

Union Calendar No. 429

103D CONGRESS
2D SESSION

H. R. 4462

[Report No. 103-782]

A BILL

To provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes.

OCTOBER 3, 1994

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MAY 19, 1994

Mr. RICHARDSON (for himself and Mr. THOMAS of Wyoming) introduced the following bill; which was referred to the Committee on Natural Resources

OCTOBER 3, 1994

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[Omit the part struck through and insert the part printed in italic]

A BILL

To provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Federal Rec-
5 ognition Administrative Procedures Act of 1994”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to establish an administrative procedure to
4 extend Federal recognition to certain Indian groups;

5 (2) to extend to Indian groups *which are deter-*
6 *mined to be Indian tribes* the protection, services,
7 and benefits available from the Federal Government
8 pursuant to the Federal trust responsibility;

9 ~~(3) to provide clear and consistent standards of~~
10 ~~administrative review of recognition petitions for In-~~
11 ~~Indian groups; and~~

12 ~~(4) to expedite the administrative review proc-~~
13 ~~ess by providing definitive timelines for review and~~
14 ~~adequate resources to process recognition petitions.~~

15 *(3) to extend to Indian groups which are deter-*
16 *mined to be Indian tribes the immunities and privi-*
17 *leges available to other federally-acknowledged Indian*
18 *tribes by virtue of their status as Indian tribes with*
19 *a government-to-government relationship with the*
20 *United States;*

21 *(4) to ensure that when the Federal government*
22 *extends acknowledgment to an Indian tribe, it does so*
23 *with a consistent legal, factual and historical basis;*

24 *(5) to establish a commission which will act in*
25 *a supporting role to petitioning groups applying for*
26 *recognition;*

1 (6) to provide clear and consistent standards of
2 administrative review of documented petitions for
3 Federal acknowledgment;

4 (7) to clarify evidentiary standards and expedite
5 the administrative review process by providing ade-
6 quate resources to process petitions; and

7 (8) to remove the Federal acknowledgment proc-
8 ess from the Bureau of Indian Affairs and invest it
9 in an independent Commission on Indian Recogni-
10 tion.

11 **SEC. 3. DEFINITIONS.**

12 For purposes of this Act:

13 (1) The term “aboriginal group” means any In-
14 dian entity whose members inhabited or whose range
15 extended into any part of the area now constituting
16 the United States of America, Canada, or the Unit-
17 ed States of Mexico prior to the first sustained con-
18 tact of such members with Euro-Americans.

19 (2) The term “autonomous”, in the context of
20 decisionmaking, means having its own tribal council,
21 internal process, or other organizational mechanism
22 which the Indian group has used as its own means
23 of making decisions independent of the control of
24 any other Indian tribe, and in using such term for
25 purposes of this Act, such term must be understood

1 in the context of the culture and social organization
2 of that Indian group.

3 (3) The term “Bureau” means the Bureau of
4 Indian Affairs of the Department of the Interior.

5 (4) The term “Commission” means the Com-
6 mission on Indian Recognition established under sec-
7 tion 4.

8 (5) The term “community” means any people
9 living within such a reasonable proximity as to allow
10 group interaction and maintenance of tribal rela-
11 tions.

12 (6) The term “continuous” means, with respect
13 to any Indian group, extending from generation to
14 generation throughout the Indian group’s history es-
15 sentially without interruption.

16 (7) The term “Department” means the Depart-
17 ment of the Interior.

18 (8) The term “historical” means dating back to
19 the earliest documented contact between—

20 (A) the aboriginal group from which the
21 petitioners descended; and

22 (B) citizens or officials of the United
23 States, colonial or territorial governments, or
24 citizens and officials of foreign governments.

1 (9) The term “Indian group” means any Indian
2 entity that—

3 (A) is located within any of the States of
4 the United States; and

5 (B) is not recognized by the Secretary to
6 be an Indian tribe.

7 (10) The term “Indian tribe” means any Indian
8 entity that—

9 (A) is located within any of the States of
10 the United States; and

11 (B) is recognized by the Secretary to be an
12 Indian tribe.

13 (11) The term “Indian” means any individual
14 who is a descendant of an aboriginal group.

15 (12) The term “member of an Indian group”
16 means an individual who—

17 (A) is recognized by an Indian group as
18 meeting its membership criteria;

19 (B) consents to being listed as a member
20 of that group; and

21 (C) is not a member of any Indian tribe.

22 (13) The term “member of an Indian tribe”
23 means an individual who—

24 (A) meets the membership requirements of
25 the Indian tribe, as set forth in its governing

1 document or recognized collectively by those
2 persons comprising the governing body of the
3 Indian tribe; and

4 (B) has continuously maintained tribal re-
5 lations with the tribe or is listed on the tribal
6 rolls of that Indian tribe as a member if such
7 rolls are maintained.

8 (14) The term “petition” means a petition sub-
9 mitted to the Commission under section 5 or trans-
10 ferred to the Commission under section 5 of this
11 Act.

12 (15) The term “petitioner” means any entity
13 which has submitted, or submits, a petition to the
14 Secretary requesting recognition that the entity is an
15 Indian tribe.

16 (16) The term “Secretary” means the Secretary
17 of the Interior.

18 (17) The term “treaty” means any treaty—

19 (A) negotiated and ratified by the United
20 States with, or on behalf of, any Indian group;

21 (B) made by any sovereign with, or on be-
22 half of, any Indian group from which the
23 United States acquired territory by purchase,
24 conquest, or cession; or

1 (C) negotiated by the United States with,
2 or on behalf of, any Indian group in California,
3 whether or not the treaty was subsequently
4 ratified.

5 **SEC. 3. DEFINITIONS.**

6 *For purposes of this Act:*

7 (1) *The term “aboriginal group” means any In-*
8 *dian group or tribe that is presently located in Can-*
9 *ada or the United States of Mexico and consists of in-*
10 *dividuals who are descendants of the people who in-*
11 *habited the area now constituting those two countries*
12 *prior to their first sustained contact with Euro-Amer-*
13 *icans.*

14 (2) *The term “acknowledgment” or “acknowl-*
15 *edged” means a determination by the Commission on*
16 *Indian Recognition that an Indian group constitutes*
17 *an Indian tribe with a government-to-government re-*
18 *lationship with the United States, and whose mem-*
19 *bers are recognized as eligible for the special programs*
20 *and services provided by the United States to Indians*
21 *because of their status as Indians.*

22 (3) *The term “autonomous” means the exercise of*
23 *political influence or authority independent of the*
24 *control of any other Indian governing entity. Autono-*
25 *mous must be understood in the context of the history,*

1 *geography, culture and social organization of the peti-*
2 *tioner.*

3 (4) *The term “Bureau” means the Bureau of In-*
4 *Indian Affairs.*

5 (5) *The term “Commission” means the Commis-*
6 *sion on Indian Recognition established pursuant to*
7 *section 4.*

8 (6) *The term “community” means any group of*
9 *people, living within a reasonable territorial propin-*
10 *quity, which can demonstrate that consistent inter-*
11 *actions and significant social relationships exist with-*
12 *in its membership and that its members are differen-*
13 *tiated from and identified as distinct from*
14 *nonmembers. “Community” must be understood in*
15 *the context of the history, culture and social organiza-*
16 *tion of the group, taking into account the geography*
17 *of the region in which they reside.*

18 (7) *The term “continuously” or “continuous”*
19 *means extending from the first sustained contact with*
20 *Euro-Americans throughout the group’s history to the*
21 *present substantially without interruption.*

22 (8) *The term “Department” means the Depart-*
23 *ment of the Interior.*

24 (9) *The term “documented petition” means the*
25 *detailed, factual exposition and arguments, including*

1 *all documentary evidence, necessary to demonstrate*
2 *that these arguments specifically address the manda-*
3 *tory criteria established in section 5.*

4 (10) *The term “historically”, “historical” or*
5 *“history” means dating from the first sustained con-*
6 *tact with Euro-Americans.*

7 (11) *The term “Indian group” or “group” means*
8 *any Indian, Alaska Native, or Native Hawaiian*
9 *tribe, band, pueblo, village or community within the*
10 *United States that the Secretary of the Interior does*
11 *not acknowledge to be an Indian tribe.*

12 (12) *The term “Indian tribe” or “tribe” means*
13 *any Indian, Alaska Native, or Native Hawaiian*
14 *tribe, band, pueblo, village or community within the*
15 *United States that the Secretary of the Interior pres-*
16 *ently acknowledges to be an Indian tribe.*

17 (13) *The term “indigenous” means native to the*
18 *United States in that at least part of the petitioner’s*
19 *traditional territory at the time of first sustained*
20 *contact with Euro-Americans extended into what is*
21 *now the United States.*

22 (14) *The term “letter of intent” means an un-*
23 *documented letter or resolution which is dated and*
24 *signed by the governing body of an Indian group and*
25 *submitted to the Commission and indicates the*

1 *group's intent to submit a petition for Federal ac-*
2 *knowledgment as an Indian tribe.*

3 (15) *The term "member of an Indian group"*
4 *means an individual who is recognized by an Indian*
5 *group as meeting its membership criteria and who*
6 *consents in writing to being listed as a member of*
7 *that group.*

8 (16) *The term "member of an Indian tribe"*
9 *means an individual who meets the membership re-*
10 *quirements of the tribe as set forth in its governing*
11 *document or, in the absence of a governing document*
12 *which sets out these requirements, has been recognized*
13 *as a member collectively by those persons comprising*
14 *the tribal governing body; and has consistently main-*
15 *tained tribal relations with the tribe or is listed on*
16 *the tribal membership rolls as a member, if such rolls*
17 *are kept.*

18 (17) *The term "petition" means a petition for*
19 *acknowledgment submitted or transferred to the Com-*
20 *mission pursuant to section 5 of this Act.*

21 (18) *The term "petitioner" means any group*
22 *which has submitted a letter of intent to the Commis-*
23 *sion requesting acknowledgment that it is an Indian*
24 *tribe.*

1 (19) *The term “political influence or authority”*
2 *means a tribal council, leadership, internal process or*
3 *other mechanism which the group has used as a*
4 *means of influencing or controlling the behavior of its*
5 *members in significant respects, or making decisions*
6 *for the group which substantially affect its members,*
7 *or representing the group in dealing with non-mem-*
8 *bers in matters of consequence to the group. “Political*
9 *influence or authority” is to be understood in the con-*
10 *text of the history, culture and social organization of*
11 *the group.*

12 (20) *The term “previous Federal acknowledg-*
13 *ment” means any action by the Federal government*
14 *the character of which is clearly premised on identi-*
15 *fication of a tribal political entity and clearly indi-*
16 *cates the recognition of a government-to-government*
17 *relationship between that entity and the Federal gov-*
18 *ernment.*

19 (21) *The term “restoration” means the*
20 *reextension of acknowledgment to any previously ac-*
21 *knowledged tribe which may have had its acknowl-*
22 *edged status abrogated or diminished by reason of*
23 *congressional legislation expressly terminating that*
24 *status.*

1 (22) *The term “Secretary” means the Secretary*
2 *of the Interior.*

3 (23) *The term “sustained contact” means the pe-*
4 *riod of earliest sustained Euro-American settlement*
5 *or governmental presence in the local area in which*
6 *the tribe or tribes from which the petitioner claims*
7 *descent was located historically.*

8 (24) *The term “treaty” means any treaty—*

9 (A) *negotiated and ratified by the United*
10 *States on or before March 3, 1871, with, or on*
11 *behalf of, any Indian group or tribe;*

12 (B) *made by any government with, or on*
13 *behalf of, any Indian group or tribe, from which*
14 *government the United States subsequently ac-*
15 *quired territory by purchase, conquest, annex-*
16 *ation, or cession; or*

17 (C) *negotiated by the United States with, or*
18 *on behalf of, any Indian group in California,*
19 *whether or not the treaty was subsequently rati-*
20 *fied.*

21 (25) *The term “tribal relations” means partici-*
22 *pation by an individual in a political and social re-*
23 *lationship with an Indian tribe.*

24 (26) *The term “tribal roll” means a list exclu-*
25 *sively of those individuals who have been determined*

1 *by the tribe to meet the tribe’s membership require-*
2 *ments as set forth in its governing document or, in*
3 *the absence of a governing document setting forth*
4 *those requirements, have been recognized as members*
5 *by the tribe’s governing body. In either case, those in-*
6 *dividuals on a tribal roll must have affirmatively*
7 *demonstrated consent to being listed as members.*

8 (27) *The term “United States” means the 48*
9 *contiguous states, Alaska and Hawaii; and does not*
10 *include territories or possessions.*

11 **SEC. 4. COMMISSION ON INDIAN RECOGNITION.**

12 (a) ESTABLISHMENT.—There is established, as an
13 independent commission, the Commission on Indian Rec-
14 ognition.

15 (b) MEMBERSHIP.—(1)(A) The Commission shall
16 consist of three members appointed by the President, by
17 and with the advice and consent of the Senate.

18 (B) In making appointments to the Commission, the
19 President shall give careful consideration to—

20 (i) recommendations received from Indian
21 tribes; ~~and~~

22 (ii) individuals who have a background in In-
23 dian law or policy, anthropology, genealogy, or his-
24 tory; ~~and~~

1 (iii) individuals who, at the time of nomination,
2 are employed by the United States Government and
3 would be eligible to participate through the Intergov-
4 ernmental Personnel Exchange Act.

5 (2) No more than two members of the Commission
6 may be members of the same political party.

7 ~~(3) Each member of the Commission shall be ap-~~
8 ~~pointed for a term of four years.~~

9 (3)(A) Each member of the Commission shall be ap-
10 pointed for a term of four years, except as provided in sub-
11 paragraph (B).

12 (B) As designated by the President at the time of ap-
13 pointment, of the members first appointed—

14 (i) one shall be appointed for a term of two
15 years;

16 (ii) one shall be appointed for a term of three
17 years; and

18 (iii) one shall be appointed for a term of four
19 years.

20 (4) Any vacancy in the Commission shall not affect
21 its powers, but shall be filled in the same manner in which
22 the original appointment was made. Any member ap-
23 pointed to fill a vacancy occurring before the expiration
24 of the term for which the member's predecessor was ap-
25 pointed shall be appointed only for the remainder of that

1 term. A member may serve after the expiration of that
2 member's term until a successor has taken office.

3 (5)(A) Each member of the Commission not other-
4 wise employed by the United States Government shall re-
5 ceive compensation at a rate equal to the daily equivalent
6 of the annual rate of basic pay prescribed for level V of
7 the Executive Schedule under section 5316 of title 5,
8 United States Code, for each day, including traveltime,
9 such member is engaged in the actual performance of du-
10 ties authorized by the Commission.

11 (B) Except as provided in subparagraph (C), a mem-
12 ber of the Commission who is otherwise an officer or em-
13 ployee of the United States Government shall serve on the
14 Commission without additional compensation, but such
15 service shall be without interruption or loss of civil service
16 status or privilege.

17 (C) All members of the Commission shall be reim-
18 bursed for travel and per diem in lieu of subsistence ex-
19 penses during the performance of duties of the Commis-
20 sion while away from home or their regular place of busi-
21 ness, in accordance with subchapter I of chapter 57 of
22 title 5, United States Code.

23 (6) At the time appointments are made under para-
24 graph (1), the President shall designate one of such ap-
25 pointees as Chairman of the Commission.

1 (c) MEETINGS AND PROCEDURES.—(1) The Commis-
2 sion shall hold its first meeting no later than 30 days after
3 the date on which all members of the Commission have
4 been appointed and confirmed by the Senate.

5 (2) Two members of the Commission shall constitute
6 a quorum for the transaction of business.

7 (3) The Commission may adopt such rules (consistent
8 with the provisions of this Act) as may be necessary to
9 establish its procedures and to govern the manner of its
10 operations, organization, and personnel.

11 (4) The principal office of the Commission shall be
12 in the District of Columbia.

13 (d) DUTIES.—The Commission shall carry out the
14 duties assigned to the Commission by this Act, and shall
15 meet the requirements imposed on the Commission by this
16 Act.

17 (e) POWERS AND AUTHORITIES.—(1) Subject to such
18 rules and regulations as may be adopted by the Commis-
19 sion, the Chairman of the Commission is authorized to—

20 (A) appoint, terminate, and fix the compensa-
21 tion (without regard to the provisions of title 5,
22 United States Code, governing appointments in the
23 competitive service, and without regard to the provi-
24 sions of chapter 51 and subchapter III of chapter 53
25 of such title, or of any other provision of law, relat-

1 ing to the number, classification, and General
2 Schedule rates) of an Executive Director of the
3 Commission and of such other personnel as the
4 Chairman deems advisable to assist in the perform-
5 ance of the duties of the Commission, at a rate not
6 to exceed a rate equal to the daily equivalent of the
7 annual rate of basic pay prescribed for level V of the
8 Executive Schedule under section 5316 of title 5,
9 United States Code; and

10 (B) procure, as authorized by section 3109(b)
11 of title 5, United States Code, temporary and inter-
12 mittent services to the same extent as is authorized
13 by law for agencies in the executive branch, but at
14 rates not to exceed the daily equivalent of the annual
15 rate of basic pay prescribed for level V of the Execu-
16 tive Schedule under section 5316 of such title.

17 (2) The Commission is authorized to—

18 (A) hold such hearings and sit and act at such
19 times;

20 (B) take such testimony;

21 (C) have such printing and binding done;

22 (D) enter into such contracts and other ar-
23 rangements, subject to the availability of funds;

24 (E) make such expenditures; and

25 (F) take such other actions,

1 as the Commission may deem advisable. Any member of
2 the Commission may administer oaths or affirmations to
3 witnesses appearing before the Commission.

4 (3)(A) The Commission is authorized to secure di-
5 rectly from any officer, department, agency, establish-
6 ment, or instrumentality of the Federal Government such
7 information as the Commission may require for the pur-
8 pose of this Act, and each such officer, department, agen-
9 cy, establishment, or instrumentality is authorized and di-
10 rected to furnish, to the extent permitted by law, such in-
11 formation, suggestions, estimates, and statistics directly to
12 the Commission, upon request made by the Chairman of
13 the Commission.

14 (B) Upon the request of the Chairman of the Com-
15 mission, the head of any Federal department, agency, or
16 instrumentality is authorized to make any of the facilities
17 and services of such department, agency, or instrumentality
18 available to the Commission and detail any of the per-
19 sonnel of such department, agency, or instrumentality to
20 the Commission, on a nonreimbursable basis, to assist the
21 Commission in carrying out its duties under this section.

22 (C) The Commission may use the United States mails
23 in the same manner and under the same conditions as
24 other departments and agencies of the United States.

1 (f) FEDERAL ADVISORY COMMITTEE ACT.—The pro-
2 visions of the Federal Advisory Committee Act shall not
3 apply to the Commission.

4 **SEC. 5. PETITIONS FOR RECOGNITION.**

5 (a) IN GENERAL.—(1) Any Indian group may submit
6 to the Commission a petition requesting that the Commis-
7 sion recognize that the Indian group is an Indian tribe.

8 (2) The provisions of this Act do not apply to the
9 following groups or entities, which shall not be eligible for
10 recognition under this Act—

11 (A) Indian tribes, organized bands, pueblos,
12 communities, and Alaska Native entities which are
13 recognized by the Secretary as of the date of enact-
14 ment of this Act as eligible to receive services from
15 the Bureau;

16 (B) splinter groups, political factions, commu-
17 nities, or groups of any character which separate
18 from the main body of an Indian tribe that, at the
19 time of such separation, is recognized as being an
20 Indian tribe by the Secretary, unless it can be clear-
21 ly established that the group, faction, or community
22 has functioned throughout history until the date of
23 such petition as an autonomous Indian tribal entity;

24 (C) groups, or successors in interest of groups,
25 that prior to the date of enactment of this Act, have

1 petitioned for and been denied or refused recognition
2 as an Indian tribe under regulations prescribed by
3 the Secretary; ~~and~~

4 (D) any Indian group whose relationship with
5 the Federal Government was expressly terminated
6 by an Act of Congress; *and*

7 *(E) any Indian group that, in any action in a*
8 *United States court to which the group was a party,*
9 *has previously attempted to establish its status as an*
10 *Indian tribe or a successor-in-interest to an Indian*
11 *tribe that was a party to a treaty with the United*
12 *States, and—*

13 *(i) was determined by such court not to be*
14 *an Indian tribe; or*

15 *(ii) was determined by such court not to be*
16 *a successor-in-interest to an Indian tribe that*
17 *was a party to a treaty with the United States;*
18 *or*

19 *(iii) was the subject of findings of fact by*
20 *such court which, if made by the Commission,*
21 *would show that the group was incapable of es-*
22 *tablishing one or more of the criteria set forth in*
23 *this section.*

24 (3) (A) No later than 30 days after the date on which
25 all of the members of the Commission have been appointed

1 and confirmed by the Senate, the Secretary shall transfer
2 to the Commission all petitions pending before the Depart-
3 ment *and not then under active consideration* that request
4 the Secretary, or the Federal Government, to recognize
5 or acknowledge an Indian group as an Indian tribe. On
6 the date of such transfer, the Secretary and the Depart-
7 ment shall cease to have any authority to recognize or ac-
8 knowledge, on behalf of the Federal Government, any In-
9 dian group as an Indian tribe. Petitions transferred to the
10 Commission under this paragraph shall, for purposes of
11 this Act, be considered as having been submitted to the
12 Commission as of the date of such transfer. *Indian tribe,*
13 *except those groups whose petitions are under active consid-*
14 *eration at the time of the transfer.*

15 (B) *On the date of such transfer, the Secretary and*
16 *the Department shall cease to have any authority to recog-*
17 *nize or acknowledge, on behalf of the Federal government,*
18 *any Indian group as an Indian tribe, except those groups*
19 *under active consideration whose petitions have been re-*
20 *tained by the Department pursuant to subparagraph (A)*
21 *of this paragraph.*

22 (C) *Petitions transferred to the Commission under sub-*
23 *paragraph (A) of this paragraph shall, for purposes of this*
24 *Act, be considered as having been submitted to the Commis-*

1 *sion in the same order as they were submitted to the Depart-*
2 *ment.*

3 (b) PETITION FORM AND CONTENT.—Except as pro-
4 vided in subsection (c), any petition submitted under sub-
5 section (a) by an Indian group shall be in a *any readable*
6 form which clearly indicates that it is a petition requesting
7 the Commission to recognize that the Indian group is an
8 Indian tribe and shall contain each of the following: *which*
9 *contains detailed, specific evidence as to each of the follow-*
10 *ing:*

11 (1) A statement of facts establishing that the
12 petitioner has been identified from historical times
13 until the present, on a substantially continuous
14 basis, as an Indian entity, except that a petitioner
15 shall not be considered as having failed to satisfy
16 any requirement of this subsection merely because of
17 fluctuations of tribal activity during various years.
18 Evidence which can be offered to demonstrate In-
19 dian identity of the petitioner on a substantially con-
20 tinuous basis shall include one or more of the follow-
21 ing:

22 (1) *A statement of facts establishing that the pe-*
23 *titioner has been identified as an American Indian*
24 *entity on a substantially continuous basis since 1871.*
25 *Evidence that the group's character as an Indian en-*

1 *tity has from time to time been denied shall not be*
2 *considered to be conclusive evidence that this criterion*
3 *has not been met. Evidence to be relied upon in deter-*
4 *mining a group's Indian identity may include one or*
5 *a combination of the following, as well as other evi-*
6 *dence of identification by other than the petitioner it-*
7 *self or its members:*

8 (A) ~~Repeated identification~~ *Identification*
9 of the petitioner as an Indian entity by Federal
10 authorities.

11 (B) ~~Longstanding relationships~~ *Relation-*
12 *ships* of the petitioner with State governments
13 based on identification of the petitioner as an
14 Indian entity.

15 (C) ~~Repeated dealings~~ *Dealings* of the peti-
16 tioner with a county, parish, or other local gov-
17 ernment in a relationship based on the Indian
18 identity of the petitioner.

19 (D) ~~Repeated identification~~ *Identification*
20 of the petitioner as an Indian entity by records
21 in private or public archives, courthouses,
22 churches, or schools.

23 (E) ~~Repeated identification~~ *Identification*
24 of the petitioner as an Indian entity by anthro-
25 pologists, historians, or other scholars.

1 (F) ~~Repeated identification~~ *Identification*
2 of the petitioner as an Indian entity in news-
3 papers, books, or similar media.

4 (G) ~~Repeated identification of the peti-~~
5 ~~tioner as an Indian entity by, and dealings of~~
6 ~~the petitioner as an Indian entity with, Indian~~
7 ~~tribes, aboriginal groups or recognized national~~
8 ~~Indian organizations.~~

9 (G) *Identification of the petitioner as an*
10 *Indian entity by other Indian tribes or by na-*
11 *tional, regional, or state Indian organizations.*

12 (H) *Identification of the petitioner as an*
13 *Indian entity by foreign governments or inter-*
14 *national organizations.*

15 (2) ~~Evidence that—~~

16 (A) ~~a substantial portion of the member-~~
17 ~~ship of the petitioner lives in an Indian commu-~~
18 ~~nity which is distinct from other populations in~~
19 ~~the area; and~~

20 (B) ~~members of the petitioner are descend-~~
21 ~~ants of an Indian group or groups which his-~~
22 ~~torically inhabited a specific area.~~

23 (3) ~~A statement of facts which establishes that~~
24 ~~the petitioner has maintained tribal political influ-~~
25 ~~ence or other authority over its members as an au-~~

1 tonomous entity from historical times until the
2 present.

3 (4) A copy of the present governing document
4 of the petitioner describing in the full membership
5 criteria of the petitioner and the procedures through
6 which the petitioner currently governs its affairs and
7 members.

8 (2)(A) A statement of facts establishing that a
9 predominant portion of the membership of the peti-
10 tioner comprises a community distinct from those
11 surrounding it and has existed as a community from
12 historical times to the present. Evidence to be relied
13 upon in determining that the petitioner meets this
14 criterion may include one or a combination of the fol-
15 lowing:

16 (i) Significant rates of marriage within the
17 group, or, as may be culturally required, pat-
18 terned out-marriages with other Indian popu-
19 lations.

20 (ii) Significant social relationships connect-
21 ing individual members.

22 (iii) Significant rates of informal social
23 interaction which exist broadly among the mem-
24 bers of a group.

1 (iv) A significant degree of shared or coop-
2 erative labor or other economic activity among
3 the membership.

4 (v) Evidence of strong patterns of discrimi-
5 nation or other social distinctions by non-mem-
6 bers.

7 (vi) Shared sacred or secular ritual activity
8 encompassing most of the group.

9 (vii) Cultural patterns shared among a sig-
10 nificant portion of the group that are different
11 from those of the non-Indian populations with
12 whom it interacts. These patterns must function
13 as more than a symbolic identification of the
14 group as Indian, and may include, but are not
15 limited to, language, kinship or religious organi-
16 zations, or religious beliefs and practices.

17 (viii) The persistence of a named, collective
18 Indian identity continuously over a period of
19 more than 50 years, notwithstanding changes in
20 name.

21 (ix) A demonstration of historical political
22 influence pursuant to the criterion set forth in
23 paragraph (3).

24 (B) A petitioner shall be considered to have pro-
25 vided sufficient evidence of community at a given

1 *point in time if evidence is provided demonstrating*
2 *any one of the following:*

3 *(i) More than 50 percent of the members re-*
4 *side in a particular geographical area exclu-*
5 *sively or almost exclusively composed of members*
6 *of the group, and the balance of the group main-*
7 *tains consistent social interaction with some*
8 *members of the community.*

9 *(ii) At least 50 percent of the marriages of*
10 *the group are between members of the group.*

11 *(iii) At least 50 percent of the group mem-*
12 *bers maintain distinct cultural patterns such as,*
13 *but not limited to, language, kinship or religious*
14 *organizations, or religious beliefs or practices.*

15 *(iv) There are distinct community social in-*
16 *stitutions encompassing a substantial portion of*
17 *the members, such as kinship organizations, for-*
18 *mal or informal economic cooperation, or reli-*
19 *gious organizations.*

20 *(v) The group has met the criterion in*
21 *paragraph (3) using evidence described in para-*
22 *graph (3)(B).*

23 *(3)(A) A statement of facts establishing that the*
24 *petitioner has maintained political influence or au-*
25 *thority over its members as an autonomous entity*

1 *from historical times until the present. Evidence to be*
2 *relied upon in determining that the petitioner meets*
3 *this criterion may include one or a combination of*
4 *the following:*

5 *(i) The group is able to mobilize significant*
6 *numbers of members and significant resources*
7 *from its members for group purposes.*

8 *(ii) Most of the membership considers issues*
9 *acted upon or taken by group leaders or govern-*
10 *ing bodies to be of personal importance.*

11 *(iii) There is a widespread knowledge, com-*
12 *munication and involvement in political proc-*
13 *esses by most of the group's members.*

14 *(iv) The group meets the criterion in para-*
15 *graph (2) at more than a minimal level.*

16 *(v) There are intragroup conflicts which*
17 *show controversy over valued group goals, prop-*
18 *erties, policies, processes or decisions.*

19 *(B) A petitioner shall be considered to have pro-*
20 *vided sufficient evidence to demonstrate the exercise of*
21 *political influence or authority at a given point in*
22 *time by demonstrating that group leaders or other*
23 *mechanisms exist or existed which:*

24 *(i) allocate group resources such as land,*
25 *residence rights or the like on a consistent basis;*

1 (ii) settle disputes between members or
2 subgroups such as clans or moieties by mediation
3 or other means on a regular basis;

4 (iii) exert strong influence on the behavior
5 of individual members, such as the establishment
6 or maintenance of norms and the enforcement of
7 sanctions to direct or control behavior; and

8 (iv) organize or influence economic subsist-
9 ence activities among the members, including
10 shared or cooperative labor.

11 (C) A group that has met the requirements in
12 paragraph (2)(B) at a given point in time shall be
13 considered to have provided sufficient evidence to meet
14 this criterion at that same point in time.

15 (4) A copy of the petitioner's present governing
16 document including its membership criteria. In the
17 absence of a written document, the petitioner must
18 provide a statement describing in full its membership
19 criteria and current governing procedures.

20 (5) A list of all current members of the peti-
21 tioner ~~and their current addresses and~~, including
22 each member's full name (and maiden name, if any),
23 date and place of birth, and current residential ad-
24 dress, as well as a copy of each available former list
25 of members based on the petitioner's own defined

1 criteria, and a statement describing the methods used
2 in preparing those lists. The membership must con-
3 sist of individuals who have established descendency
4 from an Indian group which existed historically or
5 from historical Indian groups which combined and
6 functioned as a single autonomous entity. Evidence
7 of tribal membership required by the Commission in-
8 cludes (but is not limited to)—

9 (A) descendency rolls prepared by the Sec-
10 retary for the petitioner for purposes of distrib-
11 uting claims money, providing allotments, or
12 other purposes;

13 (B) State, Federal, or other official records
14 or evidence identifying present members of the
15 petitioner, or ancestors of present members of
16 the petitioner, as being an Indian descendant
17 and a member of the petitioner; *the petitioner,*
18 *as being descendants of a historic tribe or his-*
19 *toric tribes that combined and functioned as a*
20 *single autonomous political entity;*

21 (C) church, school, and other similar en-
22 rollment records indicating membership in the
23 petitioner; *enrollment records identifying present*
24 *members or ancestors of present members as*
25 *being descendants of a historic tribe or historic*

1 *tribes that combined and functioned as a single*
2 *autonomous political entity;*

3 (D) affidavits of recognition by tribal el-
4 ders, leaders, or the tribal governing body as
5 being an Indian descendant of the Indian group
6 and a member of the petitioner; and *identifying*
7 *present members or ancestors of present members*
8 *as being descendants of a historic tribe or his-*
9 *toric tribes that combined and functioned as a*
10 *single autonomous political entity; and*

11 (E) other records or evidence identifying
12 the person as a member of the petitioner.
13 *present members or ancestors of present members*
14 *as being descendants of a historic tribe or his-*
15 *toric tribes that combined and functioned as a*
16 *single autonomous political entity.*

17 (c) *EXCEPTIONS.*—A petition from an Indian group
18 which can demonstrate by a preponderance of the evidence
19 that it was, or is the successor in interest to, a—

20 (1) a party to a treaty or treaties with the Fed-
21 eral Government; or

22 (1) *party to a treaty or treaties;*

23 (2) a group acknowledged by any agency of the
24 Federal Government as eligible to participate in the

1 Indian Reorganization Act of 1934 (25 U.S.C. 461
2 ~~et. seq.~~); *et seq.*);

3 (3) *group for the benefit of which the United*
4 *States took into trust land or lands, or which the Fed-*
5 *eral government has treated as having collective rights*
6 *in tribal lands or funds; or*

7 (4) *group has been denominated a tribe by Act*
8 *of Congress or Executive Order,*

9 ~~shall be required to establish the criteria set forth in sub-~~
10 ~~section (b)(1) only from the date of the treaty or acknowl-~~
11 ~~edgement of eligibility to the present.~~

12 *shall be required to establish the criteria set forth in this*
13 *section only from the date of that Federal action to the*
14 *present.*

15 **SEC. 6. NOTICE OF RECEIPT OF PETITION.**

16 (a) PETITIONER.—Within 30 days after a petition is
17 submitted or transferred to the Commission under section
18 5(a), the Commission shall send an acknowledgement of
19 receipt in writing to the petitioner and shall have pub-
20 lished in the Federal Register a notice of such receipt, in-
21 cluding the name, location, and mailing address of the pe-
22 titioner and such other information that will identify the
23 entity who submitted the petition and the date the petition
24 was received by the Commission. The notice shall also in-
25 dicate where a copy of the petition may be examined.

1 (b) OTHERS.—The Commission shall also notify, in
2 writing, the Governor and attorney general of, and each
3 recognized Indian tribe within, any State in which a peti-
4 tioner resides.

5 (c) PUBLICATION; OPPORTUNITY FOR SUPPORTING
6 OR OPPOSING SUBMISSIONS.—The Commission shall pub-
7 lish the notice of receipt of the petition in a major news-
8 paper of general circulation in the town or city nearest
9 the location of the petitioner. The notice shall include, in
10 addition to the information described in subsection (a), no-
11 tice of opportunity for other parties to submit factual or
12 legal arguments in support of or in opposition to, the peti-
13 tion. Such submissions shall be provided to the petitioner
14 upon receipt by the Commission. The petitioner shall be
15 provided an opportunity to respond to such submissions
16 prior to a determination on the petition by the Commis-
17 sion.

18 **SEC. 7. PROCESSING THE PETITION.**

19 (a) REVIEW.—(1) Upon receipt of a *documented* peti-
20 tion, the Commission shall conduct a review to determine
21 whether the petitioner is entitled to be recognized as an
22 Indian tribe.

23 (2) The review conducted under paragraph (1) shall
24 include consideration of the petition, supporting evidence,
25 and the factual statements contained in the petition.

1 (3) The Commission may also initiate other research
2 for any purpose relative to analyzing the petition and ob-
3 taining additional information about the petitioner's sta-
4 tus and may consider any evidence which may be submit-
5 ted by other parties.

6 (4) *Upon request by the petitioner, the Library of Con-
7 gress and the National Archives shall each allow access to
8 the petitioner to its resources, records, and documents, for
9 the purpose of conducting research and preparing evidence
10 concerning the status of the petitioner.*

11 ~~(b) NOTICE OF DEFICIENCIES.—Prior to actual con-
12 sideration of the petition and by no later than the date
13 that is 12 months after the date on which the petition
14 is submitted or transferred to the Commission, the Com-
15 mission shall notify the petitioner of any obvious defi-
16 ciencies, or significant omissions, that are apparent upon
17 an initial review of the petition and provide the petitioner
18 with an opportunity to withdraw the petition for further
19 work or to submit additional information or a clarification.~~

20 ~~(e)~~ (b) CONSIDERATION.—(1) Except as otherwise
21 provided in this subsection, petitions shall be considered
22 on a first come, first served basis, determined by the date
23 of the original filing of the petition with the Commission,
24 or the Department if the petition is one transferred to the
25 Commission pursuant to section 5(a). The Commission

1 shall establish a priority register including those petitions
2 pending before the Department on the date of enactment
3 of this Act.

4 ~~(2) Petitions that are submitted to the Commission~~
5 ~~by Indian groups that as set forth in subsection 5(c)~~
6 ~~shall—~~

7 ~~(A) receive priority consideration over petitions~~
8 ~~submitted by any other Indian groups, and~~

9 ~~(B) be considered on an expedited basis.~~

10 *(2) Petitions that are submitted to the Commission by*
11 *Indian groups that meet one or more of the requirements*
12 *set forth in section 5(c) shall receive priority consideration*
13 *over petitions submitted by any other Indian group.*

14 ~~(d) NOTICE OF ACTIVE CONSIDERATION.—The Com-~~
15 ~~mission shall provide notice of the date on which the peti-~~
16 ~~tion comes under active consideration to the petitioner and~~
17 ~~other parties submitting comments on the petition.~~

18 ~~(e) WITHDRAWAL AND RESUBMITTAL.—A petitioner~~
19 ~~may, at its option and upon written request, withdraw its~~
20 ~~petition prior to publication in the Federal Register by the~~
21 ~~Commission of proposed findings under section 8(a) and~~
22 ~~may, if it so desires, resubmit a new petition. A petitioner~~
23 ~~shall not lose its priority date by withdrawing and resub-~~
24 ~~mitting its petitions, but the time periods provided in sec-~~

1 tion 8(a) shall begin to run upon active consideration of
2 the resubmitted petition.

3 **SEC. 8. PROPOSED FINDINGS AND DETERMINATION.**

4 (a) ~~IN GENERAL.~~—(1) Within one year after notify-
5 ing the petitioner under section 7(d) that active consider-
6 ation of the petition has begun, the Commission shall
7 make a proposed finding on the petition and shall publish
8 the proposed finding in the Federal Register.

9 (2) The Commission may delay making proposed
10 findings on a petition under paragraph (1) for 180 days
11 upon a showing of good cause by the petitioner.

12 (3) In addition to the proposed findings, the Commis-
13 sion shall prepare a report on each petition which summa-
14 rizes the evidence for the proposed findings. Copies of such
15 report shall be available to the petitioner and to other par-
16 ties upon request.

17 (4) Upon publication of the proposed findings under
18 paragraph (1), any individual or organization wishing to
19 challenge the proposed findings shall have a response pe-
20 riod of 120 days to present factual or legal arguments and
21 evidence upon which the proposed findings are based.

22 (b) ~~DETERMINATION OF RECOGNITION.~~—(1) After
23 consideration of any written arguments and evidence sub-
24 mitted to rebut the proposed findings made under sub-
25 section (a)(1), the Commission shall make a determination

1 of whether the petitioner is recognized by the Federal Gov-
2 ernment to be an Indian tribe. Except as otherwise pro-
3 vided by this Act, the determination shall be considered
4 to be a determination on such recognition by the Federal
5 Government, and shall also be treated as a determination
6 on such recognition by the Secretary, for all purposes of
7 law.

8 (2) By no later than the date that is 60 days after
9 the close of the 120 day response period described in sub-
10 section (a)(4), the Commission shall—

11 (A) make a determination of whether the peti-
12 tioner is a federally recognized Indian tribe;

13 (B) publish a summary of the determination in
14 the Federal Register; and

15 (C) deliver a copy of the determination and
16 summary to the petitioner.

17 (3) Any determination made under paragraph (1)
18 shall become effective on the date that is 60 days after
19 the date on which the summary of the determination is
20 published under paragraph (2).

21 (c) RECOGNITION CRITERIA.—In making the pro-
22 posed findings and determination under this section with
23 respect to any petition, the Commission shall recognize the
24 petitioner as an Indian tribe if the petition meets all the
25 requirements of section 5(b). The Commission shall not

1 make such findings or determination of recognition of the
2 petitioner if such requirements have not been met by the
3 petitioner.

4 (d) NOTIFICATION OF OTHER OPTIONS.—If the
5 Commission determines under subsection (b)(1) that the
6 petitioner should not be recognized by the Federal Govern-
7 ment to be an Indian tribe, the Commission shall analyze
8 and forward to the petitioner other options, if any, under
9 which application for services and other benefits of the
10 Bureau may be made.

11 (e) SITUATIONS NOT AFFECTED BY DETERMINA-
12 TION.—A determination by the Commission that an In-
13 dian group is recognized by the Federal Government as
14 an Indian tribe shall not have the effect of—

15 (1) depriving or diminishing the right of any
16 other Indian tribe to govern its reservation as such
17 reservation existed prior to the recognition of such
18 Indian group;

19 (2) depriving or diminishing any property right
20 held in trust or recognized by the United States for
21 such other Indian tribe prior to the recognition of
22 such Indian group; or

23 (3) depriving or diminishing any previously or
24 independently existing claim by a petitioner to any
25 such property right held in trust by the United

1 States for such other Indian tribe prior to the rec-
2 ognition of such Indian group.

3 **SEC. 9. APPEALS.**

4 (a) ~~IN GENERAL.~~—By no later than 60 days after
5 the date on which the summary of the determination of
6 the Commission with respect to a petition is published
7 under section 8(b), the petitioner, or any other party, may
8 appeal the determination to the United States District
9 Court for the District of Columbia.

10 (b) ~~ATTORNEY FEES AND COSTS.~~—The prevailing
11 parties in the appeal described in subsection (a) shall be
12 eligible for an award of reasonable attorney fees and costs
13 under the provisions of section 504 of title 5, United
14 States Code, or section 2412 of title 28 of such Code, as
15 the case may be.

16 **SEC. 10. IMPLEMENTATION OF DECISIONS.**

17 (a) ~~ELIGIBILITY FOR SERVICES AND BENEFITS.~~—(1)
18 Subject to paragraph (2), upon recognition by the Com-
19 mission that the petitioner is an Indian tribe, the Indian
20 tribe shall be eligible for the services and benefits from
21 the Federal Government that are available to other feder-
22 ally recognized Indian tribes by virtue of their status as
23 Indian tribes with a government-to-government relation-
24 ship with the United States, as well as having the respon-
25 sibilities and obligations of such Indian tribes. Such rec-

1 ognition shall subject the Indian tribes to the same au-
2 thority of Congress and the United States to which other
3 federally recognized tribes are subject.

4 (2) Recognition of the Indian tribe under this Act
5 does not create an immediate entitlement to existing pro-
6 grams of the Bureau. Such programs shall become avail-
7 able upon appropriation of funds by law. Requests for ap-
8 propriations shall follow a determination under subsection
9 (b) of the needs of the newly recognized Indian tribe.

10 (b) NEEDS DETERMINATION.—Within 6 months
11 after an Indian tribe is recognized under this Act, the ap-
12 propriate area offices of the Bureau of Indian Affairs and
13 the Indian Health Service shall consult and develop in co-
14 operation with the Indian tribe, and forward to the respec-
15 tive Secretary, a determination of the needs of the Indian
16 tribe and a recommended budget required to serve the
17 newly recognized Indian tribe. The recommended budget
18 shall be considered along with other recommendations by
19 the appropriate Secretary in the budget-request process.

20 **SEC. 11. LIST OF RECOGNIZED INDIAN TRIBES.**

21 By no later than the date that is 90 days after the
22 date of the enactment of this Act, and annually thereafter,
23 the Secretary shall publish in the Federal Register an up-
24 to-date list of all Indian tribes which are recognized by

1 the Federal Government and receiving services from the
2 Bureau.

3 **SEC. 8. PRELIMINARY HEARING.**

4 (a) *IN GENERAL.*—Within 60 days after the receipt of
5 a petition by the Commission, the Commission shall set a
6 date for a preliminary hearing. At the preliminary hearing,
7 the petitioner and any other concerned party may provide
8 evidence concerning the status of the petitioner.

9 (b) *DETERMINATION.*—(1) Within 30 days after the
10 conclusion of the preliminary hearing under subsection (a),
11 the Commission shall make a determination either—

12 (A) to extend Federal acknowledgement to the pe-
13 titioner; or

14 (B) that the petitioner proceed to an adjudica-
15 tory hearing.

16 (2) The Commission shall publish the determination
17 in the Federal Register.

18 (c) *INFORMATION TO BE PROVIDED PREPARATORY TO*
19 *AN ADJUDICATORY HEARING.*—(1) If the Commission deter-
20 mines under subsection (b) that the petitioner proceed to
21 an adjudicatory hearing, the Commission shall—

22 (A) make available its appropriate evidentiary
23 records to the petitioner to assist the petitioner in
24 preparing for the adjudicatory hearing, and shall also
25 include such guidance as the Commission considers

1 *necessary or appropriate to assist the petitioner in*
2 *preparing for the hearing; and*

3 *(B) within 30 days after the conclusion of the*
4 *preliminary hearing under subsection (a), notify the*
5 *petitioner in writing, which notice shall include a list*
6 *of any deficiencies or omissions on which the Com-*
7 *mission relied in making its determination.*

8 *(2) The list of deficiencies and omissions provided*
9 *under paragraph (1)(B) shall be the subject of the adjudica-*
10 *tory hearing. The Commission may not add to this list once*
11 *it is issued.*

12 **SEC. 9. ADJUDICATORY HEARING.**

13 *(a) IN GENERAL.—Within 180 days after the conclu-*
14 *sion of the preliminary hearing, the Commission shall af-*
15 *ford the petitioner described in section 8(b)(1)(B) an adju-*
16 *dicatory hearing. The hearing shall be on the list of defi-*
17 *ciencies and omissions provided under section 8(c)(1)(B)*
18 *and shall be conducted pursuant to section 554 of title 5,*
19 *United States Code.*

20 *(b) TESTIMONY FROM STAFF OF COMMISSION.—The*
21 *Commission may require testimony from its acknowledge-*
22 *ment and research staff or other witnesses. Any such testi-*
23 *mony shall be subject to cross-examination by the petitioner.*

24 *(c) EVIDENCE BY PETITIONER.—The petitioner may*
25 *provide such evidence as the petitioner deems appropriate.*

1 (d) *DECISION BY COMMISSION.*—Within 60 days after
2 the end of the hearing held under subsection (a), the Com-
3 mission shall—

4 (1) make a determination as to the extension or
5 denial of Federal acknowledgment to the petitioner;

6 (2) publish its determination under paragraph
7 (1) in the Federal Register; and

8 (3) deliver a copy of the determination to the pe-
9 titioner, and to every other interested party.

10 **SEC. 10. APPEALS.**

11 (a) *IN GENERAL.*—Within 60 days after the date the
12 Commission's decision is published under section 9(d), the
13 petitioner may appeal the determination to the United
14 States District Court for the District of Columbia.

15 (b) *ATTORNEY FEES.*—If the petitioner prevails in the
16 appeal described in subsection (a), it shall be eligible for
17 an award of reasonable attorney fees and costs under the
18 provisions of section 504 of title 5, United States Code, or
19 section 2412 of title 28 of such Code, as the case may be.

20 **SEC. 11. EFFECT OF DETERMINATIONS.**

21 A determination by the Commission that an Indian
22 group is recognized by the Federal Government as an In-
23 dian tribe shall not have the effect of—

24 (1) depriving or diminishing the right of any
25 other Indian tribe to govern its reservation as such

1 *reservation existed prior to the recognition of such In-*
2 *dian group, or as the same may exist thereafter;*

3 (2) *depriving or diminishing any property right*
4 *held in trust or recognized by the United States for*
5 *such other Indian tribe as it existed prior to the rec-*
6 *ognition of such Indian group; or*

7 (3) *depriving or diminishing any previously or*
8 *independently existing claim by a petitioner to any*
9 *such property right held in trust by the United States*
10 *for such other Indian tribe prior to the recognition of*
11 *such Indian group.*

12 **SEC. 12. IMPLEMENTATION OF DECISIONS.**

13 (a) *ELIGIBILITY FOR SERVICES AND BENEFITS.—(1)*
14 *Subject to paragraph (2), upon recognition by the Commis-*
15 *sion that the petitioner is an Indian tribe, the Indian tribe*
16 *shall be eligible for the services and benefits from the Fed-*
17 *eral Government that are available to other federally recog-*
18 *nized Indian tribes by virtue of their status as Indian tribes*
19 *with a government-to-government relationship with the*
20 *United States, as well as having the responsibilities and*
21 *obligations of such Indian tribes. Such recognition shall*
22 *subject the Indian tribes to the same authority of Congress*
23 *and the United States to which other federally recognized*
24 *tribes are subject.*

1 (2) *Recognition of the Indian tribe under this Act does*
2 *not create an immediate entitlement to existing programs*
3 *of the Bureau. Such programs shall become available upon*
4 *appropriation of funds by law. Requests for appropriations*
5 *shall follow a determination under subsection (b) of the*
6 *needs of the newly recognized Indian tribe.*

7 (b) *NEEDS DETERMINATION.*—*Within 6 months after*
8 *an Indian tribe is recognized under this Act, the appro-*
9 *priate area offices of the Bureau and the Indian Health*
10 *Service shall consult and develop in cooperation with the*
11 *Indian tribe, and forward to the respective Secretary, a de-*
12 *termination of the needs of the Indian tribe and a rec-*
13 *ommended budget required to serve the newly recognized In-*
14 *dian tribe. The recommended budget shall be considered*
15 *along with recommendations by the appropriate Secretary*
16 *in the budget-request process.*

17 **SEC. 13. ANNUAL REPORT CONCERNING COMMISSION'S AC-**
18 **TIVITIES.**

19 (a) *LIST OF RECOGNIZED TRIBES.*—*Not later than 90*
20 *days after the date of the enactment of this Act, and annu-*
21 *ally on or before every January 30 thereafter, the Commis-*
22 *sion shall publish in the Federal Register a list of all Indian*
23 *tribes which are recognized by the Federal Government and*
24 *receiving services from the Bureau of Indian Affairs.*

1 (b) *ANNUAL REPORT.*—Beginning one year after the
2 date of the enactment of this Act, and annually thereafter,
3 the Commission shall submit a report to the Committee on
4 Natural Resources of the House of Representatives and to
5 the Committee on Indian Affairs of the Senate a report on
6 its activities, which shall include at a minimum the follow-
7 ing:

8 (1) *The number of petitions pending at the be-*
9 *ginning of the year and the names of the petitioners.*

10 (2) *The number of petitions received during the*
11 *year and the names of the petitioners.*

12 (3) *The number of petitions the Commission ap-*
13 *proved for acknowledgment and the names of the ac-*
14 *knowledged petitioners.*

15 (4) *The number of petitions the Commission de-*
16 *denied for acknowledgment and the names of the peti-*
17 *tioners.*

18 (5) *The status of all pending petitions and the*
19 *names of the petitioners.*

20 **SEC. ~~12.~~ 14. ACTIONS BY PETITIONERS FOR ENFORCEMENT.**

21 Any petitioner may bring an action in the district
22 court of the United States for the district in which the
23 petitioner resides, or the United States District Court for
24 the District of Columbia, to enforce the provisions of this
25 Act, including any time limitations within which actions

1 are required to be taken, or decisions made, under this
2 Act and the district court shall issue such orders (includ-
3 ing writs of mandamus) as may be necessary to enforce
4 the provisions of this Act.

5 **SEC. 13. 15. REGULATIONS.**

6 The Commission is authorized to prescribe such regu-
7 lations as may be necessary to carry out the provisions
8 and purposes of this Act. All such regulations must be
9 published in accordance with the provisions of title 5,
10 United States Code.

11 **SEC. 14. 16. GUIDELINES AND ADVICE.**

12 (a) GUIDELINES.—No later than 90 days after the
13 date of enactment of this Act, the Commission shall make
14 available suggested guidelines for the format of petitions,
15 including general suggestions and guidelines on where and
16 how to research required information, but such examples
17 shall not preclude the use of any other format.

18 (b) RESEARCH ADVICE.—The Commission, upon re-
19 quest, is authorized to provide suggestions and advise to
20 any petitioner for his research into the petitioner's histori-
21 cal background and Indian identity. The Commission shall
22 not be responsible for the actual research on behalf of the
23 petitioner.

1 **SEC. 15. 17. ASSISTANCE TO PETITIONERS.**

2 (a) GRANTS.—(1) The Secretary of Health and
3 Human Services may award grants to Indian groups seek-
4 ing Federal recognition to enable the Indian groups to—

5 (A) conduct the research necessary to substan-
6 tiate petitions under this Act; and

7 (B) prepare documentation necessary for the
8 submission of a petition under this Act.

9 (2) The grants made under this subsection shall be
10 in addition to any other grants the Secretary of Health
11 and Human Services is authorized to provide under any
12 other provision of law.

13 (b) COMPETITIVE AWARD.—Grants provided under
14 subsection (a) shall be awarded competitively based on ob-
15 jective criteria prescribed in regulations promulgated by
16 the Secretary of Health and Human Services.

17 **SEC. 16. 18. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) COMMISSION.—There are authorized to be appro-
19 priated for the Commission for the purpose of carrying
20 out the provisions of this Act (other than section ~~15~~ 17),
21 \$1,500,000 for fiscal year 1995 and \$1,500,000 for each
22 of the 12 succeeding fiscal years.

23 (b) SECRETARY OF HHS.—There are authorized to
24 be appropriated for the Administration for Native Ameri-
25 cans of the Department of Health and Human Services
26 for the purpose of carrying out the provisions of section

1 15, \$500,000 for fiscal year 1995 and \$500,000 for each
2 of the 12 succeeding fiscal years. 17, \$3,000,000 for each
3 fiscal year.

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