

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3475

To require the prompt review by the Secretary of the Interior of Petition No. 120 for Federal recognition of the Amah Mutsun of Mission San Juan Bautista as an Indian tribe, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2005

Mr. HONDA introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To require the prompt review by the Secretary of the Interior of Petition No. 120 for Federal recognition of the Amah Mutsun of Mission San Juan Bautista as an Indian tribe, 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. PROMPT CONSIDERATION OF PETITION NO. 120**

4                       **REQUESTING FEDERAL RECOGNITION OF**

5                       **THE AMAH MUTSUN OF MISSION SAN JUAN**

6                       **BAUTISTA AS AN INDIAN TRIBE.**

7       (a) TIME PERIOD FOR PROPOSED FINDING.—Not

8 later than 6 months after the date of the enactment of

1 this Act, the Secretary shall publish a proposed finding  
2 with respect to Petition No. 120 for Federal recognition  
3 of the Tribe consistent with part 83 of title 25, Code of  
4 Federal Regulations.

5 (b) TIME PERIOD FOR FINAL DETERMINATION.—  
6 Not later than 1 year after the date of the enactment of  
7 this Act, the Secretary shall publish a final determination  
8 with respect to Petition No. 120 for Federal recognition  
9 of the Tribe consistent with part 83 of title 25, Code of  
10 Federal Regulations.

11 (c) NUMBER OF MEMBERS NOT A FACTOR.—The  
12 number of persons listed on the membership roll for Peti-  
13 tion No. 120 for Federal recognition of the Tribe shall  
14 not be taken into account in considering the petition, ex-  
15 cept that the Secretary may review the eligibility of indi-  
16 vidual members or groups listed in the petition in accord-  
17 ance with the provisions of part 83 of title 25, Code of  
18 Federal Regulations.

19 (d) EFFECT OF FAILURE TO COMPLY.—If the Sec-  
20 retary fails to publish a proposed finding required by sub-  
21 section (a) or a final determination required by subsection  
22 (b) by the end of the time period required for the proposed  
23 finding or final determination by such subsections, the  
24 Tribe may seek in the appropriate United States district  
25 court a determination by the court of whether the Tribe

1 should be recognized as an Indian tribe in accordance with  
2 the criteria specified in section 83.7 of title 25, Code of  
3 Federal Regulations. In any such action, the court shall  
4 treat such failure by the Secretary as final agency action.

5 (e) REVIEW OF ADVERSE DECISION.—If the final de-  
6 termination required by subsection (b) refuses to recognize  
7 the Tribe as an Indian tribe, the Tribe may seek, during  
8 the 1-year period beginning on the date on which the final  
9 determination is published, a review of the determination  
10 in the appropriate United States district court, notwith-  
11 standing the availability of other administrative remedies.

12 (f) NO CHANGE IN CRITERIA.—Nothing in this Act  
13 shall be construed to change the criteria established by  
14 the Department of the Interior to determine whether or  
15 not a petitioner meets the requirements to be a federally  
16 recognized Indian tribe.

17 (g) DEFINITIONS.—For the purposes of this Act, the  
18 following definitions apply:

19 (1) TRIBE.—The term “Tribe” means the In-  
20 dian tribe known as the Amah Mutsun of Mission  
21 San Juan Bautista, whose petition for Federal rec-  
22 ognition as an Indian tribe has been designated Pe-  
23 tition No. 120 by the Secretary, and all members  
24 thereof whose names appear on the Tribe’s member-  
25 ship roll submitted to the Secretary.

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior, or a designee of the  
3           Secretary.

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