsec. (r). Pub. L. 105-333, §12, added subsec. (r).

1995—Subsec. (h)(4). Pub. L. 104-10 added par. (4).

Subsec. (i). Pub. L. 104-42 designated existing provisions as par. (1) and added par. (2).

1992—Subsec. (g)(1)(B)(i)(I). Pub. L. 102-415, §8, inserted at end “and, at the further option of the Corporation, descendants of Natives born after December 18, 1971.”

Subsec. (h)(1)(C)(iii). Pub. L. 102-415, §4, substituted “nephew, or (if the holder has reached the age of majority as defined by the laws of the State of Alaska) brother or sister” for “or nephew”.

1988—Subsec. (g). Pub. L. 100-241, §4, amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “The Regional Corporation shall be authorized to issue such number of shares of common stock, divided into such classes of shares as may be specified in the articles of incorporation to reflect the provisions of this chapter, as may be needed to issue one hundred shares of stock to each Native enrolled in the region pursuant to section 1604 of this title.”

Subsec. (h)(1), (2). Pub. L. 100-241, §5, amended pars. (1) and (2) generally, changing structure of each from a single unlettered paragraph to one consisting of subpars. (A) to (C).

Subsec. (h)(3). Pub. L. 100-241, §5, amended par. (3) generally, revising and restating as subpars. (A) to (E) provisions of former subpars. (A) to (C).

Subsec. (o). Pub. L. 100-241, §12(a), struck out “, to the Secretary of the Interior and to the Committees on

Interior and Insular Affairs of the Senate and the House of Representatives” after “to each stockholder” in last sentence.

1980—Subsec. (h)(1). Pub. L. 96-487, §1401(c), inserted “or by stockholder who is a member of a professional organization, association, or board which limits the ability of that stockholder to practice his profession because of holding stock issued under this chapter” after “divorce or child support”. Section 1401(c) of Pub. L. 96-487 directed that section 1696(h)(1) of this title be amended, however, since no section 1696 of this title has been enacted, amendment was executed to subsec. (h)(1) of this section to reflect the probable intent of Congress.

Subsec. (h)(3). Pub. L. 96-487, §1401(a), substituted provisions that provided on Dec. 18, 1991, all stock previously issued be deemed canceled, and shares of stock of the appropriate class be issued to each shareholder share for share subject only to such restrictions as provided by the articles of incorporation, or agreement between the corporation and individual, specified restrictions which may be included by amendment in the articles of incorporation, and provided voting requirements for amendment of the articles of incorporation for approval of restrictions and the grant of voting rights to stockholders who were previously denied such rights for provision that provided on Jan. 1 of the twenty-first year after the year in which this chapter was enacted, all stock previously issued be deemed canceled and the shares of stock of the appropriate class issued without restrictions required by this chapter to each stockholder share for share.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1995 AMENDMENT

Pub. L. 104-42, title I, §109(b), Nov. 2, 1995, 109 Stat. 357, provided that: “This amendment [amending this section] shall be effective as of the date of enactment of the Alaska Native Claims Settlement Act, Public Law 92-203 (43 U.S.C. 1601, et seq.) [Dec. 18, 1971].”

§ 1607. Village Corporations

(a) Organization of Corporation prerequisite to receipt of patent to lands or benefits under chapter

The Native residents of each Native village entitled to receive lands and benefits under this chapter shall organize as a business for profit or nonprofit corporation under the laws of the State before the Native village may receive patent to lands or benefits under this chapter, except as otherwise provided.

(b) Regional Corporation: approval of initial articles; review and approval of amendments to articles and annual budgets; assistance in preparation of articles and other documents

The initial articles of incorporation for each Village Corporation shall be subject to the approval of the Regional Corporation for the region in which the village is located. Amendments to the articles of incorporation and the annual budgets of the Village Corporations shall, for a period of five years, be subject to review and approval by the Regional Corporation. The Regional Corporation shall assist and advise Native villages in the preparation of articles of incorporation and other documents necessary to meet the requirements of this subsection.

(c) Applicability of section 1606

The provisions of subsections (g), (h) (other than paragraph (4)), and (o) of section 1606 of this title shall apply in all respects to Village

Corporations, Urban Corporations, and Group Corporations.

(Pub. L. 92-203, §8, Dec. 18, 1971, 85 Stat. 694; Pub. L. 96-487, title XIV, §1401(b), Dec. 2, 1980, 94 Stat. 2492; Pub. L. 100-241, §6, Feb. 3, 1988, 101 Stat. 1795; Pub. L. 104-10, §1(b), May 18, 1995, 109 Stat. 157.)

Editorial Notes

AMENDMENTS

1995—Subsec. (c). Pub. L. 104-10 substituted “(h) (other than paragraph (4))” for “(h)”.

1988—Subsec. (c). Pub. L. 100-241 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The provisions concerning stock alienation, annual audit, and transfer of stock ownership on death or by court decree provided for regional corporations in section 1606 of this title, including the provisions of section 1606(h)(3) of this title shall apply to Village Corporations Urban Corporations and Native Groups; except that audits need not be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives or to the Committee on Energy and Natural Resources of the Senate.”

1980—Subsec. (c). Pub. L. 96-487 inserted provision making provisions of section 1606 of this title, including section 1606(h)(3) of this title, applicable to Village Corporations, Urban Corporations, and Native Groups and substituted provision that audits need not be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives or the Committee on Energy and Natural Resources of the Senate for provision that audits need not be transmitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives.

§ 1608. Revenue sharing

(a) Minerals within section

The provisions of this section shall apply to all minerals that are subject to disposition under the Mineral Leasing Act of 1920, as amended and supplemented [30 U.S.C. 181 et seq.].

(b) Interim payments into Alaska Native Fund based on percentage of gross value of produced or removed minerals and of rentals and bonuses; time of payment

With respect to conditional leases and sales of minerals heretofore or hereafter made pursuant to section 6(g) of the Alaska Statehood Act, and with respect to mineral leases of the United States that are or may be subsumed by the State under section 6(h) of the Alaska Statehood Act, until such time as the provisions of subsection (c) become operative the State shall pay into the Alaska Native Fund from the royalties, rentals, and bonuses hereafter received by the State (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under such leases or sales) of such minerals produced or removed from such lands, and (2) 2 per centum of all rentals and bonuses under such leases or sales, excluding bonuses received by the State at the September 1969 sale of minerals from tentatively approved lands and excluding rentals received pursuant to such sale before December 18, 1971. Such payment shall be made within sixty days from the date the revenues are received by the State.

(c) Patents; royalties: reservation of percentage of gross value of produced or removed minerals and of rentals and bonuses from disposition of minerals

Each patent hereafter issued to the State under the Alaska Statehood Act, including a patent of lands heretofore selected and tentatively approved, shall reserve for the benefit of the Natives, and for payment into the Alaska Native Fund, (1) a royalty of 2 per centum upon the gross value (as such gross value is determined for royalty purposes under any disposition by the State) of the minerals thereafter produced or removed from such lands, and (2) 2 per centum of all revenues thereafter derived by the State from rentals and bonuses from the disposition of such minerals.

(d) Distribution of bonuses, rentals, and royalties from Federal disposition of minerals in public lands; payments into Alaska Native Fund based on percentage of gross value of produced minerals and of rentals and bonuses; Federal and State share calculation on remaining balance

All bonuses, rentals, and royalties received by the United States after December 18, 1971, from the disposition by it of such minerals in public lands in Alaska shall be distributed as provided in the Alaska Statehood Act, except that prior to calculating the shares of the State and the United States as set forth in such Act, (1) a royalty of 2 per centum upon the gross value of such minerals produced (as such gross value is determined for royalty purposes under the sale or lease), and (2) 2 per centum of all rentals and bonuses shall be deducted and paid into the Alaska Native Fund. The respective shares of the State and the United States shall be calculated on the remaining balance.

(e) Federal enforcement; State underpayment: deductions from grants-in-aid or other Federal assistance equal to underpayment and deposit of such amount in Fund

The provisions of this section shall be enforceable by the United States for the benefit of the Natives, and in the event of default by the State in making the payments required, in addition to any other remedies provided by law, there shall be deducted annually by the Secretary of the Treasury from any grant-in-aid or from any other sums payable to the State under any provision of Federal law an amount equal to any such underpayment, which amount shall be deposited in the Fund.

(f) Oil and gas revenues; amount payable equal to Federal or State royalties in cash or kind

Revenues received by the United States or the State as compensation for estimated drainage of oil or gas shall, for the purposes of this section, be regarded as revenues from the disposition of oil and gas. In the event the United States or the State elects to take royalties in kind, there shall be paid into the Fund on account thereof an amount equal to the royalties that would have been paid into the Fund under the provisions of this section had the royalty been taken in cash.