

106TH CONGRESS  
1ST SESSION

# S. 611

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

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IN THE SENATE OF THE UNITED STATES

MARCH 15, 1999

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## 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  
5       Recognition Administrative Procedures Act of 1999”.

6       **SEC. 2. PURPOSES.**

7       The purposes of this Act are as follows:

8               (1) To establish an administrative procedure to  
9       extend Federal recognition to certain Indian groups.

1           (2) To extend to Indian groups that are deter-  
2       mined to be Indian tribes the protection, services,  
3       and benefits available from the Federal Government  
4       pursuant to the Federal trust responsibility with re-  
5       spect to Indian tribes.

6           (3) To extend to Indian groups that are deter-  
7       mined to be Indian tribes the immunities and privi-  
8       leges available to other federally acknowledged In-  
9       dian tribes by virtue of their status as Indian tribes  
10      with a government-to-government relationship with  
11      the United States.

12          (4) To ensure that when the Federal Govern-  
13      ment extends acknowledgment to an Indian tribe,  
14      the Federal Government does so with a consistent  
15      legal, factual, and historical basis.

16          (5) To establish a Commission on Indian Rec-  
17      ognition to review and act upon petitions submitted  
18      by Indian groups that apply for Federal recognition.

19          (6) To provide clear and consistent standards of  
20      administrative review of documented petitions for  
21      Federal acknowledgment.

22          (7) To clarify evidentiary standards and expe-  
23      dite the administrative review process by providing  
24      adequate resources to process petitions.

1           (8) To remove the Federal acknowledgment  
2       process from the Bureau of Indian Affairs and  
3       transfer the responsibility for the process to an inde-  
4       pendent Commission on Indian Recognition.

5 **SEC. 3. DEFINITIONS.**

6       In this Act:

7           (1) **ACKNOWLEDGED.**—The term “acknowl-  
8       edged” means, with respect to an Indian group, that  
9       the Commission on Indian Recognition has made an  
10      acknowledgment, as defined in paragraph (2), for  
11      that group.

12          (2) **ACKNOWLEDGMENT.**—The term “acknowl-  
13      edgment” means a determination by the Commission  
14      on Indian Recognition that an Indian group—

15           (A) constitutes an Indian tribe with a gov-  
16      ernment-to-government relationship with the  
17      United States; and

18           (B) with respect to which the members are  
19      recognized as eligible for the special programs  
20      and services provided by the United States to  
21      Indians because of their status as Indians.

22          (3) **ALASKA NATIVE.**—The term “Alaska Na-  
23      tive” means an individual who is an Alaskan Indian,  
24      Eskimo, or Aleut, or any combination thereof.

25          (4) **AUTONOMOUS.**—

1 (A) IN GENERAL.—The term “autono-  
2 mous” means the exercise of political influence  
3 or authority independent of the control of any  
4 other Indian governing entity.

5 (B) CONTEXT OF TERM.—With respect to  
6 a petitioner, that term shall be understood in  
7 the context of the history, geography, culture,  
8 and social organization of the petitioner.

9 (5) BUREAU.—The term “Bureau” means the  
10 Bureau of Indian Affairs of the Department.

11 (6) COMMISSION.—The term “Commission”  
12 means the Commission on Indian Recognition estab-  
13 lished under section 4.

14 (7) COMMUNITY.—

15 (A) IN GENERAL.—The term “community”  
16 means any group of people, living within a rea-  
17 sonable territorial that is able to demonstrate  
18 that—

19 (i) consistent interactions and signifi-  
20 cant social relationships exist within the  
21 membership; and

22 (ii) the members of that group are  
23 differentiated from and identified as dis-  
24 tinct from nonmembers.

1 (B) CONTEXT OF TERM.—The term shall  
2 be understood in the context of the history, cul-  
3 ture, and social organization of the group, tak-  
4 ing into account the geography of the region in  
5 which the group resides.

6 (8) CONTINUOUS OR CONTINUOUSLY.—With re-  
7 spect to a period of history of a group, the term  
8 “continuous” or “continuously” means extending  
9 from the first sustained contact with Euro-Ameri-  
10 cans throughout the history of the group to the  
11 present substantially without interruption.

12 (9) DEPARTMENT.—The term “Department”  
13 means the Department of the Interior.

14 (10) DOCUMENTED PETITION.—The term “doc-  
15 umented petition” means the detailed, factual expo-  
16 sition and arguments, including all documentary evi-  
17 dence, necessary to demonstrate that those argu-  
18 ments specifically address the mandatory criteria es-  
19 tablished in section 5.

20 (11) GROUP.—The term “group” means an  
21 Indian group, as defined in paragraph (13).

22 (12) HISTORICALLY, HISTORICAL, HISTORY.—  
23 The terms “historically”, “historical”, and “history”  
24 refer to the period dating from the first sustained  
25 contact with Euro-Americans.

1           (13) INDIAN GROUP.—The term “Indian  
2 group” means any Indian or Alaska Native band,  
3 pueblo, village or community within the United  
4 States that the Secretary does not acknowledge to be  
5 an Indian tribe.

6           (14) INDIAN TRIBE.—The term “Indian tribe”  
7 means any Indian or Alaska Native tribe, band,  
8 pueblo, village, or community within the United  
9 States that—

10           (A) the Secretary has acknowledged as an  
11 Indian tribe as of the date of enactment of this  
12 Act, or acknowledges to be an Indian tribe pur-  
13 suant to the procedures applicable to certain  
14 petitions under active consideration at the time  
15 of the transfer of petitions to the Commission  
16 under section 5(a)(3); or

17           (B) the Commission acknowledges as an  
18 Indian tribe under this Act.

19           (15) INDIGENOUS.—With respect to a peti-  
20 tioner, the term “indigenous” means native to the  
21 United States, in that at least part of the traditional  
22 territory of the petitioner at the time of first sus-  
23 tained contact with Euro-Americans extended into  
24 the United States.

1           (16) LETTER OF INTENT.—The term “letter of  
2           intent” means an undocumented letter or resolution  
3           that—

4                   (A) is dated and signed by the governing  
5           body of an Indian group;

6                   (B) is submitted to the Commission; and

7                   (C) indicates the intent of the Indian  
8           group to submit a petition for Federal acknowl-  
9           edgment.

10          (17) MEMBER OF AN INDIAN GROUP.—The  
11          term “member of an Indian group” means an indi-  
12          vidual who—

13                   (A) is recognized by an Indian group as  
14          meeting the membership criteria of the Indian  
15          group; and

16                   (B) consents in writing to being listed as  
17          a member of that group.

18          (18) MEMBER OF AN INDIAN TRIBE.—The term  
19          “member of an Indian tribe” means an individual  
20          who—

21                   (A)(i) meets the membership requirements  
22          of the tribe as set forth in its governing docu-  
23          ment; or

24                   (ii) in the absence of a governing document  
25          which sets out those requirements, has been

1           recognized as a member collectively by those  
 2           persons comprising the tribal governing body;  
 3           and

4           (B)(i) has consistently maintained tribal  
 5           relations with the tribe; or

6           (ii) is listed on the tribal membership rolls  
 7           as a member, if those rolls are kept.

8           (19) PETITION.—The term “petition” means a  
 9           petition for acknowledgment submitted or trans-  
 10          ferred to the Commission pursuant to section 5.

11          (20) PETITIONER.—The term “petitioner”  
 12          means any group that submits a letter of intent to  
 13          the Commission requesting acknowledgment.

14          (21) POLITICAL INFLUENCE OR AUTHORITY.—

15           (A) IN GENERAL.—The term “political in-  
 16           fluence or authority” means a tribal council,  
 17           leadership, internal process, or other mecha-  
 18           nism that a group has used as a means of—

19           (i) influencing or controlling the be-  
 20           havior of its members in a significant man-  
 21           ner;

22           (ii) making decisions for the group  
 23           which substantially affect its members; or



1 (iii) representing the group in dealing  
 2 with nonmembers in matters of con-  
 3 sequence to the group.

4 (B) CONTEXT OF TERM.—The term shall  
 5 be understood in the context of the history, cul-  
 6 ture, and social organization of the group.

7 (22) PREVIOUS FEDERAL ACKNOWLEDG-  
 8 MENT.—The term “previous Federal acknowledg-  
 9 ment” means any action by the Federal Govern-  
 10 ment, the character of which—

11 (A) is clearly premised on identification of  
 12 a tribal political entity; and

13 (B) clearly indicates the recognition of a  
 14 government-to-government relationship between  
 15 that entity and the Federal Government.

16 (23) RESTORATION.—The term “restoration”  
 17 means the reextension of acknowledgment to any  
 18 previously acknowledged tribe with respect to which  
 19 the acknowledged status may have been abrogated or  
 20 diminished by reason of legislation enacted by Con-  
 21 gress expressly terminating that status.

22 (24) SECRETARY.—The term “Secretary”  
 23 means the Secretary of the Interior.

24 (25) SUSTAINED CONTACT.—The term “sus-  
 25 tained contact” means the period of earliest sus-

1       tained Euro-American settlement or governmental  
2       presence in the local area in which the tribe or tribes  
3       from which the petitioner claims descent was located  
4       historically.

5           (26) TREATY.—The term “treaty” means any  
6       treaty—

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

10          (B) made by any government with, or on  
11       behalf of, any Indian group or tribe, from which  
12       the Federal Government subsequently acquired  
13       territory by purchase, conquest, annexation, or  
14       cession; or

15          (C) negotiated by the United States with,  
16       or on behalf of, any Indian group in California,  
17       whether or not the treaty was subsequently  
18       ratified.

19          (27) TRIBE.—The term “tribe” means an In-  
20       dian tribe.

21          (28) TRIBAL RELATIONS.—The term “tribal re-  
22       lations” means participation by an individual in a  
23       political and social relationship with an Indian tribe.

24          (29) TRIBAL ROLL.—The term “tribal roll”  
25       means a list exclusively of those individuals who—

1 (A)(i) have been determined by the tribe to  
 2 meet the membership requirements of the tribe,  
 3 as set forth in the governing document of the  
 4 tribe; or

5 (ii) in the absence of a governing document  
 6 that sets forth those requirements, have been  
 7 recognized as members by the governing body  
 8 of the tribe; and

9 (B) have affirmatively demonstrated con-  
 10 sent to being listed as members of the tribe.

11 (30) UNITED STATES.—The term “United  
 12 States” means the 48 contiguous States, and the  
 13 States of Alaska and Hawaii. The term does not in-  
 14 clude territories or possessions of the United States.

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

16 (a) ESTABLISHMENT.—There is established, as an  
 17 independent commission, the Commission on Indian Rec-  
 18 ognition. The Commission shall be an independent estab-  
 19 lishment, as defined in section 104 of title 5, United  
 20 States Code.

21 (b) MEMBERSHIP.—

22 (1) IN GENERAL.—

23 (A) MEMBERS.—The Commission shall  
 24 consist of 3 members appointed by the Presi-

1 dent, by and with the advice and consent of the  
2 Senate.

3 (B) INDIVIDUALS TO BE CONSIDERED FOR  
4 MEMBERSHIP.—In making appointments to the  
5 Commission, the President shall give careful  
6 consideration to—

7 (i) recommendations received from In-  
8 dian tribes; and

9 (ii) individuals who have a  
10 background in Indian law or policy, an-  
11 thropology, genealogy, or history.

12 (2) POLITICAL AFFILIATION.—Not more than 2  
13 members of the Commission may be members of the  
14 same political party.

15 (3) TERMS.—

16 (A) IN GENERAL.—Except as provided in  
17 subparagraph (B), each member of the Com-  
18 mission shall be appointed for a term of 4  
19 years.

20 (B) INITIAL APPOINTMENTS.—As des-  
21 ignated by the President at the time of appoint-  
22 ment, of the members initially appointed under  
23 this subsection—

24 (i) 1 member shall be appointed for a  
25 term of 2 years;

1 (ii) 1 member shall be appointed for a  
2 term of 3 years; and

3 (iii) 1 member shall be appointed for  
4 a term of 4 years.

5 (4) VACANCIES.—Any vacancy in the Commis-  
6 sion shall not affect the powers of the Commission,  
7 but shall be filled in the same manner in which the  
8 original appointment was made. Any member ap-  
9 pointed to fill a vacancy occurring before the expira-  
10 tion of the term for which the predecessor of the  
11 member was appointed shall be appointed only for  
12 the remainder of that term. A member may serve  
13 after the expiration of the term of that member until  
14 a successor has taken office.

15 (5) COMPENSATION.—

16 (A) IN GENERAL.—Each member of the  
17 Commission shall receive compensation at a  
18 rate equal to the daily equivalent of the annual  
19 rate of basic pay prescribed for level V of the  
20 Executive Schedule under section 5316 of  
21 title 5, United States Code, for each day, in-  
22 cluding traveltime, that member is engaged in  
23 the actual performance of duties authorized by  
24 the Commission.

1 (B) TRAVEL.—All members of the Com-  
2 mission shall be reimbursed for travel and per  
3 diem in lieu of subsistence expenses during the  
4 performance of duties of the Commission while  
5 away from their homes or regular places of  
6 business, in accordance with subchapter I of  
7 chapter 57 of title 5, United States Code.

8 (6) FULL-TIME EMPLOYMENT.—Each member  
9 of the Commission shall serve on the Commission as  
10 a full-time employee of the Federal Government. No  
11 member of the Commission may, while serving on  
12 the Commission, be otherwise employed as an officer  
13 or employee of the Federal Government. Service by  
14 a member who is an employee of the Federal Gov-  
15 ernment at the time of nomination as a member  
16 shall be without interruption or loss of civil service  
17 status or privilege.

18 (7) CHAIRPERSON.—At the time appointments  
19 are made under paragraph (1), the President shall  
20 designate a Chairperson of the Commission (referred  
21 to in this section as the “Chairperson”) from among  
22 the appointees.

23 (c) MEETINGS AND PROCEDURES.—

24 (1) IN GENERAL.—The Commission shall hold  
25 its first meeting not later than 30 days after the

1 date on which all members of the Commission have  
2 been appointed and confirmed by the Senate.

3 (2) QUORUM.—Two members of the Commis-  
4 sion shall constitute a quorum for the transaction of  
5 business.

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

11 (4) PRINCIPAL OFFICE.—The principal office of  
12 the Commission shall be 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.—

18 (1) POWERS AND AUTHORITIES OF CHAIR-  
19 PERSON.—Subject to such rules and regulations as  
20 may be adopted by the Commission, the Chairperson  
21 may—

22 (A) appoint, terminate, and fix the com-  
23 pensation (without regard to the provisions of  
24 title 5, United States Code, governing appoint-  
25 ments in the competitive service, and without

1 regard to the provisions of chapter 51 and sub-  
 2 chapter III of chapter 53 of that title, or of any  
 3 other provision of law, relating to the number,  
 4 classification, and General Schedule rates) of  
 5 an Executive Director of the Commission and of  
 6 such other personnel as the Chairperson con-  
 7 siders advisable to assist in the performance of  
 8 the duties of the Commission, at a rate not to  
 9 exceed a rate equal to the daily equivalent of  
 10 the annual rate of basic pay prescribed for level  
 11 V of the Executive Schedule under section 5316  
 12 of title 5, United States Code; and

13 (B) procure, as authorized by section  
 14 3109(b) of title 5, United States Code, tem-  
 15 porary and intermittent services to the same ex-  
 16 tent as is authorized by law for agencies in the  
 17 executive branch, but at rates not to exceed the  
 18 daily equivalent of the annual rate of basic pay  
 19 prescribed for level V of the Executive Schedule  
 20 under section 5316 of that title.

21 (2) GENERAL POWERS AND AUTHORITIES OF  
 22 COMMISSION.—

23 (A) IN GENERAL.—The Commission may  
 24 hold such hearings and sit and act at such



1 times as the Commission considers to be appro-  
2 priate.

3 (B) OTHER AUTHORITIES.—As the Com-  
4 mission may consider advisable, the Commission  
5 may—

6 (i) take testimony;

7 (ii) have printing and binding done;

8 (iii) enter into contracts and other ar-  
9 rangements, subject to the availability of  
10 funds;

11 (iv) make expenditures; and

12 (v) take other actions.

13 (C) OATHS AND AFFIRMATIONS.—Any  
14 member of the Commission may administer  
15 oaths or affirmations to witnesses appearing be-  
16 fore the Commission.

17 (3) INFORMATION.—

18 (A) IN GENERAL.—The Commission may  
19 secure directly from any officer, department,  
20 agency, establishment, or instrumentality of the  
21 Federal Government such information as the  
22 Commission may require to carry out this Act.  
23 Each such officer, department, agency, estab-  
24 lishment, or instrumentality shall furnish, to  
25 the extent permitted by law, such information,

1 suggestions, estimates, and statistics directly to  
2 the Commission, upon the request of the Chair-  
3 person.

4 (B) FACILITIES, SERVICES, AND DE-  
5 TAILS.—Upon the request of the Chairperson,  
6 to assist the Commission in carrying out the  
7 duties of the Commission under this section,  
8 the head of any Federal department, agency, or  
9 instrumentality may—

10 (i) make any of the facilities and serv-  
11 ices of that department, agency, or instru-  
12 mentality available to the Commission; and

13 (ii) detail any of the personnel of that  
14 department, agency, or instrumentality to  
15 the Commission, on a nonreimbursable  
16 basis.

17 (C) MAILS.—The Commission may use the  
18 United States mails in the same manner and  
19 under the same conditions as other departments  
20 and agencies of the United States.

21 (f) FEDERAL ADVISORY COMMITTEE ACT.—The pro-  
22 visions of the Federal Advisory Committee Act (5 U.S.C.  
23 App.) shall not apply to the Commission.

1 (g) TERMINATION OF COMMISSION.—The Commis-  
 2 sion shall terminate on the date that is 12 years after the  
 3 date of enactment of this Act.

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

5 (a) IN GENERAL.—

6 (1) PETITIONS.—Subject to subsection (d) and  
 7 except as provided in paragraph (2), any Indian  
 8 group may submit to the Commission a petition re-  
 9 questing that the Commission recognize an Indian  
 10 group as an Indian tribe.

11 (2) EXCLUSION.—The following groups and en-  
 12 tities shall not be eligible to submit a petition for  
 13 recognition by the Commission under this Act:

14 (A) CERTAIN ENTITIES THAT ARE ELIGI-  
 15 BLE TO RECEIVE SERVICES FROM THE BU-  
 16 REAU.—Indian tribes, organized bands, pueblos,  
 17 communities, and Alaska Native entities that  
 18 are recognized by the Secretary as of the date  
 19 of enactment of this Act as eligible to receive  
 20 services from the Bureau.

21 (B) CERTAIN SPLINTER GROUPS, POLIT-  
 22 ICAL FACTIONS, AND COMMUNITIES.—Splinter  
 23 groups, political factions, communities, or  
 24 groups of any character that separate from the  
 25 main body of an Indian tribe that, at the time

1 of that separation, is recognized as an Indian  
2 tribe by the Secretary, unless the group, fac-  
3 tion, or community is able to establish clearly  
4 that the group, faction, or community has func-  
5 tioned throughout history until the date of that  
6 petition as an autonomous Indian tribal entity.

7 (C) CERTAIN GROUPS THAT HAVE PRE-  
8 VIOUSLY SUBMITTED PETITIONS.—Groups, or  
9 successors in interest of groups, that before the  
10 date of enactment of this Act, have petitioned  
11 for and been denied or refused recognition as  
12 an Indian tribe under regulations prescribed by  
13 the Secretary.

14 (D) INDIAN GROUPS SUBJECT TO TERMI-  
15 NATION.—Any Indian group whose relationship  
16 with the Federal Government was expressly ter-  
17 minated by an Act of Congress.

18 (E) PARTIES TO CERTAIN ACTIONS.—Any  
19 Indian group that—

20 (i) in any action in a United States  
21 court of competent jurisdiction to which  
22 the group was a party, attempted to estab-  
23 lish its status as an Indian tribe or a suc-  
24 cessor in interest to an Indian tribe that

1 was a party to a treaty with the United  
2 States;

3 (ii) was determined by that court—

4 (I) not to be an Indian tribe; or

5 (II) not to be a successor in in-

6 terest to an Indian tribe that was a

7 party to a treaty with the United

8 States; or

9 (iii) was the subject of findings of fact

10 by that court which, if made by the Com-

11 mission, would show that the group was in-

12 capable of establishing 1 or more of the

13 criteria set forth in this section.

14 (3) TRANSFER OF PETITION.—

15 (A) IN GENERAL.—Notwithstanding any

16 other provision of law, not later than 30 days

17 after the date on which all of the members of

18 the Commission have been appointed and con-

19 firmed by the Senate under section 4(b), the

20 Secretary shall transfer to the Commission all

21 petitions pending before the Department that—

22 (i) are not under active consideration

23 by the Secretary at the time of the trans-

24 fer; and

1 (ii) request the Secretary, or the Fed-  
2 eral Government, to recognize or acknowl-  
3 edge an Indian group as an Indian tribe.

4 (B) CESSATION OF CERTAIN AUTHORITIES  
5 OF SECRETARY.—Notwithstanding any other  
6 provision of law, on the date of the transfer  
7 under subparagraph (A), the Secretary and the  
8 Department shall cease to have any authority  
9 to recognize or acknowledge, on behalf of the  
10 Federal Government, any Indian group as an  
11 Indian tribe, except for those groups under ac-  
12 tive consideration at the time of the transfer  
13 whose petitions have been retained by the Sec-  
14 retary pursuant to subparagraph (A).

15 (C) DETERMINATION OF ORDER OF SUB-  
16 MISSION OF TRANSFERRED PETITIONS.—Peti-  
17 tions transferred to the Commission under sub-  
18 paragraph (A) shall, for purposes of this Act,  
19 be considered as having been submitted to the  
20 Commission in the same order as those peti-  
21 tions were submitted to the Department.

22 (b) PETITION FORM AND CONTENT.—Except as pro-  
23 vided in subsection (c), any petition submitted under sub-  
24 section (a) by an Indian group shall be in any readable  
25 form that clearly indicates that the petition is a petition

1 requesting the Commission to recognize the Indian group  
 2 as an Indian tribe and that contains detailed, specific evi-  
 3 dence concerning each of the following items:

4           (1) STATEMENT OF FACTS.—A statement of  
 5 facts establishing that the petitioner has been identi-  
 6 fied as an American Indian entity on a substantially  
 7 continuous basis since 1871. Evidence that the char-  
 8 acter of the group as an Indian entity has from time  
 9 to time been denied shall not be considered to be  
 10 conclusive evidence that this criterion has not been  
 11 met. Evidence that the Commission may rely on in  
 12 determining the Indian identity of a group may in-  
 13 clude any 1 or more of the following items:

14           (A) IDENTIFICATION OF PETITIONER.—An  
 15 identification of the petitioner as an Indian en-  
 16 tity by any department, agency, or instrumen-  
 17 tality of the Federal Government.

18           (B) RELATIONSHIP OF PETITIONER WITH  
 19 STATE GOVERNMENT.—A relationship between  
 20 the petitioner and any State government, based  
 21 on an identification of the petitioner as an In-  
 22 dian entity.

23           (C) RELATIONSHIP OF PETITIONER WITH  
 24 A POLITICAL SUBDIVISION OF A STATE.—Deal-  
 25 ings of the petitioner with a county or political

subdivision of a State in a relationship based on the Indian identity of the petitioner.

(D) IDENTIFICATION OF PETITIONER ON THE BASIS OF CERTAIN RECORDS.—An identification of the petitioner as an Indian entity by records in a private or public archive, courthouse, church, or school.

(E) IDENTIFICATION OF PETITIONER BY CERTAIN EXPERTS.—An identification of the petitioner as an Indian entity by an anthropologist, historian, or other scholar.

(F) IDENTIFICATION OF PETITIONER BY CERTAIN MEDIA.—An identification of the petitioner as an Indian entity in a newspaper, book, or similar medium.

(G) IDENTIFICATION OF PETITIONER BY ANOTHER INDIAN TRIBE OR ORGANIZATION.—An identification of the petitioner as an Indian entity by another Indian tribe or by a national, regional, or State Indian organization.

(H) IDENTIFICATION OF PETITIONER BY A FOREIGN GOVERNMENT OR INTERNATIONAL ORGANIZATION.—An identification of the petitioner as an Indian entity by a foreign government or an international organization.



1 (I) OTHER EVIDENCE OF IDENTIFICA-  
2 TION.—Such other evidence of identification as  
3 may be provided by a person or entity other  
4 than the petitioner or a member of the member-  
5 ship of the petitioner.

6 (2) EVIDENCE OF COMMUNITY.—

7 (A) IN GENERAL.—A statement of facts  
8 establishing that a predominant portion of the  
9 membership of the petitioner—

10 (i) comprises a community distinct  
11 from those communities surrounding that  
12 community; and

13 (ii) has existed as a community from  
14 historical times to the present.

15 (B) EVIDENCE.—Evidence that the Com-  
16 mission may rely on in determining that the pe-  
17 titioner meets the criterion described in clauses  
18 (i) and (ii) of subparagraph (A) may include 1  
19 or more of the following items:

20 (i) MARRIAGES.—Significant rates of  
21 marriage within the group, or, as may be  
22 culturally required, patterned out-mar-  
23 riages with other Indian populations.

1 (ii) SOCIAL RELATIONSHIPS.—Signifi-  
 2 cant social relationships connecting indi-  
 3 vidual members.

4 (iii) SOCIAL INTERACTION.—Signifi-  
 5 cant rates of informal social interaction  
 6 which exist broadly among the members of  
 7 a group.

8 (iv) SHARED ECONOMIC ACTIVITY.—A  
 9 significant degree of shared or cooperative  
 10 labor or other economic activity among the  
 11 membership.

12 (v) DISCRIMINATION OR OTHER SO-  
 13 CIAL DISTINCTIONS.—Evidence of strong  
 14 patterns of discrimination or other social  
 15 distinctions by nonmembers.

16 (vi) SHARED RITUAL ACTIVITY.—  
 17 Shared sacred or secular ritual activity en-  
 18 compassing most of the group.

19 (vii) CULTURAL PATTERNS.—Cultural  
 20 patterns that—

21 (I) are shared among a signifi-  
 22 cant portion of the group that are dif-  
 23 ferent from the cultural patterns of  
 24 the non-Indian populations with whom  
 25 the group interacts;

1 (II) function as more than a  
 2 symbolic identification of the group as  
 3 Indian; and

4 (III) may include language, kin-  
 5 ship or religious organizations, or reli-  
 6 gious beliefs and practices.

7 (viii) COLLECTIVE INDIAN IDEN-  
 8 TITY.—The persistence of a named, collec-  
 9 tive Indian identity continuously over a pe-  
 10 riod of more than 50 years, notwith-  
 11 standing changes in name.

12 (ix) HISTORICAL POLITICAL INFLU-  
 13 ENCE.—A demonstration of historical po-  
 14 litical influence pursuant to the criterion  
 15 set forth in paragraph (3).

16 (C) CRITERIA FOR SUFFICIENT EVI-  
 17 DENCE.—The Commission shall consider the  
 18 petitioner to have provided sufficient evidence  
 19 of community at a given point in time if the pe-  
 20 titioner has provided evidence that dem-  
 21 onstrates any one of the following:

22 (i) RESIDENCE OF MEMBERS.—More  
 23 than 50 percent of the members of the  
 24 group of the petitioner reside in a par-  
 25 ticular geographical area exclusively or al-

1 most exclusively composed of members of  
 2 the group, and the balance of the group  
 3 maintains consistent social interaction with  
 4 some members of the community.

5 (ii) MARRIAGES.—Not less than 50  
 6 percent of the marriages of the group are  
 7 between members of the group.

8 (iii) DISTINCT CULTURAL PAT-  
 9 TERNs.—Not less than 50 percent of the  
 10 members of the group maintain distinct  
 11 cultural patterns including language, kin-  
 12 ship or religious organizations, or religious  
 13 beliefs or practices.

14 (iv) COMMUNITY SOCIAL INSTITU-  
 15 TIONS.—Distinct community social institu-  
 16 tions encompassing a substantial portion of  
 17 the members of the group, such as kinship  
 18 organizations, formal or informal economic  
 19 cooperation, or religious organizations.

20 (v) APPLICABILITY OF CRITERIA.—  
 21 The group has met the criterion in para-  
 22 graph (3) using evidence described in para-  
 23 graph (3)(B).

24 (3) AUTONOMOUS ENTITY.—

1 (A) IN GENERAL.—A statement of facts  
 2 establishing that the petitioner has maintained  
 3 political influence or authority over its members  
 4 as an autonomous entity from historical times  
 5 until the time of the petition. The Commission  
 6 may rely on 1 or more of the following items in  
 7 determining whether a petitioner meets the cri-  
 8 terion described in the preceding sentence:

9 (i) MOBILIZATION OF MEMBERS.—

10 The group is capable of mobilizing signifi-  
 11 cant numbers of members and significant  
 12 resources from its members for group pur-  
 13 poses.

14 (ii) ISSUES OF PERSONAL IMPOR-

15 TANCE.—Most of the membership of the  
 16 group consider issues acted upon or taken  
 17 by group leaders or governing bodies to be  
 18 of personal importance.

19 (iii) POLITICAL PROCESS.—There is a

20 widespread knowledge, communication, and  
 21 involvement in political processes by most  
 22 of the members of the group.

23 (iv) LEVEL OF APPLICATION OF CRI-

24 TERIA.—The group meets the criterion de-

scribed in paragraph (2) at more than a minimal level.

(v) INTRAGROUP CONFLICTS.—There are intragroup conflicts which show controversy over valued group goals, properties, policies, processes, or decisions.

(B) EVIDENCE OF EXERCISE OF POLITICAL INFLUENCE OR AUTHORITY.—The Commission shall consider that a petitioner has provided sufficient evidence to demonstrate the exercise of political influence or authority at a given point in time by demonstrating that group leaders or other mechanisms exist or have existed that accomplish the following:

(i) ALLOCATION OF GROUP RESOURCES.—Allocate group resources such as land, residence rights, or similar resources on a consistent basis.

(ii) SETTLEMENT OF DISPUTES.—Settle disputes between members or subgroups such as clans or moieties by mediation or other means on a regular basis.

(iii) INFLUENCE ON BEHAVIOR OF INDIVIDUAL MEMBERS.—Exert strong influence on the behavior of individual mem-

bers, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior.

(iv) ECONOMIC SUBSISTENCE ACTIVITIES.—Organize or influence economic subsistence activities among the members, including shared or cooperative labor.

(C) TEMPORALITY OF SUFFICIENCY OF EVIDENCE.—A group that has met the requirements of paragraph (2)(C) at any point in time shall be considered to have provided sufficient evidence to meet the criterion described in subparagraph (A) at that point in time.

(4) GOVERNING DOCUMENT.—A copy of the then present governing document of the petitioner that includes the membership criteria of the petitioner. In the absence of a written document, the petitioner shall be required to provide a statement describing in full the membership criteria of the petitioner and the then current governing procedures of the petitioner.

(5) LIST OF MEMBERS.—

(A) IN GENERAL.—A list of all then current members of the petitioner, including the full name (and maiden name, if any), date, and

place of birth, and then current residential address of each member, a copy of each available former list of members based on the criteria defined by the petitioner, and a statement describing the methods used in preparing those lists.

(B) REQUIREMENTS FOR MEMBERSHIP.—

In order for the Commission to consider the members of the group to be members of an Indian tribe for the purposes of the petition, that membership shall be required to consist of established descendancy from an Indian group that existed historically, or from historical Indian groups that combined and functioned as a single autonomous entity.

(C) EVIDENCE OF TRIBAL MEMBERSHIP.—

Evidence of tribal membership required by the Commission for a determination of tribal membership shall include the following items:

(i) DESCENDANCY ROLLS.—

Descendancy rolls prepared by the Secretary for the petitioner for purposes of distributing claims money, providing allotments, or other purposes.

(ii) CERTAIN OFFICIAL RECORDS.—

Federal, State, or other official records or



evidence identifying then present members of the petitioner, or ancestors of then present members of the petitioner, as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity.

(iii) ENROLLMENT RECORDS.—  
Church, school, and other similar enrollment records identifying then present members or ancestors of then present members as being descendants of a historic tribe or historic tribes that combined and functioned as a single autonomous political entity.

(iv) AFFIDAVITS OF RECOGNITION.—  
Affidavits of recognition by tribal elders, leaders, or the tribal governing body identifying then present members or ancestors of then present members as being descendants of 1 or more historic tribes that combined and functioned as a single autonomous political entity.

(v) OTHER RECORDS OR EVIDENCE.—  
Other records or evidence identifying then present members or ancestors of then

1 present members as being descendants of 1  
2 or more historic tribes that combined and  
3 functioned as a single autonomous political  
4 entity.

5 (c) EXCEPTIONS.—A petition from an Indian group  
6 that is able to demonstrate by a preponderance of the evi-  
7 dence that the group was, or is the successor in interest  
8 to, a—

9 (1) party to a treaty or treaties;

10 (2) group acknowledged by any agency of the  
11 Federal Government as eligible to participate under  
12 the Act of June 18, 1934 (commonly referred to as  
13 the “Indian Reorganization Act”) (48 Stat. 984 et  
14 seq., chapter 576; 25 U.S.C. 461 et seq.);

15 (3) group for the benefit of which the United  
16 States took into trust lands, or which the Federal  
17 Government has treated as having collective rights  
18 in tribal lands or funds; or

19 (4) group that has been denominated a tribe by  
20 an Act of Congress or Executive order,

21 shall be required to establish the criteria set forth in this  
22 section only with respect to the period beginning on the  
23 date of the applicable action described in paragraph (1),  
24 (2), (3), or (4) and ending on the date of submission of  
25 the petition.

1       (d) DEADLINE FOR SUBMISSION OF PETITIONS.—No  
 2 Indian group may submit a petition to the Commission  
 3 requesting that the Commission recognize an Indian group  
 4 as an Indian tribe after the date that is 8 years after the  
 5 date of enactment of this Act. After the Commission  
 6 makes a determination on each petition submitted before  
 7 that date, the Commission may not make any further de-  
 8 termination under this Act to recognize any Indian group  
 9 as an Indian tribe.

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

11       (a) PETITIONER.—

12           (1) IN GENERAL.—Not later than 30 days after  
 13 a petition is submitted or transferred to the Com-  
 14 mission under section 5(a), the Commission shall—

15           (A) send an acknowledgement of receipt in  
 16 writing to the petitioner; and

17           (B) publish in the Federal Register a no-  
 18 tice of that receipt, including the name, loca-  
 19 tion, and mailing address of the petitioner and  
 20 such other information that—

21           (i) identifies the entity that submitted  
 22 the petition and the date the petition was  
 23 received by the Commission;

24           (ii) indicates where a copy of the peti-  
 25 tion may be examined; and

1 (iii) indicates whether the petition is a  
2 transferred petition that is subject to the  
3 special provisions under paragraph (2).

4 (2) SPECIAL PROVISIONS FOR TRANSFERRED  
5 PETITIONS.—

6 (A) IN GENERAL.—With respect to a peti-  
7 tion that is transferred to the Commission  
8 under section 5(a)(3), the notice provided to the  
9 petitioner, shall, in addition to providing the in-  
10 formation specified in paragraph (1), inform  
11 the petitioner whether the petition constitutes a  
12 documented petition that meets the require-  
13 ments of section 5.

14 (B) AMENDED PETITIONS.—If the petition  
15 described in subparagraph (A) is not a docu-  
16 mented petition, the Commission shall notify  
17 the petitioner that the petitioner may, not later  
18 than 90 days after the date of the notice, sub-  
19 mit to the Commission an amended petition  
20 that is a documented petition for review under  
21 section 7.

22 (C) EFFECT OF AMENDED PETITION.—To  
23 the extent practicable, the submission of an  
24 amended petition by a petitioner by the date  
25 specified in this paragraph shall not affect the

1           order of consideration of the petition by the  
2           Commission.

3           (b) OTHERS.—In addition to providing the notifica-  
4   tion required under subsection (a), the Commission shall  
5   notify, in writing, the Governor and attorney general of,  
6   and each federally recognized Indian tribe within, any  
7   State in which a petitioner resides.

8           (c) PUBLICATION; OPPORTUNITY FOR SUPPORTING  
9   OR OPPOSING SUBMISSIONS.—

10           (1) PUBLICATION.—The Commission shall pub-  
11   lish the notice of receipt of each petition (including  
12   any amended petition submitted pursuant to sub-  
13   section (a)(2)) in a major newspaper of general cir-  
14   culation in the town or city located nearest the loca-  
15   tion of the petitioner.

16           (2) OPPORTUNITY FOR SUPPORTING OR OPPOS-  
17   ING SUBMISSIONS.—

18           (A) IN GENERAL.—Each notice published  
19   under paragraph (1) shall include, in addition  
20   to the information described in subsection (a),  
21   notice of opportunity for other parties to submit  
22   factual or legal arguments in support of or in  
23   opposition to, the petition.

24           (B) COPY TO PETITIONER.—A copy of any  
25   submission made under subparagraph (A) shall

1 be provided to the petitioner upon receipt by  
2 the Commission.

3 (C) RESPONSE.—The petitioner shall be  
4 provided an opportunity to respond to any sub-  
5 mission made under subparagraph (A) before a  
6 determination on the petition by the Commis-  
7 sion.

8 **SEC. 7. PROCESSING THE PETITION.**

9 (a) REVIEW.—

10 (1) IN GENERAL.—Upon receipt of a docu-  
11 mented petition submitted or transferred under sec-  
12 tion 5(a) or submitted under section 6(a)(2)(B), the  
13 Commission shall conduct a review to determine  
14 whether the petitioner is entitled to be recognized as  
15 an Indian tribe.

16 (2) CONTENT OF REVIEW.—The review con-  
17 ducted under paragraph (1) shall include consider-  
18 ation of the petition, supporting evidence, and the  
19 factual statements contained in the petition.

20 (3) OTHER RESEARCH.—In conducting a review  
21 under this subsection, the Commission may—

22 (A) initiate other research for any purpose  
23 relative to analyzing the petition and obtaining  
24 additional information about the status of the  
25 petitioner; and

1 (B) consider such evidence as may be sub-  
2 mitted by other parties.

3 (4) ACCESS TO LIBRARY OF CONGRESS AND NA-  
4 TIONAL ARCHIVES.—Upon request by the petitioner,  
5 the appropriate officials of the Library of Congress  
6 and the National Archives shall allow access by the  
7 petitioner to the resources, records, and documents  
8 of those entities, for the purpose of conducting re-  
9 search and preparing evidence concerning the status  
10 of the petitioner.

11 (b) CONSIDERATION.—

12 (1) IN GENERAL.—Except as otherwise pro-  
13 vided in this subsection, petitions submitted or  
14 transferred to the Commission shall be considered  
15 on a first come, first served basis, determined by the  
16 date of the original filing of each such petition with  
17 the Commission (or the Department if the petition  
18 is transferred to the Commission pursuant to section  
19 5(a) or is an amended petition submitted pursuant  
20 to section 6(a)(2)(B)). The Commission shall estab-  
21 lish a priority register that includes petitions that  
22 are pending before the Department on the date of  
23 enactment of this Act.

24 (2) PRIORITY CONSIDERATION.—Each petition  
25 (that is submitted or transferred to the Commission

1       pursuant to section 5(a) or that is submitted to the  
 2       Commission pursuant to section 6(a)(2)(B)) of an  
 3       Indian group that meets 1 or more of the require-  
 4       ments set forth in section 5(c) shall receive priority  
 5       consideration over a petition submitted by any other  
 6       Indian group.

7       **SEC. 8. PRELIMINARY HEARING.**

8       (a) IN GENERAL.—Not later than 60 days after the  
 9       receipt of a documented petition by the Commission sub-  
 10      mitted or transferred under section 5(a) or submitted to  
 11      the Commission pursuant to section 6(a)(2)(B), the Com-  
 12      mission shall set a date for a preliminary hearing. At the  
 13      preliminary hearing, the petitioner and any other con-  
 14      cerned party may provide evidence concerning the status  
 15      of the petitioner.

16      (b) DETERMINATION.—

17           (1) IN GENERAL.—Not later than 30 days after  
 18      the conclusion of a preliminary hearing under sub-  
 19      section (a), the Commission shall make a  
 20      determination—

21           (A) to extend Federal acknowledgment of  
 22      the petitioner as an Indian tribe to the peti-  
 23      tioner; or

24           (B) that provides that the petitioner  
 25      should proceed to an adjudicatory hearing.



1           (2) NOTICE OF DETERMINATION.—The Com-  
2 mission shall publish in the Federal Register a no-  
3 tice of each determination made under paragraph  
4 (1).

5           (c) INFORMATION TO BE PROVIDED PREPARATORY  
6 TO AN ADJUDICATORY HEARING.—

7           (1) IN GENERAL.—If the Commission makes a  
8 determination under subsection (b)(1)(B) that the  
9 petitioner should proceed to an adjudicatory hearing,  
10 the Commission shall—

11                 (A)(i) make available appropriate evi-  
12 dentiary records of the Commission to the peti-  
13 tioner to assist the petitioner in preparing for  
14 the adjudicatory hearing; and

15                 (ii) include such guidance as the Commis-  
16 sion considers necessary or appropriate to assist  
17 the petitioner in preparing for the hearing; and

18                 (B) not later than 30 days after the con-  
19 clusion of the preliminary hearing under sub-  
20 section (a), provide a written notification to the  
21 petitioner that includes a list of any deficiencies  
22 or omissions that the Commission relied on in  
23 making a determination under subsection  
24 (b)(1)(B).

1           (2) SUBJECT OF ADJUDICATORY HEARING.—

2           The list of deficiencies and omissions provided by  
3           the Commission to a petitioner under paragraph  
4           (1)(B) shall be the subject of the adjudicatory hear-  
5           ing. The Commission may not make any additions to  
6           the list after the Commission issues the list.

7   **SEC. 9. ADJUDICATORY HEARING.**

8           (a) IN GENERAL.—Not later than 180 days after the  
9           conclusion of a preliminary hearing under section 8(a), the  
10          Commission shall afford a petitioner who is subject to sec-  
11          tion 8(b)(1)(B) an adjudicatory hearing. The subject of  
12          the adjudicatory hearing shall be the list of deficiencies  
13          and omissions provided under section 8(c)(1)(B) and shall  
14          be conducted pursuant to section 554 of title 5, United  
15          States Code.

16          (b) TESTIMONY FROM STAFF OF COMMISSION.—In  
17          any hearing held under subsection (a), the Commission  
18          may require testimony from the acknowledgement and re-  
19          search staff of the Commission or other witnesses. Any  
20          such testimony shall be subject to cross-examination by  
21          the petitioner.

22          (c) EVIDENCE BY PETITIONER.—In any hearing held  
23          under subsection (a), the petitioner may provide such evi-  
24          dence as the petitioner considers appropriate.

1 (d) DETERMINATION BY COMMISSION.—Not later  
2 than 60 days after the conclusion of any hearing held  
3 under subsection (a), the Commission shall—

4 (1) make a determination concerning the exten-  
5 sion or denial of Federal acknowledgment of the pe-  
6 titioner as an Indian tribe to the petitioner;

7 (2) publish the determination of the Commis-  
8 sion under paragraph (1) in the Federal Register;  
9 and

10 (3) deliver a copy of the determination to the  
11 petitioner, and to every other interested party.

12 **SEC. 10. APPEALS.**

13 (a) IN GENERAL.—Not later than 60 days after the  
14 date that the Commission publishes a determination under  
15 section 9(d), the petitioner may appeal the determination  
16 to the United States District Court for the District of Co-  
17 lumbia.

18 (b) ATTORNEY FEES.—If the petitioner prevails in  
19 an appeal made under subsection (a), the petitioner shall  
20 be eligible for an award of reasonable attorney fees and  
21 costs under section 504 of title 5, United States Code,  
22 or section 2412 of title 28, United States Code, whichever  
23 is applicable.

1 **SEC. 11. EFFECT OF DETERMINATIONS.**

2 A determination by the Commission under section  
3 9(d) that an Indian group is recognized by the Federal  
4 Government as an Indian tribe shall not have the effect  
5 of depriving or diminishing—

6 (1) the right of any other Indian tribe to govern  
7 the reservation of such other tribe as that reserva-  
8 tion existed before the recognition of that Indian  
9 group, or as that reservation may exist thereafter;

10 (2) any property right held in trust or recog-  
11 nized by the United States for that other Indian  
12 tribe as that property existed before the recognition  
13 of that Indian group; or

14 (3) any previously or independently existing  
15 claim by a petitioner to any such property right held  
16 in trust by the United States for that other Indian  
17 tribe before the recognition by the Federal Govern-  
18 ment of that Indian group as an Indian tribe.

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

20 (a) **ELIGIBILITY FOR SERVICES AND BENEFITS.**—

21 (1) **IN GENERAL.**—Subject to paragraph (2),  
22 upon recognition by the Commission of a petitioner  
23 as an Indian tribe under this Act, the Indian tribe  
24 shall—

25 (A) be eligible for the services and benefits  
26 from the Federal Government that are available

to other federally recognized Indian tribes by virtue of their status as Indian tribes with a government-to-government relationship with the United States; and

(B) have the responsibilities, obligations, privileges, and immunities of those Indian tribes.

(2) PROGRAMS OF THE BUREAU.—

(A) IN GENERAL.—The recognition of an Indian group as an Indian tribe by the Commission under this Act shall not create an immediate entitlement to programs of the Bureau in existence on the date of the recognition.

(B) AVAILABILITY OF PROGRAMS.—

(i) IN GENERAL.—The programs described in subparagraph (A) shall become available to the Indian tribe upon the appropriation of funds.

(ii) REQUESTS FOR APPROPRIATIONS.—The Secretary and the Secretary of Health and Human Services shall forward budget requests for funding the programs for the Indian tribe pursuant to the needs determination procedures established under subsection (b).

1 (b) NEEDS DETERMINATION AND BUDGET RE-  
2 QUEST.—

3 (1) IN GENERAL.—Not later than 180 days  
4 after an Indian group is recognized by the Commis-  
5 sion as an Indian tribe under this Act, the appro-  
6 priate officials of the Bureau and the Indian Health  
7 Service of the Department of Health and Human  
8 Services shall consult and develop in cooperation  
9 with the Indian tribe, and forward to the Secretary  
10 or the Secretary of Health and Human Services, as  
11 appropriate, a determination of the needs of the In-  
12 dian tribe and a recommended budget required to  
13 serve the newly recognized Indian tribe.

14 (2) SUBMISSION OF BUDGET REQUEST.—Upon  
15 receipt of the information described in paragraph  
16 (1), the appropriate Secretary shall submit to the  
17 President a recommended budget along with rec-  
18 ommendations, concerning the information received  
19 under paragraph (1), for inclusion in the annual  
20 budget submitted by the President to the Congress  
21 pursuant to section 1108 of title 31, United States  
22 Code.

1 **SEC. 13. ANNUAL REPORT CONCERNING COMMISSION'S**  
2 **ACTIVITIES.**

3 (a) LIST OF RECOGNIZED TRIBES.—Not later than  
4 90 days after the first meeting of the Commission, and  
5 annually on or before each January 30 thereafter, the  
6 Commission shall publish in the Federal Register a list  
7 of all Indian tribes that—

8 (1) are recognized by the Federal Government;  
9 and

10 (2) receive services from the Bureau.

11 (b) ANNUAL REPORT.—

12 (1) IN GENERAL.—Beginning on the date that  
13 is 1 year after the date of enactment of this Act,  
14 and annually thereafter, the Commission shall pre-  
15 pare and submit a report to the Committee on In-  
16 dian Affairs of the Senate and the Committee on  
17 Resources of the House of Representatives that de-  
18 scribes the activities of the Commission.

19 (2) CONTENT OF REPORTS.—Each report sub-  
20 mitted under this subsection shall include, at a min-  
21 imum, for the year that is the subject of the  
22 report—

23 (A) the number of petitions pending at the  
24 beginning of the year and the names of the pe-  
25 titioners;

1 (B) the number of petitions received dur-  
2 ing the year and the names of the petitioners;

3 (C) the number of petitions the Commis-  
4 sion approved for acknowledgment during the  
5 year and the names of the acknowledged peti-  
6 tioners;

7 (D) the number of petitions the Commis-  
8 sion denied for acknowledgment during the year  
9 and the names of the petitioners; and

10 (E) the status of all pending petitions on  
11 the date of the report and the names of the pe-  
12 titioners.

13 **SEC. 14. ACTIONS BY PETITIONERS FOR ENFORCEMENT.**

14 Any petitioner may bring an action in the district  
15 court of the United States for the district in which the  
16 petitioner resides, or the United States District Court for  
17 the District of Columbia, to enforce the provisions of this  
18 Act, including any time limitations within which actions  
19 are required to be taken, or decisions made, under this  
20 Act. The district court shall issue such orders (including  
21 writs of mandamus) as may be necessary to enforce the  
22 provisions of this Act.

23 **SEC. 15. REGULATIONS.**

24 The Commission may, in accordance with applicable  
25 requirements of title 5, United States Code, promulgate



1 and publish such regulations as may be necessary to carry  
2 out this Act.

3 **SEC. 16. GUIDELINES AND ADVICE.**

4 (a) GUIDELINES.—Not later than 90 days after the  
5 date of enactment of this Act, the Commission shall make  
6 available to Indian groups suggested guidelines for the for-  
7 mat of petitions, including general suggestions and guide-  
8 lines concerning where and how to research information  
9 that is required to be included in a petition. The examples  
10 included in the guidelines shall not preclude the use of  
11 any other appropriate format.

12 (b) RESEARCH ADVICE.—The Commission may, upon  
13 request, provide suggestions and advice to any petitioner  
14 with respect to the research of the petitioner concerning  
15 the historical background and Indian identity of that peti-  
16 tioner. The Commission shall not be responsible for con-  
17 ducting research on behalf of the petitioner.

18 **SEC. 17. ASSISTANCE TO PETITIONERS.**

19 (a) GRANTS.—

20 (1) IN GENERAL.—The Secretary of Health and  
21 Human Services may award grants to Indian groups  
22 seeking Federal recognition as Indian tribes to en-  
23 able the Indian groups to—

24 (A) conduct the research necessary to sub-  
25 stantiate petitions under this Act; and

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

3 (2) TREATMENT OF GRANTS.—The grants  
 4 made under this subsection shall be in addition to  
 5 any other grants the Secretary of Health and  
 6 Human Services is authorized to provide under any  
 7 other provision of law.

8 (b) COMPETITIVE AWARD.—The grants made under  
 9 subsection (a) shall be awarded competitively on the basis  
 10 of objective criteria prescribed in regulations promulgated  
 11 by the Secretary of Health and Human Services.

12 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) COMMISSION.—There are authorized to be appro-  
 14 priated to the Commission to carry out this Act (other  
 15 than section 17) such sums as are necessary for each of  
 16 fiscal years 2001 through 2009.

17 (b) SECRETARY OF HHS.—To carry out section 17,  
 18 there are authorized to be appropriated to the Department  
 19 of Health and Human Services for the Administration for  
 20 Native Americans such sums as are necessary for each of  
 21 fiscal years 2001 through 2009.

○