

**STATEMENT FOR THE RECORD
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
ENERGY AND NATURAL RESOURCES COMMITTEE
UNITED STATES SENATE
ON S. 1605,
A BILL FOR THE RELIEF OF MICHAEL G. FABER**

JULY 30, 2014

Thank you for the opportunity to present a statement for the record on S. 1605, a bill for the relief of Michael G. Faber. The Department of the Interior (Department) does not oppose S. 1605, but has concerns about the Secretary's ability to provide the relief the bill contains.

Background

S. 1605 is an individual relief bill on behalf of Michael G. Faber. Mr. Faber is a Tsimshian Indian with family roots in Southeast Alaska. Mr. Faber was initially granted membership and stock in 1973 in the Sealaska Native Regional Corporation (Sealaska). Sealaska is made up of Southeast Alaska Natives formed as a result of the aboriginal land claims settlement between the Federal Government and Alaska Natives accomplished through passage of the Alaska Native Claims Settlement Act, ANCSA, of 1971.

During the original enrollment process following passage of the Alaska Native Claims Settlement Act, Mr. Faber enrolled in the Sealaska Corporation, the tenth of the thirteen corporations created by the Act, along with other members of his family. Mr. Faber's enrollment was approved by the Bureau of Indian Affairs, and he received Sealaska share number 13-752-39665-01, and an initial 100 shares of stock in the Sealaska Corporation. The family lived in Metlakatla, Alaska prior to passage of the claims act, and by the time of implementation of the act had moved to Juneau, AK.

At some point in 1976, while Mr. Faber was on duty with the Army, and had an out-of-Alaska mailing address, the BIA apparently moved to shift his enrollment from Sealaska to the then newly created 13th Regional Corporation. This 13th Regional Corporation was intended to serve the needs of Alaska Natives living outside of Alaska. Mr. Faber was shifted to the out-of-state 13th Regional Corporation in late 1976 due to a clerical error by the Bureau of Indian Affairs (BIA). Although the BIA transferred Mr. Faber to the 13th Regional Corporation, it appears Mr. Faber did not actually request or approve the transfer of his corporate enrollment. Subsequently, in 1992, Mr. Faber formally enrolled in the Metlakatla Indian Community of the Annette Indian Reserve, and thereby formally renounced eligibility for benefits or shareholder status in any Native Corporation established under ANCSA.

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S. 1605 seeks to authorize Mr. Faber's reinstatement to the Sealaska roll by directing the Secretary of the Interior to reinstate Mr. Faber to the shareholder roll of Sealaska Corporation, and directs the Secretary to "ensure the provision to the affected individual of the number of shares originally allocated to the affected individual by Sealaska Corporation."

While the Department does not oppose the relief contemplated by S. 1605, we are concerned that the Secretary lacks the authority to grant all such relief. While the Secretary may be able to correct the Alaska Native Roll with passage of the legislation, ensuring the issuance of stock to Mr. Faber in Sealaska, a for-profit corporation chartered under the laws of the State of Alaska, is beyond the authority of the Secretary.

This concludes the Department's statement for the record.