

107TH CONGRESS  
1ST SESSION

# H. R. 3548

To provide for uniform recognition of Indian tribes by the Bureau of Indian Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2001

Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. GREEN of Wisconsin, Mr. MALONEY of Connecticut, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To provide for uniform recognition of Indian tribes by the Bureau of Indian Affairs, 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. NOTICE OF APPLICATION BY INDIAN TRIBE**  
4 **FOR FEDERAL STATUS.**

5 (a) LETTER OF INTENT.—To seek acknowledgment  
6 or recognition as an Indian tribe under Federal law, the  
7 petitioner must first submit to the Secretary of the Inte-  
8 rior a letter of intent to seek such status.

9 (b) NOTICE TO STATES.—Not later than 30 days  
10 after receiving a letter of intent, the Secretary shall notify

1 the Governor and attorney general of each State in which  
2 the petitioner states that it is located of the following:

3 (1) That the letter of intent has been filed.

4 (2) The name and contact information for the  
5 Indian tribe.

6 (c) NOTICE TO MUNICIPALITIES.—Not later than 60  
7 days after receiving a letter of intent under subsection (a),  
8 the Secretary shall consult with the Governor and attorney  
9 general of the affected State or States to identify munici-  
10 palities that are located within the vicinity of the place  
11 that the petitioner states on the application that it is lo-  
12 cated. The Secretary shall provide the notice required  
13 under subsection (b) to such municipalities within 30 days  
14 of the completion of the consultation process.

15 **SEC. 2. INTERESTED PARTY STATUS.**

16 The Governor, attorney general, and each munici-  
17 pality identified pursuant to section 1 shall be interested  
18 parties in the review of each corresponding acknowledge-  
19 ment petition. The petitioner shall serve each interested  
20 party with all documents submitted as part of its petition.

21 **SEC. 3. COMPLETION OF PETITION.**

22 In consultation with the petitioner, the Secretary  
23 shall determine when the petition is complete and ready  
24 for acknowledgment review. Interested parties shall be no-  
25 tified of such determination within 30 days. No additional

1 documents shall be submitted by the petitioner after this  
2 determination until issuance of a proposed finding under  
3 part 83 of title 25, Code of Federal Regulations.

4 **SEC. 4. ACTIVE REVIEW.**

5       The Secretary shall notify the petitioner and all inter-  
6 ested parties, and publish notice in the Federal Register,  
7 of the date that a petition comes under active review under  
8 part 83 of title 25, Code of Federal Regulations. Such no-  
9 tice shall be provided within 7 days of the date the petition  
10 comes under active review.

11 **SEC. 5. PUBLIC COMMENT ON APPLICATION FOR FEDERAL**  
12 **STATUS.**

13       The Secretary shall provide a reasonable period for  
14 comment by interested parties and the public on each peti-  
15 tion for Federal acknowledgment or recognition. Such  
16 comment period shall commence upon filing of a letter of  
17 intent and end no sooner than 120 days before the dead-  
18 line for issuance of a proposed finding under part 83 of  
19 title 25, Code of Federal Regulations. Interested parties  
20 shall serve their comments on the petitioner and any other  
21 interested parties. The Secretary shall provide all public  
22 comments to the petitioner and interested parties. Such  
23 comments shall be given full consideration when deciding  
24 to grant or deny the petition. Any petition under review  
25 on the date of the enactment of this Act not subject to

1 such comment shall be reconsidered by the Secretary to  
2 provide a comment period in accordance with this section.

3 **SEC. 6. REGULATORY CRITERIA.**

4       The Director may not grant Federal acknowledgment  
5 or recognition to any Indian tribe unless such petitioner  
6 has met all of the criteria listed in part 83 of title 25,  
7 Code of Federal Regulations. When issuing proposed find-  
8 ings and final determinations on Federal acknowledgment  
9 or recognition, the Secretary shall publish in the Federal  
10 Register detailed findings on each of those criteria. Such  
11 findings shall be accompanied by a report under part 83  
12 of title 25, Code of Federal Regulations. Any findings for  
13 petitions under review on the date of the enactment of this  
14 Act for which such findings and report have not been  
15 issued shall be reconsidered by the Secretary in accord-  
16 ance with this section.

17 **SEC. 7. FUNDING FOR BRANCH OF ACKNOWLEDGMENT AND**  
18 **RESEARCH.**

19       There is authorized to be appropriated for the  
20 Branch of Acknowledgment and Research of the Bureau  
21 of Indian Affairs \$1,800,000 each fiscal year.

22 **SEC. 8. GRANT PROGRAM FOR PARTICIPATION IN DECI-**  
23 **SIONMAKING PROCESSES.**

24       (a) IN GENERAL.—To the extent funds are made  
25 available by appropriations and acceptable requests are

1 submitted, the Secretary shall provide grants to local gov-  
2 ernments to assist those local governments in participating  
3 in the decisionmaking process related to actions described  
4 in subsection (b), if the Secretary determines that such  
5 actions are likely to significantly affect the people rep-  
6 resented by the local governments and to reimburse local  
7 governments for the costs of such participation that were  
8 incurred after the date of the enactment of this Act.  
9 Grants may also be made under this section to reimburse  
10 local governments for activities that were undertaken be-  
11 fore the date of the enactment of this Act, but which oth-  
12 erwise meet the requirements for a grant under this sec-  
13 tion.

14 (b) ACTIONS FOR WHICH GRANTS MAY BE AVAIL-  
15 ABLE.—The Secretary may make grants under this sec-  
16 tion for participation assistance related to the following  
17 actions:

18 (1) ACKNOWLEDGMENT.—An Indian group is  
19 seeking Federal acknowledgment or recognition and  
20 the Secretary determines that the Indian group  
21 seeking such acknowledgment or recognition (or re-  
22 acknowledgment or rerecognition) is located within  
23 or adjacent to the boundaries of the area under the  
24 jurisdiction of the local government, or has asserted  
25 or is likely to seek trust status with respect to land

1 within boundaries of the area over which the local  
2 government has jurisdiction.

3 (2) TRUST LAND.—An acknowledged Indian  
4 tribe is requesting that land within, or adjacent to,  
5 the boundaries of the area over which the local gov-  
6 ernment has jurisdiction be put into trust status for  
7 that tribe.

8 (3) LAND CLAIMS.—An Indian group or an ac-  
9 knowledged Indian tribe is claiming, or is expected  
10 to claim, interest in land based upon a treaty or a  
11 law specifically applicable to transfers of land or  
12 natural resources from, by, or on behalf of any In-  
13 dian, Indian nation, or group, tribe, or band of Indi-  
14 ans (including the Acts commonly known as the  
15 Trade and Intercourse Acts (1 Stat. 137; 2 Stat.  
16 139; and 4 Stat. 729)).

17 (4) OTHER ACTIONS.—Any other action or pro-  
18 posed action relating to an Indian group or acknowl-  
19 edged Indian tribe if the Secretary determines that  
20 the action or proposed action is likely to significantly  
21 affect the people represented by that local govern-  
22 ment.

23 (c) AMOUNT OF GRANTS.—Grants awarded under  
24 this section to a local government for any one action may  
25 not exceed \$500,000 in any fiscal year.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
 2 authorized to be appropriated to carry out this section  
 3 \$8,000,000 for each fiscal year.

4 **SEC. 9. GRANT PROGRAM FOR IMPACT AID.**

5 (a) IN GENERAL.—To the extent funds are made  
 6 available by appropriations and acceptable requests are  
 7 submitted, the Secretary shall provide grants to local gov-  
 8 ernments to assist those local governments with activities  
 9 related to infrastructure, public safety, or social services,  
 10 if the Secretary determines that such activities are made  
 11 necessary or prudent as a result of the activities of a feder-  
 12 ally recognized Indian tribe.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
 14 authorized to be appropriated to carry out this section  
 15 \$10,000,000 for each fiscal year.

16 **SEC. 10. REPEAL OF REVOLVING DOOR EXEMPTION.**

17 Section 104(j) of the Indian Self-Determination and  
 18 Education Assistance Act (25 U.S.C. 450i(j)) is repealed.

19 **SEC. 11. DEFINITIONS.**

20 For the purposes of this Act, the following definitions  
 21 apply:

22 (1) ACKNOWLEDGED INDIAN TRIBE.—The term  
 23 “acknowledged Indian tribe” means any Indian  
 24 tribe, band, nation, pueblo, or other organized group  
 25 or community which is recognized as eligible for the

1 special programs and services provided by the  
2 United States to Indians because of their status as  
3 Indians.

4 (2) DIRECTOR.—The term “Director” means  
5 the Director of the Bureau of Indian Affairs.

6 (3) SECRETARY.—The term “Secretary” means  
7 the Secretary of the Interior.

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